



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: March 31, 2010
SUBJECT: Stickney Lawsuit

Plaintiff Hal Stickney filed the attached lawsuit against several individuals and entities including the City of Troy, Captain Keith Frye, retired Sergeant Barry Whiteside, and retired Detective David Nordstrom. Other defendants include several from Oakland County, including former Prosecutor David Gorcyca, Assistant County Prosecutor Derek Meinecke, Sheriff Michael Bouchard, Deputy Sheriff Randall Praski, Supervisor Spiker, and also Dawn Himes, Michael Himes, Shirley Ann Davis and Jimmy Richardson. In his complaint, Stickney seeks seven million dollars in damages, plus attorney fees and costs. The lawsuit was filed in the U.S. District Court for the Eastern District of Michigan, Chief Judge Gerald E. Rosen.

The essence of Plaintiff's complaint is the alleged failure to follow up on allegedly exculpatory evidence, which Stickney claims led to his prolonged incarceration in Oakland County facilities. He asserts a conspiracy claim (42 U.S.C. Section 1985), a civil rights claim (42 U.S.C. Section 1982); false arrest, malicious prosecution, intentional infliction of emotional distress, a violation of MCL 752.11 and 18 U.S.C. Sections 241 and 242, and five counts against the civilian defendants, where he argues that they gave false testimony against him, which led to his incarceration, and deprived him of his business relationships.

The Troy defendants have 21 days from the date of service to respond to the complaint. Our office will represent the City defendants absent contrary direction from City Council.

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAL BRIAN STICKNEY,
Plaintiff,

vs.

COUNTY OF OAKLAND, DAVID GORCYCA,
DAWN HIMES, MICHAEL SCOTT HIMES,
DAVID NORDSTROM, DEREK MEINECKE,
MICHAEL J. BOUCHARD,
SUPERVISOR SPIKER, CITY OF TROY,
LT. KEITH A. FRYE, SGT. WHITESIDE,
RANDALL PRASKI, SHIRLEY ANN DAVIS,
JIMMY RICHARDSON,
Defendants.

Case:2:10-cv-10487
Judge: Rosen, Gerald E
MJ: Randon, Mark A.
Filed: 02-03-2010 At 03:38 PM
CMP HAL BRIAN STICKNEY V OAKLAND CO
UNTY, ET AL (LG)

HAL BRIAN STICKNEY
Plaintiff, In Pro Se
5603 Patricia Avenue
Shelby Township, Michigan 48317
(586) 713-1555

COMPLAINT

NOW COMES the Plaintiff, HAL BRIAN STICKNEY, In Pro Se, and complains against the above-named Defendants as follows:

JURISDICTION

This is an action for compensatory and exemplary damages authorized by Title 42 U.S.C. Section 1983, 42 U.S.C. Section 1985, the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution and under common law, for the Defendants' violation of those Plaintiff's rights, privileges and immunities established.

This action also pleads causes of action under 42 U.S.C. Section 1985, against the Defendants for engaging in a conspiracy to hinder and obstruct the due course of justice and interfere with the Plaintiff's civil rights, equal protection of the law and right to be free from unreasonable seizure and incarceration.

Jurisdiction is founded upon 28 U.S.C. Section 1331, Section 1343, the aforementioned statutory and constitutional provisions and on the pendent jurisdiction of this Honorable Court to entertain claims arising under state law.

PARTIES

1. The Plaintiff, HAL BRIAN STICKNEY, is and was at all times relevant to this Complaint, a citizen of the United States and a resident of the State of Michigan.

2. The events which gave rise to his causes of action occurred in Oakland County, Michigan.

3. The Defendant, COUNTY OF OAKLAND, is a public body corporate, municipal or governmental corporation, incorporated, created and existing under the laws of the State of Michigan.

4. The Defendant, DAVID GORCYCA, is an elected public official and at all times complained herein was the prosecuting attorney for, and an employee of, Defendant COUNTY OF OAKLAND.

5. The Defendant, DAWN HIMES, is an individual resident of Oakland County, Michigan.

6. The Defendant, MICHAEL S. HIMES, is an individual resident of Oakland County, Michigan.

7. The Defendant, DAVID NORDSTROM, is an individual and a police officer in the employment of the Defendant, CITY OF TROY, Oakland County, Michigan.

