



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** September 23, 2009  
**SUBJECT:** Stephanie Cobb v City of Troy d/b/a The Northridge Office Center

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Enclosed please find a lawsuit that was filed by Plaintiff Stephanie Cobb, who suffered injuries after falling in a parking lot located in front of an office complex located at 100 Kirts Blvd. (the Northridge Office Center). Since the complaint alleged that the injuries occurred in a parking lot, instead of a sidewalk or other right of way, we immediately reviewed the title history, and confirmed that the City of Troy was not, and had never been the owner of the property where the injury allegedly occurred. The City of Troy is included in the chain of title, since there was a right of way expansion approximately 21 years ago, but we were able to verify that Plaintiff's alleged injury did not occur in the City's right of way.

We then informed Plaintiff's attorney that a Motion for Summary Disposition would be filed, and costs and attorney fees sought, unless Plaintiff voluntarily dismissed the City from the lawsuit. The case was dismissed on September 21, 2009 by Oakland County Circuit Court Judge Lisa Gorcyca. A copy of the Dismissal Order is also attached for your review. Even though the City of Troy has been dismissed from this lawsuit, the remaining parties will continue this litigation, and the City's name will remain in the caption.

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

STATE OF MICHIGAN

JUDICIAL DISTRICT  
JUDICIAL CIRCUIT  
COUNTY PROBATE

SUMMONS AND COMPLAINT

CLAYLAND  
COUNTY

09-103331-NO



JUDGE LISA GORCYCA  
COBB,STEPHANI v TROY CITY

Court address

Plaintiff name(s), address(es), and telephone no(s)  
 Stephanie Cobb, Michael Cobb  
 Chase Dersheim  
 21206 Martin Rd  
 St. Clair Shores, MI 48081

Plaintiff attorney, bar no., address, and telephone no.  
 Lloyd Johnson (P43646)  
 Lloyd Johnson + Associates  
 30811 Havelock  
 Westland, MI 48186  
 734-575-1638

Defendant name(s), address(es), and telephone no(s).  
 City of Troy dba The Northridge  
 Office Center  
 100 Kirts Blvd.  
 Troy, MI 48084

**SUMMONS** 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.

Issued <b>AUG 24 2009</b>	This summons expires <b>NOV 23 2009</b>	Court clerk <b>RUTH JOHNSON</b>
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\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

**Family Division Cases**

- 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 action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**General Civil Cases**

- 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.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

Date \_\_\_\_\_

Signature of attorney/plaintiff \_\_\_\_\_

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

STEPHANIE COBB, individually,  
MICHAEL COBB, and STEPHANIE COBB  
as the next friend of CHASE DERSHEM,  
a legal minor,

Plaintiff's,

v

CITY OF TROY d/b/a THE  
NORTHRIDGE OFFICE CENTER,  
and THE FARBMAN GROUP

Defendants.

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LLOYD G. JOHNSON (P43046)  
LLOYD JOHNSON & ASSOCIATES  
Attorney for Plaintiff  
30811 Hiveley  
Westland, MI 48186  
(734) 578-1638

OAKLAND  
COUNTY

09-103331-NO



JUDGE LISA GORCYCA

COBB,STEPHANI v TROY CITY

DEPUTY COUNTY CLERK

2009 AUG 24 PM 1:30

RECEIVED FOR FILING  
OAKLAND COUNTY CLERK

COMPLAINT

NOW COME the Plaintiffs, STEPHANIE COBB, MICHAEL COBB, and CHASE DERSHEM, by their attorneys, LLOYD JOHNSON & ASSOCIATES, and for their complaint say:

1. The Plaintiffs' are residents of Macomb County, residing in the city of St. Clair Shores.
2. At all times pertinent hereto Stephanie Cobb was/is married to Michael Cobb, and was living with her husband and her son Chase Dershem, in the City of St. Clair Shores.
3. The cause of action arose in the parking lot at the Northridge Office Center located at 100 Kirts Boulevard in Troy, Michigan.

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4. The amount in controversy is in excess of \$25,000.
5. The City of Troy owns the Northridge Office Center located at 100 Kirts Boulevard in Troy, Michigan.
6. The Northridge Office Center is used as a commercial enterprise by the city, housing a number of commercial businesses and their tax paying employees, including: 1) Scientific Image Center Management, Inc.; 2) Blimpie Subs & Salads; and 3) Smoothie Island.
7. The Northridge Office Center is leased and operated on behalf of the City of Troy by "The Farbman Group".

