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SPECIAL REPORT

10-YEAR VERDICT REPORT – 2007-2016 FOR COMMERCIAL INSURANCE CLIENTS

LARGEST MICHIGAN JURY VERDICTS AND SETTLEMENTS ABOVE $1,000,000 (As Well As Other Cases of Interest)

(Updated 07-22-2016)

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How To Review This Report: By Year and Type of Claim

- Pages 2-6 include a quick overview documenting only 2007-2016 largest judgments in Michigan by category, listed by year (at left).
- Pages 7-64 give a detailed description of these claims and other cases of interest.

(For the complete 1998-2016 Verdict Report contact Ken Hale at khale@mma-mi.com)

Year	# of Cases Over $1M / Pg #	Automobile	Employment Practices	Products Liability	Premises/ Operations	Pollution	Management Practices (D&O, Intellectual Property, Tortious Interference, Misc. Disputes; Sales Rep. Act)	Construction
2016	9 Pg 7-9	**$6,200,000** Motorcyclist & commercial motor vehicle			**$55,000,000** Nude photos taken from hotel room peephole		**$44,500,000** Tortious interference of wrongful claim of toxic product	
		$5,000,000 SMART bus killed pedestrian while turning a corner			**$2,000,000** 6 yr-old struck & killed on bike path			
		$1,603,000 2 hit at red light; cell phone distraction			**$571,000** Ceiling particles in new mfg. plant fell; perm. eye damage			

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2015	51 Pgs 9-21	**$16,000,000** Tread separated on tire; rollover, quadriplegic	**$16,500,000** Retired, stock options cancelled, breach of contract	**$16,000,000** Mfg. defects, tread separated on tire; rollover, quadriplegic	**$100,000,000** Mauled by 12 pit bulls		**$75.5M, $40M, & $34M --** 3 TCPA Class Settlements: Cell phone calls	**$2,610,000** Fire sprinkler installer crushed by collapsed wall
		$14,450,683 Fatality from new CDL-licensed garbage truck driver	**$2,200,000** Breach of contract for performance bonus	**$1,000,000** Temp. employee lost arm; improper guard on machine	**$7,284,545** Apartment sprinkler ruptured, water damage, insurance claim		**$15,200,000** Shareholder and Member oppression	**$1,560,000** Scaffolding gave way; fell off bridge
		$11,900,000 Speeding semi-truck overturned onto car, killing 3	**$1,767,500** 2 Teens die in silo, overcome by fumes, unsafe work environ.		**$5,080,000** Assisted-Living resident ingested detergent; died		**$5,665,565** Breach of Contract	

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2014	39 Pgs 22-32	**$42,000,000** Dump truck cut in front; extensive brain trauma to 2 passengers	**$2,836,000** Fell from bridge into moat after hours on business trip; paraplegic		**$3,500,000** Carbon monoxide poisoning, hypoxic encephalopathy		**$26,525,000** D&O, Misappropriation of trade secrets, tortious interference	**$4,626,355** Backhoe loader hit volunteer off roof; wrist fractures
		$34,000,000 Third-party negligence; *Ohio case of interest*	**$1,350,000** 23 employees, disability discrimination & termination		**$2,836,000** Fell from bridge into moat after hours on business trip; paraplegic		**$11,500,000** Class-action, breach of contract; student education loans, interest rate reduction	**$2,500,000** No barrels to warn of rut. Quadriplegic then died.
		$17,810,434 Cement truck collision; brain & spine injuries; unable to work	**$1,251,169** Fired after reporting racial harassment & civil rights violations		**$1,650,000** Fell into unguarded pit at oil change facility		**$10,355,011** Breach of contract & covenant of good faith & fair dealing	**$1,508,953** DTE apprentice fell 30', brain trauma; paraplegia

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2013	48 Pgs 32-43	**$90,000,000** Teen killed while crossing street at school bus stop	**$5,528,156** 4 Court Officers reinstated with back pay	**$1,080,000** Pontiac Silverdome; temp. stage roof collapses; 3 injured	**$9,500,000** Neighbor drowns saving 7-yr old in excavation pit	**$5,147,500** Class action suit; sewage flooded basements	**$70,000,000** Patent infringement	**$900,000** Cement boards fell/permanently disabled
		$7,000,000 Truck sideswiped parked truck, explosion, 85% burns	**$1,900,000** Class Action Suit, wage-hour recov-ery + retaliation settlement	**$1,000,000** Severe burns from fuel poured into citronella fire pot	**$7,500,000** Co-pilot operational error; pilot 40% burns-2 weeks later, died	**$3,000,000** Contracted Legionnaires' disease in hotel	**$47,000,000** TCPA Class action; unauthor-ized cell phone messages	
		$4,550,000 Traffic stopped on I-94; car crushed between 2 trucks	**$1,500,000** 4 temp's fired, claiming sexual harassment		**$3,000,000** Natural gas explosion, burned 40% of body	**$483,195** Misrepresentation to seller of ex-factory chemicals	**$10,000,000** Intentional interference	

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2012	41 Pgs 43-49	**$6,100,000** Fatal collision, failing to slow down at crash site	**$4,590,000** Wrongful discharge		**$7,500,000** Fatalities when boat hit abandoned barge in canal		**$22,500,000** Class action suit, errors in value of home-owners claims	**$1,920,126** Fall on construction job site; permanently disabled
		$4,340,000 School bus/auto collide at intersection, car passenger unable to work	**$4,500,000** Defamation, stalking, malicious statements		**$4,250,000** Fatal gas washer steam/mud burn		**$13,000,000** Shareholder oppression	
		$3,450,000 Speeder side-swipes brothers; multiple flips; brain injuries	**$3,420,000** Unjustly terminated		**$3,260,000** Locomotive sparks caused wildfire, destroying game club area		**$6,987,688** D&O breach of contract, privacy invasion, tort of false light	
2011	28 Pgs 50-52	**$3,420,000** Motorcycle/Truck accident	**$12,500,000** Sexual abuse of a minor by defendant's employee		**$6,000,000** Truck load fell on driver; amputated leg; crushed other leg		**$2,300,000** Shareholder oppression	**$2,050,000** Gas leak caused explosion; pipe fell killing worker, injuring another
		$3,250,000 Father & daughter killed, other driver ran through stop sign	**$11,300,000** DeJa Vu Club dancer suit, violated wage hour		**$2,350,000** Choking death at senior care center; serving food error		**$2,010,982** Multiple counts of soliciting from restricted vendors	**$1,450,000** Construction mat'l knocked off truck, striking plaintiff
		$3,075,000 Semi hit man working in bucket at light; 5 surgeries	**$2,300,000** Wrongful discharge		**$2,050,000** Killed by industrial explosion		**$1,015,152** Home fire; insurance breach	

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2010	24 Pgs 52-55	**$6,291,666** Crossed center line, injured plaintiff	**$7,900,000** Foul language and degradation	**$2,835,000** Entangled in post-hole digger; quadriplegic	**$2,500,000** Falling concrete	**$9,154,000** Sewer overflow	**$12,262,500** Accounting fraud	**$2,835,000** Entangled in post-hole digger; quadriplegic
		$6,000,000 Motorcyclist completely disabled	**$650,000** Executive fondles himself for 20 min. during job evaluation. Employee=$650,000; exec=2 years' probation & 50 hrs community service.	**$850,000** E. coli food poisoning	**$2,300,000** Laborer fatally fell through apt. roof			**$2,250,000** Drywall specialist fell 10 ft. through uncovered basement access hole
		$3,500,000 Rear-ended, brain injury						
2009	26 Pgs 55-60	**$3,000,000** Motorcycle collision (alleged intoxication)	**$4,388,302** Verbal harassment (Supervisor said, "Worthless Good-For-Nothing Cripple"!)	**$47,680,000** Defective parts, recall 425,000 vehicles	**$1,000,000** Roofer fell off roof after receiving electric shock; sued property owner	**$18,760,000** Landfill foul odors	**$300,000,000** Tortious interference (Valassis)	**$2,125,000** Defective traffic control sign was blown through windshield
		$2,261,486 Drunk driver caused fatality	**$4,229,500** Wrongful discharge, retaliation for complaining about shorted commissions	**$2,226,000** Substandard transmission fluid damaged 650 vehicles	**$890,000** Defective loft in dorm room; Dad installed inadequate materials	**$1,900,000** Exposure to hazardous toxic waste	**$10,800,000** Securities fraud, risky acquisition	**$1,747,000** Blocked drain pipe caused destruction of property
		$2,091,500 Rear-ended at stop light; rolled over; jaws of life	**$1,813,293** Commissions not paid at contract termination		**$700,000** Drunk; drove friend's ATV in driveway, hit fence; tracheostomy/ breathing apparatus		**$6,100,000** Patent infringement and breach of contract	**$1,000,000** Roofer fell off roof after receiving electric shock; sued prop. owner

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2008	18 Pgs 60-62	**$5,650,000** Stepped on accelerator instead of brake, dragged plaintiff	**$3,700,000** Sexual harassment	**$2,700,000** Roof failed	**$21,000,000** Rented cabin exploded, children died	**$13,210,000** Sugar company to improve ozone levels with new technology	**$3,140,216** Shareholder oppression	**$1,625,000** Fell 60 ft. to his death through hole in roof
		$3,900,000 Truck tire blew, collided with car, killing driver			**$4,500,000** USAF Academy grad. killed by drunk driver, bar held responsible	**$4,450,000** Air odors discharge	**$3,014,339** Copyright infringement, unfair competition	
		$2,096,000 Farmer's tractor struck; killed by tractor trailer on roadway			**$2,500,000** Steel angle clip fell 24 ft. onto painter's head	**$3,600,000** Asbestos inhaled at auto dealership	**$2,600,000** Shareholder oppression in family business	

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2007	16 Pgs 62-64	**$3,100,000** Employee-owned vehicle hit motor home, Perm. injuries	**$2,100,000** Racism		**$3,800,000** ATV hits hidden, weed-covered ditch; thrown from ATV; disabled	**$1,800,000** (DTE Power Plt) Valve release of sodium hydroxide, burns and knee injury	**$7,610,000** Commission dispute	
		$3,000,000 Truck made illegal left turn, brain-injured 16-yr-old			**$1,500,000** Gas escaped from battery equipment causing explosion			
		$1,900,000 Drunk driver collided, killing 2						

See the following pages for summaries of the above-mentioned "Over $1M" cases noted in the above charts.

2016

Date	Amount	Case
01/05/2016	$44,500,000	LidoChemInc. V Stoller Enterprises Inc. (Management Practices: D&O, False Advertising) A fertilizer competitor wrongfully violated the Lanham Act, 15 U.S.C. § 1051 et seq. by falsely asserting that LidoChem product contained a toxin/poison that damaged a farmer's crop. Plaintiff argued that defendant continued to disparage LidoChem throughout the marketplace and that they plotted to interfere tortiously with business relationships and expectancies with manufacturers, distributors and farmers. In the original verdict on March 26, 2014, damages were awarded for $10.8M of lost profits and $1.2M for disgorgement. However, on January 5, 2016 a decision in federal court awarded $44.5M to plaintiff LidoChem Inc., which included attorneys' fees, interest and other costs. Plaintiff's counsel said they had "substantial evidence that Stoller and its executives were intentionally spreading falsehoods about LidoChem and its Performance Nutrition products over a 10-year period that ultimately interfered with LidoChem's business relationships, resulting in a substantial impact on the company and its brand."
03/07/2016	$55,000,000	Erin Andrews v West End Hotel Partners; and Michael David Barrett (Premises (*Tennessee case of interest)*) Current 37-year-old New York City resident (formerly of Atlanta, Georgia), Erin Andrews, a Fox Sports reporter and co-host of the TV show "Dancing with the Stars," was stalked and surreptitiously videotaped from her Nashville Marriott at Vanderbilt hotel room while on assignment for ESPN in 2008, when she was 29 years old. Stalker Barrett of Westmont, Illinois, former insurance company executive, said he knew Andrews would be covering the Vanderbilt University football game, so he correctly guessed which hotel would be the closest for her to stay at. He selected Andrews to videotape because she was popular and he saw that she was trending on Yahoo. Using an in-house employee phone, Barrett pretended to be in a group with Andrews and asked for confirmation of the reservations and was given her room number. He made a request to be in the room next to Andrews, without Plaintiff's consent or knowledge. Using a hacksaw, Barrett tampered with her room's front door peephole and recorded a video. After TMZ refused to buy his recordings in January 2009, Barrett uploaded several explicit clips in July 2009 to a video web site, which prompted an FBI probe that resulted in his arrest. TMZ waited until later September 2009 to give the FBI Barrett's IP address. On July 16, 2009, Plaintiff Andrews became aware for the first time that she had been videotaped while changing and/or getting dressed at various hotel rooms and that her privacy had been invaded. She suffers from continual emotional distress and embarrassment. Barrett has admitted to checking into hotel rooms next to Andrews on multiple occasions and making nude recordings of her through her door's altered peep hole using his cell phone, after he heard Andrews through the walls taking a shower. Barrett admitted to filming up to 10 additional women this same exact way. A computer scientist testified during trial that 16.8M people have seen Andrews' videos between July 2009 and January 2016. Jurors determined that Barrett was 51% at fault, liable for 51% of the award and the hotel management company, Windsor Capital Group and the hotel owner, West End Hotel Partners, are responsible for the other 49%. (Marriott International was dismissed as a defendant when the judge determined that the chain is not responsible for security at individual franchises.) The hotel was deemed negligent in revealing that Andrews was a guest at the hotel, revealing her hotel room number, by intentionally facilitating and placing Barrett in the room next door, and by failing to discover that Defendant Barrett had altered the peephole, and thereby allowing surreptitious videos to be taken of Plaintiff Andrews.
03/10/2016	$ 1,150,000	Perkins v Rapp (Auto) 39-year-old plaintiff sought noneconomic damages caused when the defendant driver did an improper U-turn in front of plaintiff's vehicle. Defendant was employed with Catholic Social Services of Wayne County and was driving a company passenger van at the time of the crash. Negligence was disputed. Defendant denied that he was doing a U-turn at the time of the collision and testified he was merging into the center turn lane. Defense argued that the plaintiff caused the crash because she was driving too fast and not paying attention. Plaintiff's counsel focused on photographs taken at the scene of the crash, which showed that the defendant's story was not true and that he was doing a U-turn at the time of the crash. The jury relied heavily on the photographs. Plaintiff claimed injuries primarily to her lower back and right knee. MRI testing established an L5-S1 herniation. She had a fusion surgery on her lower back. The surgery was successful and reduced her pain level to where it was minimal pain at the time of trial. However,

		plaintiff's doctor testified that she needed to watch what physical activities she did in the future to protect the surgical hardware. Non-treating experts were hired by the defense to refute plaintiff's claims. These experts testified that the plaintiff did not have a disc herniation and did not suffer any injury in the car crash. They also argued that plaintiff did not suffer a serious impairment of body function because she was working full time on the line at Faygo at the time of trial and had only missed a few months of work. Plaintiff testified she was able to work but her family and recreational life had been affected.
03/10/2016	$ 1,000,000	Confidential (Auto) Defendant truck driver fled the scene in his pickup truck after hitting a 19-year-old female in November 2011 while crossing 15 Mile Road in Clinton Township. She sustained numerous life-threatening injuries, including traumatic brain injury and spine fractures, among others. The eyewitness who was driving behind the defendant began to realize that the defendant was not stopping, so she decided to follow him and got the defendant's license plate number and gave it to authorities, who were able to identify and locate him. Defendant pleaded guilty to reckless driving and a moving violation causing serious injuries. Defendant's no-fault insurance company refused to resolve the case for the policy limits of $2M, so a suit was filed against defendant, seeking economic and noneconomic damages. Because defendant had a poor driving record, including several traffic offenses and speeding violations, as well as a DWI charge that had resulted in a suspended license, a negligent entrustment claim was also filed against the defendant's business which owned the truck. It was alleged that the severity of plaintiff's brain injuries and other injuries had, and would continue to have, a major impact on her life. Defendant testified he was traveling 30 mph in the 40 mph zone and that he applied his brakes upon impact. He didn't stop after he struck plaintiff because he thought he hit a garbage can. Ana eyewitness contradicted defendant's testimony by explaining that she was traveling about 50 mph and was not gaining ground on defendant's truck, but keeping up with it. She also testified that defendant did not apply his brakes when he hit plaintiff. Plaintiff's counsel noted that plaintiff was jaywalking when she was hit.
04/08/2016	$ 6,200,000	Confidential (Auto / Motorcycle Fatality) In a contested liability, out-of-state wrongful death involving a motorcyclist and a case for a commercial motor vehicle, the case settled for $6.2M two weeks before trial.
05/06/2016	$1,603,000	Andreson v Progressive Michigan Insurance Co. (Auto) As one of the largest underinsured motorist claims in Michigan, plaintiffs' vehicle was hit from behind while stopped at a traffic light by a driver traveling at a speed of 60-70 mph while on Saginaw Highway in Eaton County at the intersection of Nixon Highway in October 2013. The at-fault driver failed to brake because she was distracted by her cell phone. The force was so great that the backs of plaintiffs' vehicle seats were broken. Plaintiffs were treated for back, neck, and shoulder injuries. The jury awarded $1,374,113 for Debra and $229,482 for David Andreson. The plaintiffs' treating physician played an important part in obtaining such a substantial verdict. Having two doctors live at the trial had much more of a controlling presence than if the transcript was simply read. Also, anatomical models of the shoulder and spine and foam core boards were instrumental in explaining the intricacies of the plaintiffs' injuries, rather than using a PowerPoint presentation.
05/06/2016	$ 571,000	Muldoon v High Meadow Circle LLC (Premises Case of Interest: Mfg. plant's ceiling tile particles cause permanent eye damage.) Employer moved into a newly constructed building owned by defendant and, while attempting to complete the necessary work to obtain a final certificate of occupancy, portions of the drop ceiling were moved, above which was an open space return plenum with exposed fiberglass. It was opined by plaintiff's expert, that fiberglass particles rested atop the ceiling tiles and when they were moved, fell to the surface areas. Air testing revealed minimal amounts of fiberglass in the air of the building, but dust samples revealed fiberglass particles on the surface areas. It was opined that plaintiff touched those surface areas and then touched her eyes. Plaintiff must use ointment in her eyes every night for the remainder of her life (50 years) and had occasional ripping of the top layer of her cornea, which occurs, on average, seven times per year, resolving within three days each time. An Oakland County jury awarded $71,000 in past noneconomic damages and $500,000 in future noneconomic damages. The verdict was solely for pain and suffering.
05/09/2016	$ 1,250,000	Confidential (Auto / Bicyclist Fatality) While 64-year-old married male and former local police officer was riding his bicycle in August 2015 on a two-lane rural road in

		Otsego County, he was struck and killed by an auto from behind by an 18-year-old woman who was on her way to her summer employment, operating an auto owned by her parents. There was no evidence of cellphone use or texting. Weather was fair with the road being straight and without visual obstructions. The driver admitted seeing plaintiff's decedent and stated she thought she had given him adequate room as she tried to pass. Plaintiff was nonresponsive at the scene and pronounced dead at the hospital. Issues in the case included lack of cycling helmet, comparative negligence, immediate death/pain and suffering, age of claimant, lost future wages and extent of surviving family members beyond spouse. The insurer tendered policy limits of $250,000 plus an umbrella of $1M.
05/12/2016	$ 2,000,000	Goodwin v Northwestern Michigan Fair (Premises) 6-year-old was participating in the Northwestern Michigan Fair as a 4-H camper. While riding his bike on the bike path between the camping area and the animal barn, he was going to show his pet horse on Special Kids Day. At the same time, a non-camper driver was driving his pickup truck into the fairgrounds and down the bike path, while on a private errand, and passed the boy. Forgetting that the boy was behind him, he suddenly stopped and backed up about 30 feet. The boy froze in his tracks and was run over and was pinned under the vehicle and died instantly. Plaintiff sued on a theory of premises negligence, driver negligence, business liability, and bystander liability claim on behalf of the boy's father who arrived within minutes at the scene. Before trial, plaintiff settled, confidentially, with the driver and his business, as well as the bystander claim. At trial, however, the sole defendant was the Fair. Important evidence during the 6-day trial was the scanned graphics that clearly showed the layout and landmarks of the fairground premises, the sequence of events, and the feasible alternative safety measures not implemented by the fair. Evidence was presented that showed the Fair permitted vehicular traffic to use the children's bike path, did not implement feasible alternatives to alleviate risk, and removed barriers set up by "do-gooders" across the bike path. The trial resulted in $500,000 for the boy's fright and $1.5M to plaintiff's estate for loss of society and companionship. The jury allocated 50% nonparty fault to the driver.
05/13/2016	$ 5,000,000	LaMay v Smart (Auto / Bus) Walking home from a store at the intersection of Maplelawn and Crooks Roads in Troy, in November 2014, 37-year-old mother of two was walking on a green light, within the crosswalk, when a SMART bus, making a left-hand turn, ran her over. A video showed the plaintiff attempting to run away from the bus as it ran her down while turning on a flashing yellow light. The video showed that she realized the bus was not going to stop. Experts estimated she experienced between two and five seconds of conscious pain and suffering, which was the amount of time it took before the entire length of the bus went over her, prior to the time in which the bus rolled over her head.

2015

01/06/2015	$ 7,000,000	Confidential (Auto) This settlement, which resulted in the death of an adult male in a third-party car accident case in Oakland County, was in **excess of policy limits**. The settlement was made on behalf of the parents as the estate. The case settled for an amount significantly higher than the insurance policy limits for the defendant and included a $3M contribution from the defendant over the policy limits.
01/20/2015	$ 3,125,000	Confidential (Management Practices/D&O) Plaintiff owned 60% of a thriving business, but turned over day-to-day management to the defendant, a 40% member. Plaintiff contended that defendant manager began to take a series of oppressive actions designed to force plaintiff into selling his ownership interest at a diminished price. Defendant barred plaintiff from entering the company's premises, locked plaintiff out of the company's computer server, denied plaintiff financial information, denied plaintiff involvement in decision-making at the company, and prevented plaintiff from communicating with the company's employees and clients. After an eight-day arbitration hearing, the arbitrator determined that defendant's actions constituted "willfully unfair and oppressive" conduct, and that defendant was therefore liable for member oppression under MCL 450.4515. Plaintiff was also granted the remedy he requested, ordering defendant to sell his entire membership interest to plaintiff, effectively returning sole control of the company to plaintiff. In addition, as damages, the arbitrator

		ordered defendant to reimburse the company for $425,000 in attorneys' fees he caused the company to pay on his behalf.
01/21/2015	$ 1,260,000	Johnson v Schopmeyer (Auto) A minor failed to see plaintiff on his motorcycle and made a left turn directly into his path. The crash caused significant orthopedic injuries to plaintiff, who was a skilled tradesman, in outstanding physical shape, and highly motivated to return to work. Injuries included fractures of the right humerus, ulna and radius; fractures of the left radius ulna, and 2nd metacarpal; fracture of the right hip and right public ramus; and fracture of the S1 vertebra. Although liability was admitted, the dispute was with regard to future economic impact of plaintiff's injuries. Medical evidence to a future wage loss analysis determined the resolution of the case.
01/26/2015	$ 900,000	Mastaw v Nickerson (Auto) Plaintiff's decedent was a front seat passenger in defendant's car when, despite poor visibility from blowing snow and icy roads, defendant tried to pass, striking an oncoming car, killing passenger and injuring two others. The extent of the surviving husband's loss was questioned as they were separated and living apart at the time of the accident.
02/04/2015	$ 507,333	Poprafsky v Wolf (Auto: Third-Party Negligence) While driving her Saturn through a green light at an intersection in Oak Park, plaintiff was rammed into twice by a 16-year-old driver who ran a red light. The young girl and her mother, who owned the vehicle, contested the liability claiming she did not run a red light. Witness testimony rebutted this contention. Evidence showed that defendant was violating restrictions on her graduated driver's license whereby she could not drive with more than one passenger who is less than 21 years of age, although there were exceptions to this rule. Driving with an illegal number of underage passengers in her car (2), they were driving back from a shoe store. Three other minors were with her in the vehicle at the time of the accident; however, she was not violating the license restriction because she was dropping off one of the minor girls to a school event. Traumatic brain injury to the plaintiff restricted her nanny responsibilities for a family, although she continued working after the accident. Her abilities and her earnings potential has been drastically reduced as a result of the accident. She was eventually relieved of her duties with the family and is completely incapable of working at the level in which she used to perform for her new employer.
02/11/2015	$1,345,000	Doe v Roe (Auto Fatality) In a third-party automobile claim for economic and non-economic damages pursuant to the state's wrongful death statute, plaintiff's vehicle was struck causing her death as a result of a distracted, intoxicated and speeding insurance agent crossing the center line. The decedent had left her boyfriend's home and was driving home around 9pm. Her 2007 Ford Fusion was struck by defendant Roe's 2013 Ford F150 pickup. Roe crossed the center line after he had looked down to pick up his cellular phone, and hit Doe's car, head-on. Doe died on the scene; defendant Roe was taken to the hospital with non-life-threatening injuries. Crash date retrieval information revealed that Doe was travelling 45 mph without a seatbelt on; and defendant, 65mph in a 55mph zone. Defendant said he had attended a 2pm golf outing and dinner that afternoon, finishing approximately 6:30pm, at which time he had no further drinks. Upon further investigation, it was revealed that the defendant and his golfing associates had purchased a number of beers. The blood draw at the hospital at 11:27pm was 0.125.
		3 Illinois TCPA Cases of Interest: (Management Practices/ TCPA -- Cell Phone Calling)
02/12/2015	$ 75,500,000	**1)** Capital One Telephone Consumer Protection Act Litigation 1,378,534 class members in a Telephone Consumer Protection Act (TCPA) were awarded monies for class counsel's fee award, notice and administration costs, and monies designated for the class. Class members' cell phones were called using an automated dialing system and/or by using prerecorded messages in its calls to collect on credit card debt. Capital One argued that it obtained consent to call each class member because in its standard cardholder agreement, it provided that customers consented to receive calls through autodialing technology. However, plaintiffs noted that there was an FCC regulation which stated that "prior express consent is deemed to be granted only if the wireless number was provided by the consumer to the creditor, and that such number was provided during the transaction that resulted in the debt owed." Capital One agreed to settle the case because of the lack of clarity in the FCC regulation and the enormous potential liability if it lost on the merits.
02/27/2015	$ 40,000,000	**2)** Wilkins v HSBC 286,433 class members were awarded monies, as the plaintiff class sued a credit card company for violation of the Telephone

