



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: March 11, 2008
SUBJECT: Rome Love v. City of Troy

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Rome Love. This lawsuit has been filed in the Wayne County Circuit Court (Judge Cynthia Stephens), since that is where Plaintiff resides, as well as where the accident occurred. According to the complaint, Plaintiff was allegedly injured when the City of Troy bus rear collided with a SMART bus on April 6, 2006. The Troy bus was driving on Woodward Avenue, returning from a senior field trip. The Troy bus sustained minor damage, including a broken mirror.

Plaintiff seeks damages in excess of \$25,000 for alleged pain, disability, and mental anguish, although the alleged injuries are not specified. The complaint likewise does not detail how Plaintiff was allegedly injured in this minor accident. The traffic crash report, which was completed by the Wayne County Sherriff's Department, does not even reference Plaintiff.

Absent objections from City Council, our office will represent the City's interests. As always, please let me know if you have any questions.

CASE NO.



**SUMMONS AND
RETURN OF SERVICE**

COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT 2451
TELEPHONE NO. (313) 224-

THIS CASE ASSIGNED TO JUDGE: CYNTHIA DIANE STEPHENS

Bar Number: 28417

PLAINTIFF

DEFENDANT

OVE ROME

PL 01 VS TROY CITY OF

DF 002

PLAINTIFF'S ATTORNEY
WILLIAM D. KAHN
(P-27638)
24450 EVERGREEN RD STE 208
SOUTHFIELD, MI 48075-5586
248-352-1200

CASE FILING FEE

PAID

JURY FEE

NO JURY DEMAND FILED

ISSUED

02/29/08

THIS SUMMONS EXPIRES

03/30/08

DEPUTY COUNTY CLERK

PELECH REID

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket no. 06633784	Judge	Bar no.
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The action remains is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date _____ Signature of attorney/plaintiff _____



COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangement.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ROME LOVE,

Plaintiff,

v.

Case No.: 07- -NI
Hon.:

CITY OF TROY,

Defendant.

WILLIAM D. KAHN (P27638)
DENNIS A. ROSS (P19669)
Attorneys for Plaintiff
24450 Evergreen Road, Ste. 208
Southfield, Michigan 48075
(248) 352-1200

COMPLAINT

There is a civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint in the Wayne County Circuit Court, Case No. 06-633784-NF and is assigned to Judge Cynthia Stephens, which is pending.



WILLIAM D. KAHN (P27638)

NOW COMES your Plaintiff, ROME LOVE, by and through his attorneys, Law Offices of Dennis A. Ross, and in his cause of action against the Defendant says:

1. That your Plaintiff is a resident of the City of Detroit, County of Wayne and State of Michigan.
2. That your Defendant, City of Troy, is a governmental entity held accountable pursuant to the governmental liability statute for the negligent vehicular operation of the vehicle which it owns.

3. That venue is appropriate as the incident in question occurred in the City of Highland Park, County of Wayne and State of Michigan.

4. That on or about the 6th day of April, 2006, the Plaintiff was a passenger on a SMART bus, said bus used for public transportation, when the SMART bus which was parked at/near the intersection of northbound Woodward Avenue and Tuxedo in the City of Highland Park, County of Wayne and State of Michigan, when said SMART vehicle was struck by a bus which was owned and operated by the City of Troy, so as to cause the injuries and damages herein after alleged.

5. That the Defendant, City of Troy, as previously indicated, is a governmental entity who is responsible pursuant to the Governmental Immunity Statute, to wit. MCLA 691.1405, for the negligent vehicular operation of motor vehicles when used by their employees.

6. That the Defendant was under a duty to operate his vehicle in a safe and prudent fashion relative to the laws of the State of Michigan and the ordinances of the County of Wayne, but notwithstanding said duties and obligations, the Defendant did violate the same by:

- a. In failing to keep a lookout for other vehicles lawfully upon the highway thereby striking a parked vehicle;
- b. In failing to bring their vehicle to a stop within the assured clear distance ahead.
- c. In operating their vehicle at a speed which was not safe for the conditions that existed at the time, date and place of the incident in question;
- d. In otherwise negligently operating their motor vehicle in such a fashion as to ultimately cause the harm and injuries to your Plaintiff as hereinafter alleged.

7. That as a direct and proximate result of the negligence, gross negligence, acts or omission of acts on the part of the Defendant, your Plaintiff has sustained injuries which injuries have caused Plaintiff pain, disability and mental anguish as well as serious impairment to those body functions so involved from the date of said incident up to the present time and will in the

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future continue to cause Plaintiff pain, disability and mental anguish as well as serious impairment to those body functions so involved, which singularly as well as in combination have caused Plaintiff to suffer a significant detrimental alteration in Plaintiff's normal course of life, to wit: Permanently.

8. That as a direct and proximate result of the negligence, gross negligence, acts or omission of acts on the part of the Defendant, your Plaintiff has suffered a significant diminishment in Plaintiff's social, personal and vocational lifestyle due to the debilitating effects that the injuries have had on Plaintiff and your Plaintiff will in the future continue to suffer a significant diminishment in the general enjoyment of life due to the chronic and progressive nature of the injuries and their related disabilities that they have and will continue to have on the Plaintiff, to wit: Permanently.

9. That your Plaintiff would herein request that this Honorable Court allow Plaintiff to recover any and all damages which Plaintiff would be entitled to recover under the laws of the State of Michigan and the Rules of Equity which govern this Court.

WHEREFORE, your Plaintiff prays that this Honorable Court grant judgment against the Defendant in any sum in excess of Twenty-Five Thousand (\$25,000) Dollars, together with interest, court costs, and attorney fees all so wrongfully sustained.

Respectfully submitted,
DENNIS A. ROSS PLC



WILLIAM D. KAHN (P27638)
Attorneys for Plaintiff
24450 Evergreen Road, Ste. 208
Southfield, Michigan 48075
(248) 352-1200

Dated: February 22, 2008