



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** December 16, 2009  
**SUBJECT:** Andrew Zurowski v City of Troy

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Plaintiff Andrew Zurowski filed the attached lawsuit against the City of Troy and the Troy Police Department. In this claim and delivery action, the Plaintiff is seeking a court order for the return of two rifles that are presently in the possession of the Police Department. The lawsuit was filed in the 52-4 District Court and is assigned to Judge Dennis C Drury. A copy of the summons and complaint are attached.

The incident resulting in the confiscation of the two rifles occurred the night of September 26, 2009 and the morning of September 27, 2009. Troy officers were dispatched to Mr. Zurowski's home. At that time, based on the circumstances, the Troy police officers confiscated these weapons, since they were extremely concerned that he was a danger to himself and others. This is still a valid concern, based on the circumstances. The City has therefore retained these weapons, and is not willing to return them to Mr. Zurowski.

Through this Claim and Delivery Action, Mr. Zurowski will need to establish to the Court that the weapons should be returned to him. The City's role in this matter is limited to presenting the information to the Court for its determination. If the Court orders the return of these weapons, then the City will comply.

Absent any objection from City Council, we will assume the defense of the City and the Police Department in this case. If you have any questions concerning the above, please let us know.

Approved SCAO

STATE OF MICHIGAN 52-4 JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	CASE NO. 09C038956C01 Judge Drury
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Court address: 520 W. Big Beaver Troy MI 48064  
 Court telephone no.: 248-588-0404

Plaintiff name(s), address(es), and telephone no(s).  
 ANDREW ZUROWSKI  
 2311 HILLCRESCENT DR, TROY, MI  
 48085 248-680-1525-H  
 248-224-6291-C.

Defendant name(s), address(es), and telephone no(s).  
 v  
 CITY OF TROY POLICE DEPT.  
 CITY OF TROY  
 500 BIG BEAVER RD  
 TROY, MI 48064

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

**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: 12-07-09	This summons expires: 03-08-10	Court clerk: 
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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**

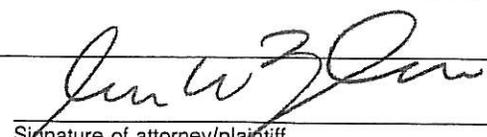
There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

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) 2311 HILLCRESCENT DR, TROY, MI	Defendant(s) residence (include city, township, or village) 500 BIG BEAVER RD, TROY MI.
Place where action arose or business conducted TROY, MI	
Date 12/16/09	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.

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

52-4 STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	COMPLAINT Claim and Delivery	CASE NO. 09 003895600
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Court address: 520 W. Big Beaver Trail MI 48064 246 528 0404  
 Court telephone no.

Plaintiff(s)  
 ANDREW ZUBOWSKI

Defendant(s)  
 CITY OF TROY / POLICE DEPT

**COMPLAINT**

1. Plaintiff is lawfully entitled to possession of the following described property, with an estimated value of \$ 600.00. Describe property.  
 SMITH & WESSON RIFLE 30-06 CAL.  
 MARLIN RIFLE 22 CAL.

2. Property claimed is  an independent piece of property; and/or  a portion of divisible property of uniform kind, quality and value.

3. Plaintiff's basis and reason for claim is:  
 RIFLES WERE TAKEN BY POLICE FOR SAFEKEEPING FOR 30 DAYS, WHICH AFTER THAT THEY WERE TO BE RETURNED POLICE & CITY ATTORNEY SAID THEY CHANGED THEIR MIND AND GAVE NO REASON FOR KEEPING IT. BOTH RIFLES WERE MY DADS, AND HE PASSED THEM TO ME, AS I WAS GONNA PASS THEM TO MY SON, SO THERE IS ALSO SENTIMENTAL VALUE.

**SUPPLEMENTAL COMPLAINT** (If applicable)

4. This action is based upon a security agreement debt. Plaintiff claims the balance due of \$ \_\_\_\_\_ .  
 A copy of the security agreement is attached.

5. Plaintiff claims the following damages because of the defendant's unlawful taking or detention:

6. Plaintiff claims a judgment for the return of the described property, or for the value of the property, and also for damages in the amount of \$ \_\_\_\_\_ .

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date: 12/16/09

Signature of attorney/plaintiff: *[Handwritten Signature]*  
 Bar no.