

# SPECIAL REPORT

## HOW PEOPLE GET HURT FROM YOUR PERSONAL ACTIVITIES AND HOW YOU CAN LOSE YOUR ASSETS

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This Special Report was written by Kenneth R. Hale, J.D., CPCU, AAI, LIC. of Marsh & McLennan Agency LLC. Mr. Ken Hale can be contacted at 734-525-2412 or khale@mma-mi.com. More Special Reports are available at [www.mma-mi.com](http://www.mma-mi.com).

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The purpose of this Special Report is to share some of the real-life liability cases over the last 18 years in Michigan. In fact, there were so many cases that we decided to compile a list of those lawsuits over \$1,000,000, as well as cases of interest, in Michigan just to show the extent to which one simple accident could wipe out your life savings or take away your most valuable assets – your home and your automobile!

We hope you will read through this shortened list of **actual** incidents that could happen to anyone!

Remember, these incidents were not predicted by the people involved. That is why they are called “accidents,” and they happen every day in Michigan! We need to realize these accidents could just as easily have happened to you. They **did** happen to someone!

Our final advice to our clients: Make a careful and conscionable decision as to how much liability insurance you will need in order to keep your assets.

Accidents can be generally categorized as follows:

## **I. Accidents On Your Property**

1. 18-yr. old woman and older brother were killed when a massive bonfire built for her high school graduation party exploded. Witnesses reported the man had drenched the bonfire in gasoline, then invited his sister to set it afire. Four others were injured.
2. A Federal Express delivery person falls on your driveway in the wintertime and is seriously injured. The driver sues and the workers' compensation carrier for the driver also sues to collect what it pays as a result of the injury.
3. While the parents are on vacation, teenage children have a party at your home causing serious injury to other teenagers because of fights, intoxication, etc.
4. Homeowners have a pool party for friends and a drowning occurs.
5. A barbecue or bonfire at your cottage starts a fire that causes a forest fire that burns down several adjacent homes causing injury and damage.
6. Your Christmas tree catches fire causing injury to friends of your children staying overnight.
7. Fireworks on your premises misfire during the holidays and cause serious injury to bystanders.
8. A homeowner's rotted tree falls on the house next door causing damage and injury.
9. While showing a gun, it accidentally goes off causing serious injury to others. The homeowner is sued. The parents are sued.
10. An Air-Soft gun used by your children damages a friend's eye.
11. Parents purchase a trampoline for their children; however, while away, neighboring children use the trampoline and serious injury results. Parents are sued.
12. While you are away, a neighbor's young child gets into your garage and is injured while being exposed to fertilizer or other chemicals.
13. Husband and wife have a rental home that they lease to others in their personal names. A fire arising out of inadequate maintenance injures or kills the occupants.
14. While visiting, a friend of one of the homeowner's children is exposed to peanuts and as a result of a peanut allergy, a serious injury occurs.

15. A visiting child falls from a second floor window after a screen breaks from the window causing serious injury.
16. A cabin that you rented to others explodes because of a propane leak and a family of four dies.
17. In a rental home, a defective window killed a child.
18. As a result of a toilet that was not maintained properly, a water break occurs causing damage to the condominium below and adjacent to the condominium causing severe water damage to those units. The condo owner is sued by the unit owners.
19. A fire in an individual condominium causes serious injury to an adjacent unit owner and they sue.
20. An inflatable slide collapses causing injury to visitors.
21. A private sledding hill causes injury when a child slides into a railing.
22. A rented home had defective locks and as a result, the tenant was injured when raped by an intruder. The tenant sues the rental owner and wins and takes the home of the rental dwelling owners because the rental home was in joint names and their insurance was not sufficient.
23. In a rental home owned personally by husband and wife, a tenant was injured because of the growth of mold that was not remediated by the owner of the dwelling. The tenant suffered injuries as a result of mold related allergies, and asthma ensued.
24. Two neighboring Fourth of July fireworks parties were being celebrated 300 feet from each other in Cass County. A cannon was overloaded with Pyrodex which exploded, blowing shrapnel through a hole in the roof. A large piece of shrapnel flew nearly 300 feet down the beach and struck the plaintiff in the back of her head while she was conversing with several of her grandchildren.  
  
