



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** September 9, 2008  
**SUBJECT:** Steeg v. Troy et. al.

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Plaintiff Donald Joseph Steeg filed the attached lawsuit against the City of Troy, Troy Police Chief Charles Craft, and Troy Police Officers Christina Giovannoni, Officer Michael Giordano, and Officer Scott Smith. In his complaint, Steeg alleges Assault and Battery (Count I), Violation of Ministerial Duties (Count II), Negligent Supervision by Chief Craft (Count III), Intentional Infliction of Emotional Distress (Count IV), False Imprisonment (Count V), Gross Negligence (Count VI), Unconstitutional Deprivation by Individual Defendants (Count VII), and Unconstitutional Deprivation by City of Troy (Count VIII). The lawsuit was filed in the United States District Court for the Eastern District of Michigan and is assigned to Judge Bernard A. Friedman.

The alleged damages result from a police encounter in the early morning hours of June 7, 2008. According to his lawsuit, Steeg claims that he was driving home from work, and that he stopped at a gas station at Crooks and Long Lake Road. The police report indicates that Mr. Steeg was stopped at the gas station as a result of a drunk driving investigation, which had been reported by a citizen caller to the Troy dispatch. The individual police officers indicate that minimal force was necessary to obtain Mr. Steeg's cooperation in completing the investigation. Mr. Steeg eventually submitted to a breath test, where the results indicated that he had not consumed alcohol that evening. Mr. Steeg was subsequently released by the officers, who in their discretion did not charge him with any crimes for his resistant behavior.

Plaintiff claims he has suffered a substantial amount of physical and emotional injuries. He does not detail what alleged physical injuries he sustained. Upon information and belief, his injuries are limited to minor bruising and some wrist discomfort as a result of the incident, as well as the alleged emotional injuries. He is seeking over \$75,000 in damages.

Absent any objection from City Council, we will assume the defense of the City and Chief Craft. The individual defendant police officers from Troy will be represented by the insurance company's designated attorney Michael Rosati of Johnson, Rosati.

If you have any questions concerning the above, please let us know.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD JOSEPH STEEG,

Case No.  
Hon.

Plaintiff

v

CITY OF TROY, CITY OF TROY CHIEF OF  
POLICE CHARLES T. CRAFT, CITY OF TROY  
POLICE OFFICER CHRISTINA GIOVANNONI,  
CITY OF TROY POLICE OFFICER  
MICHAEL GIORDANO, and CITY OF TROY  
POLICE OFFICER, SCOTT SMITH,  
jointly and severally

Defendants

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LAW OFFICES OF JOHN F. HARRINGTON  
BY: JOHN F. HARRINGTON (P40443)  
Attorney for Plaintiff  
30500 Van Dyke, Suite M-200  
Warren, MI 48093  
(586) 751-3610

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COMPLAINT

There is no other pending or resolved civil action  
arising out of the transaction or occurrence alleged  
in the Complaint.

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John F. Harrington (P40443)

NOW COMES the Plaintiff, Donald Joseph Steeg, by and through his attorneys, the  
LAW OFFICES OF JOHN F. HARRINGTON, and by way of Complaint, hereby states as  
follows:

1. That Plaintiff, Donald Joseph Steeg, is an individual residing in the City of Roseville,  
County of Macomb, State of Michigan.

2. That, Defendant, City of Troy, is a Michigan municipality, conducting business through its Department of Public Safety in the City of Troy, County of Oakland, State of Michigan.

3. That, Defendant, City of Troy Chief of Police Charles T. Craft, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

4. That, Defendant, City of Troy Police Officer, Christina Giovannoni, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

5. That, Defendant, City of Troy Police Officer, Michael Giordano, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

6. That, Defendant, City of Troy Police Officer, Scott Smith, is an individual conducting business in the City of Troy, County of Oakland, State of Michigan.

7. That, this cause of action concerns personal injuries suffered by the Plaintiff in or about the City of Troy, County of Oakland, State of Michigan.

8. That, Plaintiff has suffered damages in an amount in excess of \$75,000.00, thus jurisdiction is proper before this Honorable Court.

