MARSH & McLENNAN AGENCY

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SPECIAL REPORT

MICHIGAN CASE DESCRIPTIONS FOR TOP 3 SETTLEMENTS ABOVE $1,000,000

19 Years (1998-2016) -- As of 07-22-2016

(Attachment to 3-Page, 19-Year Verdict Summary)

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Cases for 19 years in each of 6 Categories:

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I. TOP 3 AUTOMOBILE CASES PER YEAR

2016

04/08/16	$ 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.
05/13/16	$ 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.
03/10/16	$ 1,603,595	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.

2015

10/05/15	$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.
03/27/15	$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.
09/02/15	$ 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.
2014		
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 to Torres.
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.
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.

2013		
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.)*
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.
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.
2012		
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.*
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.
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.
2011		
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.
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.
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.
2010		
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.
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.
12/15/2010	$ 3,500,000	Fairley v Schiber Truck Co. (Auto) Schiber hit Fairley's vehicle. Fairley suffered a brain injury, depression and two fractured vertebrae and walks with a cane.
2009		
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.
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 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.

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.
2008		
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 $2.75M 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.
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.
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.
2007		
04/2007	$ 3,100,000	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.
07/25/2007	$ 3,000,000	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.
2007	$ 1,900,000	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.

2006		
01/2006	$ 6,800,000	Name of case confidential (Auto) The plaintiff had taken his Jeep Cherokee in for service because there was a recall on the sending unit in the gas tank. The sending unit tells the gas gauge how much fuel is in the tank. One of the defendant's employees replaced the recalled sending unit with a sending unit meant for a larger fuel tank, resulting in inaccurate fuel gauge reading. Two days later, the plaintiff was driving on I-696 in a snowstorm when his vehicle ran out of gas, even though the fuel gauge read that the tank was ¼ full. As the plaintiff was stranded on the shoulder of the road, a drunk driver rear-ended him. The defendant had a blood alcohol level of .15. The plaintiff suffered a closed head injury and bilateral knee injuries.
05/01/2006	$ 4,000,000	Schnaibli v Frankenmuth Mutual Insurance Co. (Auto / Attendant Care Benefits) 33-year-old female Texas resident suffered a traumatic brain injury in a pedestrian/motor vehicle accident in 1976 in Michigan when she was 5 years old. She received attendant care services from her parents over the years, but did not retain current counsel until 2004. At that time, plaintiff's counsel said he filed suit in the Federal District Court, under diversity jurisdiction, alleging entitlement to "back pay" from the defendant insurer based upon several theories, including fraud. Defendant vigorously contested the meritorious nature of the claim and the need for attendant care benefits, as well as the plaintiff's alleged mental incompetence. During lengthy facilitation proceedings, the defendant ultimately recognized the plaintiff's need for attendant care benefits both before and after the filing of suit, along with the plaintiff's entitlement to same. The parties voluntarily agreed to a settlement by means of the defendant's purchase of a structured settlement annuity running in favor of the plaintiff, with an expected lifetime payout in excess of $4M.
01/06/2006	$ 2,300,000	Roden v Knight Transportation (Auto) The decedent Roden was riding his bicycle and was stopped for a red light. When it turned green, he began to cross the street. He collided with a truck being operated by defendant. The plaintiff was wearing his helmet. He suffered fractures and a massive brain injury. He was unconscious for a month. When he regained consciousness, he had no motor control of his body. He received physical and occupational therapy until he suffered a seizure at the end of January of 2005, which created complications that resulted in his death.
2005		
10/28/2005	$57,700,000	Hattan v C.A. Hull Company (Auto) Hattan was employed on a highway construction site. While so employed, he was struck about waist high and knocked over the guard rail and onto the side of an embankment. His pelvis was broken in 19 pieces, his legs were broken in almost as many, his jaw was driven back into his skull, and he suffered massive internal injuries as well as a severe closed head injury and traumatic amputation of a finger. He was comatose for more than 40 days, was on a ventilator for 19 of those days, and suffered and lived with adult respiratory distress syndrome. By the time of the trial, he had more than 60 surgeries. He had lost both of his legs below the knees, he had lost his sexual function, and his jaw was badly compromised. He has a continuing disability from a closed head injury, and his medical bills were approximately $900,000.
07/28/2005	$25,000,000	Coe v City of Dearborn (Auto) While plaintiff was proceeding through a green light that controlled traffic leaving a parking lot of Ford Motor Co. where he was employed, a marked Dearborn Police car, heading westbound in the left-turn lane of Oakwood, went through a "stale" red light, hitting plaintiff's decedent's car at 59 mph in a 35 mph zone. Officer was following another police car, both enroute in a police chase in progress on the other side of Dearborn, involving other police cars and a suspected stolen car.
07/22/2005	$ 9,000,000	Norris v Atsalis Brothers Painting (Auto) The plaintiff was a driver who lost both of his legs due to an interstate accident. He was driving his vehicle on I-94 when his vehicle was struck by a vehicle owned by the defendant. The force of the collision pushed the plaintiff into the path of an ongoing tractor trailer.