		Consumer Protection Act. HSBC Bank had placed calls, either itself or through an entity calling on its behalf, to cellular telephones between May 31, 2008 and May 1, 2012 through the use of an automatic telephone dialing system or an artificial or prerecorded voice without prior express consent.
04/10/2015	$ 34,000,000	**3)** Gehrich v Chase Bank USA NA 33,800,000 class members reached a deal with Chase Bank and JP Morgan Chase Bank NA after receiving automated cell phone calls over an approximate 5-year period (July 1, 2008 through December 31, 2013). Nearly 14 million received calls or texts providing alerts about their accounts; almost 20 million received automated phone calls attempting to collect on a debt. The settlement also provides for $11M in attorneys' fees, which has drawn objections from some class members, believing that a third of the settlement being given to lawyers is unreasonable and stating that the settlement was too small, noting that the same payment would be given to a person who received one call or 100 calls.
03/19/2015	$ 2,610,000	Bloem v Fiskars Inc. (Construction) A 47-year-old fire sprinkler installer was crushed to death when the nearly vertical 11-foot sidewall to an excavation in which he was working collapsed, pinning him between a 20,000-gallon water storage tank and the opposite wall of the hole. The worker suffocated and died at the scene. He was survived by his wife and two teenaged children. Plaintiff argued that the excavator failed to follow MIOSHA guidelines for shoring and angles on the trench wall, as well as other violations. After litigating the case for one year, a settlement agreement was reached with excavator's insurance carrier for the $2M policy limits of coverage, $10,000 personally from the excavating company's owner, and $600,000 from the general contractor's insurance carrier.
03/25/2015	$ 5,300,000	Walbridge Industrial Process LlC v Atlas Industrial Contractors LLC (Management Practices/D & O) An employee of plaintiff Walbridge left to join a competitor, defendant Atlas. When ex-employee and his new employer showed up to bid on the same jobs the employee had already bid on before for plaintiff, an investigation was conducted into his use of plaintiff's computer systems prior to his departure. Forensic reconstruction and examination of his email account with plaintiff revealed that the employee had spent most of his last week of his employment emailing himself documents and electronic spreadsheets to an outside email account he had created. He forwarded these emails to himself at Atlas and, thereafter, began circulating the plaintiff's materials to others at Atlas. He had also emailed to himself some of the plaintiff's most valuable intellectual property. Suit was thereafter filed for violation of the Michigan Uniform Trade Secrets Act, conversion and other claims. After six full trial days, a verdict was returned in favor of the plaintiff, awarding all of the damages sought. $5.3M was awarded with 30% allocated against the former employee and 70% against the new employer. The jury was troubled with the lack of any action on the part of the new employer to stop the activity when the former employee first began circulating materials belonging to the plaintiff.
03/26/2015	$ 1,200,000	Maxwell v American Casualty Co. (Auto / First-party No-Fault Benefits) A 12-year-old pedestrian ran across I-75 in 2007 and was struck by a car, receiving severe brain injury. He was 18 ½ years old when counsel was retained due to reduction in attendant-care rates. Although the No-Fault insurer, American Casualty Co. had assessed the home for necessary modification five years earlier, funding had never been provided. His hospital bed was in the kitchen, unable to fully recline due to limited space; the lift to transfer him in and out of bed could only fit on the porch; and the family could not get him to the bath because hallways weren't wide enough. After uncovering the home modification conflict, a day-in-the-life video was produced prior to the suit being filed. In this way, the American Casualty's Florida-based adjuster could be shown that the boy and his family could not cope with their unmodified living space. When it finally became clear that Michigan Catastrophic Claims Association (MCCA) was hindering settlement discussions with American Casualty, the court ordered facilitations for MCCA to appear. After two years of litigation, the case finally settled which included money for a newly built home to accommodate the injured boy and his family. The attendant-care rate was increased to $18 and included a respite care provision, allowing for an agency to relieve the family for 28 hours each week.
03/27/2015	$ 14,450,683	Blahnik v Republic Services (Auto) In 2011 an inexperienced garbage truck driver with a new CL license who had not been oriented or sufficiently trained to be operating the vehicle on that day, was driving on an unfamiliar route, ran a stop sign and smashed into plaintiff decedent's red Chevy Silverado pickup truck. Though he did not die at the scene, his injuries included a penetrating skull fracture that allowed his

		brain to swell and for him to remain conscious for 12-15 minutes while trapped upside down in his mangled truck. He eventually lost consciousness and died approximately 36 hours later. Conscious pain and suffering as well as economic and noneconomic damages were awarded in this wrongful death case. The court entered the sanction of default against all defendants including defendant driver, Republic Services Inc., and its subsidiary, City Star Services Inc.
03/31/2015	$ 600,000	Jane Doe v Forest Hills School District (Michigan) (Premises / Classmate Sexual Violence / Title IX Training *case of interest*) In 2010, a 15-year-old female sophomore who was also a star soccer player and cheerleader for the school was dragged into a soundproof band room where the perpetrator, a star basketball player, sexually assaulted her. She was able to finally escape because her cell phone rang which distracted him. She forcefully struck his groin which gave her an opportunity to run. She confided the incident with a teacher who immediately notified the school counselor and principal, who then contacted the local Sheriff's Deputy as well as her parents. The principal discouraged the filing of a police report, advising the family that things would be difficult for Doe at the school if they pursued legal action. For two weeks following the incident, the two classmates shared a class, lunch period, and other school property settings. The school did not take steps to remove MM (Marques Mondy, 16-year-old minor male). Doe endured harassments and cyber bullying from both MM and his friends and was ostracized by the student body. Doe's education was impacted negatively as she lost classroom time due to sexual harassment, lost interest in afterschool activities, and required mental health counseling and medication for depression and anxiety related to the stress of attending school. MM was not immediately disciplined in any way. Two weeks after the incident, another female was assaulted by MM in a car in the parking lot. MM was eventually charged with felony criminal sexual conduct and he pleaded guilty to lesser juvenile charges to avoid being suspended from athletics the following year. A federal judge ruled that the school district failed to train its staff in how to properly handle Title IX allegations. When asked, neither the Title IX coordinator, the principal, or the Superintendent was certain if Title IX applied to sexual assault situations. As part of the resolution agreement, the district agreed to sponsor extensive Title IX training programs for both the Officer and all district personnel regarding the reporting, investigatory and adjudicatory procedures mandated by Title IX in situations involving sexual assault, sexual violence and sexual harassment.
04/15/2015	$ 1,630,000	Jackson's Five Star Catering Inc. v Beason (Management Practices) Defendant John Beason, sole owner of Tax Connection World, had previously approved and contracted an advertisement (that was prepared by Business Solutions) with a third party to conduct a marketing campaign that included transmission of printed advertising materials to 5,000 fax numbers. Beason paid $268 to have it transmitted. Computer records revealed that 3,267 faxes were sent successfully to 3,159 different telephone numbers. None of the potential customers provided permission or invitations to receive the faxes, a violation of the federal Telephone Consumer Protection Act. Seven recipients declined to participate in this case, leaving a total of 3,260 faxes that were allegedly sent in violation of the TCPA. Plaintiff recipient initiated a class action lawsuit. Parties settled to compensate class members for their TCPA claims, to pay class counsel's fees and out-of-pocket litigation expenses, and to potentially be distributed as a cy pres award, as a collective, continuous service to the public interest.
04/17/2015	$ 3,000,000	Williams v Mogaka (Management Practices / E&O / Medical Malpractice) Recuperating from a recent orthopedic surgery, a woman died of a narcotics overdose while at Samaritan Nursing and Rehabilitation. She had suffered an adverse reaction to a medication received at the facility. The doctor who was notified, ordered a short-acting drug to reverse the effects of the narcotic. Plaintiff, however, argued that a long-term reversal agent should have been given and the patient should have been transferred to a hospital or given a pulse oxygen monitor which would alert the nursing staff if the patient began to suffer from hypoxemia.
04/27/2015	$ 8,000,000	Confidential (Auto) A semi-truck/minivan collision resulted in a severe traumatic brain injury to a 76-year-old retired steel worker and numerous significant, but less serious, injuries to his wife of 56 years. Other injuries included multiple facial fractures, L4 vertebral fracture, rib fracture (male), bilateral thigh hematomas, tears of medial and lateral meniscus of left knee requiring arthroscopic surgery, three fractured ribs, avulsion fracture of right ankle, closed-head injury, multiple fractured teeth and broken dental bridge, nerve damage in left thigh, traumatic lipoma of left thigh, depression, loss of consortium (female). During voluntary mediation, the parties successfully settled the claims. At mediation, the defense did not contest liability. The focus of the mediation sessions involved the nature and

		extent of plaintiffs' injuries, causation, and damages. Most significant were issues relating to prognosis and life expectancy. Plaintiffs' counsel believed that the keys to the resolution of this claim were meticulous preparation and documentation regarding damages, including a professionally produced video that included a documentary of plaintiffs' lives prior to the collision and day-in-the-life footage taken after the collision.
04/27/2015	$15,200,000	Confidential (Management Practices – Shareholder Oppression) Plaintiff was a shareholder or member of several related companies. Plaintiff brought actions against the control group alleging shareholder and member oppression, breach of fiduciary duty and other claims. Pursuant to extensive negotiations, mediations, discovery, motion practice and a negotiated buy-out of plaintiff's ownership, interests in the companies, plaintiff received proceeds of $15.2M.
05/11/2015	$16,500,000	Karmanos v Compuware Corp. (Employment Practices: Breach of Contract/Wrongful Termination) Founder and longtime CEO and chairman of Compuware, Karmanos, retired and became a consultant to the company. When terminated in September 2013, millions of dollars of invested stock options were purportedly cancelled because Karmanos made critical comments about Compuware's management. Karmanos sued for breach of contract, conversion and unjust enrichment. Compuware vigorously defended the case during a two-week hearing, The parties agreed the dispute should go to binding arbitration. The arbitrator was not obligated to offer explanatory evidence for the decision.
05/19/2015	$100,000,000	Constantine v Felton (Premises / Operations: Dog Mauling)) While walking down a Pennsylvania Avenue sidewalk on Detroit's East Side about 9pm in October 2014, plaintiff observed defendant on the porch of an abandoned home on Pennsylvania Avenue. Defendant was opening a bag of dog food and plaintiff asked to help. As he started opening the bag, about 12 pit bulls attacked and began to eat him alive. The dog owner failed to call off his dogs and went into his house and shut the door. A neighbor called to report hearing several dogs barking and a man yelling for help. Paramedics arrived but were helpless to stop the mauling until police arrived and fired shots for protection against the pit bulls, killing one dog. The rest were seized and euthanized. Plaintiff was almost naked and clinging to life. Plaintiff underwent more than 22 surgeries and spent months of hospitalization and rehabilitation. He lost his left arm, left leg, and left ear; he has lost functional use of his right arm and leg and he suffers from recurring nightmares. Defendant was found to be on disability, had no malicious intent, was ticketed by animal control, and received 5 citations for harboring his pit bulls and pit bull mixed dogs without a license, failing to provide proof of a rabies vaccination, harboring more than 4 dogs, harboring vicious dogs, and failing to properly leash or restrain dogs at his home. A lawsuit was filed against Felton and his mother who owns the home.
05/20/2015	$ 1,350,000	United States and State of Michigan v AK Steel Corporation (Pollution) Under a settlement agreement, AK Steel Corporation must pay a civil penalty for past violations of the Clean Air Act at its Dearborn facility, as well as implement a variety of procedures to reduce future violations, and install dynamic air filtration systems at the Salina Elementary and Salina Intermediate Schools across from the plant. This settlement will resolve 42 violation notices issued by MDEQ and two notices issued by EPA alleging violations resulting from a wide variety of air emission sources against Severstal, the previous owner of the Dearborn facility. AK Steel purchased the facility in September 2014 and has taken responsibility for past violations and improving its compliance with environmental regulations. Better management will prevent and reduce dust and hazardous air pollution in neighboring communities. Upon full implementation of the consent decree requirements, particulate matter emissions, including metal hazardous air pollutants, from AK Steel should be reduced by approximately 100 tons per year.
05/27/2015	$ 7,284,545	UrbCamCom/WSU I LLC v Lexington Insurance Co. (Premises / Insurance Property Damage Claim) In March of 2012, an upscale apartment building in Detroit sustained two fire sprinkler ruptures, causing the building to sustain severe water damage and rendering the apartments uninhabitable. The plaintiff building owner submitted a proof of loss to defendant Lexington Insurance for damages to the building in the amount of approximately $5.6M; however, Lexington claimed the damages were $1.8M. The parties submitted the disagreement to an appraisal panel and after hearing and inspections of the building the panel issued an award for damages totaling $5.27M. Lexington had also cut off payments for lost business income and extra expenses in September 2012, even though it had not paid for all of the building repairs as of that date. Lexington refused to submit the dispute over the business interruption loss to appraisal, claiming the disagreement over the length of the "period of

Date	Amount	Case
		restoration" was a coverage issue for court determination. Lexington argued that the court should rule that the period of restoration was only six months, which they believed was the amount of time in which repairs should have been completed with reasonable speed. Plaintiff, however, believed the length of restoration period was a "scope of loss" issue for an appraisal panel to determine. Lexington claimed the building appraisal award of $5.27M was the result of fraud. The court held that 1) the appraisal panel should determine the period of restoration, 2) Lexington's claims of "fraud" lacked merit, and 3) plaintiff was entitled to 12% penalty interest under the Uniform Trade Practice Act, totaling $356,884. Added to that settlement amount was $5,270,661 for the building (Lexington had voluntarily paid only $1,881,249); and $1,657,000 in business income, extra expense, business personal property and claim expenses (Lexington had voluntarily paid only $927,000).
06/01/2015	$ 1,650,000	Woroniak v C&D Hughes Inc. (Auto) During an early evening rush hour in August of 2013, a road construction company blocked and backed up northbound traffic on US 31, congesting the nearby intersection of a cross street obscuring presence and movements of vehicles in the southbound lane as well as for motorists traveling west on the cross street. The construction company did not put a traffic regulator or employ other measures to coordinate or direct safe vehicle travel through the junction. With views obstructed, a 16-year-old driver waited 10-15 minutes for her turn to safely cross at the intersection, eventually following the vehicle in front of her into the intersection. At the same time, a southbound automobile broadsided her car at 45 mph as it crossed US 31. She sustained severe and permanently disabling injuries. Key evidence and testimonies from accident witnesses were gathered and presented at a case evaluation hearing in May 2015. Plaintiff's counsel used digital video and computer animations to recreate the danger and accident to show the case evaluation panel. It was determined that C&D Hughes was at fault.
06/17/2015	$3,825,000	Confidential (Auto / Pedestrian Fatality) 60-year-old plaintiff pedestrian was crossing an intersection when she was struck by a defendant truck driver while he was working for defendant trucking company. Testimony suggests that plaintiff was alive for a brief period of time while being pulled under the truck and dragged for a short distance. Defendant admitted liability for the accident, putting the settlement negotiation focus on the degree of conscious pain and suffering and loss of society and companionship.
06/17/2015	$1,000,000	Confidential (Product Liability) In 2010, then 33-year-old plaintiff was working on the assembly line at defendant's facility as a loaned employee from a temp. employment company. The defendant produced foam pool noodles and other foam products. Plaintiff was working as a seasonal packer positioned at the end of the production line and was responsible for packing the pool noodles as they came down from the labeler. She did not operate nor work near the cutter that was used to cut the pool noodles. After working at the plant for about 3 weeks, employees were told that the machines were being shut down as the plant was changing over the line to make the noodles a different color. They were to clean up before going home. While cleaning the area, plaintiff noticed 2 pool noodles stuck in the cutter on the inlet side. Believing the machines were off/down, plaintiff reached in to remove the noodles from the inlet side. Plaintiff's right hand came in contact with the blade of the cutter which cycled completely and severed her right hand. Not being able to reattach the hand, her right hand and arm below her elbow were amputated. About 3 years later, plaintiff filed a product liability/tort action against defendant, the designer, manufacturer and seller of the cutter that severed plaintiff's right hand. She alleged in part that defendant was negligent and breached its implied/express warranty of fitness by failing to design, manufacture and/or supply a product reasonably safe for its intended use. Discovery showed that the cutter was designed, manufactured and also sold by defendant foam company who used the ANSI guidelines to set the design standards for products in North America. The maintenance technician at the foam company recognized guards were needed on the cutter, however, so he fabricated tunnel guards out of welded aluminum, which he bolted onto the cutter at both the outlet and inlet ends of the machine. It was found that extended guards with interlock were available for sale as a separate option to the cutter; however, there was no evidence that the guards were ever actually offered to the purchaser. There was no written material provided to the purchaser, including a manual or brochure on a website. Defendant never included tunnel guards in any quote to the purchaser. Plaintiff's experts testified that defendant was a safeguarding supplier under the ANSI standards and that the manufacturer is intimately more knowledgeable about OSHA and ANSI requirements than the purchaser of the equipment. It was found that defendant violated ANSI standards by

		failing to provide a safe piece of equipment with proper guarding and that it was not enough that defendant had extended guards available for sale, the equipment necessary to make a product safe for its intended use. Since June 2012, defendant has made 36" guards a standard on the SFK cutter.
06/24/2015	$ 940,000	Enterprises Inc.Williams v Sykes (Employment Practices: Class Action for Wage and Overtime Violations) Plaintiffs and similarly situated co-workers at defendant Sykes Enterprises Inc., a publicly traded company that provides call center services to Fortune 1000 companies, formed a class-action lawsuit alleging that 76 Michigan residents of the nearly 4,000 people who opted into the class, were not paid for pre-shift time spent booting up and logging into those systems, or for wrapping up calls post-shift. They claimed that these tasks constituted "off-the-clock" work in excess of 40 hours per week, for which they should have been paid time-and-a-half according to the Fair Labor Standards Act and state wage and hour laws. They were classified as nonexempt hourly employees, and as part of their daily job responsibilities, plaintiffs were required to use defendant's or its customers' computer systems for the duration of their shifts. Despite settling a similar lawsuit in Nov. 2011 with Sykes employees at an Arkansas call center facility, plaintiffs alleged the company took no subsequent action to change its policies regarding "off-the-clock" work. Sykes is the largest call center operation in the world, and plaintiffs argued that defendant knew or should have known the "off-the-clock" work of boot-ups and call-completion time was compensable, as the U.S. Department expressly instructed in a fact sheet targeting the call center industry. Defendant argued that plaintiffs were properly compensated for all time worked and that plaintiffs could not prove they worked off-the-clock without proper compensation. In June 2015, the parties jointly stipulated to dismiss the class action by means of a settlement with each member of the plaintiff class receiving a share based upon the number of weeks that he or she worked for defendant in the three years prior.
06/24/2015	$2,200,000	Biber v Webber (Employment Practices: Breach of Contract for Performance Bonus) In 2005, plaintiff Biber was acting as defendant Webber's attorney in the sale of Webber's business for $220M. Biber alleged that in addition to the compensation originally agreed upon in his contract, he was owed a 1% performance bonus, which amounts to approximately $2.2M. A Livingston County jury determined that Biber proved Webber breached a contract between them to pay Biber a fee, and that Webber proved the contract was not capable of possibly being performed within one year from the date the contract was made. In addition, the jury determined that the services on which Biber sought to recover for breach of contract were for services as a business person, not as a lawyer performing legal services, and awarded no damages.
06/26/2015	$1,750,000	Confidential (Auto) Defendant driving a pickup truck failed to stop at a posted stop sign and turned left into oncoming traffic, broadsiding plaintiff's vehicle. Plaintiff was a front seat passenger who suffered fractured ribs, fractured C-6 vertebrae, upper extremity wounds, and right arm laceration. The case settled at facilitation.
07/08/2015	$1,500,000	Confidential (Premises) In June 2013, 36-year-old plaintiff was hired by a restoration company to clear debris from a house that had been foreclosed on and owned by defendant mortgage company. While in the second story of the garage, he noticed a large piece of insulation board on the floor, but didn't know it was covering a hole that had been cut in the floor by a prior owner. He lifted the board and took a step forward, but fell about 12 feet onto the concrete floor below. He suffered a spinal cord injury and was rendered a complete paraplegic. Plaintiff believed the owner mortgage company was primarily liable and had a non-delegable duty to maintain a safe condition as well as to inspect the property for latent dangers. Plaintiff stated that he had only been hired to remove debris, not to inspect the property for defects. However, defendant claimed it was plaintiff's job to inspect; also, he named nonparties at fault to include the real estate agent who listed the house, as well as the restoration company and the original owner. The mortgage company paid the greatest portion of the $1.5M settlement.
07/20/2015	$1,560,000	Confidential (Construction Fatality) A 28-year-old man was working underneath the Ambassador Bridge when the scaffolding gave way, causing him to fall 140 feet into the Detroit River. He survived the fall and was able to tread water, but his employer did not have a rescue boat at the work site, which was a violation of MIOSHA requirements. Plaintiff died from drowning. MIOSHA issued multiple citations to the defendants in this matter.

07/24/2015	$1,265,364	Monaco v Home-Owners Insurance Co. (Auto) Contrary to Michigan law, 15-year-old plaintiff was driving without a parent in the car on July 23, 2012. She lost control of her vehicle and slid sideways and entered a south-side ditch. The vehicle struck the corner of the ditch bank. The Jaws of Life were used to free Monaco who was then air lifted to a Saginaw hospital due to the severity of her catastrophic injuries which included closed-head injury with multiple orthopedic injuries. Monaco testified that she had her parent's permission to regularly take and use the car before and on the date of the accident. The key for the case was in establishing a pattern of use of the vehicle by Alison. Witnesses saw her repeatedly driving the car, by herself, to work, school and softball practice over the past month. If she had taken the vehicle without permission, she would be barred from no-fault benefits under MCL 500.3113(a). The mother and father said that Alison did not have permission. Monaco lived an active lifestyle which continued into high school where she played basketball, volleyball, softball, and was a member of the National Honor Society. She had wanted to become a surgeon. Since the accident, however, she relearned how to walk, talk and swallow before going back to school as a senior. She died January 13, 2015 after being trapped by a fire in her home. Her mother was at work at the time. Her father, just returning home from picking up their son, attempted to enter the house which was full of smoke and was able to get Monaco out, but she had succumbed to smoke inhalation. The family lost everything. The plaintiff's estate, intervening plaintiffs Covenant Medical Center and Mary Free Bed Rehabilitation Hospital were awarded monies.
07/30/2015	$6,872,931	Silas v Secura Insurance Companies In December 2012, Hall, a 17-year-old, was looking to buy his first car and was given a Chrysler 300 to test drive at a used-car dealership. His plaintiff mother was a front seat passenger. Hall turned on his hazard lights and began to slow down when he noticed the car had run out of gas before he could make it back to the dealership. The car behind him noticed this; however, the car behind it, slammed into the rear of the car behind the plaintiff, pushing that vehicle into the Chrysler 300, creating a 3-car auto accident. Plaintiff Silas alleged she sustained post-concussive syndrome, bilateral shoulder rotator cuff tears involving cervical disc herniation which required disc fusion surgery, and lumbar disc bulges.
08/04/2015	$1,250,000	Rodgers v Beal (Auto / Pedestrian) In the early evening in December 2014, a 20-year-old woman driving an SUV struck a 16-year-old male pedestrian crossing the street in a marked, well-lit crosswalk. The driver never saw the boy before the left front SUV bumper hit and launched the teen 85 feet away into the oncoming lane. The boy regularly used this crosswalk going to and from school, at least twice a day, and this time was walking home from a friend's house. The teen sustained a traumatic disabling brain injury in the crash, putting him into a coma for months. He has continued intensive recovery as an inpatient at Mary Free Bed Rehabilitation Hospital in Grand Rapids. The Grand Rapids Police declined to ticket the driver and the Kent County Prosecutor's Office declined to pursue the matter. Counsel was able to show the driver's insurance company proof that she was at fault for the accident, including that the driver should have seen the teen and had plenty of time to stop before striking him in the crosswalk. The matter settled for $1.25M, the limits of defendant's two insurance policies.
08/07/2015	$ 1,900,000	Marek v Tieman (Auto / Motorcycle) In Grand Traverse County, plaintiff was driving a 2003 Honda CBR motorcycle while, at about the same time and place, defendant, driving a 2000 Ford Excursion, was waiting to turn left. Plaintiff had the right of way; however, defendant turned left in front of plaintiff, causing plaintiff to crash into defendant's vehicle. Defendant claimed plaintiff was speeding and was at fault for the accident. Plaintiff sustained life-altering injuries including a traumatic brain injury, more than 10 bone fractures and 18 surgeries. He spent 57 days in the hospital.
08/11/2015	$ 4,500,000	Kinouna v Szymanski (Auto / Truck-Pedestrian Fatality) Defendant Szymanski was pumping out outhouses in a subdivision with Brendel's Septic Tank Service LLC's tank-like septic truck and was ready to move on to the next outhouse which was more than 400 feet behind him. Instead of turning around via a driveway, he decided he could save time by putting the truck in reverse and driving backward for 130 yards. What he didn't know was that plaintiff Yousif, a 23-year-old male, was walking down his street with earbuds connected to his iPhone while cradling a basketball in his right arm. While the truck was moving backward, Yousif walked directly behind the truck with his back to it and never heard or

		saw the approaching truck. The back end of the truck smashed into the back of Yousif's head, fracturing his skull and causing him to fall forward on the pavement. The truck then "steamrolled" over the back of his right leg, then over and across his back. Szymanski thought he might have felt something like a bump while backing up, prompting him to eventually stop the truck. Upon exiting the vehicle, he noticed Yousif on the street, just underneath the front driver's side door.
08/12/2015	$ 1,767,500	Perez v Yankee Springs Dairy Inc. (Employment Practices / Wrongful Death) 18-year-old farm worker, Perez, as well as his 17-year-old co-worker were ordered by their employer to clean inside a molasses tank that stored liquid feed for cows that had decayed and fermented over eight months resulting in oxygen being displaced by toxic hydrogen sulfate. When the teens complained about the conditions in the tank, they were told to take turns. It was found that the business owner, Lettinga, knew of the hazards involved and willfully disregarded that knowledge. He had read the warning label on the tank and knew the teens were not provided with protective gear. He failed to provide a safe working environment and inadequate training. There was no ladder inside the tank as it wasn't meant for egress and ingress. Workers were instead pulled from the tank by a co-worker with a rope, as the container's sole opening was a hole in its top. Perez was one month away from graduating high school. The jury awarded funeral and burial expenses, $100,000 for pain and suffering, and $1.66M for loss of society and companionship. 90% of the fault was assigned to Yankee Springs; 10% to Lettinga.
08/17/2015	$ 1,272,500	Hayden v Sparks (Auto) A transportation van rear-ended a bus and left plaintiff passenger in van unconscious because of a traumatic brain injury. Liability was not an issue in this case. But, there were many complex medical issues as plaintiff was on Social Security disability and suffering from type 1 diabetes, end-stage renal failure and peripheral neuropathy. He was receiving dialysis treatments at the time of injury. After the date of injury, plaintiff underwent an unrelated below-the-knee amputation. A settlement was reached by sorting through medical issues and understanding which issues were induced traumatically.
08/26/2015	$ 4,000,000	Confidential (Premises / Untrained Security Guard) Plaintiff's decedent, Doe, a 58-year-old male and father of two, arrived at his apartment complex to find the security guard sleeping on the job. This was not the first time he had come to his apartment complex to find the guard asleep. He told the guard that he was going to report him. Plaintiff alleged that as Doe was entering his elevator, the guard began loading his gun. Doe turned away from the elevator and started to walk toward the security guard. Doe was clearly unarmed and several feet away from the guard. The guard warned Doe that if he took another step he would shoot him. Doe took another step and the security guard shot him in the neck. Doe's son approached the locked lobby door and saw his father bleeding to death on the floor. The guard refused to let the son in to help his dying father. The entire scene was caught on surveillance video. Plaintiff argued that the armed security guard had no experience as a guard, that the defendants never provided him any training, and that he was a convicted felon.
08/31/2015	$ 3,870,000	Pollak v Burlington Properties Limited Partnership (Management Practices / Breach of Contract) Plaintiff Laura Pollak and defendant Peter Pollak were 50/50 partners in defendant Burlington Properties Limited Partnership, a real estate holding company that owns commercial properties. Plaintiff alleged that defendant abused his discretion by siphoning funds from the partnership in the form of excessive management fees to himself and others, charging below-market rent to Burlington's corporate tenant, a company owned by defendant, and other instances of self-dealing. Plaintiff also alleged that defendant breached the operating agreement by making unauthorized withdrawals from his partner capital account and refusing to allow plaintiff to inspect Burlington's financial records and other business records. Defendant denied the allegations and said he had broad authority and exclusive discretion to take almost any action necessary to manage the partnership and sought to reduce plaintiff's interest in Burlington from 50% to 28% due to her failure to tender $1.24M in additional capital to Burlington in response to a valid capital call. A settlement was reached to redeem plaintiff's membership interest for $3.5M and purchase her 50% interest in a parcel of property with an estimated value of $741,500. This case involved breach of operating agreement and partnership agreement, shareholder oppression, breach of fiduciary duties, and counterclaim for declaratory judgment/dilution of membership interest.
09/01/2015	$ 1,000,000	Confidential (Auto Fatality) Plaintiff's decedent was traveling eastbound on I-96 near Beck Road in Novi during the morning rush hour. He sustained a flat tire to

		the left front tire of his van, which forced him to pull onto the shoulder of the roadway to repair the tire. Traffic was heavy but several cars driving in the right lane saw him and his van and moved away from him, driving slightly left to be safe. However, though it was daylight and he was in plain sight, defendant drove his semi-tractor into him, throwing him 10 feet forward and to the right shoulder of the road. Plaintiff's decedent sustained multiple injuries and complications and died after multiple failed attempts to revive him in the emergency room. He left behind a wife and minor child. Although defendant argued that the sole fault for the accident belonged to plaintiff's decedent because he had ventured out into the roadway and was responsible for his own death, defendant driver also testified that he saw plaintiff's decedent's van from approximately 150 yards, establishing that defendant had the ability to see plaintiff's decedent for 15 seconds. Evidence further demonstrated that defendant drove for another 600 feet before finally bringing his rig to a stop on the side of the road. Plaintiff's counsel used this evidence to establish that defendant driver never saw plaintiff's decedent and did not even know he hit a person. Several other witnesses testified that they could clearly see plaintiff's decedent and took reasonable steps to steer clear of him, which helped to establish defendant's considerable fault in the accident.
09/01/2015	$ 1,320,000	Confidential (Management Practices / Tortious Interference) Plaintiff owned a significant stake in a successful insurance agency which was sold to a multinational conglomerate. Plaintiff argued that the transactional documents required payment to the former owners of certain contingent commissions arising out of programs established prior to the sale. The new parent company disputed the plaintiff's interpretation of the transactional documents. After plaintiff's attorney deposed key executives from the parent company and established a pattern of evidence supporting the plaintiff's interpretation of the relevant contract language, the defendants settled prior to a final hearing. The case involved a breach of contract, breach of fiduciary duty and tortious interference.
09/02/2015	$11,900,000	Confidential (Auto / Triple Fatality) A semi-truck driver was traveling 60 mph in a 30 mph traffic zone and ignored a red light. He tried to swerve to avoid oncoming traffic, but his reckless driving caused his trailer to turn over onto a car driven by plaintiffs' decedent. The 39,000-pound semi-trailer crushed and suffocated the driver (a mother) and her two passengers (the mother's adult children). A surveillance video from a nearby gas station caught the entire accident on camera. The passengers died a slow, agonizing death due to asphyxiation.
09/03/2015	$ 4,616,000	Thomas v Woodward Detroit CVS LLC, d/b/a CVS Pharmacy #8031 (Premises) Plaintiff, a 58-year-old Oak Park woman, sustained a hand and head injury at Livonia CVS when an employee caused metal lawn chairs from an upper shelf to fall on top of her, when plaintiff asked the CVS employee to help price a chair that she couldn't reach. Plaintiff will not be able to work again as a senior building analyst at DTE because of her serious cognitive limitations and disabling headaches. The mother of 5 and grandmother of 6 also has been extremely limited in her ability to interact with her family. Plaintiff argued that a safety manual disbursed by the store required employees to stack chairs on a lower shelf and use safety clips to secure the metal bins containing the chairs to the shelf. CVS could not produce any evidence showing the safety clips were used on the bins. The store refused to take responsibility for plaintiff's injuries, claiming the chairs did not fall on plaintiff, but leaned on her. Defense brought in medical experts who never examined plaintiff but claimed she wasn't seriously injured. An MRI showed no signs of neurological injuries. They contended that security footage of the incident did not exist despite the presence of 6 surveillance cameras located throughout the store. Credibility was found with the plaintiff because she tried to improve by going through treatments for 3 years, she tried to go back to work for a month but there were cognitive problems and daily headaches, and she had to leave herself sticky-note instructions throughout the house, after her memory deficit caused her to start a stove fire. The defendant's testimony, however, was inconsistent, which aggravated the jury.
09/21/2015	$ 7,700,000	Nichols v Fagin (Auto) Three people were driving in a 2006 Chevy HHR in Flint, just two blocks from front-seat passenger Nichols' home. Driver Cochran's daughter, Robbie was in the back seat. The car was suddenly hit and tossed onto its side through an intersection and onto private property by a car being pursued by defendant state trooper Fagin who was driving his patrol car with his father, as passenger, to pursue a driver not wearing his seatbelt. Nichols and Robbie were transported via ambulance; however, after several attempts were made to revive Nichols, she was pronounced dead from multiple blunt force injuries. Robbie had a neck fracture and fractures of two ribs. Four pins were placed around her head along with the halo vest to hold it together. Eventually, she underwent a posterior