8. The Defendant, DEREK MEINECKE, was at all times complained herein, an assistant prosecuting attorney employed by the Defendant, COUNTY OF OAKLAND, and subordinate of Defendant, DAVID GORCYCA who at all times relevant hereto employed the Defendant as an assistant prosecuting attorney.

9. The Defendant, MICHAEL J. BOUCHARD, is a public, elected official, and at all times was the Sheriff of and employee of Defendant COUNTY OF OAKLAND.

10. The Defendant, SUPERVISOR SPIKER, is the jail classification supervisor of the Oakland County Jail and is employed by Defendant COUNTY OF OAKLAND.

11. The Defendant, CITY OF TROY, is a public body corporate, municipal or governmental corporation, incorporated, created and existing under the laws of the State of Michigan.

12. The Defendant, LT. KEITH A. FRYE, is a police officer employed by the Defendant, CITY OF TROY.

13. The Defendant, SGT. WHITESIDE, is a police officer employed by the Defendant, CITY OF TROY.

14. The Defendant, RANDALL PRASKI, is a Deputy Sheriff employed by the Defendant, COUNTY OF OAKLAND.

15. The Defendant, SHIRLEY ANN DAVIS, is an individual resident of Genessee County, Michigan.

16. The Defendant, JIMMY RICHARDSON, is an individual resident of Macomb County, Michigan.

COUNT I

VIOLATION OF 42 U.S.C. Section 1985

17. The Plaintiff incorporates by reference Paragraphs 1 through 16.

18. On July 25, 2005, the Defendant, DAWN HIMES, procured a Personal Protection Order against the Plaintiff, upon misrepresentation, deceit and false statements.

19. On August 18, 2005, the Plaintiff, HAL BRIAN STICKNEY, was arrested by Sheriffs from the Oakland County Sheriff's Department, for aggravated stalking, under MCL 750.411(i), pursuant to the Complaint filed by Defendant DAWN HIMES and the Personal Protection Order she obtained.

20. The Plaintiff was arrested and incarcerated in the Oakland County jail while protesting his innocence.

21. The Plaintiff was arraigned before the 52-2 District Court Judge on August 19, 2005, on the aggravated stalking charge, who ordered the Plaintiff's bond at \$500,000, cash, no surety.

22. The Plaintiff was unable to post the bond and remained incarcerated until May 8, 2006, when his bond was reduced with conditions.

23. The Plaintiff was again arrested on June 28, 2006, and incarcerated for an alleged violation of the bond conditions set after his arrest on the Personal Protection Order and was again incarcerated in the Oakland County Jail.

24. The Plaintiff was released on bond on August 18, 2006.

25. The Plaintiff continued to protest his innocence to the Defendants, specifically providing them documentation, evidence of his innocence, evidence of the false charges made by Defendant DAWN HIMES, however, the Defendants conspired to bribe witnesses, impede, hinder, obstruct or defeat the due course of justice of the Plaintiff's criminal prosecution, with the intent to deny him Due Process of Law, equal protection of the laws and keep him in jail.

26. On October 25, 2006, the Plaintiff was arrested again on the mere statement by the Defendants, DAWN HIMES and SHIRLEY ANN DAVIS, to the Oakland County Sheriffs, that they saw the Plaintiff driving on a revoked license even though the Plaintiff continued to protest his innocence.

27. The Plaintiff was released on bond on November 15, 2007.

28. The Plaintiff continued to protest his arrest and prosecution and provided the Defendants evidence of the fraud, misrepresentation, deceit and lack of credibility of Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, but the Defendants continued to prosecute, assist in prosecuting and incarcerating the Plaintiff, with the intent to deny him Due Process of Law and the equal protection of the laws, even when the Defendants recanted their statements.

29. On March 20, 2007, the Plaintiff was arrested again for alleged "aggravated stalking", pursuant to the original complaint and incarcerated, while continuing to protest his innocence and provide the Defendants evidence of his innocence.

30. The Defendants intentionally shut down investigations into the criminal misconduct of Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, and conspired for the purposes of keeping the Plaintiff incarcerated until he pleaded guilty, in order that any potential civil litigation against them would be impaired, as is the policy and practice of the Defendants, and in particular, Defendants COUNTY OF OAKLAND and CITY OF TROY, a policy well known by Defendant MICHAEL BOUCHARD, Oakland County Sheriff, and the supervisory officials of the CITY OF TROY.