2004		
09/30/2004	$ 9,000,000	Rumfield v Nehenney (Auto) The defendant minor, Heaney, unlawfully purchased beer from the defendant's store. After drinking five or more of these beers, he negligently drove a truck owned by his father, defendant Brian Heaney. Driving at an excessive rate of speed, defendant Matthew Heaney crashed into the rear of a pickup truck owned and operated by 23-year-old Jeffery Rumfield in which Daniel Rumfield, Jeffery's 17-year-old brother, was a passenger. As a result of the rear-end collision, the Rumfield truck violently impacted against a cement bridge abutment. Daniel Rumfield survived the rear-end collision and was conscious but was killed upon impact with the bridge abutment. Jeffery Rumfield survived and was conscious following the rear-end collision but was rendered unconscious upon impact with the bridge abutment. He fell into the creek below the bridge, was submerged, and nearly drowned.
01/2004	$ 3,800,000	Jane Doe, et al. v John Doe & Entity, Inc. (Auto) 49-yr. old motorcyclist was killed when defendant failed to yield the right-of-way, backing his commercial tractor-trailer out of a private driveway and into the plaintiff's path. Defendant's actions were in violation of industry standards of the defendant's employer, regulating the safe backing of a commercial tractor-trailer. Defendants alleged that decedent was speeding and that his ability to operate his motorcycle was impaired.
09/29/2004	$ 3,500,000	Confidential (Auto) 17-year old was driving home from work, at or below the speed limit of 45 mph, when backhoe backed into roadway, killing plaintiff. Unconscious, the decedent died from the injuries without ever regaining consciousness. Traffic violations raised the defendants' culpability from ordinary negligence to recklessness or worse.
2003		
Summer 2003	$16,000,000	John Doe v Anonymous Trucking Company (Auto) The plaintiff was an out-of-state resident and was the last in line of several vehicles that were stopped for construction on a major highway. The defendant truck driver drove into the back of the plaintiff's stopped vehicle at a high rate of speed. Due to the defendant's negligence, the plaintiff suffered a burst fracture with spinal cord injury and was rendered a tetraplegic.
2003	$ 5,175,000	Doe v YXZ Trucking Company (Auto) This claim arose as a result of an accident which resulted in the permanent disability of the plaintiff, a 37-year-old man, who sustained a closed head injury, rib fractures, and other internal injuries. The accident occurred at approximately 10:45 p.m. in February on the ramp from southbound Telegraph to southbound I-75 in Taylor. The plaintiff was a passenger in a Jeep driven by his brother-in-law who lost control of the vehicle on slippery pavement, struck a retaining wall adjacent to the two-lane roadway and became disabled. The truck and semi-trailer owned by the defendant trucking company and operated by the defendant truck driver struck the Jeep while it was disabled with the plaintiff and the driver still inside. The impact caused significant damage to the Jeep and caused it to travel into a ravine next to the freeway. The plaintiff learned that the operator of the truck had not taken the required time off at the time of the accident and was over hours in violation of federal motor carrier regulations. The truck was traveling at a high rate of speed for the existing conditions.
06/10/2003	$ 3,325,000	Koeller v Lanaville (Auto) This case involved a 36-year-old nurse who was driving alone when an oncoming truck and trailer approached the curb in the opposite direction. The truck driver applied the brakes and the trailer tires locked up and skidded, swinging the trailer across the center line and striking the plaintiff's car and killing her instantly. The plaintiff sued the driver and the owner of the truck for negligent driving and speeding as well as the dealer that sold the trailer for negligence in instructing the owner on how to properly hook up the anti-lock brake system to the electrical power source in the truck. The anti-lock brake system did not function in this skid out, which contributed to the accident. The manufacturer of the trailer was also sued due to a deficient operator's manual in which it did not properly diagram the electrical hook up. The manufacturer was also sued for negligent design in the location of a flashing warning light at the rear of the trailer which could not been seen from the driver's seat of the