		fusion at 6 points. A neuropsychological examination displayed problems with Cochran's fine motor skills. She had a traumatic brain injury but was making steady progress. During accident reconstruction, the State Police determined that Fagin failed to properly clear the intersection before entering it while a red signal was flashing and that he was traveling at 54 mph in a 30mph zone. The police in-car video showed he also sped through multiple stop signs without any attempts to yield. Additionally, Michigan State Police Official Order No. 10 also states that if non-department personnel are passengers, a pursuit shall not be initiated except in those instances where the passenger has signed a waiver of liability or in extreme cases. This waiver was never signed, nor was permission granted from the district commander for the ride-along. Plaintiff argued that defendant was grossly negligent in the operation of his vehicle. Defendant argued that a trooper can exceed the speed limit and disregard traffic signals pursuant to MCL 257.603 as long as his lights and sirens were activated. Defendant also alleged that several other nonparties were as fault for this accident including the driver of the fleeing vehicle, driver Cochran, as well as the City of Flint for failing to maintain the intersection. The matter settled for $3,675,000 for Nichols' estate and $4M for daughter Robbie.
09/21/2015	$ 1,350,000	Confidential (Premises) A utility company's alleged failure to keep its wires in a proper condition for the safety of others resulted in plaintiff suffering an electric shock injury resulting in right upper extremity entrance wound with scarification, developing keloids, exit wound in the hands, resulting in aching pain, numbness and weakness involving the right upper and lower extremity, and recurrent headaches, in addition to disequilibrium. Plaintiff alleged that a utility company must exercise reasonable care to reduce potential hazards, including reasonably inspecting wires and other instrumentalities, as well as reasonable care to discover and remedy hazards and defects. Defendant claimed that the wires were in proper condition and were properly safeguarded and that appropriate measures were taken to reduce potential hazards, including reasonably inspecting wires and other instruments. Defendant also claimed that the plaintiff had no significant residual injuries. The case settled for over $1.35M.
10/05/2015	$16,000,000	Patel v Goodyear Tire & Rubber Co. (Auto / Products Liability) 58-year-old plaintiff was rendered an incomplete quadriplegic after a rollover accident in 2012. The tread separated on his Goodyear Pathfinder tire while he was traveling northbound on U.S. 31 near Berrien Springs, causing loss of control. In a two-week trial, 8 jurors heard testimony from former tire factory workers about the intricacies of making tires and from experts about possible causes of the failure. Plaintiff argued that the tire had four different manufacturing defects and did not have a nylon cap ply, the sole purpose of which is to prevent tread separations. Plaintiff asserted that defendant Goodyear Tire & Rubber Co. made a conscious decision not to include a nylon cap ply on this tire, even though it had proven effective in reducing the occurrence of tread separations in other tires. There was substantial testimonial evidence of poor manufacturing practices. Defendant's theory was that the tire impacted on object on the road 1,000 miles before the tread separated and that plaintiff was negligent in responding to the tread separation in his handling of the vehicle. Plaintiff's tire expert testified extensively about his testing, which showed impacts do not cause tread separations. Plaintiff's expert had performed testing that was published by the Society of Automotive Engineers and showed that impacts do not cause tread separations.
10/08/2015	$ 1,625,000	Confidential (Auto Fatality) Plaintiff sustained neck injuries in a collision and died following surgery. Defendant argued that plaintiff's injuries were degenerative in nature and pre-existed the collision, and/or that surgery was not warranted.
10/08/2015	$ 1,300,000	Vella v Adell Broadcasting Corp. (Management Practices / Employment, Disability Discrimination) Plaintiff's decedent Robert Vella worked for WADL Channel 39 as an account executive in sales. He received health insurance, which was renewed during open enrollment days before suffering a heart attack. He later learned he had bladder cancer as well. Plaintiff alleged that WADL's owner ordered him to be recategorized as an exempt independent contractor without benefits so that Vella's insurance was cancelled while he was in the hospital. Vella made a written complaint and was terminated minutes later which plaintiff alleged was retaliation. WADL disputed plaintiff's unemployment until the COBRA window closed. He was unable to afford insurance and suffered severe complications, ultimately dying mid-litigation. An expert testified that prompt treatment of the bladder cancer that killed Vella has a 90% cure rate. The case was pleaded as an ERISA and ADA discrimination and retaliation case, with pendent claims under the Persons With Disabilities Civil Rights Act and various state common law theories including

		fraud, silent misrepresentation and unjust enrichment.
10/14/2015	$ 1,000,000	Williams v Barber (Auto) Plaintiff truck driver was involved in a T-bone accident caused by defendant who was driving a cube truck filled with windows. Plaintiff waited a few days as pain progressed, then sought care at urgent care. Follow-up for back pain led to injections, physical therapy and additional testing. An MRI revealed a herniated lumbar disc. He underwent a lumbar fusion. Plaintiff claimed permanent loss of employment from his sprinkler business on the side, and was basically unemployable because he only had a 10th-grade education. Defense showed that early imaging studies demonstrated degenerative disease that predated the accident, that there was no evidence of permanent disability, and that his smoking caused him to not have a good result from his lumbar fusion. Social security disability was denied.
10/21/2015	$ 5,080,000	Henderson v Watermark Retirement Communities (Premises / Assisted Living Fatality) In a wrongful death and negligence case, a 90-year-old resident had been moved to the memory care unit of an assisted living facility just 5 weeks prior because of her dementia and need for supervision. In 2012, the unsupervised decedent entered the accessible kitchen, gained access into a cabinet beneath the sink and ingested a caustic dishwashing detergent. After seriously damaging her mouth, throat, esophagus and stomach, with no option for surgery and unable to eat or drink, she died 13 days later in a hospital's hospice unit. At the time of the incident, one of the two caregivers was on an extended meal break, without a substitute to supervise the residents. The other caregiver was supervising and dispensing medication to 17 residents by herself. As for the kitchen cabinet, there was a plastic child magnetic lock on one door, while the other had a makeshift wood stick-closing mechanism designed by the maintenance staff. Proving negligence was a challenge because often facilities are very poor at documenting treatment and important events. There was lack of written procedures, inspection records and safety policies. Statements from employees were inconsistent. Three experts testified; i.e. if the hinge of the cabinet was already broken, there should have been abrasions on decedent's fingers or fingernails if she forcibly tore the hinge out because there were no tools or utensils in the area. No one else was there. The container was actually open, also, as a spigot was connected from the detergent to the dishwasher. The probable scenario was that the doors were not locked or secured and that "fatal-if-swallowed chemicals" should be secured with appropriate locking mechanisms and secondary prevention measures or, at least, should have a childproof cap on the detergent. It was also determined that the decedent's son visited his mother 5-6 times a week and suffered a loss of society and companionship, just as if she was a younger woman. Pain-scale assessments were also taken as to her pain and suffering, as well as medical and funeral expenses.
10/22/2015	$ 5,665,565	Gonzalez Production Systems Inc. v Martinrea International Inc. (Management Practices / Breach of Contract) Defendant/counter-plaintiff Martinrea International hired plaintiff-counter-defendant Gonzalez Production Systems to design, build, and install and automated "turn-key assembly system" that would make more than 400 welds on dozens of stamped metal parts and form them into a single assembly. The contract required a system that produced one pair of parts every 44 seconds – a 44-second cycle time – in order for Martinrea to supply enough parts to Martinrea's customer, Ford Motor Co., on time. The contract also required that Gonzalez furnish labor and materials that were necessary to design, build, program and install the system. He would also retool and integrate 55 of Martinrea's bare robot arms and utilize 13 Martinrea employees to operate. There was a fixed price for this work and milestones to earn progress payments. Although Martinrea shipped 55 robot arms to Gonzalez and made repairs identified by Gonzalez, the breach of contract occurred when Gonzalez, two months later than the installation date was only running his system at a cycle time of over 120 seconds. A settlement between the two was negotiated including changes, and still the 44-second cycle time was not achieved. Gonzalez walked off the project leaving Martinrea to try to fix and finish what had been left incomplete. Thus, Martinrea was unable to supply enough parts to Ford in 2012. Martinrea then spent hundreds of thousands of dollars paying penalties and charges directly to Ford and millions of dollars more purchasing additional equipment and hiring contractors to try to fix and speed up the Gonzalez system which now requires about twice as many employees to operate, causing millions of dollars in additional labor costs. The federal jury determined that Gonzalez breached its contract by failing to deliver the promised speeds. The jury also determined that Martinrea promised to pay for items not in the contract and that Gonzalez proved promissory estoppel against Martinrea based on that promise. The net verdict was $2,014,799 for Martinrea.

11/2015	$ 1,000,000	Confidential (Auto) Plaintiff was crossing in the pedestrian crosswalk at an intersection in the city of Marshall, when he was run over by defendant's semi-truck. Defendant driver maintained that he was waiting to turn left in the center lane of the intersection and started to move his truck when someone stopped and told him that he had hit someone. Video obtained after the accident demonstrated that defendant was in the center lane and travelled straight through the intersection at a high rate of speed, contradicting defendant's version of the crash. Moreover, physical evidence demonstrated that the defendant's seat was in a semi-reclined position, which would create a visual obstruction. Plaintiff incurred traumatic brain injury, amputation of the right leg above the knee at the hip, fractured left knee and leg, fractured pelvis, neck and back injuries, fractured ribs, shoulder injuries with decreased range of motion, and ruptured spleen.
11/25/2015	$ 1,500,000	Confidential (Employment Practices / Workers' Compensation) Plaintiff patient, a 25-year-old male, was injured on the job in June 2011 at an assisted living center when he saved a falling patient. On his own, he went to an urgent care center on 4 occasions. The last two recommended an MRI, but he did not go because of the expense. Eventually, his human resources department approved a visit to the workers' compensation clinic. The physician assistant told him to go back to work, but with a sit-down job only. No such job was available. Five days later, he went to another physician's office and was sent immediately to the emergency room for a STAT MRI and, ultimately, emergency surgery. Because of the delay, however, patient has permanent residuals from cauda equine syndrome (neuromuscular and urogenital pain). The operating orthopedic surgeon testified that had he seen plaintiff six days earlier, the surgery would have been successful and plaintiff would have been able to go back to work. Plaintiff argued that defendant PA, per statute, must provide care within the "scope of practice of the supervising physician." Defendant PA did not know the scope of practice of his supervisor, nor the standards of a PA, but rather performed to his own standards, which was to the best of his ability.
12/03/2015	$ 1,200,000	Confidential (Management Practices / D&O) Plaintiffs filed suit for shareholder/member oppression and breach of fiduciary duty. They contended that defendants froze plaintiffs out of the management of a family business, including prohibiting the plaintiffs from accessing the company's books and records. They also alleged they were, among other things, oppressed by the majority shareholders, denied any share of corporate profits and excluded from the management of the company. The plaintiffs sought a buyout of their ownership interests at fair value. The defendants denied that they were oppressing plaintiffs, instead claiming that the business lacked the assets to fund any kind of buyout of the plaintiffs' interest. After extensive motion practice and then settlement discussions, the parties negotiated a settlement.
12/10/2015	$ 2,325,000	Milliron v Ferrellgas LP (Auto) In September 2014, semi-truck driver Allison was driving an empty Ferrellgas propane tanker in the rain through a curve on M-37 near Center Road when he lost control of the wheel to avoid a head-on collision with a "phantom" vehicle and crossed the center line. It also jackknifed and caused a road closure. The tanker collided with the Millirons' pickup truck, leaving them with serious injuries including plaintiff husband having bad pelvic and right foot fractures requiring multiple surgeries including a hip replacement. Plaintiff wife suffered a mild traumatic brain injury for which she received cognitive therapy. Both have neurological injuries and have sights and experiences that continue to haunt them. Both plaintiffs were in their late fifties and had recently retired. No economic damages were sought. The Millirons sued the Kansas City-based propane supplier and semi driver Allison for damages. Their filing prompted a back-and-forth by attorneys before a settlement conference in which they were offered far less than the ultimate verdict. The offer was rejected due to a fundamental disagreement as to what the value of health and safety are. The defendants ultimately admitted negligence, that Garold Milliron suffered a serious impairment of body function, and that the couple had no fault in the crash. The jury determined the value of the loss of their health, welfare and future retirement plans to be worth $2.3 Million. The couple had worked very hard all their life to try and retire just a little bit early so that they could enjoy their golden years together and about a year or so into it, this preventable crash happened which changed their lives forever. Garold Milliron enjoyed the outdoors and had hoped to spend time with his grandchildren. The Milliron's are doing well but will face lifelong recovery issues and difficulty walking. The truck driver involved in the crash is still a truck driver. This is believed to be the largest verdict ever returned in Grand Traverse county and certainly in the last 25 years.

		2014
01/09/2014	$1,508,953	O'Shea v URS Energy and Construction Inc. (Construction) Plaintiff Dustin O'Shea was an apprentice-boiler maker at the Detroit Edison coal-fire power plant. He fell 30 feet and sustained paraplegia and traumatic brain injury. Compensation was paid voluntarily for several months but was terminated when the defendant took the position that the plaintiff was "guilty" of intentional and willful misconduct per Section 305 of the Workers' Disability Compensation Act. Defendant alleged that plaintiff was not wearing his safety harness when he fell, a requirement that was allegedly strictly enforced. In addition, the claimant's blood upon arrival at the emergency room allegedly tested positive for a metabolite of cocaine.
01/14/2014	$2,000,000	Harris v Gower Corp. (Auto) 49-year-old decedent was driving home in his 1998 Buick LeSabre on southbound I-75 in Springfield Township, leaving from work at General Motors in Grand Blanc. At the same time, while travelling northbound on I-75 in a company-owned pickup truck, defendant employee of Gower Corp. attempted to pass a vehicle in the far right lane when his left front wheel came off the truck. The wheel assembly rolled and bounced into the air ahead of him down the freeway and across the median, crashing into the front windshield of decedent. EMS, arriving at the scene, pronounced him dead as a result of multiple severe traumatic injuries. Decedent was speaking to his wife on his cell at the time of the occurrence and she heard the horrendous crash. While still driving, defendant decided to continue north and exit into a gas station. Police estimate he drove 0.7 miles during the wheel separation. Initially, defendant believed this was a $0 liability case because they had no control over the wheel that came off the vehicle. Detailed discoveries were served upon the defendants; however, prior to the defendants' answers to discovery becoming due, defendants' carrier elected to offer the policy limits of $2M.
01/21/2014	$2,825,881	Grouix v Muma Logging Inc., et al. (Auto) In early morning, decedent was driving in Garfield Twp. when he struck a John Deere logging vehicle that was going 15 mph, but did not have the required lights needed in order to be seen. Defendants contended plaintiff was not properly alert at the time of the collision, possibly due to lack of sleep, speeding or using a cellphone. Plaintiff's estate was awarded $45,881 in past economic damages, $30,000 in future economic damages, $2,000,000 in past noneconomic damages and $750,000 in future noneconomic damages.
01/29/2014	$2,843,355	Smith v People's Transit Ltd., et al. (Auto) Plaintiff millwright and other tradesmen were being driven on a bus from a commuter lot in Dearborn to a nearby steel plant when, at approximately 6am, the bus driver disregarded a red light and ran into an intersection, hitting a 2000 Jimmy. The bus was pushed into the median on Miller Road. Seated behind the driver, plaintiff and was thrown around the inside of the bus, suffering herniated discs that necessitated a lumbar fusion procedure and pain injections. Defendant admitted liability for the accident but argued proximate cause and said that any injuries plaintiff sustained came from prior injuries. Plaintiff had undergone a neck fusion in 2008 and had had back problems. Defendants' expert, a radiologist, testified she could not find any differences in plaintiff's pre-accident MRIs and post-accident MRIs. However, plaintiff's experts testified that they did see differences which corresponded with plaintiff's physical complaints and results from physical exams. The jury determined that defendants' negligence was a proximate cause of plaintiff's injuries and that plaintiff had suffered serious impairment of body function and awarded $801,689 in future economic damages, $1,291,666 in past noneconomic damages, and $750,000 in future noneconomic damages.
01/30/2014	$2,500,000	Boone v Rieth-Riley Construction Co. (Construction) On a night in May 2005 while riding his motorcycle on expressway US 127 in a construction zone, plaintiff argued that decedent lost control of his motorcycle when he struck a 4- to 6-inch-wide rut on an unpaved shoulder next to an exit ramp. He suffered cervical fracture with permanent quadriplegia, had four years of chronic infection brought on from immobility, then died from his injuries before trial. Plaintiff claimed that defendant Rieth-Riley Construction Co., the prime contractor on the highway project, should have

		placed barrels along the exit ramp to warn motorists of the rut. By not doing so, and by leaving the rut, Rieth-Riley had created and maintained a public nuisance. Defendant argued that the rut was not hazardous, that the decedent did not even strike the rut, and that he lost control because he had been drinking earlier and was speeding. Rieth-Riley's attorney argued that plaintiff's claims sounded in negligence and that the trial court "committed gross error when it refused to allocate fault as to all claims." He added that the court disregarded the plain language of MCL 600.2957 and 600.6304 which concern the allocation of fault statute. "Essentially, what the trial court did in this case was to reintroduce joint and several liability, abolished years ago through 'tort reform' by allowing a negligence claim dressed up in nuisance claim clothing as a new avenue to avoid allocation of fault," he wrote in his appellate brief. This case consisted of nearly nine years of litigation, including two jury trials and two appeals. This highway construction zone wrongful death claim settled for $2.5M in Ingham County. Plaintiff's attorney advised other attorneys to argue public nuisance if the condition in question is on a roadway, or is adjacent to a roadway, and is directly involved or implicated in the cause of the collision or crash. This gives the basis to argue that there is no allocation of fault. His use of video and photos from the accident scene proved crucial to presenting his case to the jury. On the morning after the accident he drove along US 127 with an investigator who took video footage of the construction zone. Those photographs and the video preserved the condition of the roadway as it existed at the time of the crash because later that route was paved over by MDOT.
02/27/2014	$ 1,185,520	Aboubaker v Washtenaw County (Employment Practices) A former 17-year Washtenaw County maintenance technician and bus driver argued that union members were to be given first consideration for vacant positions at the county, but he was passed over repeatedly in favor of employees with lesser seniority status. He was Arab American and black Muslim of Tunisian origin and was an AFSCME 233 union member who had earned a bachelor's degree and two associate degrees. In 2008 he applied for an entry level drain inspector position and was the only union member to apply, but the county chose a nonemployee, nonunion member instead. He was fired in 2008 around the same time that he filed a complaint about severe harassment following the Sept. 11, 2001 terrorist attacks from his supervisors and co-workers based on his race, religion and national origin. Defendant asserted that it did not show any bias toward plaintiff but, instead, did not hire him for the 2008 position because he was not qualified. The jury awarded plaintiff $321,490 in past economic damages, $614,029 in future economic damages, $250,000 in noneconomic damages and $1 in punitive damages.
03/12/2014	$ 1,080,000	Knox-Pipes v Genesee Intermediate School District (Employment Practices) One particular school, Clio, in the school district wanted out of a long-term contract (a fiber optic telenetwork system that disseminated learning programs to the 21 school districts throughout the county) it had signed with GISD, claiming Clio was forced to pay for lavish perks for male board members and former male superintendent of GISD. GISD sued Clio to enforce the contract; Clio countersued to recover funds it paid for the claimed perks. After two days of deliberation, the jury awarded plaintiff $760,000 for the Whistleblower Protection Act (WPA) violation and $320,000 for the breach of contract. Plaintiff Knox-Pipes was not awarded anything on her Civil Rights Act claim for gender discrimination.
03/24/2014	$ 3,500,000	Otero v. Altman Management Co. (Premises) Plaintiff filed suit against her former apartment management company alleging a premises liability claim for carbon monoxide poisoning and hypoxic encephalopathy, the latter meaning a deficient amount of oxygen in the brain. The plaintiff in trial argued that the liability claim caused catastrophic damage and needed a life care plan valued at several million dollars to remedy the situation. The defense pointed to a fall at a nursing home and a history of drug use to explain the "overreaching calculations", but the arbitration panel awarded the plaintiff $3.5M.
04/04/2014	$ 1,251,169	Worthy v Performance Staging, Inc. (Employment Practices) Plaintiff, an African-American truck driver and laborer, sued is former place of employment, defendant Performance Staging, Inc., for allegedly firing him for reporting complains of civil rights violations and racial harassment. When reporting co-employee and supervisor insults, he was threatened with a three-day suspension, and was eventually fired after six complaints. According to the plaintiff, there would have been no other reason for the termination of his job. The defendant claims the reason for his firing was due to his attitude and work ethic. They also claim that the plaintiff's complaints were not put into his work record because his supervisors were too busy. The human resources representative, also African-American, testified that she heard the racial slurs, but

		that the plaintiff worked in a warehouse and it was part of "their world." The jury returned a verdict in favor of the plaintiff.
04/10/2014	$26,525,000	MSC Software Corp. v Altair Engineering Inc. (Management Practices / D & O) Plaintiff MSC licenses computer-aided engineering software. In 2005-2006 several employees (Hoffman, Klinger, and Rampalli) left MSC and joined defendant Altair Engineering, another software company. A $26,100,000 verdict was reached for Altair, Rampalli and Hoffmann's misappropriation of trade secrets and breach of confidentiality agreements; $175,000 for breach of Rampalli's non-solicitation agreement and Altair's tortious interference with that agreement; and $250,000 for breach of Klinger's non-solicitation agreement and Altair's tortious interference with that agreement. The jury had also found that Altair and Rampalli's misappropriation was willful and malicious.
04/10/2014	$ 817,648	Grandowicz v Doe (Auto / No-Fault PIP) After being rear-ended by a hit-and-run driver, 53-year-old plaintiff sought no-fault personal injury protection benefits and uninsured motorist benefits from her insurance carrier. Plaintiff claimed injuries primarily to her lower back, neck and right shoulder from the March 5, 2011 accident. A right shoulder MRI revealed a rotator cuff tear that was repaired via an outpatient arthroscopic surgery. At the time of trial, plaintiff's shoulder had improved by 95%. The surgeon, however, testified that she had a pre-existing shoulder tear that was worsened in the accident. Plaintiff also underwent a back surgery which helped her symptoms, somewhat. She also had had a prior back surgery recommended, but never had the surgery until after the accident. Plaintiff's lengthy medical history also included her undergoing a prior neck fusion surgery and two prior knee replacement surgeries. She walked with a cane before the accident and had been disabled since 1998 because of her prior injuries. Defendant argued that all injuries were pre-existing and degenerative and that the plaintiff did not sustain a threshold injury. Treating doctors testified that her prior medical conditions had stabilized until the accident. Although the total damage done to the plaintiff's car was only $591.86, defense retained an accident reconstructionist and a biomechanical engineer to aid the argument that a person could not be hurt in such a minor crash. Treating doctors testified that the plaintiff was more susceptible to injury than a normal person; thus, could be hurt in this kind of minor accident.
04/25/2014	$ 2,657,952	Bonkowski v Allstate Insurance Co. (Auto) In a 2001 automobile/pedestrian accident, plaintiff suffered a diffuse brain injury and a spinal cord injury which rendered him a high-level quadriplegic. Attendant care benefits had been litigated three times previously with multiple different jury awards and multiple appeals to the Michigan Court of Appeals and the 6th U.S. Circuit Court of Appeals. This case represented the fourth lawsuit between the parties concerning attendant care benefits. The Judge said the case had the potential of being re-litigated for the rest of the plaintiff's life. Accordingly, the parties agreed to an 8-year contract for future attendant care benefits at a rate that would be determined by an arbitration panel, with the specific understanding that all other no-fault benefits are preserved. Additionally, defendant Allstate would have to bring up prior payments for attendant care pending in this litigation to the rate established by the arbitrators. The arbitration panel determined an hourly rate of $32/hour for 24 hrs./day.
05/15/2014	$ 1,327,040	Patton v Titan Insurance Co. (Auto – No Fault Insurance) In his third lawsuit against his automobile no-fault insurer, plaintiff favorably will receive a higher daily rate for attendant care than was previously agreed to, a longer-term contract (6 years), and a provision for an annual cost-of-living adjustment increase in the daily attendant care rate. Plaintiff had suffered a traumatic brain injury in a May 2000 motor vehicle accident. The second lawsuit had resolved with a contract to pay future family-provided attendant care benefits, but the insurance adjuster decided to stop payments prematurely, necessitating this third lawsuit. The most helpful witnesses were the insurance adjuster and defendant's retained nurse expert.
05/23/2014	$ 2,440,000	Cilli v Motorists Mutual Insurance Co. (Auto) In Jan. 2012, plaintiff, 60, in the course and scope of his employment with A & Jay Automotive, was struck from behind by defendant Washington while both were traveling west on East Nine Mile Road in Ferndale. Plaintiff had stopped to allow vehicle in front of him to turn left from Nine Mile onto Wanda Street; however, defendant looked away from traffic in front of him and struck plaintiff. Plaintiff sustained a head injury after striking his head upon impact. Defendant was uninsured, so plaintiff relied upon his employer's uninsured policy with defendant Motorist Mutual Insurance and his own uninsured automobile insurance with defendant Home-

		Owners Insurance Co. Plaintiff initially refused medical treatment at the accident scene but was referred to Concentra by his employer and seen over the course of the next two days. Four days after the accident, plaintiff was taken to Henry Ford Macomb Warren exhibiting signs of erratic behavior and demonstrating hallucinations. A workup in the emergency room revealed that he was bleeding profusely in his abdomen. He required an emergent laparotomy and was transferred to the surgical intensive care unit. Because of the trauma sustained in the accident, his medical stability declined, he went into respiratory failure and became ventilator dependent. His body began to shut down and he required several surgeries and remained hospitalized for almost four months. He was discharged to an extended care facility before finally being allowed to return home. Plaintiff argued that his injuries seriously and negatively impacted his ability to lead his normal life from the date of the accident through the present time and for the rest of his life.
05/23/2014	$ 1,250,000	Confidential (Auto) In this motorcycle death case, defendants disputed liability and damages. Defense arguments included comparative negligence, intoxication, failure to wear a helmet and minimal damages because plaintiff's decedent was unmarried and without dependents. Plaintiff vigorously attacked these defenses with strong expert and family testimony, along with well-prepared demonstrative aids. An arbitration panel awarded plaintiff $1.25M.
06/03/2014	$ 1,300,000	Confidential (Auto) Due to a circus vehicle stopping traffic on the highway, there was a sudden traffic jam and a semi-truck driver in his mid-50's was rear-ended by another semi-truck. Plaintiff was diagnosed with neck and back strain and headaches. He ultimately underwent a cervical neck fusion and then a lumbar discectomy. He returned to work doing light duty for approximately one year before being discharged by his employer. Plaintiff alleged he could not return to work as a semi-truck driver, but defendants' experts argued he could return to other forms of employment. They also argued that his current pain and limitations were caused by his diabetes, as suggested by one of plaintiff's own treating physicians.
06/05/2014	$ 950,000	Baldwin v Ohanian (Auto) 70-year-old retired male plaintiff was run over by defendant, an elderly driver, while walking through a grocery store parking lot. The driver wasn't aware that she had run over plaintiff and subsequently backed up over him. After realizing she had struck someone, she panicked and attempted to drive forward again, but the vehicle became lodged on top of plaintiff. Plaintiff was pinned beneath the vehicle for approximately 30 minutes before the fire and rescue personnel were able to lift the car and extricate him. As a result, plaintiff suffered traumatic brain injury and multiple fractures to the skull, jaw, nose, sinuses, eye orbits, ribs, left leg, lung and chest. Plaintiff spent weeks in the hospital, underwent multiple surgeries, endured years of therapy, and is left with permanent residual problems including, but not limited to, the total and partial loss of his smell, taste, sight and hearing.
06/11/2014	$17,810,434	Dorado v McCoig Concrete Co. (Auto) In September 2010, 36-year old female plaintiff was coming home late at night from her job at a security system company. She was driving on Telegraph Road in Brownstown Twp. in a Volkswagen Jetta and was preparing to turn into her neighborhood, when she was rear-ended by a cement truck owned by defendant McCoig Concrete Co. The truck driver was distracted, reading paperwork while driving 50 mph, tried to swerve to the right and ended up colliding from the rear, propelling Dorado's car approx. 100 feet into a utility pole. Defendants admitted liability. Plaintiff suffered 3 spinal fusion back surgeries, a hip fusion, shoulder surgery and suffered significant traumatic brain injury (RBI). She has a collection of screws and plates in her spine that causes her constant pain. As a result, she is no longer able to work or live independently. Defendants' expert radiologist testified that plaintiff's MRIs did not reflect injuries from the accident and that plaintiff's conditions were degenerative. He did not believe plaintiff had an ongoing brain injury but that she did have migraines from the accident. Plaintiff contended she never had neck, back, hip or shoulder pains until after the accident. Photographs of her life before the accident were absolutely essential to telling her story, as well as lay witnesses describing her lessening skills and other changes as a result of the accident. Plaintiff's attorney made a list of every harm, every injury, and every damage – from her surgeries to loss of social enjoyment, career loss, and her new lifetime of dependence. He put a suggested value on each injury, suggesting figures for past and future. "The theory is, every harm must be compensated. That's the law." The jury awarded plaintiff virtually everything the attorney asked for. A Wayne County jury awarded plaintiff $1,508,434 in economic damages and $16,302,000 in noneconomic damages.