31. The Plaintiff was released on bond again on September 21, 2007, but the Defendants continued to prosecute him with false evidence and refused to investigate the false evidence and charges against him.

32. The Defendants fabricated or falsified evidence against the Plaintiff and suppressed exculpatory evidence, causing his arrest, prosecution and incarceration, depriving him of his rights to liberty and due process of law under the U.S. Constitution.

33. The Defendants' actions caused excessive bail to be set against the Plaintiff, further denying his right to liberty without due process of law contrary to the Fifth, Eighth and Fourteenth Amendments to the Constitution.

34. The Defendants' conspiracy denied the Plaintiff Due Process of Law by impeding his right to counsel provided under the 6th Amendment to the Constitution.

35. The Defendants knew their actions and inactions would directly cause the continued prosecution and incarceration of the Plaintiff.

36. The Defendants knew their actions violated the Plaintiff's rights against unreasonable seizure pursuant to the Fourth Amendments to the U.S. Constitution and the Michigan Constitution.

37. The actions of the Defendants were not taken in good faith, were not performed towards the common good of the citizens of Oakland County or City of Troy and were taken with malicious intention to cause a deprivation of the Plaintiff's constitutional rights with resulting injury to the Plaintiff.

38. The Defendants knew or reasonably should have known that their actions were not within the sphere of their official responsibility and would thereby violate the constitutional rights of the Plaintiff.

39. The actions of Defendants were intentional, wrongful and outrageous and further shock the conscience of society and offend the community's sense of fair play and decency.

40. The actions and inactions of Defendants, DAVID GORCYCA and DEREK MEINECKE, demonstrated a wilful, reckless and intentional failure and refusal to investigate the case with the purpose of depriving the Plaintiff of his civil rights and keep him incarcerated against his will.

41. The Defendants, DAVID GORCYCA and DEREK MEINECKE, deliberately destroyed evidence and refused to investigate the false charges originally brought by Defendant, DAWN HIMES, and participated in unconstitutional police investigative tactics which kept the Plaintiff incarcerated in the Oakland County jail.

42. The Defendants, DAVID GORCYCA and DEREK MEINECKE, while acting in their investigative capacities failed and refused to act in good faith, refused to receive evidence exonerating the Plaintiff and exhibited careless and reckless disregard for the Plaintiff's rights to liberty intending to keep the Plaintiff incarcerated in jail.

43. The existence of the conspiracy and policy described herein have been known to Defendants, COUNTY OF OAKLAND, MICHAEL BOUCHARD and CITY OF TROY, and the supervisory and policy-making officers and officials of the Troy Police Department and Oakland County Sheriff's Department for a substantial period of time and this policy is customary within the Troy Police Department and the Oakland County Sheriff's Department, well known to all within it, sanctioned by the supervisory personnel and is injurious of constitutionally protected rights which should be enjoyed by citizens of the United States, including the Plaintiff.

44. Despite their knowledge of the said illegal policy and custom and practice, the supervisory and policy-making officers and officials of Defendants COUNTY OF OAKLAND and CITY OF TROY, have not taken steps to terminate the practices, customs and policies, have not disciplined or otherwise properly supervised or trained

the individual officers who engaged, and do engage, in such misconduct, such as the Defendant police officers.

45. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT II

VIOLATION OF 42 U.S.C. SECTION 1983

46. The Plaintiff hereby incorporates Paragraphs 1 through 45.

47. At the time the Plaintiff was arrested, incarcerated and prosecuted, and thereafter, he had a constitutionally protected right to liberty and due process of law not to be prosecuted with false evidence or evidence fabricated by the Defendants.

48. The Plaintiff further had a constitutionally protected right of liberty not to be unreasonably seized and incarcerated without due process of law under the Fourth, Fifth and Fourteenth Amendments to the Constitution of the United States.

49. The rights described herein were clearly established in 2005 when the Defendants acted to arrest, incarcerate and prosecute the Plaintiff.

50. The Defendants knowingly used false evidence to prosecute, incarcerate and continue to prosecute the Plaintiff and violated their duties in their investigative roles as police and

prosecutors which directly caused the Plaintiff to be unlawfully deprived of his rights to liberty and due process of law, rights which were clearly established at the time.

51. The Defendants actions and inactions violated the Plaintiff's clearly established statutory or constitutional rights of which a reasonable person would have known.

