



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Susan M. Lancaster  
**DATE:** March 10, 2010  
**SUBJECT:** Sandler v. City of Troy and MMRMA

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Alex Sandler filed a lawsuit against the City of Troy and the Michigan Municipal Risk Management Authority. Mr. Sandler was suing the City for the alleged failure to maintain roads in a safe condition. The location and nature of the allegedly unsafe condition were not fully identified in the Complaint. The location was either on Crooks Road (under the jurisdiction of the Road Commission for Oakland County) or Wilshire Boulevard. Mr. Sandler previously filed a claim with the Michigan Municipal Risk Management Authority (MMRMA) for damages to his automobile. According to this claim, on the morning of October 5, 2009, his wife was driving the vehicle near the Crooks Road/ Wilshire Boulevard intersection when she struck a pothole and a piece of metal sticking out of the concrete. This claim was denied by the MMRMA after investigation, based, in part, on the fact that Crooks Road is not a City road. The MMRMA was also sued by Mr. Sandler. The MMRMA hired their own attorney to represent their interests in this matter.

Shortly after receiving authority from City Council to represent the City and before filing an Answer to Complaint, we contacted Mr. Sandler. He agreed to meet at the scene of the alleged incident with his wife to narrow down the location of the allegedly defective roadway. On February 2, 2010, Mrs. Sandler met with City representatives, and pointed out a damaged curb with loose concrete on Crooks Road as the allegedly unsafe roadway. She alleged that at some point after turning west from Crooks Road onto Wilshire, her tire went flat. It was her belief that a chunk of the concrete was responsible for the flat tire.

Mrs. Sandler was informed that the location of the allegedly defective curb was under the jurisdiction of the Road Commission of Oakland County. She was also informed that MMRMA was an insurance company, and not responsible for roadway maintenance. It was suggested that she and her husband contact their own insurance company to see if they could recover for the cost of the flat tire under their automobile policy.

After this meeting, and after confirmation that the location was an Oakland County road, the Sandlers agreed to dismiss their lawsuit against the City. A formal dismissal was filed on February 3, 2010, and this case is now closed.