Date	Amount	Case
06/30/2014	$ 1,350,000	EEOC v Princeton HealthCare System (Employment Practices, Case of Interest: Medical Leave Disability Discrimination) Princeton HealthCare System wrongfully terminated 23 employees that took medical leave they were entitled to under the Americans with Disabilities Act. The suit brought about by EEOM in 2010 was a result of about two dozen employees of PHCS filing complaints starting in 2007. The unlawful practice involved a human resource policy that was in place until 2010. The hospital disagrees that the prior policy violated the ADA and challenged the claims; however, they agreed to resolve matters in order to avoid the high cost and disruption of operations caused by the ongoing litigation. Under the federal Family Medical Leave Act, eligible employees are entitled to 12 workweeks of leave in a one-year period, as opposed to those covered under the ADA which does not set a specified amount of leave time. PHCS applied the FMLA across the board but did not take into consideration those covered under the ADA and using case-by-case standards to dictate the amount of leave granted. Under the consent decree settling the suit, PHCS is prohibited from having a "blanket policy" that limits the amount of leave time an employee covered by the ADA may take. Instead, they must determine how much leave is needed on an individual basis with covered employees, including those with a disability related to pregnancy. Also, PHCS can no longer require employees returning from a disability leave to present a "fitness for duty" certification to work without any restrictions. Other significant and similar cases include: Interstate Distributor, Supervalu, Sears, and Verizon.
07/02/2014	$11,500,000	Michigan Finance Authority v Kiebler (Management Practices / Breach of Contract – Class-Action Suit) Plaintiff/counter-defendant Michigan Finance Authority offered students access to education loans through various borrower benefit programs, including Michigan Students First (MSF). A provision under the MSF program allowed qualifying borrowers' interest rates to drop to 0% if they made 36 consecutive monthly payments and continued to pay on time after the rate reduction. On 6/10/10, plaintiff sent notices to borrowers advising that the MSF program would be terminated effective 6/30/10. Borrowers were suddenly ineligible for the rate reduction. A class-action suit was filed to force MFS to honor the interest rate reduction program for 105,000 other borrowers believed to have also been negatively impacted. Appeals were made to both the Michigan Court of Appeals and the Michigan Supreme Court.
07/07/2014	$11,500,000	Confidential (Auto) In an auto accident, 5-year old plaintiff sustained an ongoing traumatic brain injury which required 24-hour attendant care. The no-fault insurer sought to negotiate a total buyout of plaintiff's benefits, including monthly payment of lifetime benefits that are consistent with the existing payments. Raises for plaintiff's anticipated medical needs as well as for the plaintiff's service providers will occur each and every year for the remainder of his life. The payments will increase each and every year pursuant to a payment schedule. The escalating benefits are guaranteed for the life of the plaintiff.
07/16/2014	$10,355,011	NorthPointe Holdings LLC v Nationwide Emerging Managers LLC v NorthPointe Capital LLC (Management Practices: Breach of Contract) Troy-based NorthPointe Capital LLC, a boutique investment advisor, was awarded damages and termination fees following a 5-year legal battle with Ohio-based Nationwide Mutual Ins. Co. In a June 2007 purchase agreement, insurance giant, Nationwide, sold their interest in mutual fund manager, NorthPointe, along with the right to receive the income generated by the continued management of seven Nationwide mutual funds. NorthPointe's counsel argued that Nationwide had not only never intended to allow NorthPointe to manage the funds, but had actively planned and carried out the creation of a new multimanager NVIT mid cap growth fund to compete directly with the NVIT fund NorthPointe was managing. This was a breach of contract including breach of covenant of good faith and fair dealing.
07/17/2014	$ 1,500,000	Thomas v Sloan Petroleum Transportation (Auto Fatality) Defendant Sloan Petroleum's tank was going southbound on Southfield Freeway, approaching Outer Drive in Wayne County, when a dual assembly broke off the axle, traveled down the freeway and bounced over the median. It then fatally struck the car roof of plaintiff's decedent. It was discovered that the four axles of the defendant's tanker had been improperly welded by being butt welded at the spindles. This had significantly reduced the integrity of the axle, a fact which both the defendant and the plaintiff agreed upon, though the former asserted that this was not known to him. Regardless, plaintiff argued that this was a violation of the Federal Motor Carrier Safety Regulations because the motor carrier has a duty to insure the safety of the trailer by, among other things, inspecting

		all the parts, axles included. A settlement amounting to $1,500,000 was reached before trial.
07/24/2014	$ 1,100,000	Confidential (Auto) A tractor-trailer driven by the defendant, an employee of a large, privately held transportation company, turned his vehicle into 44 year-old female plaintiff's lane of traffic, colliding head-on with her car at 45 mph while she was on her way to work at 7:15 a.m. Defendant had been a truck driver for just two years and was carrying an oversized load with a piece of farm equipment on the back of the flatbed truck. Plaintiff had the right of way and was properly proceeding under a green light. There was nothing she could do to avoid the crash. Additionally, there were no obstructions or reductions in visibility that morning and there were no curves at the site of the accident. The headlights on plaintiff's automobile were functioning properly and on at the time. Plaintiff smashed both of her knees into the dashboard of her car, fractured her wrist and sustained a closed head injury. Up until the end of 2014, she had undergone 8 separate surgeries, including replacements of both knees. She is expected to need additional procedures and ongoing treatment and rehabilitation. At the time of the accident, she was gainfully employed by a government agency and routinely received commendations from superiors. She recently passed a job-related exam that would have increased her income. Her permanent injuries now prevent her from performing her necessary duties and tasks; thus, foreclosing a promising career.
08/01/2014	$ 1,084,344	Dedvukaj v Lakeside Oakland Development LLC (Management Practices / Breach of Contract for Unpaid Compensation) Plaintiff entered into a contract with development company to build buildings such as plazas and gas stations. The agreement provided that plaintiff would be entitled to 15% for the value of the construction of the buildings. As security, plaintiff was then promised half interest in two of the plazas if defendant completed them, a point that defendant denied. Buildings were built and plaintiff was not paid. Plaintiff filed suit and *lis pendens* on two of the properties. During suit, both properties sold and the parties, through cooperative, creative, and good faith efforts, placed half of the proceeds of the sale in escrow with the court. The facilitator assisted in having the matter settled and the proceeds in escrow were split equally to each party.
08/05/2014	$ 2,836,000	Bujan v Dura Automotive Systems (Premises / Employment Practices) Executive assistant plaintiff was in Germany assisting with a business conference. The hotel and grounds where employees were staying and having the conference was an old, converted castle. Plaintiff was walking back after dark to the main hotel where the rooms were located and fell from a bridge into what used to be an old castle moat. The fall resulted in a T-9 spinal fracture with paralysis. Plaintiff argued that she was still within the course of her employment when the injury happened; that she was on the premises where work was being performed; and that she was covered while making her way back to the hotel room. Defendant's insurer argued that the injury occurred after all work activities had ceased for the day, and that plaintiff engaged in an activity for which the major purpose was social and recreational when the injury occurred; therefore, plaintiff should be excluded from workers' compensation coverage. The matter settled before the Oakland County Workers' Compensation Bureau.
08/14/2014	$ 887,000	Hester v Michigan Department of Corrections (Employment Practices / Discrimination) Plaintiff, an African-American mason in the maintenance shop of the Ryan Correctional Facility in Detroit, asserted that between 2007 and 2010 he was treated differently from his white counterparts by his Caucasian shop supervisor, claiming racial discrimination and hostile work environment under the Elliot-Larsen Civil Rights Act (ELCRA). After filing for leave of appeal, plaintiff filed a retaliation lawsuit due to his being discriminated due to his filing civil rights action. MDOC denied, while the entire maintenance shop testified that plaintiff was treated differently since filing the action. He was awarded past economic and noneconomic damages, as well as future noneconomic damages.
08/19/2014	$ 1,200,000	Olson v Alexander (Auto/Motorcycle) A 65-year old retired registered nurse was a passenger on a motorcycle when, due to the negligent operation of the motorcycle, she was involved in a crash sustaining partial loss of use of her left arm, including nonunion of her left humerus with ulnar neuropathy and brachial plexus injury following the surgery, as well as fractured sternum with scarring. The insurance carrier had paid the majority of the medical bills leaving very little in "specials." Plaintiff had legal hurdles to overcome including the very little amount of "economic specials" as well as her limited life expectancy. The key to this $1.2M settlement was the trial theme of partial loss of use of her left arm as well as the judge's fast track and plaintiff's bad faith letter.

08/25/2014	$ 950,000	Boverhof v Harrell (Auto) On August 16, 2012, defendant Todd Harrell was driving too fast for the weather conditions in southern Kent County at the time, lost control of his vehicle and crossed the center line. He then crashed in a head-on collision with another car being lawfully driven by Daniel VanDommelen. He died due to extensive blunt force injuries, leaving behind three adult sons, two sisters and his father. The car of the defendant had illegal rear tires, which locked when the defendant jammed on his brakes and caused the hydroplaning that led to the accident. The defendant asserted the sudden emergency doctrine and argued the loss of control and subsequent collision was due to his being confronted by a sudden emergency and not due to his own misconduct. He went on to name his mechanic and Kent County Road Commission as nonparties at fault due to the negligence of rotating worn tires to the back of the vehicle and for the poor condition of the road causing excess standing water – which he argued led to the collision – in the various ruts, respectively. The plaintiff motioned to both strike the defendant's affirmative defense of a sudden emergency and to dismiss the road commission as a nonparty at fault. Both motions were pending at the time a $950,000 settlement was reached, the amount reflecting VanDommelen's lack of financial dependents and his family's loss of society and companionship claims.
08/28/2014	$ 1,500,000	Schumacher v Harmon (Auto) While stopped at a red traffic signal waiting to turn left onto U.S. 131, a divided highway, plaintiff and his driver wife were rear-ended by defendant. After the impact, defendant backed up and drove around the plaintiff's vehicle, then sped away at a high rate of speed onto U.S. 131. Plaintiff's wife followed the at-fault driver and was able to catch up to him when the defendant became trapped behind two side-by-side semi-trucks on the freeway. Plaintiff called 911 and the police were dispatched to pursue the fleeing driver. Eventually, defendant was pulled over and arrested for driving under the influence of alcohol and narcotics. He pleaded guilty to operating his vehicle while impaired by alcohol and controlled substances, first offense. When plaintiff and his wife were allowed to leave the scene after defendant's arrest, plaintiff began feeling extremely nauseated and complained of neck pain. His wife drove directly to the hospital emergency department where he was diagnosed with a cervical strain from a flexion-extension injury to his head and neck. He followed up with his family physician. Over the next several months, his symptoms became worse. He developed severe headaches and neck pain, as well as burning pain in his shoulders. Over time, plaintiff experienced increasing difficulty with concentration, word recall and memory. Physical therapy and epidural injections were unsuccessful. When referred to the Michigan Head-Pain and Neurological Institute, symptoms improved but continued to persist. Plaintiff currently treats with medication, injections and rhizotomies. Prior to this collision, plaintiff was the owner and operator of a farm semi-trucking business, performing all of the heavy mechanical work on the trucks and was actively involved in the day-to-day running of the business. After the crash, however, plaintiff was unable to continue working in his business. The at-fault driver's insurance company, State Farm, offered $60,000 prior to trial. Plaintiff's carrier, Auto-Owners, refused to offer any amount in settlement.
08/29/2014	$ 3,238,154	Oakland-Macomb Interceptor Drain Drainage District v Ric-Man Construction Co. Inc. (Employment Practices / Breach of Contract) This action arose out of several contracts issued by Oakland-Macomb (OMID) to Ric-Man Construction for the construction of various control structures needed to facilitate the repair of a major sewer interceptor that had once been owned by the Detroit Water and Sewerage Department. The primary issue was whether Ric-Man Construction was entitled to additional compensation for costs incurred due to various design errors and differing site conditions in the form of loosened soils which required an expensive soil grouting program to correct. OMID initiated the arbitration, claiming that Ric-Man caused the differing site conditions and was, therefore, responsible for paying the design and inspection costs incurred by OMID to resolve the problem. The arbitration panel rejected OMID's claim in its entirety.
09/15/2014	$ 610,000	Wayne County Circuit Court – Confidential (Employment Practices / Wrongful Termination) After working for her employer for 8 years, 39-year-old plaintiff filed an EEOC complaint in October 2011. She was told that she was placed off work on an investigative suspension and then was terminated for an alleged "no call/no show." (It was later determined that plaintiff had given proper notice to her manager. The discipline was deleted.) Plaintiff was brought back to work 3-4 weeks later and was again suspended and terminated within 6 weeks after her return to work due to stealing $30. She then filed another EEOC complaint alleging retaliation. Defendants refused to produce all documents they sent to the administrative agency regarding plaintiff in 2011-2013, claiming they could not find them. They could neither admit nor deny that they notified the appropriate state

		administrative agency that plaintiff was terminated in October 2011. Yet, an agency did show that plaintiff was terminated at that time. An employee who verified and counted all the marked bills testified that no money came up missing and that plaintiff was wrongfully terminated. Videotapes did not show any theft. Plaintiff claimed race discrimination, hostile work environment, retaliation, false imprisonment, conspiracy and concert of actions, and intentional infliction of emotional distress.
10/01/2014	$42,000,000	Kiara Torres and Joshua Rojas v Concrete Designs Inc., Brian M. English and Jovanny Martinez (Auto) (Ohio case of interest): In November 2010, driver Martinez, 24, was driving his 1992 Honda on a bridge in Cleveland with three other school friends on their way to Taco Bell when dump truck driver, English, driving for Concrete Designs, cut in front of him causing a crash resulting in both passengers on the right front and right back to receive skull fractures and extensive traumatic brain injuries. Both are permanently blind in the right eyes. Although there were conflicting stories from both drivers of the details of the crash, It was determined that English was at fault for causing the crash and that Martinez failed to keep a proper lookout or control his speed and ran the right side of the car under the left rear wheels of the truck. The trial lasted 10 days and jury deliberated over a two-day period. Rojas, 18, underwent surgical repair of his skull and removal of approximately one-third of his brain. He is partially paralyzed on his left side with extremely limited use of his left arm and inability to grip objects in his left hand. He wears left leg brace to move short distances or wheelchair for longer distances. Torres, 16, lost her ability to smell with diminished sense of taste, and with cognitive deficits that prevent her from graduating high school. Both are permanently disabled and unable to work and will require continual medical and psychological care. Life care planning of future medical expenses and future lost income and noneconomic damages resulted in $34,600,000 for Rojas; $7,800,000, Torres.
10/10/2014	$ 5,483,529	Longhorn Estates LLC v Charter Township of Shelby (Employment Practices) Plaintiff Longhorn Estates, a real estate developer, and defendant/counter-plaintiff Shelby Township entered an agreement under which both parties would contribute funds for the installation of a sanitary sewer line across Longhorn's planned development. The township contracted with defendant Capital Contracting Co. to do the work; however, Longhorn and Shelby claimed the sewer line was installed improperly. Engineering reports showed the failure to perform the work according to specifications. Plaintiffs also argued their damages were more than $1.4M, plus lost anticipated sales revenue suffered by Longhorn and anticipated tax revenue suffered by the township. Capital claimed, however, that they did perform according to specifications and that the township waived rights to object to its performance when it inspected the site and made final payment. They also asserted that the parties failed to mitigate damages by pursuing a costly remedy and waiting too long to remedy the alleged defects. $3,848,469 was awarded to Longhorn; the township, $1,390,123 in damages on the breach of contract claim; and $244,937 in damages for unjust enrichment.
10/13/2014	$ 1,175,000	Longhorn Estates LLC v Charter Township of Shelby, et al. (Employment Practices / Breach of Contract) Plaintiff Longhorn Estates is the developer of real estate in which Shelby Township entered into an agreement in which both parties would contribute funds for the installation of a sanitary sewer line across Longhorn's planned development. Shelby contracted with defendant 1) Capital Contracting Co. to do the work for approximately $750,000, and 2) Anderson, Eckstein and Westrick Inc. to design the project and administer the construction contract. Longhorn and the township claimed that Capital failed to install the sewer line properly, arguing that AEW breached its engineering contract and acted negligently relative to the project and demanded damages exceeding $5M. AEW denied liability. They reached a settlement prior to trial. *(See related case above, 10/10/2014, Longhorn v Shelby Twp.)*
10/17/2014	$ 1,946,304	Gayles v Citizens Insurance Co. (Auto) Plaintiff suffered severe cognitive and emotional deficits from a traumatic brain injury sustained in a 2005 automobile accident. Prior to her current second lawsuit against defendant Citizens Insurance Co. defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss. Plaintiff was forced to file five separate discovery motions in order to obtain required discovery. The $1,946,304 settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5 ½ years. Plaintiff's counsel noted that the amount of the settlement was considerably higher than what the insurance company had paid prior to the cutoff of attendant care benefits.

10/17/2014	$ 1,893,352	McKissick v Citizens Insurance Co. (Auto) Plaintiff's ward was severely injured with traumatic brain injury in a 2004 automobile accident. Defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss. In this third lawsuit, plaintiff claimed that defendant engaged in fraud and a conspiracy along with consulting physician and registered nurse to violate the no-fault act. Defendant was unable to escape its prior nebulous discovery answer relating its program to reduce family-provided attendant care. The settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5 ½ years. The amount of the settlement was considerably higher than what the insurance company had paid prior to the cutoff of attendant care benefits.
10/17/2014	$ 1,500,557	Pruitt v Citizens Insurance Co. (Auto) Plaintiff was severely injured in a 2005 automobile-pedestrian accident. This was her third lawsuit against Citizens Insurance Co. The type of injury incurred was traumatic brain injury and the plaintiff alleged that the defendant engaged in "fraud and conspiracy," along with the registered nurse to violate the no-fault act. A settlement was reached for attendant care benefits only for the next 5½ years.
10/17/2014	$ 1,400,000	Chemical Technology, Inc v American Empire Surplus Lines (Premises/Operations) Plaintiff Chemical Technology, Inc. had a building that was destroyed in a fire in November 2013. The defendant American Empire Surplus Lines provided this commercial property for the plaintiff. The replacement cost of the building was determined at $5,239,041. The actual cash value, calculated by subtracting depreciation from the building's replacement cost, was determined to be $3,248,205, well above the $1,400,000 building insurance limit. The plaintiffs argued that American improperly calculated the actual cash value by using the market value approach and paid Chemical under half of what it was due, effectively low-balling them on the building payment. The matter was put into appraisal and appraisers awarded Chemical the full insurance policy limits of $1,400,000.
10/24/2014	$ 1,650,000	Confidential (Premises) Plaintiff fell into unguarded pit at defendant's oil change facility when beckoned by defendant to enter the facility and pay for her oil change. She was waiting outside as she was afraid to drive her car into the facility. She suffered traumatic brain injury, a non-displaced pelvic fracture and rib fractures. Plaintiff's counsel argued that the case was one of active negligence, while the defense argued in favor of a premises liability case where the hazard that befell the victim was open and obvious. Plaintiff argued that pit covers are standard in the industry, yet unused at the oil change facility where the accident occurred as well as the policy of the defendant that the customer should stay in their vehicles in order to avoid any possible accident involving unguarded pits. Plaintiff made the additional argument that payment could have been made without entering the facility. An arbitration panel awarded plaintiff $1,650,000.
11/13/2014	$34,000,000	Confidential (Auto / *Ohio case of interest)* A Michigan-based head attorney at Michigan Auto Law of Farmington Hills was asked by Ohio-based co-counsel to participate in a serious truck accident case in Ohio. The case settled after the first day of trial. Third-party truck accident negligence.
11/18/2014	$ 1,121,400	Denys v Auto Club Insurance Association (Auto / No-Fault PIP Attendant Care Claim) In November 2008, an independent 87-year-old was in an auto accident leaving her lower extremity weak and also with deep vein thrombosis. Her no-fault carrier paid attendant care benefits until October 2012, when plaintiff claimed the insurer wrongfully suspended payment. Two independent medical examinations (IME) by the same doctor agreed that care benefits were still needed, relating to the accident. Defendant sent plaintiff to a new and different medical examiner. As a result, the carrier discontinued paying three hours of attendant care benefits at $12.50 per hour in February 2013. After filing suit and deposing the adjuster responsible for terminating benefits, defendant agreed to facilitation and paid $26,760 for the October 2012-February 2013 cutoff. During litigation, defendant ordered a 4th IME using the same examiner who performed the first two examinations. The IME mirrored the original two examinations. Defendant adjuster admitted knowing that plaintiff was receiving 24-hour care and that the adjuster was only paying for three hours of attendant care per day. The total settlement over the next two years, with benefits still remaining open, is $640,000.

11/26/2014	$ 925,000	Wayne County Circuit Court (confidential) (Employment Practices/Racial/Disability Discrimination) In 2011 during defendant government agency restructuring, an African-American male plaintiff was to be transferred into another position currently held by one of his supervisor's white friends. Plaintiff believed his supervisor wrote up a fake job description that did not meet the needs of plaintiff's disability, so that he could be ultimately fired. Plaintiff was illegally sent home from work for more than 10 months. During that time, he was unpaid, lost his home and health care and was unable to care for his family. Plaintiff was unable to take his medication for high blood pressure or diabetes and his health spiraled out of control. He ended up living in his car. After nearly a year, he was returned to work without explanation. He grieved his time off work and received back pay. He argued further that upon his return he was the target of an incredibly racist and retaliatory atmosphere, he was given a disproportionate amount of work, was talked down to by the supervisor, and was given different jobs every day as a way to harass and embarrass him. Plaintiff reported this to numerous supervisors. His damages were supported by co-workers and doctors.
12/03/2014	$ 1,375,000	Moore v Art Van, et al. (Auto) Plaintiff and his fiancée experienced mechanical problems on their way home from downtown Detroit. Some of the exterior lights were affected, so they put on their hazard lights and continued at a reduced speed. A crucially important eyewitness, who also was a border patrol officer and a 15-year veteran truck driver, was traveling one lane over from plaintiff, as well as defendant Art Van's tractor trailer rig. The eyewitness wondered why the truck driver did not switch lanes to avoid the imminent accident. The plaintiff's vehicle was in plain sight. The eyewitness finally looked away, knowing the fatal rear-end collision would decimate plaintiff's car, which it did. He still felt the heat from the explosion through his windshield and felt the debris from the crash hit his car. An hour after the crash, the defendant Art Van driver still claimed he had to recollection of even hitting the car, which was still burning, stuck underneath the tractor trailer rig. Plaintiff's counsel believed the truck driver was asleep at the wheel. Plaintiff's counsel believed defendants deposed all family members trying to find someone to say plaintiff was a worthless person and a bad father; however, everyone testified the same way; namely, that he was a good and caring man, a great father and their best friend. Injuries included wrongful death, lost future income, mental anguish and emotional distress.
12/12/2014	$ 4,626,355	Rieck v. Genesee Otter Lake Campground (Premises / Construction) Plaintiff was volunteering at campground when defendant campground owner asked plaintiff to assist in demolition of a store that had been burned in a fire. When removing sections of the roof, the backhoe operator hit Rieck off the roof with the backhoe bucket. Rieck suffered numerous injuries, including burst comminuted fractures of C1 and fractures in both wrists. Defendant denied any such incident took place and brought in an expert to opine that Rieck could not have been hit by the bucket. The jury applied common sense and judged that he had been struck by the backhoe. Plaintiff's counsel argued that the verdict amount cover the home health aide needed for Rieck and lost wages. With past damages serving as a guide, plaintiff retrieved a conservative number of $4,626,355 of settlement.
12/19/2014	$ 777,500	Melrose v Warner Trucking and Excavating Inc. (Auto) Plaintiff passenger in a semi tractor-trailer was being driven by defendant owner of trucking company. Plaintiff's disabled dump truck was at the back of the tractor-trailer in a low-boy trailer. While traveling northbound on I-75 near M-81 defendant's left front "steer" tire blew out. Defendant lost control of the vehicle and it careened sharply to the left and struck the median wall, breaking out two sections of the wall. The fuel tank on the left side of the truck behind the cab caught fire. As the vehicle continued to roll along the highway median over the course of about 20 seconds, defendant demanded that passenger jump out of the moving vehicle; however, plaintiff refused as there was oncoming traffic. Defendant released his own seatbelt, then released the plaintiff's seatbelt, reached over the plaintiff and pushed the passenger door open, and then used his feet to force the plaintiff from the moving vehicle onto the highway while traveling 30 mph. Expert testimony confirmed that it took the defendant more time to execute the maneuver to remove the plaintiff than it would have taken to stop the truck if the air brake "emergency tabs" had been pulled, in which case it would have taken 5 seconds for all 22 tires to lock up and brake; then a controlled exit could have been made. It is a common-law theory that you do not push a passenger out of a moving vehicle. Plaintiff incurred a closed-head injury and multiple fractures with permanent nerve injury. Defendant contended that the plaintiff was comparatively negligent. It was found that the defendant driver had been stopped by the motor carrier division that day for load violations as well as failing to have a current medical card. It was

		also discovered that his mandatory annual inspection and daily inspection of the vehicle were both falsified. The tire that blew was over three years old and was "over miles." The jury determined that both the driver and the company were negligent.

2013

01/04/2013	$ 900,000	Confidential (Construction) Plaintiff electrician claimed that defendants, all carpenters, leaned a number of cement board sheets upright against a wall at a jobsite. Many hours later, plaintiff had his leg and knee broken when the sheets fell on him, permanently disabling him. Plaintiff contended that the boards should have been laid flat.
01/10/2013	$ 750,000	Cassasanta, et al. v Saviano, et al. (Premises) Renter of residential property fell through the attic floor above the garage, fracturing his pelvis and wrist. Impotence was also argued as a result of the pelvic injuries. Because a dangerous condition was created by installing particle board as the attic flooring, an arbitration panel awarded $750,000 to plaintiffs including $100,000 for loss of consortium.
01/11/2013	$ 1,300,000	Pease v Smith, et al. (Auto) While driving within the scope of his employment, defendant began driving erratically on I-94 in Kalamazoo County when he was able to exit the highway, collided with the vehicle in front of him which, in turn, hit plaintiff motorcyclist, 66, who was killed instantly. In a wrongful death action plaintiff, as personal representative of the deceased, sought compensatory damages from defendants. Upon investigation, officials stated he had suffered a diabetic seizure, causing him essentially to lose consciousness prior to the collision. Plaintiff's accident reconstruction expert mapped out how many minutes defendant had been on the road when he first started having symptoms of an impending diabetic seizure and noted he could have exited sooner and that other evasive measures could have avoided the accident.
01/18/2013	$ 1,825,000	Confidential (Auto) While assisting a disabled motorist whose vehicle had slid off the roadway into a ravine on a cold winter evening, plaintiff was struck by defendant driver who careened off the roadway when coming up the exit ramp at too great a speed for existing inclement conditions. Plaintiff became pinned against the disabled motorist's vehicle, suffering a fractured leg and a concussion that was ultimately diagnosed as a mild traumatic brain injury. Treating physicians asserted that plaintiff's working capacity was permanently diminished due not only to his lack of mobility, but also because of his changed personality which was attributable to post-traumatic stress disorder. Defendant denied liability, but pleaded no contest to a traffic ticket for speeding. Defendant's examining physicians contended that 1) plaintiff's psychiatric disability was attributable to his pre-existing mental state, and 2) plaintiff could perform gainful employment, although not in the same industry (sales) as previously.
02/02/2013	$ 750,000	McBratnie v Ajax Paving Industries, Inc. (Premises) Travelling on I-75 in Auburn Hills at 4 a.m., plaintiff noticed a fallen construction sign on the expressway. He swerved to avoid the sign but could not avoid the second, unexpected overturned sign in the adjoining lane which had fallen on its face, leaving the metal legs thrusting forward in a dangerous position. The dark, rusted metal support leg of the second sign came through plaintiff's windshield, impaling him in the chest, missing his heart by inches, but causing damage to his chest cavity including an injury to his lung and chest muscle along with two shattered ribs. Paramedics arrived and noted a 2-3" open chest wound above the left nipple and found plaintiff having difficulty with breathing and placed him on oxygen. He was treated at the hospital. Carelessness was established in the securing of signs on the freeway by deposing defendant's employees as to established protocol. Also, photographs were taken of other temporary road signs on other highway projects being performed by other contractors, which revealed that oftentimes the signs had up to 12 sandbags per sign, as compared to 4 sandbags per sign There had also been a history of signs being blown over during this construction project, but the practice of using 4 sandbags continued.

02/04/2013	$ 1,000,000	Wilk, et al v Bird Brain, Inc. (Product Liability) While a friend was attempting to relight a citronella fire pot by pouring fuel gel onto a smoldering flame, the gel burst into flames and exploded onto plaintiff, a married, middle school teacher, who was standing a few feet away. She suffered second- and third-degree burns over 21% of her body, including her hands, arms, chest, neck and face. Defendant had been made aware, prior to this incident, that the burning flame may be invisible and that the fuel's vapors could travel quickly to ignition sources. This, coupled with the design of the firepot which plaintiffs alleged made the flame difficult or impossible to see, created an unreasonable danger to consumers.
02/05/2013	$70,000,000	Stryker Corp et al v Zimmer Inc. et al. (Management Practices) Kalamazoo-based plaintiff Stryker Corp., a medical equipment manufacturer, sought damages from defendant Zimmer Inc. on claims of willful patent infringement. Stryker developed and manufactured an orthopedic pulsed lavage device, a portable, battery-powered combination spray gun and suction tube used by medical professionals to clean wounds and tissue during joint-replacement surgery. It was considered state of the art, replacing bulky, nonportable devices. Stryker spends millions of dollars on research and development each year and will not tolerate copying. Plaintiff contended that defendant copied the device and in the process infringed on three of the device's patents. Plaintiff added that this allowed for defendant to gain market share for at least six years, cutting plaintiff's profits. Defendant countered it did not infringe, take or use plaintiff's patents, and that the patents were invalid. The jury determined that defendant willfully infringed on plaintiff's patents and awarded $70M in damages. One Chicago-based attorney said the key to landing the award lay in litigating for high-quality patents, patents that he would call "pioneer" patents, in that they changed the entire industry as far as the type of product that was being used. The judge noted that Zimmer had chosen a high-risk/high-reward strategy of competing immediately and aggressively and that such conduct was flagrant. Instead of relying on their own engineers to develop an alternative to Stryker's product, Zimmer simply asked an independent contractor to make a copy of Stryker's product for them. Zimmer's product looked and functioned like Stryker's product. They ignored the risk associated with patent infringement. In his order for parties' post-verdict motions and final judgment and permanent injunction, the judge trebled (tripled) the jury award damages, totaling $210M; trebled damages on supplemental lost profit, totaling $18,326,678; and granted $12,262,654 prejudgment interest and $8,112,448 attorney's fees. Total judgment, $248,701,780.
02/18/2013	$ 1,080,000	Confidential (Premises / Product Liability) This was a consolidated case filed on behalf of three individuals who were employed as stage workers constructing a temporary stage and roof at the Pontiac Silverdome. During construction, the roof of the stage collapsed, injuring the plaintiffs: 1) Extensive knee injuries and related reconstructions, lumbar radicular syndrome with decompression of L5 and S1 and shoulder strain; 2) Closed head injury and incurred anxiety and depression; 3) Total reconstruction of the right knee. There were 2 defendants: Def. A) A staging company that erected temporary stages; and Def. B) An engineering/manufacturing company that manufactured stages and component parts. Def. A purchased stage from Def. B. While erecting the stage at the Silverdome, A redesigned the system, moving the mid-stage trussing backward, causing overloading on the roof system. As a result, the downstage trussing buckled, initiating a complete collapse. During litigation, Def. A admitted the roof system was not reasonably safe for its intended and expected loading, but claimed that Def. B's installation instructions were defective. They also claimed that the product liability statute did not apply to them. Plaintiffs argued that Def. A did not follow the original design/installation instructions, nor did it obtain an updated engineering analysis for the changes it made to the roof system.
02/20/2013	$47,000,000	Jiffy Lube International Inc. Text Spam Litigation (Management Practices / Cell Phone Calling) *California Case of Interest:* Defendant Heartland Automotive Services, Inc., a Jiffy Lube franchisee, and its telemarketing vendor, allegedly violated the TCPA with a text-message promotional campaign that was transmitted to more than 2,300,000 consumers' cellular telephones without their consent. The settlement also included an injunctive relief component prohibiting the defendants from sending further commercial text messages without written consent from the recipient, the proof of which the defendants must maintain for two years.
02/22/2013	$ 7,000,000	Confidential (Auto) About 4:30 a.m., 28-year-old plaintiff sustained burn injuries to more than 85% of his body after his tractor trailer sideswiped parked

		truck off the I-94 expressway, adjacent to defendant's apartment complex. Negligence was argued as the defendant did not use reflectors, triangles, flares or flashing lights to indicate his parked truck in a non-illuminated area. Upon impact, the gas tanks on both vehicles ruptured, causing an explosion. Also, flammable materials being transported by the plaintiff burst into flames and engulfed the truck cab before he had an opportunity to escape. Burn injuries required five months' hospitalization, undergoing over 20 surgical procedures, tracheostomy, and operations to his left hand.
02/26/2013	$ 1,300,000	Tankersely, et al. v Ameritech Publishing, Inc. (Employment Practices) A group of sales representatives filed suit in federal court on claims for unpaid overtime wages relative to uncompensated work hours that they alleged their employer, defendant Ameritech Publishing, Inc., permitted. Plaintiffs alleged API directed or encouraged its workers to use voice recorders and perform pre- and post-shift work, attend meetings, weekend work and other out-of-office work to try and generate additional sales of yellow pages advertisements and produce sale leads. A secondary component of the damage claim pertained to the company's method of calculating "chargebacks" for defaulting sales, which was brought under Rule 23. The court certified both a collective action and class action consisting of groups of approximately 500 and 200 members, respectively, and ordered a special master to work to try and facilitate a settlement in the matter. Defendant denied any violation of the Fair Labor Standards Act, maintaining that all of the workers' hours had been paid for, or that the company was unaware of any unpaid hours work because of the time sheets submitted by the employees. The company also denied anything improper concerning its accounting practices relative to chargebacks. The vast majority of the settlement of $1.3M covered FLSA claims over unpaid back wages.
03/06/2013	$ 3,000,000	Confidential (Premises/Operations) A 30-year-old mother of two young children sustained burns up to 40% of her body's surface and underwent skin graft surgery after a natural gas explosion occurred at her home four years ago. Defendants claimed that the plaintiff was able to resume her household activities and, because she planned to be a stay-at-home mom, there was no loss of earnings. Defendants also claimed that the leak that caused the gas explosion was inside the home and they were entitled to summary disposition. The motion was denied. Plaintiff moved for default because the defendant failed to produce the pertinent portions of the pipe leading to the house. The court entered a default against the defendants and the case proceeded to trial. The case settled near the end of trial.
03/11/2013	$ 4,000,000	Confidential (Auto) Defendant truck driver collided with 54-year old plaintiff bicyclist on the gravel shoulder portion of a rural roadway as a result of trucker veering to the right, off the roadway. Plaintiff bicyclist was knocked to the ground. The accident caused a traumatic brain injury resulting in the necessity for multiple surgical interventions. Plaintiff was subsequently placed into a brain injury facility where he remains as an in-patient, undergoing occupational and speech therapy and other therapies. Plaintiff was a seasonal farm worker who has been permanently disabled as a consequence of the crash. Investigating policy officers reflected that defendant had a clear and unobstructed view of the roadway and that the roadway, other traffic and weather conditions did not contribute to the crash. The officers also said plaintiff did nothing to contribute to his injury. Defendant argued that plaintiff's lack of U.S. citizenship, spotty work history, and lack of immediate family members should result in a minimal financial recovery. Third-party tort liability case.
03/20/2013	$ 3,717,948	Cress, et al. v VHS University Laboratories Inc., et al. (Auto) In Royal Oak, 54-year-old pastor's vehicle was struck by defendant driver who was operating a vehicle owned by her employer during the scope of her employment. Although the impact was relatively minor, because of his previous history of multiple concussions, plaintiff was extremely vulnerable. He was diagnosed with a traumatic brain injury, a double crush injury to his cervical and thoracic spine, vision problems, acute depression and other injuries. Church elders asked plaintiff to step down as head pastor, he ultimately lost his job and is disabled. The pastor's wife kept a daily journal of his day-to-day activity changes following the wreck. That journal was the key evidence. Defendants admitted liability but disputed causation and damages. The jury determined that the accident was a proximate cause of plaintiff's injuries and awarded past and future economic damages, past and future noneconomic damages, and co-plaintiff was awarded past and future noneconomic damages.