This person died and the estate sued the homeowner. At trial the operator of the cannon was found to be legally intoxicated when he fired the cannon. There was evidence that he was served drinks at both parties.
25. At a birthday party a jumping device is rented and children are injured inside the device.
26. A defective overhead garage door at a dwelling owned by husband and wife caused serious injuries to a child living in that home. The husband and wife were sued.

27. In a rental home that you own, six of seven family members die from smoke and soot inhalation. (The oldest family member was spending the night at his grandmother's home in Warren.) No smoke detectors, which were required by city ordinance, had been installed. The husband and wife homeowners were sued.
28. A 35-year-old Clinton Township man died a week after being injured while hosting a Fourth of July party, when he bent over to light an illegal firework in a tube and it exploded in his face. He suffered head trauma and was later placed on life support.
29. Husband fell through attic flooring above the garage on his rented, residential property and suffered a fractured pelvis and wrist, as well as impotence.
30. Gas explosion at her home 4 years ago, left mother of two young children with burns up to 40% of her body, undergoing skin graft surgery on her forearms and feet.
31. Woman slipped on ice while exiting the front door of her apartment, suffering fractures of her right tibia and fibula, requiring surgical repair. The overhang over the porch showed visible signs of damage and regularly leaked. Maintenance employees testified they failed to salt the common porch area. (*Settlement, \$245,000*)
32. Absent property owner, with a relative staying on the property caring for the land and animals, created a public nuisance when horse escaped, killing both horse and driver on the road. Was animal elopement previously known, making this a continuous public hazard? Was abatement of this issue a reasonable expectation?
33. Bonfire exploded injuring several minors. One suffered traumatic brain and burn injuries. Though investigations were inconclusive due to a strong thunderstorm, a 4<sup>th</sup> of July explosive that failed to deploy over the lake adjoining the property washed upon the shore and was inadvertently placed into the bonfire pit.
34. Highly intoxicated teen unlawfully, but accidentally, entered a home in the early morning hour. Homeowner sustained lower spinal cord injuries with the loss of bowel, bladder, and sexual function as a result.
35. In order to drain water away from his driveway, homeowner dug a hidden ditch. The next spring, a 33-year-old neighbor was riding his ATV across the grass and weeds in the field when he struck the ditch and was thrown,

sustaining serious disabling personal injuries.

36. Autistic, nonverbal 14-year-old girl accused her father of sexual abuse while communicating through the controversial “facilitated communication” method. Though there was no evidence, the father spent 80 days in jail before charges were dropped and the children were returned to their parents from foster care. Defamation, emotional distress, and violation of Fourth Amendment rights were faulted. (*Settlement, \$3,000,000*)

#### Dog Bites:

37. A typically friendly dog bites people on your property causing serious injury.
38. Homeowner opened the front door as letter carrier was delivering the mail, when her unlicensed pit bull rushed out and attacked the carrier. The carrier threw her left arm at the dog to protect herself. The dog grabbed it and would not let go. She bled profusely and went into shock while being transported to Emergency. She had permanent nerve injuries and emotional difficulties, losing her carrier route, but being able to work a different job at the post office.
39. In South Lyon, a pit bull that was adopted 8 months ago attacked its 23-year-old owner. The man’s other dog, a Pomeranian, lunged at the pit bull in response; however, was killed when it was bit on the neck. After repeatedly charging officers, the pit bull broke free from tasers but was finally secured.
40. 2-year-old girl in Buena Vista was mauled by a mixed breed pit bull at their Saginaw Villa trailer park. She suffered massive face injuries. The dog had been owned and abandoned by a person who used to live with the family. It had bitten the child a month ago, but Saginaw Animal Control didn’t remove the dog because the family couldn’t afford the \$130 fee.
41. Two people were fatally mauled by four bulldog-mixes. A son found his 91-year-old father lying on his front lawn while he was gardening; he and his uncle discovered the 56-year-old retired school bus driver lying in the road nearby while she was taking her daily walk. The son was confronted by the dogs showing their teeth, but he grabbed a shovel and hammer for defense and retreated to a building. The dog owner kept 10 dogs on her farm property.
42. While playing in a Jackson backyard, a 7-year-old was knocked down and bitten by a pit bull while she was petting another pit bull. She had 50-75 stitches and plastic surgery on

