



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: November 20, 2009
SUBJECT: Raquel Chidiac v. City of Troy et. al.

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy and one of its police officers by Raquel Chidiac. According to the allegations in the complaint, on October 3, 2009, Plaintiff's vehicle was struck by a Troy Officer while traveling on Big Beaver Road at the John R intersection. The complaint alleges that the City is liable for her injuries under the motor vehicle exception to governmental immunity. The complaint also alleges that the City is liable for the negligence of vehicle operated by the Troy officer under the Michigan Owner's Liability Act.

Plaintiff's damages are described in the complaint as "serious and permanent orthopedic, neurological, and muscular injuries to Plaintiff's body..." and "pain, suffering, humiliation, mental anguish and emotional distress." She is seeking damages in excess of \$25,000, the circuit court jurisdictional limit. The recommended resolution authorizes our office to defend the City of Troy and the Troy Police Officer.

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

STATE OF MICHIGAN
JUDICIAL DISTRICT
6th JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

CASE NO.

Court Address
1200 N. Telegraph, Pontiac, Michigan 48341Court telephone no.
248-858-1000

Plaintiff name(s), address(es) and telephone no(s).

RAQUEL CHIDIAC

Plaintiff attorney, bar no., address, and telephone no.

Elizabeth A. Hohausier(P61038)
HOHAUSER LAW FIRM
363 West Big Beaver, Suite 450
Troy, Michigan 48084
(248) 619-0700

Defendant name(s), address(es), and telephone no(s).

EDWIN JULIAN and CITY OF TROY

individually, jointly and severally.

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 NOV 10 2009	This summons expires FEB 09 2010	Court clerk RUTH JOHNSON
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*This summons is invalid unless served on or before its expiration date.

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 _____. The docket number and assigned judge are:

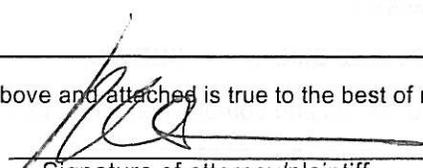
(Name of court)

Docket no.	Judge	Bar no.
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This action remains is no longer pending.

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

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

11/10/09
Date

Signature of attorney/plaintiff
COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

MC 01 (6/96) SUMMONS AND COMPLAINT

MCR 2.102(B)(11), MCR 2.104, MCR 2.107, MCR 2.113(C)(2)(a),(b)



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RAQUEL CHIDIAC,
Plaintiff,

v

File No: 09- -NI
HON.

EDWIN JULIAN and
CITY OF TROY, individually, jointly and severally,
Defendants.

Michael S. Hohausier P24378
Sarah E. Kuchon P61831
Elizabeth A. Hohausier P61038
HOHAUSER LAW FIRM
Attorney for Plaintiff
363 West Big Beaver Road, Suite 450
Troy, Michigan 48084
248/ 619-0700

OAKLAND COUNTY CLERK
2009 NOV 10 PM 3:39
RECEIVED FOR FILING
OAKLAND COUNTY CLERK

COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously dismissed or transferred after having been assigned to a judge.

Plaintiff, by and through her attorneys, the HOHAUSER LAW FIRM, complaining of Defendants, states unto this Honorable Court as follows:

JURISDICTION AND VENUE

1. At all relevant times, Plaintiff was a resident of Macomb County, Michigan.
2. At all relevant times, Defendant Edwin Julian was a resident of Oakland County, Michigan.
3. At all relevant times, Defendant City of Troy was a municipality in Oakland County, Michigan.

HOHAUSER LAW FIRM
363 WEST BIG BEAVER
SUITE 450
TROY, MICHIGAN 48084
(248) 619-0700

4. The incident as to which complaint is made occurred in Oakland County, Michigan.

5. The amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000) Dollars.

6. Jurisdiction and venue are proper in this court by reason of the amount in controversy, the residence of the defendant and the site at which the incident occurred.

GENERAL ALLEGATIONS

7. Plaintiff incorporates by reference paragraphs 1 through 6 as though fully restated herein.

8. On October 3, 2009, at approximately 7:01 p.m., Plaintiff was the operator of a Cadillac CTS, bearing license plate BCG3937, VIN: 1G6DF577890127370, which vehicle was traveling East Bound on Big Beaver Road at its intersect with John R, in the City of Troy, State of Michigan.

9. At the date and time aforesaid, Defendant City of Troy was the owner of a Ford Crown Victoria bearing Michigan vehicle registration plate 053X653, VIN 2FAHP71W67X145541, which vehicle was being operated by Defendant Edwin Julian Southbound on John R at its intersect with Big Beaver Road, in the City of Troy, State of Michigan.

10. At the time and place aforesaid, Defendant Edwin Julian was traveling at an unsafe rate of speed, he failed to stop or yield at a red light, failing to make sure traffic was clear before proceeding through the red light, and collided with Plaintiff's vehicle causing serious injuries to Plaintiff, as further set forth below.