#### GENERAL ALLEGATIONS

8. On November 9, 2008 Stephanie Cobb was an employee of the Scientific Image Center Management, Inc., (SICM) one of the tenants at the Northridge Office Center.
9. She was working full time as an afternoon/evening shift salesperson, confirming appointments for "face lifts" on behalf of the Life Style Lift, a specialty medical provider.
10. As an employee of SICM she was given free parking in the parking lot adjoining the Northridge Office Center.
11. Parking for employees of SICM was available on the south and west side of the Northridge Office Center building.

12. Some direct parking lot lighting was available from a few overhead light poles located in the center of the parking lots.
13. There was no direct parking lot lighting available along the edges of the parking lot near the office building itself.
14. The building had some safety lighting permanently affixed to its exterior.
15. The building safety lights did not give direct lighting to any of the parking areas in the parking lot.
16. The building lights created shadows in the parking lot that changed and moved as the cars parked along the periphery of the parking lot changed and moved.
17. The shadows in the peripheral parking lot area changed repeatedly, often hourly, depending on the changes in the parking arrangements in the parking lot, in the absence of direct overhead lighting.
18. The one constant that could be counted on by night time parking lot users was the fact that it would be impossible to see the parking lot clearly while they walked from the building to their cars after work.
19. To make matters worse, because of the lack of adequate overhead lighting the building occupants would crowd their cars along the edge of the parking areas near the building at night to make the trip to their cars easier, which in turn caused an excessive breakdown in the parking lot surface near the building.
20. The lack of sufficient overhead lighting for night time parking was permanent in nature and obvious to all.

21. The deficiency in the parking lot surface (however unavoidable) caused by the lack of overhead lighting was also permanent in nature and obvious to all.
22. On 11/9/08 Ms. Cobb left work at midnight.
23. She was being escorted to her vehicle by a male co-worker.
24. Ms. Cobb's vehicle was parked in the south side parking lot in the dark area near the building.
25. As Ms. Cobb and her escort walked along the sidewalk running on the west side of the office building they located her vehicle.
26. During Ms. Cobb's work shift the vehicle parked next to hers had moved, exposing a deep chasm in the parking lot which is euphemistically referred to herein as a "pot hole".
27. While Ms. Cobb was generally aware of the deterioration in the asphalt parking lot surface, she was totally unaware of the existence of the deep chasm which had been covered over by the motor vehicle parked next to hers.
28. As she began to exit the sidewalk and enter the parking lot area, she walked past the front passenger side of the car parked to the left of hers with her co-worker escort.
29. The indirect lighting from the office building cast a shadow over the two parked vehicles, and obscuring the parking lot surface area existing between the two vehicles in the now empty parking space.

30. As Ms. Cobb stepped from the sidewalk into the parking lot to the left of the parked car she stepped into a very large, and very dark—like the entire asphalt parking lot surface-chasm or pot hole.
31. The existence of the pothole itself was obscured by shadows from the two parked cars and the curb bordering the parking lot.
32. Without an overhead light the pothole looked just like any other portion of the already black asphalt parking lot.
33. The hole itself was invisible without additional overhead lighting on the early morning in question—just past 12:00 a.m. on 11/9/08.
34. In essence, as Ms. Cobb stepped off the sidewalk, shortly after midnight on 11/9/08, she stepped into the unseen and un-seeable “pothole” which she perceived as an abyss.
35. As she stepped into the “abyss” she threw herself backwards in order to avoid falling into the unseen and un-seeable chasm.
36. As she threw herself backwards she wrenched her ankles bilaterally, she re-injured her surgically repaired lumbar spine, she hit her head on the passenger side front of the car parked to her right severely wrenching her neck, breaking a tooth, and resulting in her being very dazed and dizzy and unable to stand up for a couple of minutes as the fog cleared from her head.
37. She was helped to her feet by her co-worker, who then physically helped her the few remaining feet south east of the chasm to the drivers side door of her car.

38. As her injuries become more pronounced later on 11/10/08 she went to a local hospital for treatment.
39. She has since been diagnosed with a TBI with a balance disorder, cervical radiculopathy, lumbar stenosis with radiculopathy, chronic pain syndrome, traumatically aggravated fibromyalgia, a fractured tooth with destructive bridgework, traumatically induced TMJ, and bilateral sprained ankles.
40. The fall severely aggravated her previously repaired lumbar spinal condition, and dormant fibromyalgia.
41. She no longer has control of her bowels, and was recently forced to undergo major surgery for a herniated bowel loop which was caused or severely aggravated by the 11/9/08 fall.
42. Ms. Cobb is no longer capable of any gainful activity, and her condition continues to worsen over time as her desiccated spinal discs continue to cause further nerve damage.