		truck in the event of a brake system malfunction.
2002		
01/2002	$ 6,500,000	Family v Corporation (Auto) A Michigan newlywed husband and wife were stopped for construction on the highway when they were rear-ended by a corporate salesperson driving at 70 miles per hour. The plaintiffs were seriously injured.
01/09/2002	$ 5,000,000	Murray v State Farm (Auto) Brain injury sustained by 10-year old in 1989 when struck by a car. With cognitive deficits and multiple physical injuries, he required ongoing 24-hour care and assistance. It was argued that State Farm had failed to pay the reasonable market rate.
01/18/2002	$ 5,000,000	Gutherie v United States of America (Auto) A 32-year-old woman and 7-year-old child were killed en route to a family picnic on Memorial Day in 1999 when the driver of a Michigan National Guard truck lost control of his vehicle during a rainstorm, crossed the center line, and hit them head on.
01/2002	$ 4,225,000	Wood v Otto (Auto) Plaintiff was operating a truck and was traveling westbound on Michigan Avenue when he encountered the vehicle operated by the defendant, Barbara Otto, who was proceeding eastbound in the wrong direction. The plaintiff lost control of his truck, which rolled onto its side, slid off the highway and into a tree. The plaintiff died at the scene of the accident. Comerica Bank was named as a defendant because the defendant driver was in the course and scope of her employment at the time of the accident. The defendant driver admitted responsibility.
2001		
08/22/2001	$ 5,000,000	Hawkes v Citizens (Auto) Thirteen-year old was injured in an auto accident in 1979 causing brain damage, coma for 7 months, paralysis. He was discharged to his mother's care while paralyzed on the left side, confined to a wheelchair, unable to speak intelligibly or cognitively, suffering severe seizures and spasticity, and full incontinence of his bowel and requiring a catheter.
06/29/2001	$ 3,000,000	Vick v Odovero (Auto) Semi-truck driver was a 32-year old father of two who was killed by a commercial dump truck that crossed a center line.
06/21/2001	$ 2,500,000	Augustine v Haight (Auto) Ambulance turned in front of plaintiff causing severe injuries.
02/05/2001	$ 2,500,000	Kuchuk v State of Michigan (Auto) Fifty-year-old plaintiff killed when State employee driving a state-owned vehicle ran a stop sign and struck vehicle. He died due to a transaction of the medulla/spinal cord.
2000		
01/21/2000	$ 6,500,000	John Doe v ABC Corporation (Auto) This case involved the death of a 28-year-old married father of three who was killed when he was a passenger in a motor vehicle that left the road at a high rate of speed, striking a tree. The driver had a .18 blood alcohol level.
04/12/2000	$ 1,623,550	King v Ledford (Auto) Nerve irritation and bulging disc caused by negligent driver. Plaintiff was permanently not able to perform full-time work and must live out the rest of her life with significant discomfort and diminished earning capacity.
1999		
08/12/1999	$ 5,552,256	Chase v Department of Natural Resources (Auto) The plaintiff and his son were stopped to make a turn into a yard sale when their vehicle was rear-ended by a truck being driven by an on-duty Department of Natural Resources officer. The collision caused a gasoline fire. The plaintiff's son was burned alive by the DNR truck, and the plaintiff sustained second and third-degree burns over 50% of his body in aneffort to save his son.