#### **FACTUAL AVERMENTS**

9. That, on or about the early morning hours of June 7, 2008, Plaintiff was coming home from work, and went to a gas station at the intersection of Crooks and Long Lake Road, in the City of Troy.

10. That, Plaintiff drove his car to a service pump in order to obtain gasoline for his motor vehicle, and, upon doing so, exited his vehicle.

11. That, upon exiting, Plaintiff noticed that the Defendant Police Officers, in marked squad cars, drove up behind his car.

12. That, Plaintiff was then commanded by Defendant officers to return to his motor

vehicle, with a gun pointed at him by one of the Defendants.

13. That, Plaintiff re-entered his motor vehicle, a pickup truck, and, in doing so, Defendant Police Officers attempted to then pull Plaintiff out of the motor vehicle and, in so doing, caused Plaintiff to suffer substantial injuries.

14. That, ultimately, Defendant Police Officers pulled Plaintiff from his motor vehicle and threw him to the ground, and handcuffed him.

15. That, thereafter, Plaintiff's motor vehicle was subject to unreasonable and otherwise illegal search, as was Plaintiff's body.

16. That, Plaintiff was accused of driving while intoxicated or under the influence of drugs which Plaintiff adamantly denied.

17. That, Defendant officers, throughout this entire affair, were yelling and screaming at Plaintiff and otherwise subjecting him to shame, humiliation and embarrassment.

18. That, ultimately, Plaintiff provided a preliminary breath test, which revealed that he was not intoxicated or under the influence of any drugs.

19. That, Plaintiff was ultimately released, yet, he still suffered a substantial amount of physical and emotional injuries as a result of this incident.

## COUNT I

### ASSAULT AND BATTERY

20. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 19 as if fully restated herein.

21. That, on or about June 7, 2008, Plaintiff, who at all times was a law abiding citizen, did not commit any crimes, yet he was subject to the assault and battery by the Defendants Giovannoni, Giordano and Smith, while all were in the capacity as law enforcement officers for the Defendant, City of Troy.

22. That, as a direct result of the same, Plaintiff has suffered physical injuries as well as fear of imminent peril in the hands of said Defendants.

23. That, the conduct of said Defendants constitutes assault and battery.

24. That, as such, Plaintiff has suffered injuries and damages, past, present and future, including the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Police Chief Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

## COUNT II

### VIOLATION OF MINISTERIAL DUTIES

25. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 24 as if fully restated herein.

26. That, Defendants had the following ministerial duties, notwithstanding the duty of care:

- a. to avoid the use of excessive and/or undue force against the Plaintiff;
- b. to obey all statutes, rules, regulations and applicable laws;
- c. to observe the peace and protect the lawful rights of all citizens including Plaintiff;
- d. to avoid assaulting and battering Plaintiff;
- e. to protect the wellbeing and safety of individuals under their charge and control, in particular, the Plaintiff;

27. That, Defendants breached and/or were negligent, grossly negligent, or willfully and wantonly negligent, by failing to perform their ministerial duties, including but not limited to the following behavior:

- a. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously and/or intentionally using unjustified, excessive and undue force against the Plaintiff;
- b. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally assaulting and battering the Plaintiff;
- c. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally refusing to obey those statutes, rules, regulations and applicable laws pertaining to the apprehension, detention and general treatment of a person in the aforementioned parties position during contact with said Plaintiff;
- d. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally failing to preserve the peace and protect the lawful rights of the Plaintiff;
- e. Negligently, grossly negligently, recklessly, willfully, wantonly, maliciously, and/or intentionally failing to maintain and otherwise preserve the safety and well being of the Plaintiff.

28. That, as a direct and proximate result of the Defendants unlawful conduct, Plaintiff suffered serious and permanent injuries to his mind and body, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing conditions and incurred medical expenses, all past, present and future.

29. That, as the direct result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Police Chief Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

### COUNT III

#### NEGLIGENCE SUPERVISION BY DEFENDANT CRAFT

30. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 29 as if fully restated herein.

31. That, Defendant Craft, as Chief of Police of the City of Troy Police Department, had supervisory duties and otherwise control over the Defendant Giovannoni, Giordano and Smith.