#### COUNT I NEGLIGENCE

43. The allegations set forth above in paragraphs 1-42 are incorporated herein by reference as if set forth here paragraph by paragraph.
44. As the legal entities providing the parking lot area to the Plaintiff, Stephanie Cobb, for use as a night time parking lot resource, defendants' assumed a duty of due care to insure that the parking lot was, in fact, reasonably safe to all foreseeable users for their expected night time parking, including ingress and egress.

45. The Defendant's singularly or collectively knew, or should have known, that the parking lot in question was not safe for its expected use as a night time parking resource for Stephanie Cobb, and her fellow night time parking lot users.
46. The parking lot did not have enough direct lighting to permit night time users sufficient lighting to avoid the parking lot hazards that existed, i.e., potholes, and which would have been otherwise avoidable with proper lighting.
47. The Defendants further knew, or should have known, that the parking lot asphalt surface was broken and riddled with pot holes near its periphery, and that the surface hazards could not be traversed safely at night without additional direct parking lot lighting.
48. The parking lots' inadequate direct lighting, combined with the asphalt surface hazards, created a special condition that made the peripheral parking lot area unavoidably unsafe at night to all foreseeable users like Stephanie Cobb.
49. As a direct and proximate result of the Defendant's individual and collective breach of their respective duties of due care to Stephanie Cobb, as a business invitee of one of their building tenants, Ms. Cobb has suffered severe damages including:
  1. A Traumatic Brain Injury, with a balance disorder, and post Concussion Syndrome;
  2. Traumatically induced or exacerbated TMJ, with three broken or damaged teeth and bridgework;
  3. Cervical radiculopathy at C5-C6;

4. Aggravation of a pre-existing lumbar condition with L5-S1 radiculopathy and peripheral neuropathy;
5. Loss of bowel control;
6. Traumatically aggravated fibromyalgia, with loss of ability to walk normally;
7. Bilateral sprained ankles;
8. Chronic pain, with chronic pain syndrome;
9. Loss of employment;
10. Loss of earnings; loss of earning capacity;
11. Loss of ability to lead her normal life;
12. Mental anguish and emotional distress;
13. Embarrassment;
14. Need for replacement services;
15. Need for attendant care;
16. Need for surgical care associated with her fall and the aggravation of her pre-existing lumbar condition;
17. Loss of medical coverage and the ability to obtain the medical care necessitated by her fall;
18. Chronic depression and the need for psychotherapy.

**WHEREFORE**, the Plaintiff, Stephanie Cobb, prays that this court would enter judgment in her favor in whatever amount above \$25,000.00 is awarded by the jury.

#### **COUNT II IMPLIED CONTRACT**

50. The allegations set forth above in paragraphs 1-49 are incorporated herein by reference as if set forth here paragraph by paragraph.
51. As the legal entities offering the parking lot area to the Plaintiff, Stephanie Cobb, for use as a night time parking lot resource, defendants' assumed a duty of due care to insure that the parking lot was, in fact, reasonably safe to all foreseeable users for their expected night time parking, including ingress and egress.
52. The Defendant's singularly or collectively knew, or should have known, that the parking lot in question was not safe for its expected use as a night

time parking resource for Stephanie Cobb and her fellow night time parking lot users.

53. The parking lot did not have enough direct lighting to permit its night time users sufficient lighting to avoid the parking lot hazards that existed, and which would have been otherwise avoidable with proper lighting.
54. The Defendant's further knew, or should have known, that the parking lot asphalt surface was broken and riddled with pot holes near its periphery, and that the surface hazards could not be traversed safely at night without additional adequate parking lot lighting.
55. The parking lots inadequate direct lighting, combined with the asphalt surface hazards, created a special condition that made the peripheral parking lot area unavoidably unsafe at night to all foreseeable users like Stephanie Cobb.
56. As a direct and proximate result of the Defendant's individual and collective breach of their respective duties of due care to Stephanie Cobb, as a business invitee of one of their buildings tenants, Ms. Cobb has suffered severe damages including:
  1. A Traumatic Brain Injury, with a balance disorder, and post Concussion Syndrome;
  2. Traumatically induced or exacerbated TMJ, with three broken or damaged teeth and bridgework.
  3. Cervical radiculopathy at C5-C6;
  4. Aggravation of a pre-existing lumbar condition with L5-S1 radiculopathy and peripheral neuropathy;
  5. Loss of bowel control;
  6. Traumatically aggravated fibromyalgia, with loss of ability to walk normally;
  7. Bilateral sprained ankles;
  8. Chronic pain, with chronic pain syndrome;

9. Loss of employment;
10. Loss of earnings; loss of earning capacity;
11. Loss of ability to lead her normal life;
12. Mental anguish and emotional distress;
13. Embarrassment;
14. Need for replacement services;
15. Need for attendant care;
16. Need for surgical care associated with her fall and the aggravation of her pre-existing lumbar condition;
17. Loss of medical coverage and the ability to obtain the medical care necessitated by her fall;
18. Chronic depression and the need for psychotherapy.