10/07/1999	$ 4,420,000	John Doe v Jack Doe (Auto) The plaintiff was an unbelted passenger in the bed of a pickup truck when the driver lost control and drove the truck into a ditch and culvert. There was evidence that the driver had been drinking. Also it was alleged that a co-defendant was chasing and tailgating the pick-up truck because he believed the driver had vandalized a campground where the co-defendant worked.
11/04/1999	$ 4,250,000	Fini v General Motors (Auto) The plaintiff suffered a closed head injury due to admitted negligence of a GM employee of losing control in the rain and crossing the center line, hitting the plaintiff's car nearly head-on. Although various tests (MRI, EEG, CT, etc.) proved normal, a small bleed was tested positive only two days later.
1998		
05/19/1998	$ 3,750,000	Jane Doe v ABC Trucking Company (Auto) This semi-truck/car rear-end accident resulted in instant death of a 41-year-old, survived by his wife and minor children. Trucker defendant was charged with negligent homicide and found not guilty. He claimed he had either a sudden unexpected seizure or trans-global amnesia.
12/08/1998	$ 3,000,000	Tuck v Warren Consolidated Schools (Auto) Accident was caused by a wheelchair not being properly secured on a bus, although the bus was equipped with a device to hold wheelchairs in place. Plaintiff with cerebral palsy rode a Warren School bus to class while trying to get her high school diploma. When the wheelchair became loose on the bus it caused her to hit her head on a window as well as the seats in front of her. She was loose and spinning around inside the bus. Because of the cerebral palsy, she couldn't defend herself by getting her hands up to protect herself. Due to the impact, she now suffers from a seizure disorder. At the time of the accident plaintiff had a normal life expectancy.
06/01/1998	$ 2,900,000	Davis v City of Detroit (Auto) Plaintiff was killed when defendant's car struck a pothole and flew across the median which caused a head-on collision.

II. TOP 3 PRODUCTS LIABILITY CASES PER YEAR

2015

10/05/15	$ 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.
06/17/15	$ 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.

2014		
03/26/2014	$12,000,000	Lidochem Inc. v Stoller Enterprises Inc. (Product Liability / Management Practices) 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. Damages were awarded for $10.8M of lost profits and $1.2M for disgorgement.
2013		
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.
02/04/2013	$ 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.
2010		
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.
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.
2009		
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.
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.
2008		
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.
2006		
10/17/2006	$ 3,400,000	Longs v Polaris Sales (Products Liability) The plaintiff was riding on a fairly new Polaris jet ski in Kalkaska County. Due to a defect in the hood mechanism, it came off at about 30 miles per hour, shattering his face.
12/08/2006	$ 1,900,000	UHL v Konatsu (Products Liability) The plaintiff's husband was unloading a raised hopper of scrap steel weighing several thousand pounds when two of the four bolts sheered and the mast and load fell straight backward on top of the operator's cage, rendering the operator a quadriplegic. The defect alleged, which was supported by the evidence, related to the defendant manufacturer's design of the attachment of the forklift mast to the front load-bearing axle.
2005		
11/2005	$ 1,550,000	Doe v XYZ (Products Liability) Workplace injury: Sewer cleaning truck's high-pressure water hose suddenly came apart at hose/fitting connection and whipped about wildly, striking plaintiff in the shin, inflicting fibula fractures that progressed to infected non-union status. This failed connection had been negligently installed and repaired by the defendant, an equipment dealer, one week previous.
04/2005	$ 1,270,000	McGrady v Cooper Tools (Products Liability) The plaintiff was a 51-year-old skilled tradesman who was working at a stamping plant. His skull and jaw were fractured when a massive industrial crane/hook failed catastrophically while at work. The plaintiff was in the process of lifting an 84,000 lb. die