52. The Defendants actions and inactions precipitated and directly lead to the sequence of events that resulted in the violations of the Plaintiff's constitutional and statutory rights, including his wrongful incarceration and prosecution.

53. At all times relevant hereto the Defendants were acting under color of law of a statute, ordinance, regulation, custom or usage of the State of Michigan, or local ordinances and under color of their authority as public officials, police officers, deputy sheriffs and employees of Defendants COUNTY OF OAKLAND and CITY OF TROY.

54. The Defendants do not enjoy governmental or other qualified immunity as their actions were intentional, not taken in good faith and violated clearly existing law at the time.

55. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT III

FALSE ARREST AND FALSE IMPRISONMENT

56. The Plaintiff incorporates by reference Paragraphs 1 through 55.

57. The Defendants filed, or participated in filing, a false criminal complaint against the Plaintiff causing his unlawful arrest, detention and incarceration.

58. The Defendants' actions were performed with the intent to make and cause the Plaintiff's arrest and was so understood by the Plaintiff and was done against his will.

59. The Defendants intentionally and unlawfully caused the Plaintiff to be restrained, arrested, detained and incarcerated depriving him of his personal liberty and freedom of movement against his will.

60. The Defendants used force, either actual or implied, against the Plaintiff, to impose the unlawful restraint and incarceration of the Plaintiff.

61. The Defendants did not have probable cause to arrest the Plaintiff and they were aware of information, facts or circumstances which were sufficient to lead a reasonable and prudent person to believe that the crime of aggravated stalking had not been committed by the Plaintiff, but arrested, confined and prosecuted the Plaintiff notwithstanding.

62. The Defendants acted for the purpose of causing the Plaintiff to be restrained and incarcerated or acted in such a

manner that a restraint and incarceration of the Plaintiff was substantially certain to follow.

63. The Defendants continued the prosecution against the Plaintiff without just cause, refused to investigate the evidence produced by the Plaintiff and knew such actions and inactions would directly cause the Plaintiff to remain incarcerated.

64. The Plaintiff was incarcerated in jail for the charges which the Defendants filed against him, was innocent of the charges and the charges were filed without legal justification.

65. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT IV

MALICIOUS PROSECUTION

66. The Plaintiff incorporates by reference Paragraphs 1 through 65.

67. The Defendants instituted, caused, participated in or continued a false criminal prosecution against the Plaintiff.

68. The criminal prosecution instituted, participated in and continued by the Defendants terminated in the Plaintiff's favor on February 4, 2008, with the entry of a final order of dismissal in the Oakland County Circuit Court.

69. The criminal charges and prosecution instituted, participated in and continued by the Defendants against the Plaintiff lacked probable cause.

70. The criminal charges and prosecution instituted, participated in and continued by the Defendants against the Plaintiff were malicious.

71. The criminal charges and prosecution instituted, participated in and continued by the Defendants against the Plaintiff were done for a primary purpose other than bringing the Plaintiff to justice, and in fact were brought for reasons other than bringing an "offender" to justice.

72. The actions of the Defendants in bringing criminal charges, participating in and continuing the prosecution against the Plaintiff were done intentionally or were such that the results were substantially certain to follow.

73. The actions of the Defendants were a substantial factor in bringing about the incarceration, results and resulting injuries to the Plaintiff.

74. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT V

EMOTIONAL DISTRESS

75. The Plaintiff incorporates by reference Paragraphs 1 through 74.

76. The conduct by the Defendants was extreme, outrageous, exceeded socially accepted standards and shocks the conscience of a civilized community.

77. The Defendants acted for the purpose of bringing about emotional distress upon the Plaintiff or their conduct was such that emotional distress was substantially certain to follow.

78. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT VI

VIOLATION OF CRIMINAL STATUTE

79. The Plaintiff incorporates by reference Paragraphs 1 through 78.

80. There exists in the State of Michigan a valid statute, (MCL 752.11) which makes it a criminal offense for a peace officer to wilfully and knowingly fail to enforce or uphold the law and a United States Statute, being 18 U.S.C. Section 241 & 242, which makes it illegal to engage in a conspiracy to deprive a person of his civil rights.

81. These statutes were enacted for the protection of the public at large, a class of persons which includes the Plaintiff.

82. The purpose of the statutes is to prevent the very type of activities described throughout this Complaint and prevent harm to citizens by police officers such as Defendant, DAVID NORDSTROM, SUPERVISOR SPIKER, LT. KEITH A. FRYE, SGT. WHITESIDE and RANDALL PRASKI, who exceed their authority.