**WHEREFORE**, the Plaintiff, Stephanie Cobb, prays that this court would enter judgment in her favor in whatever amount above \$25,000.00 is awarded by the jury.

**COUNT III LOSS OF CONSORTIUM**

57. The allegations set forth above in paragraphs 1-56 are incorporated herein by reference.
58. The Plaintiffs Michael Cobb and Chase Dershem are the husband and son of Stephanie Cobb.
59. As a direct and proximate result of the accident in question, the Plaintiffs Michael Cobb and Chase Dershem have lost the society and companionship they previously shared with Stephanie Cobb.
60. They have both been forced to become Stephanie Cobb's care takers at the expense of their previously close, loving, personal relationship with her.

**WHEREFORE**, the Plaintiff's Michael Cobb and Chase Dershem pray that this court would enter judgment in their favor in whatever amount above \$25,000.00 is awarded by the jury in this matter.

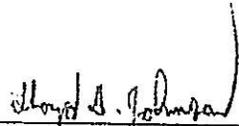
**JURY DEMAND**

**NOW COME** the Plaintiffs, STEPHANIE COBB, MICHAEL COBB, and CHASE DERSHEM, by and through their attorneys, LLOYD JOHNSON & ASSOCIATES, and hereby demand a Trial by Jury in the aforementioned cause of action.

Respectfully Submitted,

LLOYD JOHNSON & ASSOCIATES

By:



\_\_\_\_\_  
LLOYD G. JOHNSON (P43046)

Attorney for Plaintiff

30811 Hiveley

Westland, MI 48186

(734) 578-1638

Dated: August 3, 2009

Approved, SCAO

Original - Court  
1st copy - Applicant  
Other copies - All appearing parties

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	<b>DISMISSAL</b>	CASE NO.  09-103331 NO
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Court address  
1200 N. Telegraph Rd., Pontiac, MI 48341

Court telephone no.  
(248) 858-0581

Plaintiff name(s) and address(es)  
 Stephanie Cobb, Michael Cobb and Chase Dershem  
 21206 Martin Rd.  
 St. Clairs Shores, MI 48186

Defendant name(s) and address(es)  
 City of Troy, d/b/a The Northridge Office Center et al.

v

Plaintiff's attorney, bar no., address, and telephone no.  
 Lloyd Johnson P43046  
 30811 Hiveley  
 Westland, MI 48186  
 (734) 578-1638

Defendant's attorney, bar no., address, and telephone no.  
 Christopher J. Forsyth P63025  
 500 W. Big Beaver Rd.  
 Troy, MI 48084  
 (248) 524-3320

**NOTICE OF DISMISSAL BY PLAINTIFF**

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case  with  without prejudice as to:  
 all defendants.  
 the following defendant(s): \_\_\_\_\_

2. I certify, under penalty of contempt, that:  
 a. This notice is the first dismissal filed by the plaintiff based upon or including the same claim against the defendant.  
 b. All costs of filing and service have been paid.  
 c. No answer or motion has been served upon the plaintiff by the defendant as of the date of this notice.  
 d. A copy of this notice has been provided to the appearing defendant/attorney by  mail  personal service.

Date \_\_\_\_\_

Plaintiff/Attorney signature \_\_\_\_\_

**STIPULATION TO DISMISS**

I stipulate to the dismissal of this case  with  without prejudice as to:  
 all parties.  
 the following parties: City of Troy, without Court Costs or attorney fees

09/16/2009  
Date

Lloyd Johnson (P43046)  
Plaintiff/Attorney signature

09/16/2009  
Date

[Signature] P63025  
Defendant/Attorney signature

**ORDER TO DISMISS**

IT IS ORDERED this case is dismissed  with  without prejudice. Conditions, if any: \_\_\_\_\_

Date \_\_\_\_\_

Judge \_\_\_\_\_

MC 09 (8/87) DISMISSAL