04/2013	$90,000,000	Confidential (Auto Fatality) Over four years ago, six people were injured and one died in a two-car crash when a Lincoln Continental fatally struck a 13-year old girl as she crossed the street at her school bus stop. The car then hit an oncoming minivan and then a 17-year-old boy walking on the opposite side of the street. All seven were taken to the hospital, but the 13-year-old was the only one with grave injuries. The 6-man jury awarded the family $90,000,000 for damages, medical expenses, and funeral costs. The lawsuit said the school district was negligent in failing to provide safe transportation to the school. The policy was that she would be picked up on her own side of the street, but that never happened. She was forced to cross the street. (*This is listed as a "case of interest" in the state of Maryland.)*
04/01/2013	$ 1,100,000	Morofsky v City of Lansing, et al. (Auto) In Lansing, defendant police officer was speeding in response to a call to a fight at a grocery store when she hit defendant driver with his brother in the backseat, who was ejected from the car, landing more than 70 feet away in a yard. He suffered traumatic brain injury, abdominal and intestinal tract injuries, and spinal injuries, leaving his disabled. He underwent 12 surgeries. Defendant driver had been under the influence of marijuana at the time and was trying to cross a 3-lane road from a turnaround lane when he pulled out in front of the police officer's car which was approaching. When defendant rolled through the stop sign, the officer struck defendant's car in the back end. Because the officer felt the call was not a "priority" call she had not used her overhead lights when speeding to the scene. The matter settled for $1,000,000 from the city and $85,000 from defendant driver.
04/18/2013	$ 3,533,491	Elser v Auto Owners Insurance Company (Auto) After 19 years of litigation regarding a 1988 auto accident leaving plaintiff with a closed-head injury and his extensive needs, development of epilepsy and need for residential care, along with lack of monitoring at a new facility which resulted in the breaking of his neck, expenses and future expenses were finally settled as it was clear that the plaintiff needed more monitoring, instead of being moved to a less-intensive facility dictated by the insurance company.
04/19/2013	$ 1,132,119	Meka v Zurich American Insurance Co., et al. (Auto) In June 2008 a motor vehicle struck plaintiff motorcyclist who suffered a traumatic brain injury. Plaintiff filed a claim with defendant Zurich, the insurer of VW Credit, which was the titled owner of the car. Zurich denied that it insured the car, and Meka filed suit against VW Credit for personal injury protection benefits because VW Credit had failed to insure the car. VW Credit denied liability, claiming to have sold the car the day before the accident. Ultimately, the court determined that VW Credit owned the car and that Zurich was the highest priority and proper party for paying no-fault benefits. However, Zurich denied the claim based on independent medical examinations. The matter was resolved one week before trial which included work loss, medical mileage, replacement services, medical bills, attendant care and costs. It was also agreed that Zurich would pay interest and attorney fees as ordered by the court.
05/2013	$ 1,500,000	(Confidential) v New Breed Logistics (Employment Practices) After a 7-day jury trial a verdict of more than $1.5M was rendered in an EEOC sexual harassment and retaliation lawsuit against a logistics services provider. A warehouse supervisor harassed three temporary female workers by subjecting them to unwelcome sexual touching and lewd, obscene sexual remarks, then fired them after they complained. A male employee was terminated because he opposed the harassment and agreed to serve as a witness for several claimants during the company's investigation. Awards included back pay, compensatory and punitive damages.
05/02/2013	$ 7,450,000	Confidential (Management Practices) Owner sold his business two years ago for several million dollars. The contract between seller and buyer included a provision that required the buying entity to pay the seller a certain percentage of earnings before interest, taxes, depreciation and amortization. However, the seller claimed that the buyer was manipulating the financial performance of the company to arbitrarily lower EBITDA and, hence, the earn-out amounts due to the seller. Seller threatened suit for breach of contract; however, the parties agreed on a settlement.
05/03/2013	$ 2,250,000	Farrell, et al. v Millering, et al (Auto) 52-year-old plaintiff, arriving home on his motorcycle, stopped near the end of his driveway because a visitor's car blocked his entry.

		Seeing him, the visitor backed down the driveway into the motorcyclist's lane of traffic, stopping in front of him. She rolled down her window to talk to the motorcyclist and, because of his hearing loss, he turned off his motorcycle to hear better, and turned off the motorcycle lights. At the same time, seeing an approaching vehicle from the 2-lane rural roadway, the visitor flashed her headlights at the vehicle then backed up into the driveway, leaving the cyclist in the roadway. The cyclist was hit from behind and suffered an ankle fracture and mild brain injury, returning to work one year later. The biggest issues were deciding fault, comparing interrogatories and questionings regarding impaired vision and speed at time of impact, with the accident reconstructionist's findings. The jury's verdict allocated fault at 95% for defendant and 5%, plaintiff. $1.5M in noneconomic damages were awarded to plaintiff and $750,000 in noneconomic damages to co-plaintiff for loss of society and companionship.
05/07/2013	$ 1,050,000	Midland County Circuit Court; confidential (Premises) The night before high school graduation, teens attended a party at defendant's 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.
05/09/2013	$ 9,500,000	Conerly, et al. v Scripps Park Associtès LLC, et al.; Townsend v Scripps Park Associates LLC, et al. (Premises/Operations) In 2009 in a residential area on Detroit's west side, a 7-year-old boy fell into a construction site excavation pit filled with over 12 feet of murky water. The 58-year-old neighbor in his home across the street jumped in, held the boy's head above water until police officer could pull the boy from the water, while neighbor's 12-year-old daughter looked on. The neighbor died. Plaintiffs argued that both the defendant developer and construction manager, as well as the excavating company, left the unfinished basement excavation open and inadequately secured with a plastic orange snow fence from October 2008 until the rescuer's death. Despite warnings, defendants believed the appropriate safety measures had been met and that they had no responsibility to maintain an erect barrier around this site, and asserted that any orange plastic fence was a warning whether erect or lying on the ground. The jury determined that the developer was 20% at fault; the construction manager, 80%. No causation was found for the excavating company. Although the defense argued that the parents of the 7-year-old were at fault for their son's misbehavior, it was countered that the parents did not owe a duty to the deceased neighbor's family, and the attractive nuisance doctrine applied.
05/09/2013	$ 2,250,000	Angott v Ingles, et al. (Auto) In 2008, 22-year-old rear-ended a large construction barrel truck when it pulled directly out in front of her vehicle from the shoulder. She crashed in a guardrail and was knocked unconscious by the impact. She underwent three surgeries to her right ankle and was diagnosed with a traumatic brain injury and complex regional pain syndrome. Though defendants argued she was comparatively negligent and had recovered from injuries, extensive written discovery and depositions established that defendant's employer was lacking in safety procedures, the defendants were negligent, and the construction truck should not have been on the road at the time of the accident because of their construction contract.
05/13/2013	$ 4,550,000	Confidential (Auto) Traffic conditions on I-94 brought plaintiff's vehicle to a complete stop. She was then rear-ended by an empty tractor-trailer behind her and was crushed between it and the semi-truck directly in front of her. The 31-year-old internationally-renowned musician was airlifted to U of M Hospital where she was an inpatient for two months. She sustained a severe traumatic brain injury, fractures to the base of the skull, severage of the cranial nerves, as well as some hearing loss. Though recovered, she will require therapy for a number of years.
05/15/2013	$ 5,147,500	Svaluto, et al. v City of Westland, et al. (Pollution/Environmental) In a class action lawsuit, compensatory damages were sought for property damage and cleanup expenses as a result of the flooding of their properties by raw, untreated sewage. In June 2010 and May 2011 more than 700 Westland residents and businesses incurred extensive basement damage caused from systemic flooding. Plaintiffs asserted that chronic lack of maintenance caused the flooding as rainwater entered the city's sewage pipes instead of the storm drains, due to inflow and infiltration. Defendants contended it was a significant rain event and an Act of God. Each plaintiff will receive a pro rata share of the settlement based on the amount of their claimed damages.

05/16/2013	$ 2,455,000	Confidential (Management Practices/Fiduciary Liability) In an ERISA claim alleging that the plan administrator acted arbitrarily in denying insurance benefits, two families of children with autism brought suit against defendant national insurance company and its subsidiaries in a federal court on behalf of all other similarly-situated families who were denied coverage for applied behavior analysis therapy. The insurer had designated coverage as "experimental." The court found that such distinctions do not preclude class certification because the defendant insurer has determined, on a class-wide basis, that ABA is experimental therapy in all cases. The court granted class certification to the families and, thereafter, granted the families' motion to expand the class to include both current and former insured beneficiaries. After the parties briefed numerous contested class certification issues, the parties agreed on a settlement.
05/20/2013	$ 1,400,000	William Dallas, et al. v. Alcatel-Lucent USA Inc. (Employment Practices) In a collective action brought under the Age Discrimination in Employment Act, 36 plaintiffs and 158 opt-in plaintiffs alleged that defendant Alcatel-Lucent USA Inc., engaged in a pattern and practice of age discrimination when it implemented permanent transfers and a selection process that caused a disparate impact on older workers. More specifically, plaintiffs — all wireless communications installers — contended that the Age Discrimination in Employment Act was violated by forcing the resignation and retirement of older installers in 2002, 2003 and 2004. The plaintiffs claimed older installers were required to choose between accepting permanent transfers to locations hundreds of miles away from their home bases or terminating their employment by resigning or retiring. The transfer destination location had been selected without regard to need or work volume at the destination base, and that work performed by the older installers before their selection for a permanent transfer remained available at home bases for younger installers with less seniority. Older installers were eliminated from its work force by being declared as surplus installers based on an outdated skill grouping designation, rather than by examining the work installers actually performed or were qualified to perform. They were then selected as the oldest installers in the work force for permanent transfer. Faced with the prospect of relocation with limited work opportunities, many installers opted to resign or retire. This nationwide policy affected installers in 40 states. Defendant argued that it did not discriminate, either intentionally or by effect, and that the selection of particular skill groups for permanent transfers at particular locations reflected defendant's judgment about business necessity.
05/23/2013	$ 5,111,431	Hi-Lex Controls, Inc., et al. v Blue Cross and Blue Shield of Michigan (Management Practices) Hi-Lex corporation, on behalf of itself and the Hi-Lex Health & Welfare Plan, filed suit in 2011 alleging that BCBSM **breached its fiduciary duty** under ERISA by inflating hospital claims by as much as 13% with **hidden surcharges,** keeping the markups as additional administrative compensation, then providing false reports that hid the markups. Evidence showed that Blue Cross knew its customers were unaware of the markups. Defendant argued it did not breach any fiduciary duties required by ERISA because the disputed fees had been fully disclosed and plaintiff had agreed to pay them. The district court granted summary judgment to Hi-Lex as to whether BCBSM a) functioned as an ERISA fiduciary and 2) its actions amounted to self-dealing. Following a bench trial, the district court found that Hi-Lex's claims were not time-barred and that BCBSM had violated ERISA's general fiduciary obligations. The court also awarded pre- and post-judgment interest. The Sixth Circuit Court of Appeals affirmed. A threshold issue regarding whether BCBSM functioned as an ERISA fiduciary: In relevant part, ERISA provides that "a person is a fiduciary with respect to a plan to the extent (i) he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management or disposition of its assets, . . . or iii) he has any discretionary authority or discretionary responsibility in the administration of such plan." The term person is defined broadly to include a corporation such as BSBSM. Id. § 1002(9). In one case, this statute "impose(d) fiduciary duties . . . on entities that exercise 'any authority or control' over the covered assets." 444 F.3d 478,490-91 (6th Cir. 2006). Another: "(T)he assets of an employee benefit plan generally are to be identified on the basis of ordinary notions of property rights." AO 92-24A at *2. Under this analysis, "the assets of a welfare plan generally include any property, tangible or intangible, in which the plan has a beneficial ownership interest." Id. In this case, the SPD (Summary Plan Description), which ERISA requires to be distributed to plan participants, establishes that Hi-Lex's intention was to place plan assets for its self-funded Health Plan with BCBSM in its capacity as TPA. The SPD specifically

		notes that Hi-Lex "is not (a) direct payor of any benefits" and "no special fund or trust" exists from which self-insured benefits are paid. 29 U.S.C. § 1106(b)(1) states that a fiduciary "shall not deal with the assets of the plan in his own interest or for his own account." The court interprets this statute as having an "absolute bar against **self dealing**." § 1104(a): ERISA imposes three broad duties on qualified fiduciaries: 1) the duty of loyalty, 2) the prudent person fiduciary obligation, and 3) the exclusive benefit rule. U.S. District Court ruled that Hi-Lex was entitled to $5,111,431 for damages, attorneys' fees, along with prejudgment interest of $914,241 (the court utilized a blended rate for each of the 17 years during which the disputed fees were charged, a range from 6.13% to 0.14%).
06/12/2013	$ 1,040,000	Cranbrook Financial Group Inc. v Brandimarte (Management Practices) Group sales consultant, pursuant to terms of his employment, agreed to work exclusively for plaintiff and remit all money coming into his possession to the company. However, he violated these terms by starting a competing enterprise, misappropriating company assets and proprietary information for his own personal gain, and committing fraud. In addition, a steady stream of clients began leaving Cranbrook Financial to go to the competing entity, many of the defendant's emails disparaged plaintiff, and after it was discovered that defendant used a private email account to solicit Cranbrook's customers, a client reply went to Brandimarte's old Cranbrook email address, which the company intercepted. Also, clients mistakenly left voice mail messages on his old Cranbrook phone extension. When a temporary restraining order and preliminary injunction were filed in order to stop these violations, the defendant continued. Hence, a settlement agreement with a predetermined dollar amount was levied, based on the kinds of sales deals he made. Building damage stipulations into the settlement agreement assisted in a judgment without a hearing or trial.
06/17/2013	$36,700,000	Tussey v Abb *[Missouri]* (Fiduciary / 401(k)) The district court certified the case to be a class action suit and refused to dismiss the case, also ruling that failure to disclose revenue sharing payments to plan participants is not a breach of fiduciary duty, as it is not explicitly required by ERISA or the DOL (Dept. of Labor). Following a 4-week bench trial, favor was found with the plaintiffs, awarding damages of nearly $37K. Though there were a number of deficiencies found, the primary lapse was in not following its detailed investment policy. Result: $35M verdict against **401(k) plan** fiduciaries, plus $1.7M against provider for improper use of "float" income. **Failure to monitor administrative fees, failures as to fund selection, and misuse of revenue sharing** for non-plan related purposes. Key fiduciary lessons: Follow all of plan's governing documents which may include the IPS, negotiate with service providers for decreased fees/rebates when compensation levels are no longer supportable, do not appear to be motivated by ulterior purposes such as the employer's financial interests, monitor service provider conflicts of interest, follow third party expert advice or document reasons why not, and when it comes to fiduciary process, document!
06/21/2013	$ 5,150,000	McCormick International, LLC v Manitou North America, Inc. (Management Practices) Violations of the Farm and Utility Equipment Act as well as the Antitrust Reform Act were violated when defendant began distributing equipment through multiple retail competitors of the plaintiff within its trade area. Defendant had also entered into an agreement with another competitor after he had already signed an exclusive dealer agreement with plaintiff to be the only Manitou farm equipment dealer in Michigan and parts of northern Indiana and northwest Ohio. Plaintiff's ability to do business, as well as other Manitou dealers in Michigan, was restrained. Financial losses caused plaintiff to go out of business.
06/25/2013	$ 2,500,000	United States of America v Lorraine Brown (Management Practices/D & O) The former president of DocX, Lorraine Brown, 57, of Alpharetta, Ga., was criminally charged with racketeering for her role in authorizing the fraudulent signing of over 1,000 mortgage documents filed with county registers of deeds throughout Michigan as well as more than one million fraudulently signed and notarized mortgage-related documents throughout the United States. She conspired to commit mail and wire fraud while our nation's housing market was at its most vulnerable point in generations. Shortcuts like robo-signing are one example of the damage caused by the mortgage foreclosure crisis. Due to suspecting forgery on Assignment of Mortgage documents, an investigation showed many different variations in handwriting, as was shown on a "60 Minutes" news broadcast. Brown had orchestrated a widespread scheme in which employees were directed to forge signatures on mortgage documents in order to execute these documents as quickly as possible, a practice identified as "facsimile signing" or

		"surrogate signing." She allowed surrogate signers, rather than authorized signers to sign mortgage documents outside the presence of notaries. She sought to capitalize on the nation's housing crisis and took advantage of consumers for personal gain.
06/25/2013	$ 1,550,400	Argue, et al. v Home-Owners Insurance Co. (Premises) Arriving home in the evening, plaintiffs discovered their house full of smoke, called 911, and firefighters arrived within 5-10 minutes to find the fire only confined to the family room area. But because of snowy conditions and the significant driveway slope, the fire engines were not able to get close enough to fight the fire. By the time water did become available, the house was engulfed in flames and could not be saved. Due to the insurance company's failure to respond favorably nine months following the fire, plaintiffs filed a breach of contract suit, due to the fact that the insurance contract required suits to be brought within a years' time. Defendant's investigations included fraud, misrepresentation and arson. Forensic scientists, forensic accountant, chemist and State Police expert reviewed whether the fire could have come from a fireplace, space heater, or an electrical problem; whether gasoline had been found on lab samples and if so, if it was from melted asphalt from shingles; and the other burden of proof to overcome had to do with the plaintiffs' assets and the personal property the plaintiffs had acquired over the three years prior to the fire, comparing income tax returns, credit card statements, etc. Another element that concerned the jury was the unknowledgeable conversations between the plaintiffs and their insurance adjuster after the fire, enumerating what their policy entitled them to and what information they would need to provide. The jury's verdict found the plaintiffs entitled to a full recovery of their benefits under the policy for loss of dwelling and personal property, additional living expenses, attorney's fees, and statutory interest.
07/10/2013	$ 2,000,000	V Cars LLC v KCA Engineering LLC (Management Practices) When engineer was hired by V Cars to lead a team of engineers in analyzing and adapting foreign-produced vehicles to U.S. federal standards so that a contract could be made with a company producing luxury cars in China, it was discovered that the engineer had set up a private email channel with the company in China and had discussed sensitive company information. When V Cars had finally found an Israeli holding company to secure the $200,000,000 required to enter into the joint venture with the company in China, it was found that the engineer had established KCA Engineering, LLC and, instead, contracted with the company in China and the Israeli holding company. A jury determined that KCA committed fraud based on false representation, silent fraud, conversion and tortious interference with contract. Both compensatory and exemplary damages were awarded to V Cars.
07/12/2013	$ 5,254,500	American Copper & Brass Inc. v Lake City Industrial Products Inc., et al. (Management Practices) In a federal class-action lawsuit, defendant company and its president were accused of sending more than 10,000 fax advertisements to potential customers without permission or invitations from those potential customers. One plaintiff recipient of the fax advertisements argued it was a violation of the federal Telephone Consumer Protection Act (TCPA). The judge ruled the sender need not have intent in order for liability to be imposed.
07/23/2013	$ 1,000,000	Jane Doe v Kierst, et al. (Auto) A Wayne State University senior was struck by defendant's vehicle while properly crossing on a green light in a marked crosswalk. Defendant admitted to having bad peripheral vision and eventually admitted negligence to operation of a motor vehicle; however, defendants did not admit proximate cause of the injuries or that plaintiff suffered injuries to meet the serious impairment threshold. Plaintiff's doctor performed a microdiscectomy on her injured disc and several nerve blocks. Plaintiff's doctors have disabled her from employment both for the physical injuries to her spine and for the traumatic brain injury. Plaintiff did complete her final semester despite the injuries.
07/30/2013	$ 925,000	Confidential (Auto) Two miles from home, plaintiff female senior citizen was approaching an intersection on a busy road while defendant female driver approaching the intersection realized she missed her turn and, in an effort to turn around, defendant began to make a left-hand turn, but failed to yield, turning directly in front of plaintiff's vehicle and they collided, head on. Plaintiff was trapped in her vehicle. First responders extricated plaintiff before she could be airlifted to U of M Hospital, Ann Arbor. At U of M her right leg was amputated and she underwent surgery to replace a fractured left hip. She continues to suffer from a foot drop that requires a brace. Prior to the accident, plaintiff lived independently in a large white farmhouse situated on 75 acres, drove her own car, shopped for groceries, and mowed her own expansive lawn. Defendant admitted liability, leaving only the extent of plaintiff's damages to be determined.

08/14/2013	$ 5,528,156	36th District Court and Michigan AFSMCE Council 25 and its Local 917 (Employment Practices) In 2004, two officers of the 36th District Court's real estate division were notified in writing of their non-reappointment to their positions. In 2007, another two officers in the same division were notified similarly. Grievances were filed, reinstatements issued, and back pay with interest was awarded based on total wages reported on each of the officer's W-2 and 1099 forms.
08/21/2013	$ 975,000	Collins, et al. v Causley Trucking Inc., et al. (Auto) At a red light on southbound M-53 in Bruce Township, plaintiff's vehicle was rear-ended by defendant's truck. Plaintiff William Collins incurred brain and spinal injuries; Jessica Collins, knee injuries. The third family member in the car was not injured. Defendants argued that plaintiff's injuries were not significant and that their insurance policy limits were $1M.
08/23/2013	$ 3,000,000	Confidential (Premises / Pollution) Plaintiff stayed at defendant's hotel and used the facilities. She contracted Legionnaires' disease and was hospitalized for a few weeks. The disease was not fatal. The key to reaching a $3M settlement was establishing the causal connection between the disease and ongoing complications, as plaintiff had some pre-existing conditions that complicated matters.
09/10/2013	$ 2,500,000	Confidential (Auto) Intersection accident between plaintiff's SUV and defendants' semi-truck resulted in a third-party auto negligence lawsuit. Defendants disputed fault for the accident and argued that all of the 38-year-old plaintiff's injuries were pre-existing. Defense further argued that this low-speed, low-impact accident that resulted in minor vehicle damage could not have caused the injuries which were minor. Plaintiff underwent two spinal surgeries in the years after the accident. Special damages: Excess wage loss at $79,000/year for 20 years, potentially, although employer had dissolved during her period of disability.
09/13/2013	$ 1,143,795	Haynes v Franciuc, et al. (Auto) At the intersection of Walnut Lake and Middlebelt Roads 20-year-old defendant ran a red light when he was distracted while texting on his cellphone, crashing into 51-year-old plaintiff's vehicle. After initially refusing medical treatment at the scene, plaintiff began experiencing head, neck and lower back pain over the next few days. After deliberation, the jury awarded plaintiff $325,000 in past noneconomic damages, $464,000 in future noneconomic damages, and $354,795 in future economic damages.
09/25/2013	$10,000,000	Ward, et al. v Flynn, et al. (Management Practices/D&O) Following a 2010 trial court judgment against defendants, both appealed the verdict's judgment in *Ward, et al. v Idsinga, et al* in relation to claims of wrongful and intentional interference with RRC, Inc.'s interest, and aiding and abetting in the improper sale of the interest at a fire-sale price.: **Defendants claim:** 1) the trial court should neither have voided the March 2007 sale transaction of Renaissance Recover Solutions, Inc.'s 83.7% ownership interest in a related LLC, Renaissance Recovery Solutions, nor 2) allowed the jury to be told that the sale had been voided, and 3) the verdict was unsupported by the record. **Plaintiffs claim:** 1) the trial court had wrongfully parsed the jury's verdict which should have been joint and several against all the defendants, and 2) improperly instructed the jury in a manner that led the jurors to wrongly deduct nearly $3M in damages to which plaintiffs were entitled. **Result:** Michigan Court of Appeals issued an unpublished opinion in this commercial litigation / business tort case upholding all but $383,500 of the initial judgment. Rather than delaying the matter through appeals, the parties agreed to settle all of their claims including unresolved attorneys' fees for $10M lump sum.
09/26/2013	$ 1,350,000	Estate of Gary Wilson v MacGregor, et al. (Auto) While driving through an intersection, van failed to stop at stop sign, striking plaintiff's vehicle on the driver's side at about 55 mph. Forced across the intersection and into a field, plaintiff's vehicle came to a rest and caught fire a short time later, his body burned beyond recognition. It was argued that the driver of the van had cruise control on and never slowed down the van prior to impacting the vehicle. The key to settling the amount of this case was submitting a detailed settlement demand that documented facts that would have been used to support a jury demand of damages in excess of $950,000. Leaving behind his wife and two children, ages 1 and 3, remaining funds sought to compensate the decedent's estate were calculated based on the possibility of a jury awarding compensation for decedent's conscious pain and suffering experience after the injury.

