



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: May 2, 2011
SUBJECT: David Smith v. Stopczynski

Enclosed please find the order granting summary disposition to the City's defendant, Troy Police Officer Gregory Stopczynski. This case was filed by Mr. Smith, naming only the individual officer as a defendant. Although the lawsuit was initially filed in the 52-4 District Court, the Plaintiff sought to remove it to the Oakland County Circuit Court, arguing that his damages exceeded the jurisdiction of the District Court. However, this request was filed after the City's motion for summary disposition was filed.

As background information, Mr. Smith was stopped by Officer Stopczynski on October 5, 2009 for running a stop sign and failing to yield. Based on the circumstances and the officer's observations, the officer completed a drunk driving investigation on Mr. Smith. Mr. Smith was not charged with drunk driving, but was issued traffic tickets for the civil infractions that he had committed. Mr. Smith unsuccessfully challenged these traffic tickets in a formal hearing, which was held on January 11, 2010.

According to the lawsuit, Mr. Smith was seeking damages under 42 U.S.C. Section 1983, for an alleged civil rights violation. According to his lawsuit, Mr. Smith challenged the stop of his vehicle, and argued that his "right to privacy and right to be secure in his person" were violated by the officer.

The case is now dismissed. The request to have the case transferred to the Oakland County Circuit Court is also denied, based on the dismissal.

STATE OF MICHIGAN
IN THE 52-4 DISTRICT COURT

DAVID J. SMITH,

Plaintiff,

vs.

Case No. 10-CO3095 GCO1
Honorable Dennis C. Drury

OFFICER GREGORY STOPCZYNSKI,

Defendant.

DAVID J. SMITH
Plaintiff, In Pro Per
2363 Garland
Sylvan Lake, Michigan 48320

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ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY DISPOSITION

At a session of said Court held in the
Courthouse in the City of Troy,
Oakland County, Michigan
on 4/29, 2011

PRESENT: HONORABLE DENNIS C. DRURY, DISTRICT COURT JUDGE

52-4 DISTRICT COURT
TROY, MI
2011 APR 21 P 1:11
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This matter was presented to the Court through the Defendant's Motion and Brief for Summary Disposition, which was brought pursuant to MCR 2.116 (C) (7)(8), and/or (10). The Plaintiff responded to the Motion, and the parties had the opportunity to provide oral argument to the court on April 19, 2011. The Court, being fully advised, orders as follows:

IT IS HEREBY ORDERED that Defendant's Motion for Summary Disposition is **GRANTED**.

IT FURTHER ORDERED that this case is **DISMISSED** with prejudice.

This is a final order closing case.

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[Faint signature]

Hon. Dennis C. Drury
52-4 District Court Judge

52-4 DISTRICT COURT
TROY, MI
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