83. As the/an actual and proximate cause of the described actions and inactions of the Defendants, and violations of the referenced statutes, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT VII

42 U.S.C. SECTION 1983 & SECTION 1985

VS DEFENDANTS COUNTY OF OAKLAND AND CITY OF TROY

84. The Plaintiff hereby incorporates Paragraphs 1 through 83.

85. Prior to July 25, 2005, and the Plaintiff's arrest and incarceration, the Defendants, COUNTY OF OAKLAND and CITY OF TROY, developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Oakland County, Michigan, which caused the violation of the Plaintiff's Constitutional rights.

86. The Defendants, COUNTY OF OAKLAND and CITY OF TROY, intentionally and deliberately fail to investigate and aggressively arrest and over charge people in criminal prosecutions to insure their demand for a plea of guilty, violate the citizens constitutional rights of which a reasonable person would know, and thereafter continue the prosecutions and incarcerations until the person pleads guilty to preclude the individual from bringing civil litigation against the Defendants.

87. The Defendants, COUNTY OF OAKLAND and CITY OF TROY, have a custom, policy or practice of inadequately and improperly investigating citizen complaints, such as the one initiated by Defendant DAWN HIMES in this case.

88. The Defendants, COUNTY OF OAKLAND and CITY OF TROY, maintained a reckless or intentional failure to investigate the case initiated and prosecuted against the Plaintiff, despite the evidence he served upon them of his innocence, and thereby continued the wrongful prosecution and incarceration of the Plaintiff.

89. It was the policy, custom or practice of Defendants COUNTY OF OAKLAND and CITY OF TROY to inadequately supervise and train its Sheriff, Deputy Sheriffs and police officers in order to adequately discourage further constitutional violations on the part of its governmental employees and officials.

90. As a result of the above described policies and customs, police officials believed that their actions and misconduct would not be properly monitored or supervised nor would there be any

disciplinary actions taken against them, so instead the misconduct was tolerated by Defendants COUNTY OF OAKLAND and CITY OF TROY, and continued by the police.

91. The policies, practices and customs of Defendants COUNTY OF OAKLAND and CITY OF TROY demonstrate a deliberate indifference on the part of the policymakers and officials of Oakland County and City of Troy to the constitutional rights of persons in the county, particularly those incarcerated, and an actual and proximate cause of the violations of the Plaintiff's constitutional rights described herein.

92. As the/an actual and proximate cause of the described actions and inactions of the Defendants, the Plaintiff suffered irreparable harm, a violation of his constitutional rights, loss of physical liberty, wrongful arrest, prosecution and imprisonment, emotional distress, loss of business, income and other economic damages.

COUNT VIII

TORTIOUS INTERFERENCE WITH CONTRACT

93. The Plaintiff hereby incorporates Paragraphs 1 through 92.

94. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally interfered with the leasehold interests the Plaintiff had in certain flower businesses he owned.

95. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally and wrongfully interfered with the Plaintiff's contracts, provided false information to police and prosecutors with the intent to keep the Plaintiff incarcerated so they could wrongfully take his businesses.

96. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, improperly interfered with the Plaintiff's contracts since their actions effectively dispossessed the Plaintiff from the businesses and profits which he owned.

97. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally, improperly and with wrongful purpose, divested the Plaintiff from his businesses and leases for the very purposes of taking them.

98. The Plaintiff has been damaged as a result of the Defendants' conduct by way of reliance damages, loss of his businesses, lost profits, expenses and monies spent.

99. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, acted for the purposes of wrongfully interfering with the Plaintiff's contracts or their conduct was such that a wrongful interference with the Plaintiff's contracts or breach by Ernie Kreger, Plaintiff's lessor, was substantially certain to follow.

100. As an actual and proximate cause of the Defendants' wrongful conduct and interference the Plaintiff has been prevented from realizing expectations from the contracts and suffered the

loss of his flower businesses, substantial reliance damages, money damages, eviction and consequential damages.

COUNT IX

TORTIOUS INTERFERENCE WITH BUSINESS

RELATIONSHIP OR EXPECTANCY

101. The Plaintiff hereby incorporates Paragraphs 1 through 100.

102. The Plaintiff had a business relationship or expectancy with Ernie Kreger, his lessor and landlord through leases of real property from which the Plaintiff operated his business known as "Roses \$9.99".