Date	Amount	Case
09/27/2013	$ 1,900,000	Knispel, et al. v Chrysler Group LLC (Employment Practices: Wage-Hour Claim) In a collective action suit involving 81 plaintiffs, plaintiffs contended defendant Chrysler Group implemented common policies and practices that prevented certain workers supplied to Chrysler through third-party labor suppliers from obtaining full payment for hours worked, particularly overtime hours, in violation of the Fair Labor Standards Act. Disputes included denial of overtime travel time between worksites or overnight travel, required compensatory time off in lieu of overtime, and required working without breaks. Plaintiffs alleged Chrysler was a joint employer and thus responsible party for unpaid wages and overtime because it met the definition of an employer pursuant to the FLSA. Defendant contested. Settlement was $1.9M in wage and hour recovery with an additional confidential settlement reached for alleged retaliation claims.
10/07/2013	$ 2,500,000	DC Mex Holdings LLC v Affordable Land LLC, et al. (Management Practices/Business Fraud, Shareholder Oppression) In December 2006, plaintiff DC Mex Holdings LLC partnered with defendant Affordable Land LLC to develop a resort in Cabo San Lucas, Mexico. Both were shareholders of a third entity, Arimex America LLC, co-managed by defendant Dale Fuller. Later, as part of their joint venture, the parties formed Arimex Mexico. Two real estate brokers were commissioned in the purchase of an 80-acre property. In December 2007 the brokers found a buyer for a portion of the property. On Dec. 22, the buyer and Arimex Mexico entered into a pre-trust agreement which transferred title to two-thirds of the property into a trust that made the buyer primarily responsible for developing and selling the property. Also, on Dec. 22, Arimex Mexico signed a termination of the irrevocable development agreement, whereby the brokers released Arimex Mexico from paying a 15% commission to them. Co-manager defendant Dale Fuller was not aware of the termination agreement at the time of its creation. Ultimately, the property buyer cancelled the pre-trust agreement after David Carter, of DC Mex Holdings, sent concerning emails to the buyer that made them believe other nondisclosed transactions existed, which made them question Carter's intentions regarding the property. In Oct. 2008, one of the brokers sued Arimex Mexico for unpaid commissions pursuant to the irrevocable development agreement. In Jan. 2009, Fuller signed a settlement agreement, believing he was providing two real estate brokers with a lien against the property that Arimex Mexico owed to the brokers. Fuller had the understanding that the brokers were entitled to the commission payments pursuant to the irrevocable development agreement which Carter had entered but Fuller did not know was terminated. The Mexican Court of Appeals held that Fuller's execution of the Jan. 2009 settlement activated a 15-day statute that barred Carter's efforts to reverse the property transfer, thus losing the property. The judge ruled that Affordable Land was liable for fraud, shareholder oppression and breach of the operating agreement, when the property was lost. The case was then set for trial on damages based on the value of the property in Mexico, but the parties stipulated to a conditional consent judgment of $2.5M.
10/22/2013	$ 2,026,391	The Best Team Ever Inc., et al. v Prentice (Management Practices/Breach of Contract) Plaintiffs sought damages from defendant Matthew Prentice on claims of breach of contract, claim and deliver, breach of fiduciary duty and conversion. The court heard detailed testimony from plaintiffs and defendant regarding the negotiation and execution of the employment agreement, the legitimate business interest it protected, the extensive non-compete terms contained therein, and the numerous ways in which defendant breached those terms. The court determined the agreement was reasonable in all respects and was enforceable. The court fully rejected any notion that defendant had been fraudulently induced to sign the agreement as defendant had argued. It was determined he serially and repeatedly violated numerous provisions of the agreement and his other fiduciary obligations to plaintiffs by: making preparations to compete against plaintiffs prior to his departure and competing against plaintiffs following his resignation; misappropriating business opportunities belonging to plaintiffs; taking plaintiffs' assets; disparaging plaintiffs; interfering with plaintiffs' relationships with third parties; seizing receipts for executed catering events; and poaching several key employees. The court further determined that defendant would continue to breach his ongoing obligations to plaintiffs absent an injunction. Plaintiffs were awarded liquidated damages, lost-profit damages and trebled damages for converted goods. The court also enforced the noncompetition terms contained in the employment agreement and issued an injunction against defendant which prohibits him from competing against plaintiffs in Wayne and Oakland counties for a period of five years.
10/28/2013	$ 2,000,000	Confidential (Management Practices/Breach of Contract) Plaintiff sold his business in early 2013. The contract called for a lump sum payment at closing and an earn-out payment over the course of the following year based on the profits of the business. Plaintiff alleged that defendant buyer 1) made material

		misrepresentations to induce him to sell the business on such terms; 2) Failed to fulfill his implied obligation to exert a reasonable, good faith effort to realize the seller's maximum earn-out; and 3) Affirmatively frustrated the attainment of the maximum earn-out performance targets by delaying the development and marketing of a critical product, laying off the seller's key employees, and diverting resources to projects not subject to a profit-sharing obligation. After motion practice and extensive briefing on key issues, the parties facilitated their dispute and settled for $2M.
11/05/2013	$ 7,500,000	Confidential (Premises) A general negligence action was held against a co-pilot of a private aviation company involving a plane crash that led to the senior pilot suffering third-degree burns across 40% of his body and subsequently dying after spending two weeks in a burn unit in excruciating pain. The August 21, 2009 flight was scheduled to be a single pilot affair. Maddox was the pilot-in command (PIC) of a Beechcraft BE-58 Baron owned by Quest that was en route from Pottstown, PA. to deliver medical specimens to a Quest laboratory in Teterboro, NJ. An SIC (second-in-command), also a Quest Diagnostics pilot, was not assigned to the flight but asked the PIC if he could accompany him on the flight to gain familiarization with operations into Teterboro Airport. Defendant co-pilot Gopinath quoted in an interview after the crash, "I brought the power down, I made a left turn, and (Captain Maddox) freaks out, 'What have you done? You've lost both your engines.'" Authorities said at the time the plane approached Teterboro Airport it aborted a landing and went for a "go-around," a standard maneuver that is undertaken if a pilot is not comfortable with executing a landing. The plane then hit a tree, crossed Route 46 and burst into flames outside the Mohawk Carpet Co. The lawsuit claims Gopinath did not have the proper training or experience to fly the plane and that Quest was at fault for hiring him. The settlement provides compensation for Maddox's wrongful death as well as pain and suffering before he died. The agreement also provides that the amount, after the payment of attorney fees, will be split between Lisa Maddox and her 11-year-old daughter. The amount also includes payment of $60,000 a year for four years for the daughter's college education.
11/05/2013	$ 483,195	Bowman v Greene (Pollution) Defendants appealed a judgment entered pursuant to a jury verdict in favor of plaintiffs on their claims of fraudulent misrepresentation, silent, fraud, negligent misrepresentation and violation of the Seller's Disclosure Act. Case: Plaintiffs pur-chased a condominium in 2004. The 100-year-old building was formerly the site of a factory where workers dumped chemicals into the ground including TCE, a carcinogen. In order to address the unacceptable TCE levels, developer installed a vapor barrier over the affected ground area which required constant maintenance and the presence of a blower. In 2001, the developer hired defendant Greene, an associate broker and licensed realtor to market the condos. Greene prepared a marketing brochure, stating, "the property has been addressed under current Michigan cleanup requirements . . ."In 2002 Van Horn bought a condo and in 2004 he contracted with Greene to sell the condo. Interested purchaser-plaintiffs asked Greene if there were any "environmental issues ongoing with the building itself." Greene and Van Horn assured there were none. Greene did not recall the conversation. Greene reviewed Van Horn's seller's disclosure statement which indicated there were no "environmental problems on the property." Before closing, the Mich. Dept. of Environmental Quality sent a letter to the developer, Greene and the condo residents which stated the property remained "highly contaminated with chlorinated solvents in the soil and groundwater, and metals in the near surface soils." It also stated that the marketing brochure "does not represent the facts regarding the contamination and is misleading to the reader. The contamination has not been cleaned up." However, plaintiffs were not apprised of the letter. It was a year after purchasing the condo that plaintiffs learned of the extensive contamination at the site. At some point, the developer declared bankruptcy. The condo association became responsible for the due care costs of monitoring pollution and maintaining the vapor barrier. The city reimbursed the association for the costs, but there was no guarantee that the reimbursements would continue indefinitely. In 2010 plaintiffs commenced the action regarding the violations. The condo had a fair market value of zero. The jury found for plaintiffs on all claims.
11/13/2013	$ 2,100,000	Confidential (Management Practices/D&O/Shareholder Oppression) Plaintiff employee claimed defendants engaged in illegal, fraudulent and willfully unfair conduct in relation to promised ownership interests and employment compensation, and then denied or withheld them; failed to pay dividends to plaintiff; shut plaintiff out of corporate decisions; and denied plaintiff access to corporate information. Plaintiff's counsel relied on financial records and other

		persuasive materials to establish the extent of plaintiff's ownership interests.
11/19/2013	$ 900,000	Confidential (Management Practices/Sales Rep. Act) In 2003, plaintiff and defendant signed a sales representation agreement which contained a provision for payment for the life of any parts or products for which a quote or inquiry was received prior to the sales representative's termination date. Defendant terminated the sales representation agreement in August 2008. In 2011, plaintiff was visiting one of his customers and discovered that his prior principal was shipping parts that had been quoted prior to plaintiff's effective termination date. Plaintiff filed suit for **unpaid commissions** on the parts. Defendant contended that 1) the purchase orders were issued in response to quotations submitted prior to the termination and 2) the parts at issue were not included on a list of projects prepared by plaintiff, which were in the pipeline at the time of termination.
12/06/2013	$ 3,000,000	Webb v Wiitanen, et al. (Auto) In a third-party auto negligence case, plaintiff suffered serious injuries, including a below-knee amputation, when his vehicle ran into a tractor-trailer that had come to a complete stop in the middle lane of I-94, giving no warning to motorists. Plaintiff argued that truck driver didn't heed multiple audible and visual warnings in the cab and then move off the highway, but instead did nothing and came to a stop in the center lane. Plaintiff did not have enough time to perceive what actually was going on and react timely to avoid the collision. Defendants argued that plaintiff was the cause of the collision and that he had sufficient time and distance to avoid the collision and that the rear-ending driver is "prima facie negligent" under Michigan law. All of the defendant's arguments were defeated and a settlement was achieved after communication with the treating physicians and gaining an excellent grasp of the underlying medical issues and orthopedic injuries and how these injuries have and will affect plaintiff for the rest of his life.
12/06/2013	$3,797,867	Rochow v Life Insurance Company of N.A. (Fiduciary / Disability Benefits) Fiduciary Duty Claim. Employer forced plaintiff to resign in 2002 due to short term memory loss, etc. whereby he could no longer perform his duties as president. A month later he was diagnosed with HSV-Encephalitis, a rare and severely debilitating brain infection. LINA denied long-term disability benefits because his employment ended before his disability began. ERISA has a goal of ensuring that plan fiduciaries act solely in the interest of the participants and providing benefits, not in punishing the defendant, while also having a goal of providing inexpensive and expeditious dispute resolution. Although discovery may slow down litigation in some cases, risk of liability and extensive discovery will act as an incentive to ensure plan administrators act in the interest of the plan participants throughout the claims process. Facts showed that LINA continually ignored its own plan definitions, wrongly denying benefits for 5 years after the initial request. Plaintiff recovered an additional award for disgorgement of profits in the amount of $3.8M as damages for the breach of fiduciary duty claim in addition to denied benefits.

2012

01/06/2012	$ 1,000,000	Jago v Michigan State Police (Auto Fatality) While driving home from work, a 23-year-old male, married with minor children, was fatally killed following blunt force trauma injuries when broadsided by police vehicle travelling 116 mph. Plaintiff alleged defendant's vehicle did not have its lights or siren activated at the time of the accident.
01/07/2012	$ 1,675,000	Confidential (Auto) On a snow-covered road in early evening, December 2010, defendant was driving employer's newly purchased F350 pickup truck, which she was driving back to Traverse City. The 4-wheel drive was not engaged as she was coming up a hill, when the back wheels began to slide. Losing control, her vehicle entered the northbound lane. Plaintiff had no time to react, trying to move the vehicle toward the shoulder to avoid defendant's truck, which ran into plaintiff's car, killing her. Plaintiff's son incurred injuries including pelvis fracture, cut between fingers, pulmonary contusions, neck discomfort, abdominal pain, elbow pain, and left lower-extremity pain.

01/12/2012	$ 3,260,000	Anonymous Game Club v Defendant Railroad Company (Premises/Operations) In April of 2008 defendant railroad company's locomotive was "throttling up" in order to maintain speed, which caused hot carbon particles to spew out of the exhaust, landing near the tracks. The particles stared a wildfire that spread to local property, including that owned by plaintiff game club. The resulting fire consumed thousands of trees on about 400 acres and destroyed two cabins.
1/25/2012	$ 1,025,000	Confidential (Auto) On a snowy afternoon in February 2009, 3 family members were seriously injured when a government vehicle, a snow plow, was driving the wrong way on a snow-covered 2-lane highway. The driver of a minivan tried to avoid the oncoming snow plow, but her vehicle spun around and collided with it. Plaintiff's minor, now 12, was ejected from the rear window, suffering traumatic brain injury; left arm, left shoulder blade, pelvic and sacral fractures; a lacerated spleen; pulmonary injuries; and head lacerations. The key to the settlement was to convince the defendants that the police accident reconstruction was wrong when it placed fault on the plaintiff's uninsured driver. This was done by taking all of the witnesses' and police officers' depositions with a "rules of the road approach," scene investigation and testing.
01/27/2012	$ 2,200,000	Barachkov, et al., v 41B District Court, et al. (Employment Practices) After eight years, three former employees of the District Court in Macomb County won their court case of government workers fired without cause. Though Clinton Twp. judge said plaintiffs lied during a management oversight review, plaintiff said it was really an investigation of a "then-Court Administrator" regarding her history of absenteeism and misuse of court resources. There were no personnel records regarding any lies during the review that would show that the women were fired for cause. Government workers, including these plaintiffs, are required to have a hearing before being fired. There had been no hearing.
02/05/2012	$ 1,000,000	Washtenaw County Circuit Court; Confidential (Premises) During church-sponsored hayride, which included participation of another church, 14-year old sitting on a bale of hay fell off the front of the trailer sustaining traumatic brain injury and fractured ribs, wrist and clavicle. Plaintiff said the ride was overloaded, there was a lack of raised rail on the front and rear of trailer, and the hayride lacked proper supervision and equipment. Sponsoring church's liability was clear; but, the invited church's liability was strongly challenged, claiming it neither owned nor had control over the premises where the accident occurred nor the vehicle used and further claimed it was only responsible for supervising its own members. Settlement was $1,000,000 present cash value with a future lifetime benefit of $2,570,199.
02/07/2012	$ 4,250,000	Confidential; confidential) (Premises/Operations -- Wrongful death) Plaintiff's decedent was an apprentice tradesman working at an industrial company, as were two tradesmen, working on unblocking a gas washer. It was contended that the company had developed a plan and sequence that eliminated the safest way to address the blockage. After failed attempts to unclog the washer, the company advised decedent to proceed in removing a flange which was located at the bottom of the washer in an area subsequently defined as a confined space. All defendants were aware that any material in the washer would be super-heated. Decedent removed every other bolt and was then instructed to remove the rest of the bolts. With one bolt left, the flange opened and engulfed plaintiff's decedent in hot steam and mud, burning him over 95% of his body, He died the following morning. Defense for the skilled tradesmen was that they did not have a duty to the injured parties, while defendant industrial company asserted that the skilled tradesmen did not fulfill their duties.
02/07/2012	$ 1,067,624	Duffy v Grange Insurance Co. of Michigan (Auto) In 2007, plaintiff was operating her ATV on the Little Manistee Route in Lake County. Riding over partially buried wood objects caused her to be ejected from the ATV, sustaining permanent spinal cord injuries. The ATV is qualified as a motor vehicle under the No-Fault Act, so plaintiff turned in a claim for PIP benefits, which was denied for the reason that the accident did not occur on a public highway as defined in the Motor Vehicle Code. Though the new Michigan Legislature amendment of 2008 excluded off-road vehicles from the definition of a motor vehicle, it was ruled in Macomb County Circuit Court that this statute applied retroactively back to the date of the accident. Arguments as to who maintained the roads were discussed. Wheelchair-bound for life, plaintiff was not receiving any no-fault benefits such as home modifications, etc. Plaintiff was awarded damages for allowable expenses such as medical, mileage and family-provided attendant care, home modifications and modified van, as well as $20 per hour for future attendant care.

02/09/2012	$ 1,321,574	Dever v Kubik (Premises/Operations) Common-law negligence where cable company, Comcast, left unburied cable wires on the yard in front of and around a rented townhouse, creating a trip hazard for the landlord. Plaintiff underwent multiple spinal surgeries to repair a compressed cervical spinal cord; disc protrusions at T4-5; and a lumbar laminectomy/fusion. His pain and suffering and permanent disabilities have resulted in a greatly diminished lifestyle.
02/14/2012	$ 1,200,000	Confidential (Auto) In May 2009, 60-year-old plaintiff was catapulted from his motorcycle into the windshield of a truck when defendant truck driver, while working, was making a delivery and turned left into a private driveway. Plaintiff tried to veer right and avoid the truck, but struck the passenger front tire area of the pickup truck. Plaintiff was hospitalized and in rehabilitation facilities for 3 months due to fractures to the wrist, femur, ankle, ribs and pelvis, in addition to post-traumatic stress, disorder, and aggravation of a pre-existing condition including depression and urinary retention and frequency problems. Plaintiff suffered significant residuals including traumatic arthritis in his elbow and wrist, scarring on the left arm and bladder issues. It was determined that plaintiff's headlight was on and that he was traveling below the speed limit. Plaintiff did not have a motorcycle endorsement, had significant pre-existing medical problems, and made a good recovery from the crash injuries.
03/06/2012	$ 6,987,688	Hanczaryk, et al. v Podiatry Insurance Co. of America, et al. (Management Practices – D&O) Breach of contract, negligence pertaining to information communicated to others, failure to honor good faith duties, and tort of false light, invasion of privacy against Podiatry Insurance Co. of America.
03/30/2012	$ 1,750,000	Hines, et al. v Noble, et al. (Auto) Compensatory damages were awarded to personal representative Plaintiff for claims of wrongful death of divorced 26-year-old father of 6-year-old son. The father was killed by Defendant who turned left in front of his motorcycle. The umbrella carrier argued there was no economic loss as the Soc. Sec. death benefits exceeded plaintiff's child support. Defendant only had $100,000 auto bodily injury policy, but the umbrella carrier (at $250,000-$2,000,000) did not need to pay anything until the full amount of the "gap" was paid. Ultimately, defendant driver and owner of the car entered into a payment agreement, paying $150,000 for the gap of insurance.
04/12/2012	$ 5,000,000	Confidential (Management Practices) In litigation with a customer for several years over a contractual dispute, plaintiff had not tendered a claim to its insurer at the time of the commencement of a breach of contract litigation because of an exclusion for claims arising from breach of contract. The insurer denied the claim based on common conditions found in most claims-made insurance policies: The claim was not "first made" against the insured and reported to the insurer during the policy period and the claim was "deemed" to have occurred in an earlier policy period of a different claims-made insurer. However, after studying the situation, the case was settled at mediation for the full insurance policy limit of liability.
04/25/2012	$ 1,205,772	Walsh v Kraft Foods Global, Inc. (Employment Practices) Accused by his human resource manager of falsifying documents and committing fraud, wrongful termination and breach of policy was contended by plaintiff, as the four-step procedure for termination, as found in the employee handbook, was not followed. Present and future economic damages were awarded.
05/2012	$ 1,100,000	Confidential (Management Practices) Plaintiffs entered into a joint venture and employment agreement with an out-of-state agricultural chemical company seeking to establish a Michigan branch. Plaintiffs were to receive an annual salary and 50% of the Michigan venture's annual net profits. The venture was a success and generated substantial profits; however, plaintiffs contended that for 5 years the defendant deliberately withheld and misrepresented financial information to avoid making payments mandated by their agreement and willfully refused to make documentation, computer records, and other supporting information available. Defendant countered that they were properly and fairly paid.
05/08/2012	$ 1,920,126	Latham v Barton Malow Co. (Construction) A carpenter working on construction of a school which had three mezzanines, all approximately 13 feet above the floor, was

		carrying drywall on a man lift when the drywall snapped, causing defendant to fall. He was not wearing a fall-protection harness, contrary to jobsite rules. He suffered a right ankle fracture which eventually healed; however the fracture of the left ankle and heel bone did not. After unsuccessful surgery, arthritic changes soon set in and he is now permanently disabled. Plaintiff did not stress the existence of a high degree of risk to the workers. Plaintiff was responsible for its workers' observing property safety procedures.
05/14/2012	$ 2,707,430	Croteau v Auto-Owners Insurance Co. (Auto) Injured in truck/motorcycle accident in 2009, plaintiff sought readjustment of benefits from defendant Auto-Owners. Injuries included respiratory failure, blunt trauma to the head and a T4 fracture, which led to a complete spinal cord lesion, paraplegia, blindness, cognitive disorder, and depressive disorder. The settlement value included work loss benefits, home modifications, and double dip allowable expense benefits.
05/31/2012	$ 1,000,000	Meka v Jordan, et al. (Auto) In June 2009 defendant, a buyer's agent, was picking up a lease vehicle that had been turned in to VW Credit at the end of its lease and sold to an out-of-state broker. It was being stored at a Volkswagen dealership until defendant arrived to load and transport the vehicle. Although defendant was not authorized to drive the vehicle on a public street, he began to drive it to his trailer which he had parked two blocks from the dealership. Pulling out of the dealership's parking lot, he hit an uninsured motorcyclist who suffered a traumatic brain injury. Because the vehicle had been sold but not delivered, and under the Owner Liability Statute, the judge ruled that VW Credit was the owner notwithstanding the fact that the vehicle had been picked up by the buyer's agent.
06/01/2012	$ 1,250,000	Confidential (Auto) In Berkley, 53-year old pedestrian at a crosswalk was struck by defendant's car which had stopped at a red light, making a right turn. Witness said the light had turned green while plaintiff was in the crosswalk. Catastrophic injuries to plaintiff pedestrian included a fractured skull, bilateral leg fractures with open reduction internal fixation, and a herniated lumbar disc requiring fusion. He spent 3 weeks in intensive care at Beaumont Hospital followed by 7 months at two rehabilitation centers. Discharged to his home, he now needed a 24-hr. attendant. Proven he was too injured to stay home, he became a full-time resident of a brain-injury rehabilitation center. Defense contended plaintiff would probably have been required to move into a facility even if the accident had not occurred, as he had been disabled from his supermarket clerk job of 20 years due to depression, had made numerous suicide attempts, including one a few months prior, although he had been able to live independently, care for himself and his home, and drive.
07/19/2012	$ 4,590,000	Schwannecke, et al. v Schwannecke, et al. (Employment Practices / Management Practices) Plaintiffs had worked for Self Serve Lumber for several decades and collectively owned a minority, non-controlling interest in the company. Over the course of several months, the controlling shareholder terminated each of the plaintiffs from their long-held positions of employment, eliminated all benefits, removed each plaintiff from the board of directors, and attempted to force the sale of their shares at a subpar price. Due to the shareholder squeeze-out, the plaintiffs filed claims for violations of the shareholder and member oppression statutes, breach of fiduciary duty, and breach of lifetime employment contracts.
07/24/2012	$ 4,340,000	Simmons v Pitts (Auto) In October 2009 passenger in car was struck by a Safeway school bus. Plaintiff continued to have multiple limitations after undergoing six knee surgeries. Plaintiff and witness testified that the bus driver cut all lanes of traffic off, making a left-hand turn directly in front of plaintiff and her sister, the driver. Defendants stated the driver was more at fault for the accident in that she disregarded other traffic stopped at the light and that plaintiff's shoulder and knee had healed and that she had reached maximum medical improvement with regard to her left wrist by March 2010; the left shoulder, by April 2010; and left knee, September 2010. The jury decided 90% liability to defendant and 10% to driver of car. Plaintiff's work manager advised of her difficulty in returning to work as a burn unit nurse with permanent 5-pound lifting restrictions for her wrist, left shoulder and left knee. Damages were awarded for present and future pain and suffering as well as excess economic wage loss.
07/31/2012	$ 4,975,000	Northville Crossing Venture LLC, et al. v KM Eight Mile Group Inc., et al (Management Practices) Plaintiff claimed assets were improperly diverted in partnership. 50% interest was awarded.

08/13/2012	$ 7,500,000	Goodman, et al. v Shepard Marine, et al. (Premises/Operations) In the canals of a waterfront subdivision on Lake St. Clair, defendants abandoned a barge that had been part of a dredging operation, after receiving payment for the project. There was improper lighting at the opening of the harbor. A boat containing plaintiffs' decedents struck the barge, resulting in their deaths.
08/14/2012	$ 3,000,000	Confidential (Auto) Mother and daughter were rear-ended by a semi-truck while stopped in a construction zone on Interstate 94 in Calhoun County. The mother suffered traumatic brain injury, permanently disabling her from working as an executive assistant earning approximately $70,000 per year. After determining the extent of cognitive damage leaving the mother with significant deficits, the matter was settled in a voluntary facilitation.
08/16/2012	$ 4,500,000	U.S. District Ct., Eastern District of Michigan (Employment Practices) Plaintiff, U of M student body president, sought compensatory and exemplary damages from defendant assistant attorney general for the State of Michigan on claims of defamation, intentional infliction of emotional distress, invasion of privacy and stalking. In 2010, plaintiff asserted that defendant became obsessed with making false and malicious statements about him, and physical threats online, calling him "a radical homosexual activist, racist, elitist and liar." Defendant maintained he had wanted plaintiff to resign as student body president because he felt plaintiff was too radical for the position and that he, defendant, was acting within his First Amendment rights.
08/20/2012	$ 2,500,000	Confidential (Auto) In September 2010 while driving a tractor trailer, plaintiff slowed down as approaching yellow traffic light and was rear-ended by fully loaded gas tanker. Defendant claimed a phantom vehicle pulled into the path of the plaintiff. Plaintiff was treated for cervical disk hernations for approx. six months, then underwent a cervical laminectomy but never fully regained strength in his left arm. A motion was granted to strike the non-party phantom at fault as well as grant summary disposition to plaintiff on negligence.
09/06/2012	$ 2,579,320	Garber-Cislo v State Farm Mutual Automobile Insurance Co. (Auto) Plaintiff sustained catastrophic injuries in 2009 in an automobile accident including a traumatic brain injury and numerous orthopedic injuries which resulted in related physical, cognitive, behavioral and emotional residual deficits, requiring attendant care, which was provided by her family. Settlement included deficiencies in attendant care payments, payment for work loss benefits, and no-fault penalty interest.
09/10/2012	$ 3,450,000	Finley, et al v Defendant Nonprofit Corporation, et al (Auto) In January 2011 defendant was speeding, lost control of his vehicle, side-swiped the rear of plaintiff's vehicle with passenger brother, causing it to flip multiple times down the freeway before coming to rest on its roof. Driver-plaintiff suffered multiple cervical, thoracic, sternum and rib fractures and traumatic subarachnoid hemorrhaging resulting in a traumatic brain injury. He continues treatments and is permanently disabled and disfigured. Passenger's injuries resulted in subgaleal hematoma with traumatic brain injury, as well as collapsed disc with hypertrophic spurs indenting into the dural sac and a "hard disc" with neck/shoulder pain. Defendant's driver's license was suspended for multiple speeding violations and failure to show proof of insurance, and was cited for careless driving. A non-party was added, naming the emergency room hospital, spinal surgeon and his practice, alleging surgeon committed medical malpractice in the driver's treatment immediately following the accident.
09/12/2012	$ 2,536,454	Patterson, et al. v State Farm Mutual Automobile Insurance Co. (Auto) Severely injured in a single-car crash requiring 24-hour care with a severe head injury, it was discovered that the son was driving his father's car which had been given to him to use while his father completed his 90-day jail sentence for a parole violation. Just before the father's release from jail, and at the direction of his father, the son drove the car to have new brakes installed, and crashed the Buick LaSabre on the day of his father's release. During the father's prison stay, the insurance on the LaSabre had expired. Damages were awarded to cover medical care expenses, overdue benefits, interest, mileage and other costs.
09/20/2012	$ 1,200,000	Confidential (Management Practices) After being terminated and offered only a nominal buyout, plaintiff claimed shareholder/member oppression, breach of contract, and breach of fiduciary duty. Plaintiff was an executive and shareholder owning about 20% of a corporation and was also a

		member/partner in several other related companies. After working closely with a valuation expert to develop an income-based assessment of the businesses, rather than a book-value assessment, and after engaging in extensive discovery, briefing and settlement discussions, the case settled.
09/24/2012	$ 2,933,069	Humrich v State Farm Mutual Automobile Insurance Co. (Auto) Plaintiff, suffering from catastrophic automobile accident in January 2011, including severe spinal cord injury resulting in high-level quadriplegia, filed suit in November 2011 against his carrier when the insurer refused to properly pay for no-fault personal injury protection benefits. The settlement included purchase of a modified handicap accessible van, agreement for modified housing and settlement of attendant care benefits through 2019.
09/24/2012	$ 1,000,000	Buchanan v Walters (Management Practices) Plaintiff sought damages for defamation and malicious prosecution / damage to reputation which would continue into the future. The lawsuit had been reported widely in the local media. In his complaint, plaintiff contended that defendant improperly abused the civil litigation process for the purpose of causing vexation, humiliation, embarrassment and damage to plaintiff's community reputation in order to coerce him to pay the unpaid bills of defendant's clients even though he had no obligation to do so. He was awarded exemplary damages.
09/26/2012	$ 1,731,361	Lorine Watson, et al. v State Farm Mutual Automobile Insurance Co. (Auto) In 2006 plaintiff's son, a minor, suffered injuries from an automobile-pedestrian collision which included a traumatic brain injury and a sheering injury to the frontal lobe resulting in permanent brain damage and severe executive dysfunction. Doctors prescribed attendant care which has been provided primarily by his mother and father. Following several court cases regarding State Farm not paying appropriately, a settlement was reached which also includes a guaranteed payment by State Farm of $504 per day for attendant care benefits for at least six years.
10/2012	$ 3,420,000	Confidential; confidential (Employment Practices) Working for international automobile manufacturer for 26 years, 59-year-old South Asian Indian male was terminated in 2009 by new president and CEO. Plaintiff served in high-profile executive positions on four different continents outside of N. America. His position included substantial salary, bonuses, stock options, and numerous other benefits. He was replaced by Caucasian male with European origin. Just two days prior, plaintiff's immediate superiors issued a glowing letter of recommendation. Plaintiff filed discrimination charge with the Equal Employment Opportunity Commission.
10/09/2012	$ 2,500,000	Hendry, et al. v Vernon, et al. (Auto) Due to an auto accident and after being cleared of any significant injury by the hospital and orthopedic surgeon, plaintiff discovered her left knee swelled up, changed temperature and color, and was too sensitive to touch, all symptoms of complex regional pain syndrome. Plaintiff sought compensatory damages after undergoing three years of ketamine injections into a chest port three times a week, multiple medications, physical and aqua therapy as tolerated, leg rigidity, and wheelchair confinement, two spinal stimulator implants, and a pain pump with snail venom, all with poor results. Plaintiff counsel argued that she had life-altering injuries, persistent never-ceasing pain, economic losses of salary and benefits as a registered nurse, and husband and children's loss of consortium. The resolution also included a structured settlement with $2,854,000 in guaranteed benefits and $3,781,000 in expected lifetime benefits.
11/2012	$22,500,000	Carter and Jimenez, et al. v Allstate Insurance Co. (Management Practices) Plaintiffs assert that Allstate was improperly calculating the loss values in homeowners' insurance policies, including calculating actual cash value and depreciation amounts. Allstate pointed to a variety of acceptable options for making the necessary calculations. A 38-state class-action settlement going back 10 years was agreed upon between the parties. The settlement calls for Allstate to increase the amounts paid to class members who qualify for the class and who attest to the errors they believe were made when valuing their homeowners' claims. The total amount of the settlement will vary based on the values of the class members who participate. There is no cap on the total settlement amount.
11/15/2012	$ 2,550,000	Modzelewski-Shekoski, et al. v Allied Excavation Inc., et al. (Auto) While 83-year old bicyclist was attempting to cross intersection at 22 Mile Road and Van Dyke Ave., a truck driver turning right at a

		red signal, who alleged he did not see plaintiff who had just entered the crosswalk on a white walk signal, struck and killed plaintiff. "Loss of society" was argued. It was also implied that his general state of physical health, including his prior heart attacks and advanced coronary artery disease, would result in a very low trial verdict at case evaluation and at facilitation. His estate sued the truck driver for negligence and the parent trucking company for vicarious liability, under Michigan's owner's liability statute, because of the driver's negligence. The trucking company admitted liability. But plaintiff's attorney later amended the complaint to include another claim: negligent entrustment. The plaintiff's attorney said that filing a negligent entrustment claim in trucking accidents is "a critical necessity" because some trucking companies can be considered "chameleon carriers." "What's happening is, they rack up this really bad safety record and they close shop as Company A on a Friday and then they reopen as Company B on Monday with a new name but the exact same drivers and the exact same trucks and the exact same managers, and they do it almost like a mutual fund to wipe away the bad record and start fresh," he said. He argued that the trucking company was negligent for allowing the driver, whose bad driving record was not checked by the company upon his hiring, to use one of its trucks. In addition, the truck driver's personnel record indicated he had been cited for speeding and improper use of equipment. "Most lawyers don't know there is a Michigan statute that requires trucking companies to run their own drivers' records once a year," he said. "You have to be able to look at the driver's personnel file as a basis for whether or not you have a negligent entrustment claim, and that's the same whether it's a negligent supervision claim or a negligent maintenance claim. . . Truck accident cases are not car accident cases with bigger policy limits." The attorney cited a statute that abolished joint and several liability, requiring a jury to allocate a "percentage of the total fault of all persons that contributed to the death or injury. . ." The driver was allocated fault at 50%; trucking company, 20%; and plaintiff's decedent, 30%.
11/20/2012	$ 1,485,000	Hannosh v Varadi, et al. (Auto) Rear-ended at a red light, plaintiff sustained lower back injury, a disc herniation that required surgery. Liability was admitted. Plaintiff has been unable to return work as restaurant manager in Hazel Park since the July 2008 incident. The argument was that the vehicle did not sustain enough damage to cause injury and that whatever damage did exist could not have been caused by this accident. Awards included both economic and non-economic damages.
11/29/2012	$13,000,000	Confidential (Management Practices) Shareholder oppression, breach of fiduciary duty, and usurpation of corporate opportunities were charges brought forth by plaintiff shareholders who owned 25% of a manufacturing company and had received less than 1% of the profits for years. Plaintiffs alleged that the defendant shareholders who owned 75% of the business had acted as a control unit and had diverted corporate opportunities to expand the business and had also paid themselves excessive compensation.
12/10/2012	$ 1,587,000	Avio Inc. v Creative Office Solutions Inc. (Management Practices) In 2006 an unsolicited one-page advertisement for scanner and copier services was faxed to 3,258 Michigan businesses' fax numbers. A federal class-action suit with claims of a Telephone Consumer Protection Act violation discovered there was an electronic record of all numbers that were called on June 16, 2006. The settlement includes that each company identified would receive a cash payment of $305.
12/12/2012	$ 6,100,000	Confidential (Auto) In July 2010, defendant employee was driving from Indiana to Ford Motor Co. to supply brake-related components. Witnesses observed the 2008 Ford Taurus traveling at a high rate of speed, passing cars in multiple lanes up to a collision site ahead. Defendant driver stated he was looking at his radio for several seconds. While driving in excess of 73 mph he collided with the rear of plaintiff's decedent's vehicle which rolled over, coming to a rest on the exit ramp. Plaintiff's decedent suffered severe head injuries, never regaining consciousness, but was kept alive by life support systems for several hours. There was a dispute whether the replacement services for her one child was compensable under the Michigan Supreme Court decision, *Johnson v. Recca.*