her face and a fractured left arm. The dog had not been vaccinated, so she received several rounds of rabies shots. Just 90 minutes earlier, the dog had bitten a 12-year-old boy who received stitches in his right arm, at which time the dog was moved to the backyard on a chain.

43. A 3-yr. old Pontiac boy was playing with an 8-yr. old neighbor when attacked by a 1-yr.-old pit bull terrier dog. He suffered severe bites to his head, face and neck and underwent multiple surgeries and could lose his left eye. While trying to help, the 8-year-old was bitten on his hands.
44. While 53-year-old was exiting her car in Pontiac, 2 German shepherds made eye contact with her as they made a bee line toward her, chewing her legs through her winter boots. Finally, passerby stopped her car and she was let in to safety. She received 50 stitches. The next morning, the same dogs attacked another woman. EMS crews couldn't get out of the ambulance because dogs were at their doors. Deputies arrived and were charged at, so dogs were shot at.
45. 9-year-old Warren girl was playing with friend next door, whose pit bull slipped out the door. It attacked her, ripping her face, leaving her critically

wounded. She faces years of reconstructive surgery. The dog had attacked their Yorkie two weeks ago.

46. Bit bull attacked and fractured elbow bone, with tendon laceration, RSD, and post-traumatic stress. (*Settlement, \$350,000*)

## **II. Accidents On Your Property With Contractors**

1. A contractor working at your home is electrocuted and sues the homeowner.
2. A roofing contractor falls off the roof while repairing your roof and sues you.
3. A drywall contractor falls ten feet through an uncovered basement access hole, suing the homeowner.
4. A laborer entangled while digging post holes becomes a quadriplegic and has sued the homeowner.
5. A roofer falls off a roof after receiving an electric shock, suing the property owner.
6. A gardener subcontractor is electrocuted while mowing a lawn using the home-owner's electric lawnmower and sues.

### **III. Accidents Away From Your Property**

1. While deer hunting, a family member accidentally shoots another hunter.
2. A family member volunteers to coach a children's athletic team and, as a result of inappropriate supervision, a child is seriously injured.
3. As a part-time athletic trainer, you give inappropriate instructions and your client is injured.
4. While golfing, a golf ball injures another golfer. (*Settlement, \$34,710*)
5. Food that you provide at a party away from your home causes food poisoning.
6. A paintball party causes serious injury.
7. While boating with a boat owned by the parents, a teenager causes serious injury while drinking and operating the boat. The parents are sued.
8. At a wedding that parents are providing for their daughter, people become inebriated and after leaving the wedding, cause injury.
9. A seventeen-year old, after a prom, goes to a party and gets into an altercation where another person is seriously injured.
10. A drunken teenage son breaks into someone else's home causing serious injury to the homeowner.
11. A parent constructs a loft for a dorm room. The installation was not adequate and the loft collapses, causing serious injury to a roommate.
12. A latch on an owned jet ski fails, causing injury to a friend that was using the jet ski.
13. Hepatitis A occurs and the person dies as a result of wedding reception food that you have provided for your son.
14. A brawl at an Eagles hall causes serious injury to a bystander.
15. A 31-year old passenger on a small fishing boat drowned after falling into the water.
16. An intoxicated teenager assaults someone else attending a party.
17. In a dispute with neighbors, a wife writes untruthful letters about the neighbor and emails them to hundreds of individuals. One of the letters called the neighbor a lunatic, mentally ill, vengeance seeking and a criminal. It is determined that these statements were false and the homeowner was sued.