103. The Plaintiff's business relationship or expectancy had a reasonable likelihood of future economic benefit for the Plaintiff.

104. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, intentionally interfered with the business relationship or expectancy as previously set forth herein.

105. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, improperly interfered with the Plaintiff's business relationship or expectancy.

106. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, knew of the business relationship or expectancy of the Plaintiff in his contracts at the time they interfered with them.

107. The Defendants' conduct caused the Plaintiff's landlord to execute a lease in the name of these Defendants, to disrupt or terminate the business relationship or expectancy with the Plaintiff by, among other things, refusing to allow the Plaintiff access to the real estate, business, books, records or money.

108. The Plaintiff was damaged as a result of the Defendants' conduct, including reliance damages, loss of compensation, loss of his businesses and expected profits and consequential damages.

109. The Defendants acted for the purposes of improperly interfering with the Plaintiff's business relationship or expectancy or their conduct was such that an improper interference with the Plaintiff's business relationship or expectancy was substantially certain to follow.

110. As an actual and proximate cause of the Defendants' wrongful conduct and interference the Plaintiff has been prevented from realizing expectations from the contracts and has suffered substantial reliance damages, money damages, loss of his businesses, eviction and other consequential damages.

COUNT X

FRAUD

111. The Plaintiff hereby incorporates Paragraphs 1 through 110.

112. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, made a representation of material fact to the Plaintiff and the other named Defendants.

113. The representations made by these Defendants were false when they were made.

114. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, knew the representations they made to police and prosecutors was false when they made them, or the Defendants made them recklessly, that is, without knowing whether it was true.

115. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, made the representations with the intent that the Plaintiff, police and prosecutors would rely on them.

116. The Plaintiff and the police and prosecutors relied on the representations made by the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON.

117. The Plaintiff was damaged as a result of his and their reliance upon the false representations made by the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, .

118. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, failed to disclose material facts about the innocence of the Plaintiff on the allegations they made against him.

119. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, had actual knowledge of the facts and their failure to disclose them to the Plaintiff, police and prosecutors caused them to have a false impression.

120. When the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, failed to disclose the facts, they knew their failure would create a false impression.

121. When the Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, failed to disclose the facts to the Plaintiff, the police and prosecutors, they intended that the Plaintiff, police and prosecutors would rely on the resulting false impression, which they did.

122. As an actual and proximate cause of the fraud, deceit, false impressions and false evidence presented to the police and prosecutors, the Plaintiff suffered the loss of his businesses, malicious prosecution, false imprisonment, economic and consequential damages.

COUNT XI

UNJUST ENRICHMENT

123. The Plaintiffs hereby incorporate Paragraphs 1 through 122.

124. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, have derived substantial economic benefit from the unlawful taking of the Plaintiff's flower businesses they took from him illegally.

125. The Defendants, DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, derived further substantial economic benefit by acquiring illegally the Plaintiff's flower businesses.

126. The Defendants will be unjustly enriched at the Plaintiff's expense unless an equitable lien is established against the properties, business and profits wrongfully taken by the Defendants in favor of the Plaintiff and money damages assessed.

COUNT XII

STALKING

127. The Plaintiff hereby incorporates Paragraphs 1 through 126.

128. The Defendants DAWN HIMES, MICHAEL S. HIMES, SHIRLEY ANN DAVIS and JIMMY RICHARDSON, engaged in stalking, harassing, intimidating, and other unlawful means, with the intent and purpose of having the Plaintiff wrongfully arrested, prosecuted and incarcerated so they could illegally take his businesses from him, contrary to MCL 600.2954.

WHEREFORE, the Plaintiff, HAL BRIAN STICKNEY, respectfully requests this Honorable Court to enter its Judgment against the Defendants, jointly and severally, for Seven Million Dollars and treble this amount as provided by statute and further award exemplary damages, interest at the highest legal rate and all related court costs.

Dated: February 3, 2010



HAL BRIAN STICKNEY,
Plaintiff In Pro Se

DEMAND FOR JURY TRIAL

FURTHER COMES the Plaintiff, HAL BRIAN STICKNEY, and respectfully demands a trial by jury of all issues in this action.

Dated: February 3, 2010



HAL BRIAN STICKNEY,
Plaintiff In Pro Se