		when suddenly without warning two of the four hooks attached to the die fractured. The hook struck the plaintiff's head with a tremendous force, throwing him into the air. He landed on the concrete floor and was rendered unconscious. The catastrophic failure of the hooks resulted from a manufacturing and design defect by defendant Cooper Tool Company, which designed, manufactured and distributed these flawed industrial hooks to various automobile facilities.
2004		
2004	$ 1,200,000	(Products Liability) Decedent died from complications of Hepatitis A. Married couple attended a family wedding. Out of approximately 270 guests, 29 contracted Hepatitis A virus in the weeks following the reception. Jane Doe had a moderate case and was hospitalized for three days, and ultimately recovered. John Doe went into liver failure, was hospitalized for 29 days, underwent a liver transplant, suffered complications from the transplant, and died. Investigations concluded that the ultimate source of the outbreak was unknown. It may have been an infected food handler at the reception or an infected guest who spread the Hepatitis A to other guests, though unlikely.
2003		
09/15/2003	$ 1,000,000	Zuzula, et al. v ABB Power T & D Company (Product Liability – Fuse Box) A 40-yr. old male was electrocuted while reinstalling a fuse in a switchgear fuse box drawer that was negligently designed and manufactured by defendant. Plaintiff claimed he was following directions in the defendant's manual and was using appropriate safety gear, as trained by his employer, Midland Cogeneration Venture, known as MCV. MCV required its employees to wear safety gear which, if Zuzula had been utilizing the safety gear, would have prevented his death. MCV was negligent in not grounding the DD module drawer that contained high-voltage fuses.
2000		
03/03/2000	$ 5,024,537	Rodney Jones and Brenda Jones, husband and wife, et al. v General Motors Corp. (Product Liability) Traumatic brain injury resulted when driver was "t-boned" by another driver and his seatbelt unlatched, referred to as inertial release. General Motors was found negligent in the design of its 185 Chevrolet Conversion G-van by including in its design the Type 1 or side release RCF-67 seatbelt buckle. Although GM knew for more than 30 years that this type of buckle could inertially unlatch by a force striking the back of the buckle and had also occurred in GM testing, defendant said it was virtually impossible to occur in the field or in a real-world accident scenario.
02/28/2000	$ 1,651,000	Beck v Black & Decker (Product Liability) Plaintiff's home was destroyed by defective toaster oven. State Farm sued to recover what it paid.
03/30/2000	$ 1,002,331	Olivet College v Indiana Ins. Co. (Product Liability/Insurance Dispute) Indiana insurance company denied loss to church at Olivet College, caused by a ruptured steam pipe. It claimed loss was as a result of inadequate design and wear and tear.
1999		
06/23/1999	$ 4,120,000	Acorn Window v Detroit Edison (Product Liability) Plaintiff lost its 60,000 sq. ft. offices and distribution center in Detroit due to a fire that was initiated by a failure of Detroit Edison equipment on a transformer pole.
12/16/1999	$ 3,000,000	Cavalier Manufacturing v Employers Insurance (Products Liability) Plaintiff suffered a crush injury to both hands with subsequent bilateral amputation of both hands while operating a power press in the course of her employment. This was a product liability claim which involved an intentional tort action against her employer for requiring her to work a power press they knew was unsafe.
02/08/1999	$ 2,500,000	Engleman v Warack Trucking (Auto; Product Liability) The plaintiff Engleman was in a passenger pickup truck traveling to Lapeer County. An asphalt trailer owned by the defendant was traveling in the opposite direction. The bracket welds on the trailer failed which resulted in the shock absorber mounting bracket falling off, striking the plaintiff in the head causing massive trauma to the head and confinement to a wheelchair.

1998		
01/29/1998	$ 6,200,000	Collins v Clarklift (Products Liability) This was an accident caused by a forklift because of a failed backup alarm.
12/07/1998	$ 2,360,000	McGovern v Walbridge Aldinger Company (Products Liability) Plumber was electrocuted while installing piping at a U of M hospital jobsite. Though plumbers were assured it was safe to work with power tools in excessive standing water on the floors because the site was protected by portable Ground Fault Circuit Interrupters, plaintiff received an electrical shock of 5-10 second duration. Over the next three years and continuing he developed ongoing and worsening symptoms which resulted in disabling him permanently as a plumber. The jury's verdict also included future wage loss.
09/22/1998	$ 1,340,000	Novis v General Motors (Products Liability) Plaintiff's driver's seat broke upon impact, being struck in the rear at less than 10 mph, throwing her into the rear seat. Though she had been in excellent health before the incident, she needed treatment consistently for the six years preceding the trial.

III. TOP 3 BUSINESS / PREMISES OPERATIONS CASES PER YEAR

2016

03/07/16 $ 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.

05/12/16 $ 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 noncamper 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.

