



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LG/B*  
Allan T. Motzny, Assistant City Attorney *ATM*  
**DATE:** September 18, 2013  
**SUBJECT:** Mark R. Morin v City of Troy

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Mark R. Morin has filed a case against the City in the 52-4 District Court. In this complaint, Dr. Morin argues that he should not have to pay for repairs that the City's contractor completed on the sidewalk in front of his home at 6804 Meadow Court. These repairs were completed after a routine inspection under the City's sidewalk inspection program, which covers the entire City in a twelve year cycle. The inspectors observed defects in the sidewalk at Plaintiff's residence, which needed to be repaired for safety purposes. Plaintiff was notified of the need for the repairs and given an opportunity to either do the necessary work or hire his own contractor to do it. Plaintiff took no action within the allocated 30 day time frame, and as a result, the City's contractor did the work and the City sent Plaintiff an invoice in the amount of \$1,257.69. Plaintiff's lawsuit alleges the repairs were "unnecessary."

This case is currently assigned to 52-4 District Court Judge William E. Bolle, and the City's initial response was due on or before September 18, 2013. We have already filed a Motion for a More Definite Statement, because Plaintiff's claim did not specify the remedy he was seeking or the legal basis for his claim the City should be liable. If the Court grants this motion, the Plaintiff will be given 14 days to file a more detailed complaint, and if he fails to do so, the case will be dismissed.

A resolution authorizing our office to represent the City's interests is proposed for your consideration.

**PROPOSED RESOLUTION:**

RESOLVED, that the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of *Mark R. Morin v City of Troy* (52-4 District Court Case No.13 CO2167 GC). Furthermore, the City Attorney is authorized to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.