11. At all relevant times, Plaintiff was a restrained insured driver and is free of comparative negligence.

12. Upon information and belief, Defendant Edwin Julian was an employee of Defendant City of Troy and, at all relevant times, was operating said vehicle within the scope of his employment.

COUNT I - NEGLIGENCE

13. Plaintiff incorporates by reference paragraphs 1 through 12 as though fully restated herein.

14. At the time and place aforesaid, Defendants owed Plaintiff the following duties of care:

- (a) to operate the vehicle in a reasonable and prudent manner;
- (b) to keep careful and prudent lookout for vehicles in the vicinity;
- (c) not to drive the vehicle carelessly and heedlessly with willful and wanton disregard for the safety and rights of others, MCLA 257.626(a);
- (d) to keep the vehicle constantly under control;
- (e) to drive the vehicle with due diligence and circumspection and to not endanger or be likely to endanger other persons, MCLA 257.626b;
- (f) to stop within an assured clear distance, MCLA 257.627(1);
- (g) to operate the vehicle at a careful and prudent speed not greater than nor less than was reasonable and proper, having due regard for the traffic, surface, and width of the highway and any other condition then existing, MCLA 257.627(1);
- (h) to stop at the red light, MCLA 257.612;
- (i) to obey the laws of the State of Michigan and ordinances of the local municipality, among other duties.

15. Defendant Edwin Julian did breach each and every one of the duties owed by him to Plaintiff.

16. As a direct and proximate result of the breaches of duties owed by these Defendants to Plaintiff, Plaintiff sustained serious injuries, which injuries represent both serious impairment of body function and permanent serious disfigurement, and include, but are not limited to the following:

- a. serious and permanent orthopedic, neurological, and muscular injuries to Plaintiff's body, requiring medical intervention, hospitalization, and therapies, and which may require surgery, and have affected and limited Plaintiff's activities of daily living as well as other related and appreciable difficulties, injuries, or consequences that have or may occur or develop, and which;
- b. aggravation or exacerbation of any preexisting condition;
- c. pain, suffering, humiliation, mental anguish and emotional distress;
- d. other damages, injuries, and consequences that are found to be related to the motor vehicle accident that develop during the course of discovery, to the extent that the damages are recoverable under the Michigan No-Fault Act, MCLA 500.3101, et seq.

17. Defendant City of Troy is co-extensively liable for the negligence of Defendant Edwin Julian under the doctrine of respondeat superior.

18. Pursuant to MCL 691.1405, governmental agencies "shall be liable for bodily injury and property damage resulting from the negligent operation by any officer, agent, or employee of the governmental agency, of a motor vehicle of which the governmental agency is owner."

WHEREFORE, Plaintiff prays that judgment enter in her favor and against Defendants, individually, jointly and severally, in such amount in excess of Twenty-Five Thousand (\$25,000) Dollars, together with interest, costs and attorneys fees as shall be determined by the trier of fact upon the ultimate trial of this cause.

COUNT II - OWNER CIVIL LIABILITY

19. Plaintiff incorporate by reference paragraphs 1 through 18 above as though fully restated herein.

20. At all relevant times, Defendant City of Troy was the owner of the vehicle operated by Defendant Edwin Julian.

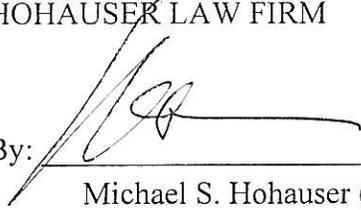
21. Upon information and belief, the vehicle was being operated by Defendant Edwin Julian with Defendant City of Troy's express or implied permission and knowledge.

22. Defendant City of Troy is co-extensively liable for the negligence of Defendant Edwin Julian pursuant to the Michigan Owner's Liability Act, MCL 257.401.

WHEREFORE, Plaintiff prays that judgment enter in her favor and against Defendants in such amount in excess of Twenty-Five Thousand (\$25,000) Dollars, together with interest, costs and attorneys fees as shall be determined by the trier of fact upon the ultimate trial of this cause.

DATED: November 10, 2009

HOHAUSER LAW FIRM

By: 

Michael S. Hohausler (P24378)

Attorney for Plaintiff

363 West Big Beaver Suite 450

Troy, Michigan 48084

248/ 619-0700

HOHAUSER LAW FIRM

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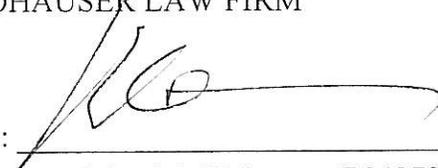
(248) 619-0700

DEMAND FOR JURY

Plaintiff, by and through her attorneys, the HOHAUSER LAW FIRM, hereby demands a trial by jury in the above-referenced matter.

DATED: November 10, 2009

HOHAUSER LAW FIRM

By: 

Michael S. Hohausner (P24378)

Attorney for Plaintiff

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Troy, Michigan 48084

248/ 619-0700

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