32. That, as such, Defendant Craft owed a duty to the Plaintiff, and to the public in general, to ensure that Officers Giovannoni, Giordano and Smith were properly trained as to when to use force and personal body contact with members of the general public.

33. That, Defendant Craft breached these duties by failing to properly train or otherwise supervise Defendants Giovannoni, Giordano and Smith resulting in their conduct tantamount to assault and battery against the Plaintiff.

34. That, as a result of Defendant Craft's failure to fulfill his obligations of supervision over Defendants Giovannoni, Giordano and Smith, Plaintiff has suffered damages in an amount in excess of \$75,000.00, including but not limited to the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Police Chief Charles T. Craft, jointly and severally, in an amount in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

#### COUNT IV

#### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1

through 34 as if fully restated herein.

36. That, at all relevant times herein, all Defendants, notwithstanding statutory duty and care, owed Plaintiff the following duties:

- a. To refrain from inflicting intentional emotional distress upon the Plaintiff;
- b. To refrain from inflicting physical assault and battery upon the Plaintiff;
- c. To refrain from subjecting Plaintiff to verbal abuse;
- d. To refrain from treating Plaintiff in an extremely and outrageously abusive manner;

37. That, all of the aforementioned Defendants intentionally, willfully, wantonly, and/or recklessly breached one or more of the following duties by:

- a. Intentionally inflicting emotional distress upon the Plaintiff by subjecting him to unprovoked and unjustified mistreatment and humiliation;
- b. Intentionally inflicting physical assault and battery upon the Plaintiff;
- c. Intentionally subjecting Plaintiff to verbal abuse;
- d. Intentionally treating Plaintiff in an extremely outrageous and abusive manner;

38. That, at all relevant times the Defendant City of Troy, City of Troy Chief of Police Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, were acting within the course of their employment for the City of Troy Police Department.

39. That, as the direct and proximate result of said intentional, willful, wanton and/or reckless conduct by all the aforementioned Defendants, Plaintiff has suffered severe and lasting physical injuries, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing condition, as well as incurred medical expenses, all past, present and future.

40. That, as the direct and proximate result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Chief of Police

Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

**COUNT V**

**FALSE IMPRISONMENT**

41. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 40 as if fully restated herein.

42. That, on June 7, 2008, Defendants Giovannoni, Giordano and Smith, wrongfully arrested and detained and/or falsely imprisoned Plaintiff, without proper justification or probable cause.

43. That, Defendants accomplished the imprisonment and restraint by actual physical force, depriving Plaintiff of his liberty and freedom which was intentional, unlawful, privileged and without probable cause.

44. That, Plaintiff did not engage in any criminal activity whatsoever, yet, nevertheless, was still subject to unlawful detention.

45. That, as a direct and proximate result of the Plaintiff's false imprisonment at the hands of the Defendants, Plaintiff has suffered injuries including but not limited to the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Chief of Police Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer

Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

COUNT VI

GROSS NEGLIGENCE

46. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 45 as if fully restated herein.

47. That, on or about June 7, 2008, Plaintiff had not committed any crime, yet, despite this fact, Defendants, Giovannoni, Giordano, and Smith, unlawfully detained, arrested, and/or imprisoned Plaintiff.

48. That, in so doing, said Defendants conduct was grossly negligent as it was so reckless that there was a substantial lack of concern as to whether or not Plaintiff had suffered any damages including but not limited to his loss of liberty.

49. That, neither a magistrate, judge, or other competent judicial authority issued a warrant for the arrest of the Plaintiff.

50. That, as a proximate result of the Defendants gross negligent actions, Plaintiff has suffered both physical as well as mental damages, including but not limited to the following:

- a. abuse to his back, neck, arms, hands, legs, thighs, and other parts of his body;
- b. emotional and other mental health injuries;
- c. pain and suffering;
- d. humiliation, mortification and embarrassment;
- e. other injuries and damages found to be related to the assault and battery that develop and/or manifest themselves during the course of discovery and trial.