2011

Date	Amount	Case
01/21/2011	$ 2,100,000	Confidential (Auto) Plaintiff suffered serious brain injuries when struck by a commercial truck that ran a stop sign.
01/24/2011	$ 1,015,152	Confidential (Management Practices/Breach of Contract) Plaintiff homeowner sought compensatory damages from defendant insurance carrier following a home fire. Though plaintiff provided defendant with all necessary information to adjust and pay the building and contents claim, defendant failed to resolve plaintiff's claims.
03/16/2011	$ 2,048,000	Confidential (Auto) Motorcyclist was hit by a car which made a left turn in front of him. His right leg was amputated above the knee.
03/18/2011	$ 2,100,000	Confidential (Auto) Plaintiff was involved in an auto accident and had a torn aorta and spinal cord injury at T-4. Surgeons were not able to restore neurological function of the patient's lower extremities, bowel or bladder.
03/22/2011	$ 3,250,000	Long v United States (Auto) Father and daughter killed when a U.S. Marshall ran through a stop sign at a Birch Run intersection.
04/08/2011	$ 2,056,998	Beydoun v Benjamin (Auto) Plaintiff struck by police car and was unable to return to work. due to injuries of neck, back, arm, and nerve damage.
04/13/2011	$ 1,000,000	Shopper v Retail Store (Anonymous) (Premises/Operations) While shopping at a retail store, plaintiff kneeled down to look at a bottom shelf and was struck from behind by two large boxes containing heavy outdoor canopies, striking her right foot and the side of her head and arm. She sustained complex regional pain syndrome in her right foot, which worsened later. In addition, after receiving spinal cord injections and a surgically implanted popliteal catheter, plaintiff had a permanent spinal cord stimulator implanted into her spine to assist, regulate and partially control her pain. Her four-year old daughter was seated in a shopping cart several feet away.
04/20/2011	$ 1,980,000	Peterson v Gaskins (Auto) SUV slowed to stop at intersection when struck in the rear by a truck, pushing plaintiff's SUV 15 feet into the intersection. Defendant admitted to falling asleep. Though plaintiff had preexisting conditions that enabled him to still be an active man, the injuries sustained from the accident were now devastating to his current life where he could no longer volunteer with the cleaning for his church and working with children, as well as babysitting his grandchildren, or playing and coaching basketball.
05/06/2011	$ 2,050,000	Confidential (Contractors; Premises/Operations Fatality) Plaintiff was killed when a contractor performing maintenance work on a pipeline at an industrial complex caused an explosion. The pipeline was to be purged of gas, but it was asserted that employees of the defendant opened valves to a bypass pipe leading from a live line, which allowed gas to enter the pipeline when the work was ongoing. The resulting gas leak caused an explosion, and the pipe fell 25 feet to the ground, fatally injuring one plaintiff worker and causing physical injuries to the other.
05/10/2011	$ 1,884,600	Varner v Battle Creek (Auto) Motorcyclist passed in the left lane when the tractor-mower ahead in the right lane made a sudden left turn into her path. She sustained a back fracture and ankle fracture which forced her to cease her job as a firefighter.
05/10/2011	$ 1,285,000	John Doe (Premises/Operations) Apartment owner sued after the stabbing death of a resident inside her apartment. Discovery revealed 25 other tenants had extensive criminal records, and while the owner contracted with a company to do background checks, he failed to use good judgment in tenant choices. Tenants' entrance doors were also found to have defective locking mechanisms.

05/11/2011	$12,500,000	Jane Doe v Superior Ambulance (Employment Practices) Superior's employee sexually assaulted a minor.
05/16/2011	$ 1,300,000	Confidential (Auto) Plaintiff was hit by a bus resulting in amputation of the right leg as well as arm fracture, closed head injury, ten surgeries, months of hospitalization and rehabilitation, and is confined to a wheelchair.
05/17/2011	$ 1,450,000	Sand v Towles (Premises/Operations; Construction; Auto) Construction equipment piled too high on a truck, fell off truck onto the freeway when it struck an overpass. The load spilled, unavoidably, in front of plaintiff's vehicle. Plaintiff struck and suffered serious impairment including torn rotator cuff, shoulder joint injury as well as two cervical disc herniations, all requiring surgery.
05/18/2011	$ 3,420,000	Kelley v Steel Transport (Auto) Motorcycle/truck accident, where motorcyclist's injuries were that of a fractured pelvis, multiple fractures in left lower extremity, right shoulder dislocation, and excess wage loss.
06/28/2011	$ 2,300,000	Sweeney v. Mucci Food Products (Employment Practices / Management Practices) Plaintiff had owned a 20% stake in the makers of Mama Mucci brand pasta since its formation in 1988. After many years of the three owners working at Mucci Food, plaintiff asserted that the defendant-controlling shareholder ousted him and terminated his wages and benefits. Defendants contended there was no oral agreement for lifetime employment, that they had the right to terminate plaintiff's employment, and denied that their actions constituted shareholder oppression. During written and oral discovery, admissions were obtained from defendants that plaintiff was entitled to a buy-out. Also statements were obtained from third-party witnesses supporting the promise of lifetime employment. In 2010 the owners agreed to buy out VP Sweeney's minority ownership for $1.3M plus an additional $1M in damages to settle plaintiff's lawsuit which alleged shareholder oppression, breach of contract, fraud, unjust enrichment and conversion against the company and others.
07/15/2011	$11,300,000	Doe v. Cin-Lan, et al (Employment Practices) Defendants Cin-Lan, Inc. and Déjà vu Consulting, Inc. wrongfully classified plaintiffs, a class of exotic dancers, as "independent contractors" instead of "employees," thus violating the Fair Labor Standards Act (FLSA). Plaintiffs argued that they, as independent contractors, paid the club a lease fee out of the dance fees paid by customers. It was argued that Déjà vu Consulting had authority over each club and exercised a traditional employer authority by firing dancers. Eventually, with counterclaims and a California case and imminent Minnesota case, settlement discussions matured into a national settlement of $11.3M.
09/08/2011	$ 2,010,982	Heat Controller International, LLC v Heat Controller, Inc. (Management Practices) Breach of contract for soliciting and purchasing from restricted vendors, in addition to selling products in plaintiff's territory.
10/12/2011	$ 1,000,000	Confidential (Auto) Plaintiff was injured by a trash hauling truck which turned in front of him. Plaintiff sustained a head fracture, closed head injury, and neurological damage to left hand, arm and shoulder. He had multiple surgeries and 52 days of hospital and rehabilitation stays.
10/27/2011	$ 1,204,334	Roberto Landin v Healthsource Saginaw, Inc. (Employment Practices) 50-year-old married male nurse at nursing home contended he was terminated when he reported what he deemed dangerous behavior by another nurse, whereby a brittle diabetic patient had died. Plaintiff had received multiple violations of hospital policy when he put his initials in the records for actions he did not perform.
11/01/2011	$ 1,093,734	Clum v Jackson National (Employment Practices) Employee claimed wrongful discharge because of race.
11/15/2011	$ 2,350,000	Estate of Walter Polomski v SavaSeniorCare, LLC, et al. (Premises/Operations) Nursing Center resident suffocated, developed brain damage, and died after he was mistakenly served a tray of hard, golf ball-sized meatballs intended for another resident. After choking, and unsuccessful attempts to remove the meatball, EMS was called after he had been without air for 14 minutes. Only 3 of 4 required aides were present to supervise residents in the dining room that day. Also, the nurse who was required by law to be present did not show up that day. An aide had been directed to sit with plaintiff to prevent choking and his meals were required to be ground up, as a result of being admitted to the Center earlier after having a

		stroke, unable to walk, moderate dementia, and a swallowing disorder.
11/15/2011	$ 3,075,000	Confidential (Auto) Plaintiff was working in a bucket at a traffic light. Semi-truck driver hit him causing broken ribs, thorax damage, knee and shoulder damage. He was in the hospital for 76 days, had five surgeries, and is disabled.
11/18/2011	$ 1,395,852	Hannay v Michigan Department of Transportation (Auto) Dental hygienist injured her right shoulder and neck when she was hit by a salt truck. She has had four shoulder surgeries.
12/08/2011	$ 1,650,000	Snell, et al. v Hearthstone Management, Inc. (Premises/Operations) Nursing home resident was found at 3:15 am, left on defendant's bus after a shopping trip that day. Plaintiff suffered from mild dementia and ingested all the Tylenol and drank peroxide from the bus' first aid kit. Temperatures dipped to 52° overnight. When found, she was dehydrated and hypothermic and thereafter spent 2 weeks in a catatonic state until her death.
12/09/2011	$ 1,110,000	John Doe and Jane Doe v Roadrunner Transportation Systems, Inc., Specialized Service Transportation and Felicia Lucas (Auto) Permanent and disabling injuries were sustained after 44-year old plaintiff's pickup truck collided with the back, right corner of a tractor-trailer attempting to back out of a parking lot onto the road. The tractor-trailer had no flashers, brake lights or visible turn signals. Backing up guidelines required the use of a spotter, which defendant failed to use, as well as ignoring safety and common sense. Defendants argued that this was a low-speed, minor sideswipe accident caused by plaintiff failing to pay attention to the roadway. They also argued that it was acceptable to back into the roadway without being able to see whether traffic was coming and that motorists have to accommodate tractor-trailers, regardless of who has the right-of-way. Defendants also disputed that plaintiff's herniations were caused by this minor accident, as it appeared at the scene that he was not injured and that head injury complaints were pre-existing. Plaintiff underwent two neck surgeries for disc herniations and required treatment for a brain injury. Attempting to return to work, he was unable to perform the tasks of his job and was permanently disabled.
12/15/2011	$ 6,000,000	McGhee v Olympic Steel (Premises/Operations) Truck driver was injured when three coils being loaded onto a truck tipped over causing serious injury including a below-the-knee amputation of one leg and a severe crushing of the other leg. He will never work again as a truck driver.
12/19/2011	$ 2,750,000	Confidential (Auto) About midnight during a snowstorm, 19-year-old plaintiff, girlfriend, and their 2-year-old son were driving a truck down a two-land rural roadway when they collided with a semi-trailer and tractor which defendant was backing up across the roadway into her front yard so that the truck nose would be facing out, ready for the next day's run. It was defendant's first day of employment. Plaintiff swerved so that he took the brunt of the impact, sparing his girlfriend and son who were in the front passenger seat. They escaped serious injury; however, plaintiff, 10 months after the collision, is in a full-care nursing facility and in a minimally conscious state, just upgraded from persistent vegetative state. He is a quadriplegic and can follow commands by giving thumbs up/down.

2010

01/22/2010	$ 2,350,000	Feliks, et al., v Securitas Security Services USA, Inc., et al. (Auto) On April 6, 2008, Feliks was driving with wife Margaret and stepson Christian in Livonia. As the car was turning left on a green arrow, defendant's 2005 Chevrolet Colorado pickup truck, traveling at 61 mph, ran the eastbound red light, broad siding Kenneth Feliks' car on the passenger side. The pickup was being operated in the scope of employment by an individual with a negligent driving record.
01/26/2010	$ 1,490,000	John Doe Case (Auto) Plaintiff's motorcycle struck defendant's car. The defendant suffered a closed-head injury.
01/30/2010	$ 850,000	Case Name Kept Confidential (Products Liability) Adult female plaintiff asserted that the defendants, a food manufacturer and a food retailer, were liable for an E. coli-related food

		poisoning. Plaintiff asserted $51,000 in hospital bills and potential long-term kidney damage as a consequence of eating the suspected hamburger meat. She was also diagnosed with hemolytic uremic syndrome, which is associated with E. coli food poisoning. The female plaintiff cooked all of the meat in question, and no E. coli contamination could be found in the remaining meat sold at the retailer. Although she was not tested for E. coli food poisoning at the hospital upon admission, the Michigan Department of Community Health did find E. coli contamination at the retailer's premises. Plaintiff's case was helped when defendant food retailer lost the hamburger grind logs. This prevented the defendant retailer from showing that the contaminated hamburger came from the defendant food manufacturer.
02/25/2010	$ 1,250,000	John Doe Case (Auto) Defendant truck driver rear-ended SUV driver and his wife while they were stopped in traffic behind a semi-truck, sandwiching their SUV between the two trucks. Plaintiffs had aggravations of pre-existing lumbar, cervical issues and mild traumatic brain injuries. Defendant truck driver had falsified log records and had marijuana in his system.
03/09/2010	$ 1,003,500	John Doe Case (Auto) Defendant struck plaintiffs' vehicle while turning left and suffered disc herniation and other injuries.
03/10/2010	$ 2,650,000	Doe v State of Michigan (Auto) Defendant made an improper U-turn in front of plaintiff's vehicle. The driver died and two passengers were seriously injured.
03/17/2010	$ 9,154,383	Walbridge Aldinger Co. v City of Dearborn, et al. (Pollution) In this construction litigation / breach of contract case, Walbridge Aldinger Co. sought damages from the city of Dearborn and Travelers Property Casualty Co. of America in a dispute over damages to a construction project. Walbridge had been awarded a $33M contract for construction to a portion of the city's combined-sewer overflow project. The city filed counter-claims against the designer and manager of the project. The concrete cylinder (caisson) sustained serious damages in the form of major cracks and delaminations in the concrete that occurred as a result of earth pressures exerted on the caisson as it sunk. Walbridge contended the failure was due to design errors and differing site conditions; however Neyer, Tisco & Hindo, Ltd. asserted the damage was caused by Walbridge's construction techniques. Walbridge sued the city and the city terminated their contract and filed a counter-claim. A third-party complaint against NTH ensued for breach of its contractual indemnification obligations and for breach of contract. The city also filed a third-party complaint against Walbridge's sureties for their failure to complete the project. Finally, Walbridge and the city brought third-party complaints against Travelers Property Casualty alleging it had wrongfully denied the city and Walbridge's claims to coverage under the builder's risk policy. Finally, after a couple years, the city was awarded $9.154M.
03/24/2010	$ 2,000,000	John Doe (Auto) Defendant was on a learner's permit and hit plaintiff head-on, causing serious injury and chronic, debilitating pain.
04/10/2010	$ 2,075,000	10-year-old Male v Anonymous Trucking Companies (Auto) A 10-year-old was a passenger in a vehicle that was rear-ended and suffered severe traumatic brain injury and facial scars. It is expected he will never work and will require lifetime supervision.
05/2010	$ 2,835,000	Doe v Doe (Construction / Products Liability) In this confidential products liability and general negligence lawsuit, plaintiff sought damages following a workplace accident that rendered him a quadriplegic: While plaintiff was operating a posthole digger, working as a manual laborer assisting in digging postholes for a deck in a residential construction site, he became entangled at the universal joint between the power take-off and the auger. He asserted the digger was defectively designed due to the fact that the guard for the universal joint was not in the proper place. Defendants asserted the digger was in accordance with industry standards and not defective and that the digger was altered by third parties. It was also contended that the non-party employer was fully or partially responsible for the accident. Defendants also claimed that the entanglement occurred on the drive shaft and not at the universal joint.
05/01/2010	$ 2,300,000	Mary Austin v Assemblies, Inc.; Pro Build of Detroit, LLC (Premises/Operations) A 19-year-old laborer fell 60 feet to his death through an unmarked and unsecured hole in the roof of a new six-story apartment building near Wayne State University.

05/06/2010	$ 2,250,000	Tyree, et al. v Smith, et al. (Construction) While surveying new home construction site, drywall specialist stepped on a sheet of cardboard that was covering the basement access. He fell 10 feet onto the concrete. There were no barricades or wooden coverings at the 4-foot-by-9-foot hole. He was never told that there was a basement. He injured his face, skill, torso and shoulder, lost hearing in one ear, and required extensive surgery to restore his facial nerves.
05/27/2010	$ 6,291,666	Dykes v Singh (Auto) Singh lost control of his car and crossed the center line in snowy conditions. Dykes underwent multiple surgeries and was hospitalized for 2.5 months.
06/04/2010	$ 1,557,500	Hija v Levy (Auto) Defendant ran a stop sign, killing the drivers of two other cars.
06/10/2010	$12,262,500	Epstein v Heartland (Management Practices) Improper accounting led to company collapse.
07/22/2010	$ 1,250,000	Dunne v Franz (Auto) Plaintiff was rear-ended at a red light in auto accident and suffered back and neck injuries, which required multiple-level laminectomies and discectomies on two separate occasions. Plaintiff also claimed serious impairments of body function which limited activities she was previously able to perform.
08/16/2010	$ 2,500,000	Adeleye v Michigan Dept of Transportation (Premises/Operations) While driving on the Southfield Freeway in April 2005, a chunk of concrete fell from the bottom of an overpass, went through plaintiff's car windshield, striking him in the face. Driver sustained head injury, trigeminal neuralgia (painful condition of the nerve responsible for most facial sensation), broken facial bones, and bowel injuries with ileostomy. His colon was irrevocably injured through chronic constipation resulting from pain medications that were taken for the pain of the trigeminal neuralgia. Plaintiff has had many surgeries. In this negligent road maintenance lawsuit, defendant asserted there was no evidence the concrete was from the bridge and could have been thrown by someone on the overpass. The court granted plaintiff's motion for summary disposition on the issue of liability after the state of Michigan discarded the concrete chunk because of the spoliation of evidence.
08/17/2010	$ 1,586,000	Dregely v Foust (Auto) The plaintiff was killed by a drunk driver. The driver had $300,000 in coverage and had to pay another $1,000,000 personally. The bar owner had insufficient limits and had to contribute $250,000 personally.
08/24/2010	$ 1,800,000	Anonymous Plaintiff & Defendant (Auto) This was a case where one truck rear-ended another truck. As a result of this accident, the plaintiff's pre-existing lumbar spinal degenerative arthritis was aggravated.
09/2010	$ 650,000	Gueyser v Otis Mathis (Employment Practices) School board president fondled himself in front of former superintendent, plaintiff, for 20 minutes while discussing her evaluation and contract. She was fired in retaliation for refusing his sexual advances. Her contract ended two weeks after she reported the incident. Mathis resigned the day after Gueyser reported the incident (06/16/10). He pleaded no contest. He was sentenced to 2 years of probation and 50 hours of community service.
10/04/2010	$ 7,900,000	Waldo v Consumers Energy (Employment Practices) Female plaintiff sought damages for sexual harassment, a hostile work environment, and violations of her rights under Title VII. After working in mail services and meter reading for 4 years, in 2011 she entered a 4-year, in-house apprenticeship program in defendant's transmission line department, but was ultimately removed from the journeyman program as she was not "competent." She entered another journeyman program. She was subjected to sexually abusive treatment by supervisors and co-workers, which also included derogatory comments, cruel pranks, and demeaning assignments. Plaintiff claimed she was also forced to climb transmission towers and tighten bolts without proper training and safety equipment. Plaintiff was awarded compensatory and punitive damages.

10/11/2010	$ 1,050,000	Cieslkowski v Troyanek (Auto) Plaintiff was a pedestrian walking in a Meijer parking lot on a dark and rainy night. She was struck by defendant backing up his vehicle. Plaintiff sustained serious knee, leg, and ankle injuries. She also incurred serious impairments of body function and was restricted in her ability to work.
10/29/2010	$ 6,000,000	Anonymous Motorcyclist & Driver (Auto) Plaintiff was driving his motorcycle. Defendant was traveling in the opposite direction and turned left in front of the motorcycle. Plaintiff had a sprained wrist, but he later developed Complex Regional Pain Syndrome, leaving him wheelchair bound and completely disabled.
11/10/2010	$ 1,400,000	Qasawa v Lahey (Auto) Defendant rear-ended plaintiff, causing $2,000 in damage to plaintiff's vehicle. Plaintiff suffered disc herniation requiring extensive medical treatment.
12/15/2010	$ 3,500,000	Fairley v Schiber Truck Co. (Auto) Schiber hit Fairley's vehicle in the rear. Fairley suffered a brain injury, depression and two fractured vertebrae and walks with a cane.
12/27/2010	$ 2,720,000	John Doe Case (Auto) Defendant rear-ended the plaintiff's vehicle at a high rate of speed. Plaintiff was seriously injured and became disabled. The defendant was driving an employer-owned vehicle and was on the way to work but was not in the course of employment at the time of the accident. The defendant's employer never checked the defendant's driving record.

2009

03/12/2009	$ 1,250,000	Inglehart v Manthei Development Corp. (Auto) Plaintiff Brandon Inglehart sought damages following an accident in which he was hit, while riding a bicycle, by a truck driven by defendant Darren Zimmerman. Inglehart was riding his bicycle in single-file formation with a friend on the right side of the fog line. Zimmerman was driving in a truck owned by defendant Manthei Development Corp., began drifting to the right, and crossed the fog line, hitting the bicyclers at about 55 mph. Inglehart lay unconscious and was taken via helicopter to Munson Medical Center in Traverse City, where he was diagnosed with multiple brain bleeds and two spinal fractures (T9 and T10). Inglehart recovered, but had ongoing treatment through physical therapy, audiology and medicine. After several months, he was forced to retire from a career in teaching because of brain injury complications.
03/13/2009	$ 6,100,000	Baum Research and Development v University of Massachusetts at Lowell (Management Practices) In this patent infringement and breach of contract lawsuit filed in U.S. District Court, Western District of Michigan, plaintiff Baum Research and Development Co., Inc. asserted that defendant University of Massachusetts at Lowell (UMass) broke the license agreement to an exclusive patented baseball speed-and-impact measuring machine.
03/23/2009	$ 1,900,000	Olden v Lafarge (Pollution) The plaintiffs, who owned single-family residences in Alpena, asserted that, throughout defendant Lafarge Corp.'s ownership and operation, the plant produced hazardous toxic waste and created emissions with hazardous byproducts. For example, the cement dust emitted by the plant penetrated into the siding on houses, killed shrubbery, and left a white film over houses and vehicles in the city. Also, hydrochloric acid, a byproduct of the cement manufacturing process, degraded roofs, piping, concrete and the aluminum windows and doors of some homes. Further, the plaintiffs contended to have been exposed to numerous carcinogenic, mutagenic, and teratogenic toxic substances, which increased risk of cancer, impaired immunological function and caused birth defects and developmental abnormalities. The plaintiffs and defendant agreed to a $1.9M settlement. The defendant also agreed to allocate $700,000 to install pollution abatement equipment and pave roads as a means of reducing offsite emissions.

03/27/2009	$ 700,000	Case Name Kept Confidential (Auto; Premises/Operations) The 30-year-old plaintiff was at a friend's home on a Sunday afternoon to watch football games. At one point, the defendant brought out a Honda all-terrain vehicle and drove it around the driveway. The plaintiff asked if he could ride it, and the defendant acquiesced. Both the plaintiff and defendant had consumed five to six beers before this point. This was the plaintiff's first time riding an ATV, and when he asked for a helmet, he was told there was not one available. Further, very little instruction was given to the plaintiff on how to ride the ATV, nor was he told where he could and should ride. The defendant owns a large piece of property that housed several horses within a large wire fence surrounding the back of the property. Within seconds of the plaintiff getting on the ATV and riding it, he ran into a nearly invisible wire fence. His throat was cut open, and he suffered a complete transaction of the trachea. The plaintiff was rushed to the hospital, where he had a tracheostomy surgery. He has a permanent scar across his neck, and still has a tracheostomy hole and breathing apparatus.
04/02/2009	$ 1,500,000	Case Name Kept Confidential (Auto) On March 10, 2008, plaintiff was a passenger in a motor vehicle when it was T-boned by a vehicle driven by defendant, who was within the course and scope of his employment. Plaintiff, a union employee, sustained a traumatic brain injury and left-eye blindness. He was disabled from employment. On the eve of deposition, plaintiff, while a pedestrian, was struck by a vehicle that had entered his blind vision field. He sustained a second traumatic brain injury, this time developing Wernicke's Aphasia, a condition that profoundly affects communication. Each driver in both accidents was insured by the same insurance carrier.
04/10/2009	$47,680,000	Hutchinson FTS, Inc v Chrysler, LLC (Products Liability) The auto parts supplier was countersued by the manufacturer for producing defective parts that resulted in the recall of over 425,000 vehicles. The jury awarded the manufacturer $47,680,000 in damages against the part supplier for the defective product.
04/29/2009	$ 1,747,000	Estate Development Co. v Road Commission of Oakland County, et al. (Construction) Plaintiff asserted that the Road Commission caused loss in land value following blockage of a drain pipe during an extensive road construction project: Plaintiff had purchased vacant land around Mirror Lake and received approval from the City to begin construction of luxury homes; however before it could begin RCOC began an extensive project on Pontiac Trail, blocking the only drain pipe for Mirror Lake, causing the Plaintiff’s land to flood. The wetlands expanded so significantly that the Plaintiff’s property was destroyed.
04/30/2009	$ 2,000,000	Case Name Kept Confidential (Auto) The plaintiff, 15, was crossing a four-lane road to get to a school bus stop at around 7 a.m. He crossed almost three lanes before being struck by the defendant, who was driving a vehicle owned by a small corporation. The accident investigators determined that the accident was fully the plaintiff’s fault. Still, the plaintiff argued that the defendant driver was negligent. The defendant admitted that she was looking over at the bus stop and did not have time to avoid the plaintiff once she looked forward.
05/08/2009	$ 4,229,500	Donna Pope v Brinks (Employment Practices) Employer fired employee after she threatened to report the employer for routinely shorting employees out of commissions and diverting the money to a fund for management bonuses. Employee won despite being caught on video in the office after hours going through the office coordinator’s personal property and engaging in other snooping.
05/20/2009	$ 1,000,000	Case Name Kept Confidential (Auto) The estate of the plaintiff’s decedent asserted that the defendant restaurant/bar served alcoholic beverages to an allegedly intoxicated person (AIP), resulting in the injury or death of plaintiff's decedent. The plaintiff contended that the AIP became so intoxicated while at the restaurant/bar that his friends had to encourage him to slow down and leave the bar. Later, the AIP got behind the wheel of his SUV with the plaintiff’s decedent as his passenger in the back seat. The AIP subsequently crashed his vehicle into the rear end of a street sweeper and was killed, while the plaintiff's decedent suffered a fracture at C2-C3, was rendered a quadriplegic, and died 30 days later in the hospital. The defendant restaurant/bar’s policies and procedures manual was obtained, and based upon the testimony elicited from the waitress, numerous internal policies had been violated throughout the evening in serving the AIP.