05/06/16 $ 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.
2015		
05/19/15	$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.
05/27/15	$ 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 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).
10/21/15	$ 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 have been secured with appropriate locking mechanisms and secondary prevention measures or, at least, have had 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.
2014		
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.
08/05/2014	$ 2,836,000	Bujan v Dura Automotive Systems (Premises) 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.
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 $1.65M.
2013		
05/09/2013	$ 9,500,000	Conerly, et al. v Scripps Park Assocites 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 child 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.
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. 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.
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.
2012		
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.
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 tries 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 and died the next morning. Defense for the tradesmen was that they did not have a duty to the injured

		parties, while defendant industrial company asserted that the tradesmen did not fulfill their duties.
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.
2011		
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.
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.
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.
2010		
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 and 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.
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.
2009		
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.
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.
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.
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.
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.

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.
2007		
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.
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.
2006		
02/03/2006	$14,100,000	Lotz v Signature (Premises/Operations) Propane gas leaked into home killing mother, father and two children.
09/2006	$ 5,200,000	Doe v Doe (Premises/Operations) This case involved a flash fire from flammable gas, which caused second- and third-degree burn injuries.
07/11/2006	$ 2,000,000	Murk v Medallion (Premises/Operations) A city public works department employee was electrocuted when he inadvertently touched a live wire that was exposed on a boiler. The wire was exposed when the defendant's employee forgot to secure the cover over the boiler's low water switch.
12/07/2006	$ 2,000,000	Doe v XYZ (Premises/Operations) This premises liability case involved burn injuries to three people when a propane leak caused a fire.
2005		
06/10/2005	$ 3,000,000	Wolfbauer v Grand Sakwa (Premises/Operations) The plaintiff was a 35-year-old executive at Ford with a wife and two young children. The defendant was the developer of a new subdivision. On the day of the accident, the plaintiff was riding his bicycle through the defendant's development in Northville Township looking for new homes. The bike path on which the plaintiff was riding involved curbs, hills and heavy landscaping. Although it had been poured by the defendant the previous week, it remained unfinished with a six inch drop-off running along both sides. After the plaintiff crested a steep hill, descended and picked up speed to about 25 miles per hour, he had to negotiate two sets of sharp left and right turns. As a result, the plaintiff was thrown from his bicycle, causing him to land on his head. The resultant injuries consisted of a disc herniation and an incomplete spinal cord injury. Since the accident, the plaintiff has experienced limited use of his arms and can only walk slowly.
11/07/2005	$ 1,260,000	Williamson v City of Detroit (Premises/Operations) This case involved a defective sidewalk in which the optic fiber cover was unsecured and was covered with snow in excess of 30 days. The plaintiff had a fracture to the left shoulder and aggravation of degenerative cervical and lumbar disc disease.
03/28/2005	$ 1,200,000	Ulsh v Pine Air Construction (Premises/Operations / Construction) This personal injury case arose out of a construction site accident caused by the improper use of a rough terrain forklift by an untrained, uncertified operator.

