



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: September 11, 2008
SUBJECT: Molnar v. Troy et. al.

Plaintiff Gerald Molnar filed a lawsuit against the City of Troy, Troy Police Officer Janice Pokley, Care House, Care House forensic interviewer Amy Allen and Plaintiff's former spouse Renee Molnar. The lawsuit was filed in Federal District Court – Eastern District of Michigan, and assigned to Judge Gerald Rosen. Plaintiff filed this lawsuit against the City and Troy Officer Janice Pokley, after she investigated Plaintiff for inappropriately touching an eight year old. The Oakland County Prosecutor charged Plaintiff with Criminal Sexual Conduct in the Second Degree. Judge Drury of the 52-4 District Court conducted the preliminary examination in the matter, and determined that there was probable cause for the criminal charges against the Defendant, who was then bound over for trial. The jury for the criminal trial ultimately found Plaintiff not guilty. He then filed this lawsuit against the Defendants. In his complaint, filed under 42 U.S.C. Section 1983, Plaintiff alleged that the various Defendants conspired to violate his constitutionally protected parenting rights, right against unlawful seizure, due process rights, and the right to equal protection under the law. Plaintiff also alleged a state law intentional infliction of emotional distress claim.

We initiated an aggressive joint defense of the City and Officer Pokley, and filed a Motion for Summary Judgment as our first responsive pleading. We argued that Plaintiff's claims were barred, because the claims were previously litigated in his state court criminal proceeding. We alternatively argued that his claims should be dismissed, since he failed to plead a viable claim against the City, and that Officer Pokley was entitled to qualified immunity because her investigation of Plaintiff was fair, reasonable and supported by probable cause.

On August 28, 2008, Judge Rosen stated from the bench that he was granting our Motion for Summary Judgment, and dismissing Plaintiff's complaint from the bench. A written 52 page opinion followed on September 4, 2008, but since the minor is identified in the order, we have not included it in the agenda packet.

By filing the motion for dismissal so early, we were able to avoid the time and costs associated with the discovery phase of litigation, as well the time and costs associated with proceeding to trial. On September 10, 2008, Plaintiff filed a notice of appeal of Judge Rosen's decision. He is now asking the United States Court of Appeals for the Sixth Circuit to reverse the dismissal of the case in the U.S. District Court, Eastern District of Michigan. Absent any objections from Council, we will continue to represent the City and Officer Pokley in the Sixth Circuit Court of Appeals matter.

Please let us know if you have any questions.