



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: June 30, 2009
SUBJECT: Rome Love v. City of Troy – Settlement and Dismissal

Enclosed please find the stipulated order dismissing the *Rome Love v City of Troy* case. The parties were able to reach a mutually agreeable settlement. In exchange for the dismissal of the case, the City has agreed to pay a nominal amount, which is less than the City's expected court costs for a full trial. This amount is also within the allowable expenditure limits of Chapter 7, Section 3 of the City of Troy ordinances.

This lawsuit involved a minor collision between a Troy bus and a SMART bus on April 6, 2006. The Troy bus was detoured from its normal I-75 route due to road construction, and was driving in the through lane of Woodward Avenue. The City's bus bumped into a SMART bus, which was stopped partially in the through lane to drop off/ pick up passengers. There was a minor impact between the front passenger mirror on the Troy bus and the rear driver side taillight and side radiator panel on the SMART bus. Mr. Love was a passenger on the SMART bus. He did not complain of any injuries at the scene, and he was transferred to another bus and continued on to his intended destination (the Northland Mall). The next day, he went to the Henry Ford Emergency Room, complaining of back and neck pain. He was x-rayed and released, but followed up with a chiropractor three weeks later. He was then diagnosed with a bulging disc in his lower back and chronic cervical sprain. It is important to note that Plaintiff sustained a gunshot wound injury to his back in 1994, which left bullet fragments lodged near his spine. Mr. Love has degenerative changes, but they could likely be from the gunshot injury, as opposed to his alleged injuries sustained in the accident. Mr. Love also treated with another doctor, at the suggestion of his attorney, who diagnosed a closed head injury. This diagnosis is disputed by our independent medical examiner, who concluded that there is no closed head injury.

Plaintiff has executed a release, where he acknowledges that the City denies any liability, and has settled this case for the sole and express purpose of avoiding future controversy and to avoid the resulting uncertainty of a verdict at trial. Juries can be unpredictable, and Wayne County juries are reputed as being more favorable to Plaintiffs than to Defendants, and therefore this settlement was thought to be in the best interest of the City.

Please let us know if you have any questions.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LOVE LOVE,

Plaintiff,

v

08-105393-NI 6/29/2008
JDG: CYNTHIA DIAN STEPHENS
LOVE ROME AMY P. HATHAWAY
VS
TROY CITY OF

CITY OF TROY,

Defendant.

WILLIAM D. KAHN (P27638)
DENNIS A. ROSS (P19669)
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(248) 352-1200

CITY OF TROY - CITY ATTORNEY'S OFFICE
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Christopher J. Forsyth (P63025)
Attorneys for Defendant
500 W. Big Beaver Road
Troy MI 48084
(248) 524-3320

STIPULATED ORDER OF DISMISSAL

At a session of Court held in the
Courthouse in the City of Detroit,
Wayne County, MI

on: JUN 24 2009

PRESENT: HONORABLE Amy P. Hathaway

IT IS ORDERED that this action is dismissed in its entirety with prejudice and without costs.

This order disposes of the last pending claim and closes the case.

AMY P. HATHAWAY

Amy P. Hathaway
Circuit Court Judge

Approved as to form and substance; notice of entry waived:

Dated: 6-11-09

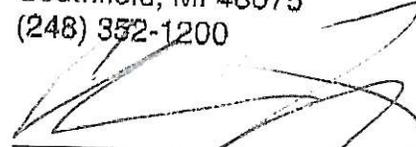
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A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

BY _____
DEPUTY CLERK

Dated: 6-15-09

 _____
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(248) 524-3320