2003		
06/17/2003	$ 3,900,000	Estate of Cheryl Fansler, et al. v Independence Professional Fireworks, et al (Premises) 1998 explosion at fireworks factory in Hillsdale destroyed a manufacturing building and killed seven people. Four of the decedents brought suit against the company they worked for and against the former owner of the company. After extensive discovery, it was established that the explosion and its severity were the result of use of material called "flash powder." The amount in the building was six times the legal limit. Both former and present owner failed to properly label this chemical. Plaintiffs showed numbers of safety violations in the manufacturing process.
09/08/2003	$ 2,000,000	Papalas v Ford Motor Company (Premises/Operations) The plaintiff was working as an industrial painter for a subcontractor. During a power outage, he fell through an improperly covered hole and landed 28 feet below on the concrete basement floor. The defendant Ford Motor Company was liable for no emergency or exit lights. The construction manager, Walbridge Aldinger, was liable for allowing an improperly covered hole in a common work area.
03/21/2003	$ 1,490,000	Estate of Clara Smith v Gordon, et al. (Premises – Fireworks) Two neighboring Fourth of July fireworks parties were being celebrated 300' from each other on Barron Lake in Cass County. A cannon was overloaded with Pyrodex, which exploded with such force that the shrapnel blew a hole in the roof of one home. A large piece of shrapnel flew nearly 300' down the beach and struck plaintiff in the back of her head while she was conversing with several of her grandchildren. At the time of her death at age 63, she was a retired, part-time beautician earning about $5,000 a year. By extrapolation from a breath test administered by police, the operator of the cannon was found to be legally intoxicated when he fired the cannon. There was evidence that he was served drinks at both parties.
2002		
01/2002	$ 1,675,000	Doe v Utility (Premises/Operations) Following a major storm, gardener was electrocuted when lawnmower contacted a downed power line and metal fence. Hours after the storm, the homeowner had notified the utility company three times by phone of sparking in a tree that had grown over the power lines. The utility company failed to respond or to enlist the help of the police. Expert evidence proved that the line broke due to heat from sparking in overgrown, wet trees. Further, tree trimming records showed that no trimming had been done for five years. Both homeowner and utility company were sued.
2002	$ 1,200,000	Minor v Community School (Premises) While in metal shop class in a public school, 16-year-old Plaintiff was instructed by his teacher to use a table saw to run wood through the cutting area; however, the guard had been removed from the table saw to make a special cut and had not been replaced. Three of plaintiff's fingers were severely cut when the wood was forced through the saw rapidly. After surgery, plaintiff lost substantial use of those fingers on his left-non-dominant hand. It was discovered that the shop teacher had a habit of removing the guard and that he was previously instructed to keep the machine guard in place.
01/2002	$ 1,075,000	Macomb County Circuit Court (Premises/Operations) 34-year old shipping and receiving clerk/maintenance supervisor was survived by his wife, parents, and 3 siblings when he died due to defendant's failure to promptly call "911" and render appropriate cardiac care when decedent presented to an urgent care center with chest pain. The urgent care's EKG revealed he was having a myocardial infarction and within minutes, the patient went into ventricular fibrillation. The urgent care center was not equipped with a defibrillator and did not call "911" in response to this cardiac arrest and, instead, chose to call a private ambulance company with whom they had an agreement for patient transport. This company, however, did not respond for approximately 30 minutes, resulting in the death of the patient. In this case, the patient did not die because of errors in treatment but, instead, due to the failure to activate "911," in which case the fire department would have been on the scene in 4 minutes, and the ambulance company would have responded in 2-4 minutes. Each of the "911" responders were equipped with a defibrillator and staff trained in its use. Plaintiff argued that medical malpractice damage caps did not apply to claims of ordinary negligence, i.e., the decision not to purchase a defibrillator and the

		decision to bypass "911." Plaintiff also noted that medical malpractice caps do not apply to wrongful death actions.
2001		
01/09/2001	$ 7,150,000	Koczara v Northwest (Premises/Operations -- False Imprisonment) Class action by 7,000 people imprisoned on aircraft.
03/29/2001	$ 2,632,000	Dyson v Formula K Family Fun Parks (Premises/Operations) Plaintiffs were part of a group of Western Michigan University business students who visited this amusement park. One of the attractions of the park was a 30-foot tall inflatable slide. The manufacturer warned that there should be two trained attendants to supervise the users of the slide at all times and that serious injury would result to patrons if too many people were allowed to the top of the side at the same time. Contrary to the manufacturer's warnings, the defendant manned the slide with one teenage attendant who allowed nine students to the top of the slide at the same time. The slide collapsed beneath the students who then fell 25 to 30 feet onto the cement pad below them.
02/14/2001	$ 2,300,000	Beesley v Accuride (Premises/Operations) Plaintiff fell from a forklift provided by defendant to allow plaintiff to inspect heating units.
2000		
07/02/2000	$ 8,500,000	Waldorf v Fraternal Order of Eagles (Premises/Operations) Plaintiff hit in eye with a tire iron during a brawl.
05/09/2000	$ 7,940,000	Jackson v Michigan Brick (Premises; Products Liability) The defendants negligently hired an entity to repair natural gas leaks and failed to properly purge the lines, resulting in an explosion, and failed to warn the plaintiffs regarding its negligence.
04/13/2000	$ 1,549,270	Kenkel v Rite Aid (Premises/Operations) Defective door struck plaintiff who was on crutches, injuring her lower back requiring 24-hour, in-home nursing care in the year following the injury.
1999		
07/20/1999	$ 1,400,000	Meyers v Wal-Mart (Premises/Operations) This case arose out of a fall on 07/07/1997 when the 65-year-old plaintiff, accompanied by his wife, went to a Sam's Club store in Southgate. The plaintiff slipped on a loose cardboard box, tripped over the box, fell to the ground and sustained injury to his hip.
03/29/1999	$ 1,290,000	Boersen v Hamilton Farm Bureau (Premises/Operations) A 24-year-old farmer was delivering grain to a commercial elevator when he was trapped in an auger for 90 minutes. His lower leg was torn off.
01/1999	$ 920,000	John Doe v Jack Doe (Premises/Operations) The plaintiff, a 42-year-old contractor, was biking on a trail of land adjacent to a subdivision in northern Macomb County. He fell into a partially camouflaged hole that was dug by several children in the neighborhood. They had been using it for motocross jumping. It was claimed that the defendant owner did not fall under the protection of the recreational use act for the reason that it was not left in its natural state. The children were insured under their respective homeowners insurance policies, and several carriers joined in the settlement.
1998		
03/11/1998	$ 1,735,000	Burden v TMP Associative (Premises/Operations; Products Liability) Fourteen-year-old plaintiff struck his back into a stair railing while sledding backward down a sledding hill in the city of Wayne. This negligence action involved claims against the defendants for their collective failure in the design and maintenance of the hill which contained an unprotected stair casing and steel posted stair railing.