18. Decedent died from complications from Hepatitis A. A married couple attended a family wedding. Out of approximately 270 guests, 29 contracted Hepatitis A virus in the weeks following the reception.
19. High school soccer player was kicked in leg, dislocating knee, tearing 3 ligaments and severing artery, escaping traumatic amputation of his lower leg by a matter of minutes. Opposing team player and 2 referees were sued, questioning the intensity of the kick as unintentional and, instead, purposeful, as agitation and anger was observed to have increased during progression of the game. (*Settlement, \$300,000*)
20. While assisting a 12-year old with his swing during an elementary school golf class, the other 12-year old was hit in the mouth, knocking out 4 teeth, including fractures to the palate. Plaintiffs had to prove reckless misconduct, not mere negligence. (*Settlement, \$34,710*)
21. Reacting to a child's screams, a neighbor drowned after sliding down the embankment of a water-filled excavation pit at a Detroit home development site, keeping the 7-year-old boy above water until a police officer arrived to pull him to safety, saving him from drowning. The 12-year-old daughter witnessed her father's death. Justice was sought for the people who put the hazard there in the first place.
22. Teenagers at a party shoot off fireworks. One device struck the neighbor's room causing a major fire damaging the house.
23. On a rainy August day at an outdoor wedding, a guest went to her car to get boxes and returned by way of the wooden walkway. She slipped and fell, suffering a right humeral fracture. Although the premises were not maintained to be safe for invitees, the hazard was open and obvious; the woman was aware of the condition; guests were warned, table by table, to not take the pathway; and a portable toilet was placed at the foot of the walkway to deter guests from using the walkway. At a jury trial, defendant was found not negligent.
24. The night before high school graduation, teens attended a party at a home where alcohol was served and consumed and marijuana was smoked. Attendees were ordered home, but drunken teen slept in his car in the driveway, which rolled into the river in the middle of the night, and unable to escape, the teen drowned.
25. Relighting a citronella fire pot by pouring fuel gel onto a smoldering flame caused the gel



to burst into flames, exploding onto a middle school teacher who was standing a few feet away. She suffered severe burns over 21% of her body. The gel created an unreasonable danger as burning flames were invisible while the fuel's vapors traveled quickly to ignition sources.

26. While visiting, a 4-year old was attacked by an unattended, 78-pound Alaskan Malamute on the property. She was bitten and maimed on her face, requiring reconstructive surgery.

27. While running, teacher was attacked by a German Shepherd, knocking her down, biting her twice on the thigh and once on the buttock while lying on the ground. After physical recovery, her dog phobia diagnosis continued, requiring many years of treatment. (*Settlement, \$326,151*)

28. A toddler was visiting and standing next to her grandmother when, without provocation, a dog bit the child in and around her left eye and forehead, rupturing the eye, resulting in total blindness in that eye as well as a permanent scar to the forehead.

29. A large sailboat approaching at a high rate of speed collided with a couple in a kayak. The wife stuck her hand out to push her kayak away from the sailboat to

prevent submersion, but the boat struck her wrist which developed into reflex sympathetic dystrophy, causing her to leave her job as a CT technician, causing future wage loss.

30. Upon arriving at their rental cottage for a long weekend, a woman lost her balance on the flagstone walkway leading up to the cottage when the stone tipped. She suffered an acute left displaced femoral neck fracture requiring surgery.