06/05/2009	$ 650,000	Case Name Kept Confidential (Auto) On January 12, 2005, the drunk driver was operating a vehicle owned by the defendant employer. He crossed his vehicle over the center line and smashed into the plaintiffs' vehicle. His blood-alcohol level was registered at 0.13. The plaintiffs, a pastor and his wife, sought damages from the defendant drunken driver and the defendant employer who owned the car that the drunken driver was operating.
07/08/2009	$ 825,000	Fletcher, et al., v Cutting Edge Lawn & Landscape, Inc., et al. (Auto) Defendant Warren A. Scaife was driving a full-size GMC pickup truck while towing a loaded company landscaping trailer. Traveling southbound in the right of two lanes on Telegraph, he realized he had missed his turn. After driving a couple hundred feet down, he spotted a partial gravel/paved road spanning the median between northbound and southbound travel on Telegraph Road. Scaife, while still in the right-most lane, abruptly slowed and turned for a gravel median crossing, crossing from the far right lane and the lane on his left. Fletcher and Lindsey Fletcher, who were traveling on a motorcycle in the left lane, could not avoid the truck and trailer. James Fletcher suffered a closed-head injury, eye trauma, fractured shoulder, fractured clavicle, fractured rib and a lacerated liver, and maintained continuing serious arm and extremity impairments.
07/17/2009	$ 2,226,000	C-BAM Entereprises, Inc., et al. v Corrigan Oil Co. (Products Liability) Beginning in 2006, plaintiffs noticed excessive rebuilding of damaged transmissions in customers' automobiles. Automatic transmission fluid testing showed extremely elevated levels of silicon and other contaminants. Though Corrigan considered a recall they, instead, adopted a "wait-and-see approach" toward the bad ATF and advised customers to resolve the problem by just flushing out the bad ATF and replacing with good ATF. Bad ATF was used in about 650 vehicles, 235 vehicles were recalled, and transmissions costing about $750,000 were rebuilt. Rebuilding stopped when they ran out of money. The jury determined Corrigan was negligent in its handling of the ATF and had breached its implied duties of fitness and merchantability.
07/23/2009	$500,000,000	Valassis v News America (Management Practices) Valassis claimed that the defendant engaged in unfair competition and tortious interference.
07/30/2009	$ 10,800,000	In re Collins & Aikman Securities Litigation (Management Practices) In a class-action lawsuit filed in U.S. District Court, Eastern District of Michigan, the plaintiffs asserted that defendant Collins & Aikman Corp. (C&A) and several of its former officers and directors engaged in securities fraud. The plaintiffs assert that, in order to achieve a "Mega Tier 2" supplier designation, C&A had undertaken a risky acquisition strategy.
08/12/2009	$ 795,000	Hall v Aguilar-Carranza, et al. (Auto) On Sept. 21, 2007, Hall, 55, drove southbound on Van Dyke Avenue in Warren. Her car was rear-ended by defendant Alberto Aguilar-Carranza, who was test-driving a vehicle owned by defendants Valerio and Kimberly Mazzola, and had struck at least three separate vehicles during his test drive.
09/01/2009	$ 1,000,000	Miller, et al. v Kemp & Sherman Co. (Premises/Operations; Construction) Roofer was thrown backward and fell through three stories onto the frozen ground when he received an electric shock, due to the leads of the welding gun accumulating moisture while tack-welding a portion of corrugated steel sheets being utilized as roofing material. Plaintiff was not wearing any type of tie-off or fall protection.
09/15/2009	$ 2,091,500	Mayher v Martin (Auto) In October 2005, Douglas and Tammy Mayher of Britton were stopped at a stop sign at the Palmer Highway/M-50 intersection. Martin had borrowed father and co-defendant Ronald Martin's car to take her friends to Toledo for her 17th birthday. She was passing a truck on the right gravel shoulder, lost control and crashed into the Mayhers' car door. The car flipped over, and Douglas Mayher had to be removed by the Jaws of Life.
09/30/2009	$ 1,813,293	Case Name Kept Confidential (Employment Practices) New Jersey-based software sales representative agency asserted that it was owed commissions after defendant Michigan-based software company refused to pay commissions that closed or could have been closed within the 90-day period subsequent to the contract termination. The defendant, through a letter, terminated the long-standing sales representation agreement with the plaintiff in December 2004. The parties were in the process of negotiating a new agreement, and continued to do so through March 2005.

10/02/2009	$ 1,800,000	Case Name Kept Confidential (Auto) In a confidential lawsuit, the plaintiff asserted entitlement to damages following a motorcycle-car collision. The plaintiff, on his way to work via motorcycle, was seriously injured when a box truck turned in front of the motorcycle. Plaintiff dropped his bike in an attempt to avoid the collision. Plaintiff suffered a complex right arm fracture and a brain injury. Several surgeries followed, and plaintiff eventually returned to work as a sheet metal model maker, but co-workers noticed he could not perform his work the same as prior to the accident. He was fired after a month back on the job. As a result of plaintiff's struggles at work, his traumatic brain injury was more closely studied and the full effect of it was documented. Plaintiff also underwent cervical fusion and lumbar laminectomy. The plaintiff provided doctor reports, economic and vocation expert testimony, and a day-in-the-life video chronicle to present full value of the claim. The defendant contended plaintiff, who was 56 years old, was let go from his job because of mass downsizing in the industry, and had limited excess wage loss because of his age. Further, it was asserted, the plaintiff would return eventually to some type of employment. The case settled at facilitation for $1.8M.
10/07/2009	$ 2,000,000	Case Name Kept Confidential (Auto) The defendant driver, traveling 45-55 mph on a main road, entered the intersection, where he ran a red light. He hit the plaintiff's car, killing the decedent.
10/08/2009	$ 3,500,000	Case Name Kept Confidential (Management Practices) Decedent was a 30-year-old father of three who was attending a private function at the defendant recreational facility. The event included the use of the facility's swimming pool, and the defendant was to provide appropriate lifeguard service. For reasons unknown, the decedent, an accomplished swimmer, sank to the bottom of the pool's deep end and remained there for approximately three minutes before being noticed and pulled from the pool. He died from drowning. The decedent's estate alleged that there were not enough lifeguards on duty, and that the lifeguard who pulled the decedent from the pool failed to follow the defendant's life-guarding protocol. The case settled at facilitation.
10/19/2009	$ 1,490,000	Voss v Estate of Peter Kramer, et al. (Auto) In a third-party auto tort lawsuit filed in Calhoun County Circuit Court, plaintiff Guy Voss sought compensatory damages from defendant's Estate of Peter Kramer and Wachovia Capital Finance Corp. following a low-speed, rear-end collision. The accident caused very minimal vehicle damage to Voss' vehicle and virtually no discernable damage to the front of defendant's car. Because of the minor nature of the impact, Voss did not immediately believe to have been seriously hurt. As a result, he did not seek medical care until the following afternoon, when he went to the emergency room with complaints of neck pain and stiffness.
10/23/2009	$ 4,388,302	McKelvey v Geren (Employment Practices) In a lawsuit filed in U.S. District Court, Eastern District of Michigan, plaintiff James N. McKelvey asserted that he was subjected to verbal harassment based upon his disability while doing civilian Army work. In February 2006, McKelvey, who had suffered physical impairments in Iraq during duty with the Army National Guard, commenced his civilian employment with the Army. One month in, he was subjected to verbal harassment based upon his disability. Co-worker Bud Spaulding initiated the harassment during a lunch outing when he asked McKelvey why he used "crippled parking." After that, McKelvey was called "cripple" on a regular basis, including by his supervisor, Alan Parks, who denied McKelvey's requests for accommodations, such as a touch-screen laptop or voice-activated programming for his computer. McKelvey then submitted his resignation in February of 2007. Plaintiff's witnesses included a 30-year employee and former executive officer at the garrison who testified that, upon meeting with Parks in her office, Parks called McKelvey a "worthless, good-for-nothing cripple." Also, two visiting National Guard officers, when inquiring where McKelvey was, were told by McKelvey's co-workers, "So you know 'cripple' over there?" and, "We're just waiting on the cripple."
10/28/2009	$ 2,261,486	Brzezinski, et al., v Ross Enterprises, Inc., et al. (Auto) On March 20, 2006, at 2:30 p.m., defendant Ronnie S. Jackson visited the Pantheon Club, a topless bar in Dearborn. He consumed several beers and a handful of test-tube shots and, at 5:52 p.m., passed out at a table in a pool of his own vomit. The club's manager summoned the disc jockey to clean up the vomit and call a cab. However, after leaving Jackson passed out at a table for 50 minutes, the disc jockey and the 19-year-old valet roused Jackson from his stupor and escorted him to the front door, where the valet pulled his car up. The disc jockey placed Mr. Jackson's coat and shoes, which he had left in the bar, in the front seat. Jackson

		left the bar at 6:50 p.m., drove 3 miles down Michigan Avenue at speeds estimated in excess of 80 miles per hour, and caused a nine-car pileup before rear-ending plaintiff's decedent Kenneth Brzezinski's 2005 Ford Escape at the intersection of Michigan Avenue and Oakwood Boulevard. The rear bumper of the Escape was crushed all the way to the level of the front seat, killing Brzezinski, 52, instantly. The plaintiff, filing dram shop and negligence claims, pointed to surveillance cameras in the bar that captured Jackson's drinking and the subsequent actions of the disc jockey and valet after Jackson had passed out at a table. The video called into question the defendant's claim that a cab actually had been called.
11/20/2009	$ 2,125,000	Lewis v State Barricades (Auto/Construction) On August 9, 2008, Ashley Lewis, 15, was traveling in the passenger seat of her mother's vehicle on Masonic Rd., in St. Clair Shores. Traffic was slow because of construction. Immediately to their right, on the side of the road was a temporary traffic control sign warning of a detour ahead. As a thundercloud passed through the area, a gust of wind of approximately 38 mph blew the sign up and into the air, propelling the steel leg of the sign through the windshield of the car, striking Lewis in the head. It caused a skull fracture and serious traumatic brain injury, and required traumatic optic neuropathy.
12/07/2009	$ 1,359,085	Northcross v USAA (Auto) Plaintiff was riding a bike when struck by a hit-and-run driver and suffered brain injury.
12/13/2009	$ 890,000	Jane Doe v Hope College (Premises/Operations) This negligence claim involved a freshman, 19, who fell from a lofted bed that came with the furnished residential dorm room she leased from defendant Hope College. When setting up her bed, which was nearly six feet above the floor, the plaintiff and her parents placed a support bar in the location where they felt a safety rail, which was not provided by the college, would go. They testified that they were later told by a residential assistant that the bar had to be taken down, as the fire code required the entire side of the bed to remain open so an occupant could get out of bed quickly. The fall fractured the plaintiff's skull. An emergency craniotomy was performed to save her life. She remained in a coma for several days and needed a tracheotomy and feeding tube. The plaintiff eventually returned to her college studies and summer employment, but she suffers from permanent deficits including memory loss, tinnitus, headaches, tremors, fatigue and depression. Her liability claim was presented on negligence and violation of MCL 554.139, which imposes a statutory duty to keep the premises fit for the use intended. The plaintiff argued that because the college provided the components to loft her bed, it was required to give her all components necessary to do so safely, including a safety rail. Expert witnesses included two safety experts who asserted that, in light of known dangers associated with unguarded elevated beds, the college was responsible for the plaintiff's injuries. The experts helped fend off the defendant's claim that the bed manufacturer was a non-party at fault. The experts further noted that many of the college's beds had warning decals calling for the use of guardrails, and that the college ignored those warnings. It was found at discovery that it was common for students at the college to have lofted beds, and that more than 90% of the students in the plaintiff's dorm had lofted beds similar to the plaintiff's. Even though there was some history of other students' suffering injuries from falls from beds, the plaintiff asserted that the college failed to adopt and implement an adequate safety-rail policy. An $890,000 settlement was reached, which includes $106,000 in special damages for medical expenses. Much of the settlement was set up as an annuity to address the plaintiff's concerns about whether she will be able to earn as much as she otherwise would have following her graduation from college.
12/14/2009	$ 18,760,000	Hellebuyck, et al. v Pine Tree Acres, Inc., Waste Management, Inc. (Pollution) 13 plaintiffs filed a proposed class-action lawsuit on behalf of hundreds of residents and business owners with property near a landfill on 29 Mile Road. At issue was an alleged recent increase in "blowing debris, dust and odor" from the 840-acre landfill. Neighbors sued for nuisance, negligence and violations of the Michigan Environmental Protection Act. They claimed land values suffered after processing equipment at Pine Tree could no longer keep up with gaseous emissions. There was an inability of the existing plant and equipment to process the growing volume of waste and the changing character of the waste stream. Waste Management agreed to dramatically increase the capacity of the site to process emissions. The parties reached a settlement and the case was dismissed. The settlement includes a commitment to pursue in good faith an estimated $15M in plant improvements that will boost Pine Tree Acres' ability to convert landfill gas into electrical power. Exclusive of the waster-to-energy plant expansion, Waste Management estimates its obligation includes about $2.2M in other plant improvements and $750,000 to the plaintiffs and

		their attorneys.
12/15/2009	$ 3,000,000	Case Name Kept Confidential (Auto) The collision took place in June 2007, when the decedent's motorcycle and defendant's car were involved in a head-on collision. The motorcycle operator died in the collision, and his passenger suffered orthopedic injuries. Plaintiffs asserted that the defendant's vehicle was in the plaintiff's lane at the moment of impact.
12/23/2009	$ 1,150,000	Hussain Al-Shemary v Martin Block Corp., et al. (Auto) On Aug. 18, 2006, plaintiff Hussain Al-Shemary drove a tractor-trailer on M-52 near Interstate 96 in Ingham County. A truck with a crane arm on a V-notch atop the cab was approaching from the opposite direction. As Al-Shemary passed the truck, the arm came out of the notch and struck Al-Shemary through his truck cab.

2008

01/2008	$21,000,000	Higdon v Arby Construction, et al. (Premises/Operations) The children of a Bloomfield Hills couple died in a propane explosion while vacationing at a Wisconsin resort two summers ago. The parents received $21,000,000 as a result of a settlement. The children died when the cabin they were sleeping in exploded. Authorities said that they believed construction crews working near the resort ruptured an underground propane line sometime before the explosion.
01/08/2008	$ 3,700,000	Liebendorfer v Albanese (Employment Practices / Sexual Harassment) The defendant owned two restaurants in Kalamazoo. He molested his bookkeeper's daughter who was in the fourth and fifth grade. This continued until she graduated from high school. She was then raped upon her return.
02/11/2008	$ 2,600,000	Madill v Kramer (Management Practices / Directors and Officers) Plaintiff Gary Madill was a minority shareholder in a closely-held family business. He was terminated from his position as co-president. This triggered a buy-sell agreement that would have required him to sell back his shares to the company for the book value of approximately $420,000, which was much less than their actual value. Madill refused to tender the shares back or accept the payment and sued the other shareholders, alleging shareholder oppression, breach of contract, tortious interference with advantageous business interests, and a number of other counts. He filed a motion seeking the appointment of a receiver over the company, an expedited trial, and reinstatement to his position as co-president. The parties conducted several facilitation sessions, and a settlement was reached within 90 days of filing suit. Rather than the $420,000 he would have received under the buy-sell agreement, Madill tendered his shares back to the company for $2.1M, and the company assumed a $500,000 debt owed by Madill.
02/19/2008	$ 3,140,216	Duncan v Duncan (Management Practices/Breach of Contract) Plaintiff owned and founded a Ford dealership in 1956 and gave majority control of the business to his daughter in 1993, who owned and operated the business with her husband over the last 5 years before filing for bankruptcy in 2005. Defendants had opened three other dealerships in their names despite a non-compete agreement. Also, shareholder oppression was claimed whereby the daughter did not pay her father for the stock transfer that gave her control of the company. It was also claimed she had earned commissions from 1993-1998 for credit life insurance she sold at the dealership, but diverted $1.9M in the early 2000's to herself.
04/07/2008	$ 1,600,000	Weller v J.T. Express (Auto) The plaintiff, a truck driver, was rear-ended by another semi-trailer at the intersection of Van Dyke and Ebeling in Romeo. He was treated for neck and back complaints in the E.R. and took physical therapy. Seven weeks later, he noticed weakness and numbness in his left arm and left leg. A discectomy with fusion was performed after a disc was found to be compressing the spinal cord. His left-sided weakness never diminished, and symptoms of the weakness were stroke-like. He had suffered a stroke six years before the accident, but he recovered completely. Through case facilitation, a $1.6M settlement was reached.
05/15/2008	$13,210,000	United States v Michigan Sugar (Pollution) Michigan Sugar is a company that dries and processes beets to make sugar and is the third largest sugar beet processor in the U.S.,

		and the largest east of the Mississippi River. The sugar is sold under the brand names of Pioneer Sugar and Big Chief Sugar. Pursuant to odor surveys of offsite locations surrounding the Michigan Sugar Company in Bay City, odors were found to be of sufficient intensity, frequency and duration so as to constitute a violation of Rule 901. Michigan Sugar will pay a $210,000 civil penalty due to its violation of federal and state clean air laws by building a pulp dryer and also by subsequently increasing operating hours without obtaining the appropriate permits. These permits are required to control emissions of VOCs and carbon monoxide. VOCs contribute to the formation of smog, the primary component being ozone, a gas that is created when nitrogen oxides react with other chemicals in the atmosphere, especially in strong sunlight. Smog can cause a variety of respiratory problems and is a risk for people with asthma, children and the elderly. Michigan Sugar has agreed to use pollution reduction measures valued at more than $13M at its processing facility to resolve alleged violations of the Clean Air Act. It currently operates 3 natural gas-fired pulp dryers that emit carbon monoxide and other volatile organic compounds, which it has agreed to gradually decommission by May 2014. The new nonpolluting steam dryer is a highly energy-efficient technology because it relies on steam generated from other sources at the processing facility and not natural gas for its thermal energy. This settlement secures permanent and substantial emission reductions for citizens in the affected states. Sugar beet processing facilities can be major sources of air pollution, and this agreement raises the bar for the industry. The cooperative, which is owned by around 1,250 sugar beet growers in Michigan and Ohio, will shut down old equipment and use cutting-edge technology that will reduce volatile organic compound (VOC) emissions by 446 tons per year.
06/2008	$ 2,096,000	Doe v Doe (Auto) 53-year old farmer killed while driving a tractor on roadway when struck by a tractor trailer.
06/03/2008	$ 2,700,000	Confidential (Products Liability/Property Damage) In the process of renovations and upgrades to make a thriving hotel a first-rate convention center, a wind and rainstorm tore the seal of the protective membrane on the hotel's new roofing project causing severe building damage, loss of contents, ensuing water loss and mold, and loss of business income. The contractor's insurance carrier did initially pay for temporary repairs and further agreed to pay for business interruption expenses. Shortly thereafter, the carrier refused to make the promised payments, allowing the hotel to sit in disrepair for several months. This occurred when the contractor's carrier realized that the plaintiff's commercial liability carrier also was investigating the loss. Each carrier then took the position that the other was responsible for the loss, so neither paid on the claim. Because of the defendants' failure to pay on this loss, the plaintiff was at risk of losing its hotel franchise. It was at further risk of losing the property to its bank because it was not able to meet its mortgage obligations. The case settled for $2.7M.
06/04/2008	$ 2,500,000	Not disclosed (Premises/Operations) While walking on a large construction site plaintiff, a 29-year-old painter working for a painting subcontractor, was struck on his hard hat by a falling piece of a 3 ½-pound steel angle clip used to support masonry walls. The angle clip was improperly installed and fell from the roof decking nearly 24 feet above the floor. Plaintiff suffered injuries to his cervical and thoracic spine and ultimately underwent cervical fusion at three levels with placement of plates and cages.
07/2008	$ 1,625,000	Not disclosed (Construction) Nineteen-year-old general laborer fell 60 feet to his death through an unmarked and unsecured hole on roof of a new six-story apartment building in Detroit.
07/01/2008	$ 3,014,339	Goldman v Healthcare Management (Management Practices /Copyright Infringement) Goldman claimed that Healthcare Management Systems copied and modified his source code and distributed it to Healthcare Management Systems' customers. He sued for copyright infringement, unfair competition, and a violation of the Digital Millennium Copyright Act (DMCA).
08/13/2008	$ 5,650,000	Broeren v Bates (Auto) The defendant-driver was operating his personal vehicle under a long-term lease from his corporate employer. While returning from a week of deer hunting, the driver stepped on the accelerator instead of the brake while backing up, slamming the plaintiff head-first into the cabin, and then dragging him when the truck was put into drive. The jury awarded $2.75Mn for pain and suffering, $1.88M for economic damages and $1.02M for loss of consortium to the plaintiff's wife who quit her job to care for her husband.

08/27/2008	$ 1,000,000	Michigan Mutual v Fosgard (Management Practices) Shareholder oppression.
09/25/2008	$ 3,900,000	Nunez v Utica Transit Mix & Supply Co. (Auto) A wrongful death lawsuit in Wayne County Circuit Court resulted in a $3.9M settlement against the driver and a Utica construction supply company. Patrick Nunez was traveling in the fast lane on 1-75 in Detroit when a fully loaded, 150,000-pound gravel truck driven by Charles Dreyer blew a front tire and collided with Nunez' car. The car smashed into the retainer wall and burst into flames. Nunez was killed. Since a tire blowout is considered a common and foreseeable event, trucks are not supposed to dangerously lose control when that happens. The lawsuit showed that Dreyer's truck was in defective, out-of-service mechanical condition. Dreyer said in a deposition that he had received no formal training or supervision and had failed to inspect the truck's tires and brakes. Dreyer also was on epilepsy medicine for a seizure disorder, and the medication causes drowsiness and delayed reaction time. Due to the truck driver's negligence, the case settled for $3.9M on a $4M policy limit, with an $8.6M total structured payout.
09/28/2008	$ 4,450,000	Stanley et al. v United States Steel Corporation (Pollution) Class-action lawsuit (20,000 people livening in 8,400 homes) was filed on behalf of residents near the Great Lakes Works steel plant in Ecorse and River Rouge near Detroit. Air-quality tests found excessive levels of manganese emissions which cause neurological disruption and symptoms similar to those associated with Parkinson's disease.
10/05/2008	$ 1,350,000	Confidential (Auto / Motorcycle Fatality) 80-year-old defendant failed to stop for a stop sign at a cross street, while entering a two-lane highway intersection directly in front of a motorcycle driven by a 20-year-old college student. Both drivers were killed as a result of blunt-force injuries at the collision site. Though the plaintiff's decedent had the right of way, the defendants argued that the motorcyclist was speeding and, therefore, comparatively at fault. However, three eyewitnesses to the crash testified that the motorcyclist was not speeding and could not have avoided the crash. Michigan State Police accident reconstructionists confirmed that the cycle was not speeding and that there was not sufficient time or distance for the motorcyclist to take evasive action in response to the car pulling out in front of him.
10/21/2008	$ 4,500,000	Sullivan v Bohm (Premises/Operations / Management Practices / Liquor Liability) A Wayne County Circuit Court jury returned a wrongful death award of more than $4M last Oct. 21st for the estate of 26-year-old John Spolsky. The U.S. Air Force Academy graduate was killed in a one-car crash and evidence at the trial showed the intoxicated driver, Spolsky's friend Christopher Bohn, had at least 10 alcoholic drinks at a Plymouth bar. The bar, Doyle's Tavern, claimed no liability under the non-innocent party doctrine, claiming Spolsky had paid the bar tab. The jury was not convinced and awarded the plaintiff's estate $4.5M, assessing the bar 95 percent responsibility under the Michigan Dram Shop Act. The act makes a business that sells alcoholic drinks or a host who serves liquor to a drinker who is intoxicated liable for damages to anyone injured by the drunken patron or guest. The case was settled confidentially while on appeal.
11/02/2008	$ 3,600,000	(Pollution) Asbestos inhaled at an auto dealership.

2007

2007	$ 1,900,000	Name of case confidential (Auto) The defendant driver spent many hours drinking at the defendant's bar in Michigan and became visibly intoxicated while on the premises. Other individuals in the bar were aware of the defendant driver's intoxicated state as were some of the bar's employees. The defendant left the defendant's bar in a highly intoxicated state, drove a short distance down a two-lane highway, crossed the center line, and violently collided head-on with another car, killing two people instantly.
2007	$ 1,700,000	Name of case confidential (Auto) On 12/31/2006, the plaintiff (a 55-year-old married man) was driving on a major freeway. It was snowing very lightly. Approximately

		one mile north of him on the freeway, a very bad traffic accident had occurred, backing up the freeway for almost one mile. The plaintiff saw another vehicle backing up on the shoulder of the freeway in an effort to reach the off ramp. He decided to do the same, but as he backed up on the freeway's paved shoulder, he came upon the defendant's employee who was driving a large commercial truck. As a result, the commercial truck driver began to skid and started switching lanes to the right. He was not able to stop and collided with the vehicles in front of him. As he did so, he struck the back of the plaintiff's vehicle, killing him instantly.
01/29/2007	$ 1,500,000	Wells v Savoy Energy (Premises/Operations) The plaintiff decedent was engaged in the process of conducting a hot oil operation for a crude oil tank battery facility. Some gas escaped from the tank battery storage units and ignited in a flash explosion, resulting in severe burns and ultimately the death of the plaintiff.
03/19/2007	$ 1,500,000	Moore v Dawson (Auto) A 64-year-old automobile passenger was killed when an oncoming vehicle failed to yield and turned left in front of a vehicle she was riding in, causing a collision.
03/23/2007	$ 3,800,000	Boyd v Greenbrier Development, Inc. (Personal; Premises/Operations) In 2001, the defendant damaged a driveway on an adjacent construction site that was owned by the plaintiff's father-in-law. The defendant dug a hidden ditch in order to drain the water from the driveway onto the plaintiff's land. The following spring, the 33-year-old plaintiff was riding an all-terrain vehicle across the grass and weeds in the field when he struck the hidden ditch and was thrown from the vehicle, sustaining serious disabling personal injuries.
03/27/2007	$ 2,100,000	Fischer v United Parcel Service (Employment Practices) The plaintiff Fischer was an 18-year employee of defendant United Parcel Service. The plaintiff was an African American and sued United Parcel Service alleging racial discrimination but lost the case. Later, the plaintiff alleged that he was retaliated against for the earlier lawsuit when he returned to work from a medical leave and was discharged.
04/2007	$ 3,100,000	Name of case confidential (Auto) The defendant driver was operating a vehicle owned and titled to the defendant employer with the implied or expressed permission of the defendant employer when he failed to stop for a stop sign located at the corner of Miller Road and Country Road 633 in Grand Traverse County. At the time, the defendant drove through the stop sign, the minor plaintiff was an occupant of the rear seat of the vehicle. As the defendant driver drove through the stop sign and into the intersection, his vehicle was struck broadside by a motor home.
05/21/2007	$ 1,200,000	Egan v White (Auto) On the evening of 12/12/2004, the plaintiff was driving westbound on I-94 in Van Buren County after plowing snow for Kalamazoo County. He was driving a 1986 snowplow truck. Because of a traffic backup caused by an accident up ahead on the highway, he slowed his truck to neutral. While stopped in the right lane, he was rear-ended by a semi- trailer driven by the defendant. As a result, he suffered injuries that required two fusions of his lumbar and cervical regions as well as treatment for damage to his elbow and shoulder. He also suffered depression following the crash.
05/25/2007	$ 1,800,000	McLean v Detroit Edison (Pollution; Premises/Operations) Carpenter Lindsey McLean sustained second degree burns and an exacerbation of preexisting knee injury, rendering him completely disabled from his chosen line of work, when a valve at defendant Detroit Edison's power plant was inadvertently opened, allowing the release of highly corrosive sodium hydroxide. The plaintiff argued that Detroit Edison was negligent in failing to ensure that the valve was plugged or to utilize a different type of valve that would prevent the inadvertent release of sodium hydroxide.
07/25/2007	$ 3,000,000	Name of case confidential (Auto) The plaintiff was a 16-year-old female high school student riding as a passenger in an automobile driven by her friend. This vehicle was involved in a serious accident caused by a commercial truck that made an illegal left turn in front of the plaintiff's vehicle. She sustained severe brain injuries and numerous orthopedic injuries. Prior to the accident, the plaintiff was an outstanding high school athlete who would have received a full-ride scholarship to a major four-year college to participate in her sport. However, she was unable to do so because of serious brain injuries.

07/25/2007	$ 1,003,500	Case Name Kept Confidential (Auto) On July 25, 2007, the 36-year-old plaintiff was attempting to turn left onto Canton Center Road in Canton. While he was turning, another driver, who was attempting to proceed straight through the light, struck his vehicle. Plaintiff reported to the emergency room later that night with complaints of lower back pain. An initial MRI of his lumbar spine was read by the neuroradiologist as L4-5 lumbar disc degeneration. In November 2007, he fell down a flight of stairs as a result of a shooting pain from his back into his leg. He injured his elbow in that fall, which required an ulnar nerve release surgery. A subsequent MRI, after the fall, revealed an L4-5 disc herniation. Plaintiff underwent a surgery at L4-5 to remove part of the herniated disc.
08/10/2007	$ 1,500,000	Rice v Posley (Auto) On 6/4/2005, the plaintiff was traveling westbound on I-94 in his SUV when he lost a tire. The plaintiff pulled over to the side of the road. When he stood on the shoulder looking for the tire, a bus owned and operated by the City of Detroit crashed into the plaintiff's vehicle and pushed it into him, resulting in his death.
10/05/2007	$ 1,500,000	Estate of Borgman v Martin (Auto) The 66-year-old and recently retired Borgman was operating his motor vehicle southbound in northwestern Ottawa County. The weather conditions were very bad. It was snowing heavily and the roads were snow covered and slippery. The defendant was operating his vehicle westbound. The defendant failed to stop for the stop sign that controlled the intersection. The defendant was only traveling at a speed of approximately 30 miles per hour when he attempted to stop for the stop sign. The defendant entered into the intersection, striking Borgman's vehicle on the driver's side. He was pronounced dead at the scene.
10/10/2007	$ 1,600,000	Name of case confidential (Auto) The 51-year-old plaintiff was on his way to work at the Ford Rouge plant and traveled eastbound on I-94 near Ecorse Road when he was involved in a minor fender-bender. Following the accident, the plaintiff and the other car were disabled in the far left lane of I-94. The defendant struck the plaintiff's vehicle and caused severe injuries to the other driver occupying the second vehicle.
11/16/2007	$ 1,350,000	Gerdes v Chovanec (Auto) On 5/3/2006, the plaintiff was a road construction worker when he was struck by a vehicle driven by the defendant. The plaintiff suffered numerous injuries, including a brain injury and extensive pelvic injuries.
12/05/2007	$ 7,610,000	Votar, LLC v HS R&A Co., Ltd. (Management Practices) Breach of contract: Plaintiff Votar had an exclusive sales representative agreement with defendant HS R&A, a Korean auto parts supplier. The agreement provided that Votar would be HS R&A's exclusive sales representative in N. America for a minimum term of five years, beginning on April 6, 2001. However, in late 2002, only 1 ½ years later, defendant ceased communications with Votar and hired away one of Votar's key employees. HS R&A subsequently built a manufacturing plant in Alabama to supply automotive parts to a Hyundai plant located there. Contending that HS R&A breached the agreement by hiring away Votar's employee and by also failing to pay sales commissions to Votar for all purchase orders obtained during the initial term of the agreement, Votar filed suit in the U.,S. District Ct. for the Eastern Dist. of Michigan. At trial, HS R&A argued that the parties had agreed to a buyout of the agreement. Nevertheless, the jury awarded Votar the entire sum of its requested damages. Specifically, plaintiff's attorney indicated the jury awarded his client $3,010,921.49 for commissions owed through Sept. 30, 2007; $100,000 in statutory penalties; and life-of-the-part sales commissions of approximately $1.5M per year going forward. Conservatively speaking, Votar will receive $1.5M per year for the next three years, but it is very possible that the award could continue for up to seven years.

(For the complete 1998-2016 Verdict Report contact Ken Hale at khale@mma-mi.com)

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