51. That, Defendants are liable for Plaintiffs injuries and damages under MCL 691.1407(2).

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, City of Troy Chief of Police

Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

## COUNT VII

### UNCONSTITUTIONAL DEPRAVATION BY INDIVIDUAL DEFENDANTS

52. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 51 as if fully restated herein.

53. That, at all times mentioned herein, the Defendants Giovannoni, Giordano, Smith, and Craft, were acting under the color of statute, ordinance, regulation, and/or customs of the City of Troy Police Department, subjecting Plaintiff to deprivation of his rights and privileges, as secured by the Constitutional laws of the United States of America and the State of Michigan.

54. That, as such, the Plaintiff has a valid cause of action for which jurisdiction is proper before this Honorable Court.

55. That, the Federal Civil Rights Act, 42 USC 1983, provides for civil liability for all deprivation of any right, privilege, or immunity secured by the Constitution of the United States of America, when committed under the color of law.

56. That, all of the aforementioned Defendants are civilly liable to the Plaintiff pursuant to 42 USC 1983, as well as all the above described negligent, grossly negligent, willfully, wantonly, maliciously and/or intentionally committed acts or omissions, as set forth in the aforementioned counts, committed under the color of law, subjecting Plaintiff to the deprivation of his rights, privileges and immunities secured by the United States Constitution, Amendments I, IV, V, VIII and XIV.

57. That, the aforementioned Defendants are liable under the Michigan Constitution for all the aforementioned negligent, grossly negligent, reckless, willful, wanton, malicious, and/or

intentional acts or omissions, practices and policies of the Defendant City of Troy, when committed under the color of law, which resulted in the deprivation of the Plaintiff's liberty and health, without due process of law, infliction of cruel and unusual punishment, all of which were the proximate cause of Plaintiff's injuries.

58. That, as the direct and proximate result of aforementioned wrongful conduct and Constitutional violations, Plaintiff has suffered severe and lasting physical injuries, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing condition, as well as incurred medical expenses, all past, present and future.

59. That, as the direct and proximate result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy Chief of Police Charles T. Craft, City of Troy Police Officer Christina Giovannoni, City of Troy Police Officer Michael Giordano, and City of Troy Police Officer Scott Smith, jointly and severally, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

### COUNT VIII

#### UNCONSTITUTIONAL DEPRAVATION BY DEFENDANT CITY OF TROY

60. Plaintiff hereby restates and reiterates the allegations contained in paragraphs 1 through 59 as if fully restated herein.

61. That, at all relevant times herein, the Defendant, City of Troy, by their custom, policy and/or practice, failed to properly train, evaluate, supervise, investigate, review and/or discipline, its officers, operating under the title of the City of Troy Police Department, under the color of law, to confirm, to assault, battery, verbally abuse, mutilate, and mistreat Plaintiff,

without justification, depriving Plaintiff of the liberty of Freedom without reasonable intrusion of the person without due process of law, in violation of the United States Constitution Amendments I, II, IV, V, VIII, XIV.

62. That, the Defendant, City of Troy, is liable for the intentional, willful, wanton, negligent, grossly negligent, and/or negligent acts or omissions, pursuant to customs, policies and/or practices that resulted in the unlawful assault and battery upon the Plaintiff, impacting his liberty and personal health, without due process of law, all of which is the proximate cause of his injuries.

63. That, as such, Defendant City of Troy, is liable for the acts or omissions resulting in the violation of the constitution of the United States of America and the State of Michigan.

64. That, as a direct and proximate result of the constitutional violations, Plaintiff has suffered severe and lasting physical injuries, mental anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, aggravation of pre-existing condition, as well as incurred medical expenses, all past, present and future.

65. That, as the direct and proximate result of the same, Plaintiff has suffered damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Donald Joseph Steeg, hereby prays this Honorable Court enter a Judgment in his favor and against the Defendants City of Troy, in an amount of damages in excess of \$75,000.00, plus costs, interest and reasonable attorney fees.

**LAW OFFICES OF JOHN F. HARRINGTON**

**BY: /s/ John F. Harrington**  
**JOHN F. HARRINGTON (P-40443)**  
**Attorney for Plaintiff**

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Dated: August 14, 2008