#### Dog Bites:

31. 3-year-old boy was bitten in the face by his grandparents' dog. The facial scars healed well and caused damages issues to the case. Psychological evaluations proved emotional distress. (*Settlement, \$150,000*)

32. Babysitter's Alaskan Malamute dog, upon being accidentally provoked by 6-year-old girl by playing with it in a rough fashion, attacked and bit the girl including cuts to right cheek and jawline which have resulted in "train track" scars. In addition, the child lost hair to the right eyebrow and scalp. (*Settlement, \$200,000*)

33. While retrieving her cell phone at another's home, she exited her vehicle in their driveway when their loose Doberman charged her, biting her left arm and torso. (*Settlement, \$101,713*)

34. In rural Metamora Twp., a 46-year-old jogger was dragged into a ditch and mauled to death by two 3-year old large 100-pound Cane Corsos that were used for breeding and were running loose and who had a history of attacking people. A man mowing lawn witnessed the attack and shot the animal. His 3 children are without their father.
35. A lawn care worker in Delta Twp. was still being bitten and dragged by a pit bull after Eaton County Sheriff's Office arrived. The pit bull turned on the deputy. The deputy shot and killed the dog. The victim received numerous severe bite wounds.
36. While running, a man was attacked while passing a woman with dog along the Clinton River Trail in Rochester. The dog pulled him to the ground. Because he was physically fit, he was able to fight the dog and run away as he fought for his life. He needed 20 stitches to repair elbow, arm, and hand.
37. 7-year-old girl suffered severe cuts to her face and a buckle fracture to her left arm when a 1 ½-year-old pit bull attacked her while playing in her backyard in Jackson. The dog had bitten a 12-year-old 1 ½ hours previous, and he received stitches in his right arm.

#### **IV. Automobile Accidents**

1. Without permission, teenager not of driving age "borrows" the family car sitting in the garage while the family is not home, takes a friend for a ride, and causes serious injury to the friend.
2. A young driver of driving age drives his parent's car causing serious injury to another driver resulting in a claim made against the parents. The house is lost to the injured party because the insurance was not adequate.
3. A four wheeler is borrowed by a friend who hits a tree and dies. The estate sues the owner of the recreational vehicle.
4. A small toy electric scooter used by a child without supervision goes in the street and the child is seriously injured. Parents are sued.
5. A plaintiff drove a friend's ATV on his driveway after drinking and hit an invisible wire fence, cutting his throat open, suffering a complete transection of the trachea. He has a permanent scar and tracheostomy hole with breathing apparatus. Sued the property owner.
6. The plaintiff, a 15-year-old high school student, suffers a severe traumatic brain injury when one of his friends, the 16-year-old defendant, purposely drives

erratically on snow-covered roads. While joy riding, the defendant slides his vehicle at 50 miles per hour through a stop sign and directly into a tree, which sliced into the back seat, striking the plaintiff in the head, while seated in the back seat.

7. A 21-year-old family member purchases beer for underage friends. A serious automobile accident occurs, causing injury. The homeowner is sued.
8. A passing vehicle on dirt road created a dust cloud, preventing driver from seeing oncoming car and they collided. She obtained a protruding lumbar disc and radiculopathy. She has not worked since the accident 3 years ago and claimed 15 years of future wage loss.
9. Driver struck a horse that had strayed from a nearby rental farm, killing both. Evidence proved that there had been at least 30 instances of animals getting loose and causing a public nuisance. The estate sued both the renter as well as the owners of the farm. The case was reviewed in trial court, then Court of Appeals, then the Michigan Supreme Court. It was concluded that the owner would be liable only if he participated in the activity giving rise to the tort.

10. A passing car, leaving a cloud of dust on a dirt road, made it impossible for two oncoming drivers to see each other. The head-on collision left the plaintiff with a protruding lumber disc and radiculopathy. Extensive physical therapy and epidural injections failed to provide long-term relief. She had not worked since the accident and claimed 15 years of future wage loss. She was a Michigan resident but was driving her daughter's boyfriend's vehicle which was insured under a Florida policy with UM coverage. (*Settlement, \$764,900*)

## **V. Internet**

1. Your teenager defames or slanders someone on social media.

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