02/1998	$ 1,175,000	Gremo v Spectrum Finishing (Premises/Operations) The plaintiff was working as a machinist on a construction job at Spectrum's factory in Mount Clemens. His boss, a subcontractor on the project, was using a 23-year-old Caterpillar forklift truck to hoist a 300 lb. shaft. One of the forks slid off the end of the carriage and struck the plaintiff on the top of the head, penetrating his skull. A safety device on the forklift truck that held down forks was corroded and inoperable. Other safety lugs were also deformed from use. Plaintiff sued the general contractor for breach of duty to properly supervise the Caterpillar under a breach of warranty duty.
12/11/1998	$ 1,150,000	Benejam v Detroit Tigers (Premises/Operations) Six-year-old minor plaintiff attended her first baseball game at Tiger Stadium, sitting in the fourth row behind the screen backstop, behind home plate, and was injured by the baseball player's bat when it broke in half and hit plaintiff's left hand, crushing two of her growth plates in two of the fingers of her non-dominant hand. Defendant had failed to take extra precautions to secure the unsafe area at the stadium, though the defendant was aware of the problem for years.

IV. POLLUTION

2013	$ 5,147,500	Svaluto, et al. v City of Westland, et al. (Pollution: Environmental)
05/15/2013		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.
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.
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. Plaintiffs purchased 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 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.
2010		
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.
2009		
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.
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.
2008		
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.
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.
11/02/2008	$ 3,600,000	(Pollution) Asbestos inhaled at an auto dealership.
2007		
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.
2006		
06/06/2006	$ 1,200,000	Koszewski v General Motors (Pollution) This case involved about 300 property owners who lived near a former General Motors plant. General Motors was operating the plant when an underground storage tank leaked, entering the ground water. The contamination migrated beneath a residential neighborhood, causing property damage to their homes.
2005		
05/2005	$ 925,000	Mahaffy v Maple Creek Apartments (Pollution: Mold) The plaintiff moved into the Maple Creek Apartments in 1995. She did not observe any water damage to her apartment, although the plastering and paint on the bathroom ceiling was new. She complained to the defendant's management office about black spots that had materialized all over her bathroom; however, nothing was done. The jury awarded her $925,000 for mold-related allergies and asthma.
2001		
08/27/2001	$12,000,000	Caines v Marathon Oil (Pollution) The plaintiff filed a class action suit alleging that the defendant discharged noxious odors into the surrounding residential communities as a result of its industrial operations, causing a diminution of market value, loss of use of property, and loss of employment of property. The settlement required both monetary and injunctive relief. The injunctive relief required the defendant to install substantial air pollution abatement equipment to preclude further discharges of noxious odors into the certified residential class community.
1999		
04/01/1999	$ 1,200,000	Guglielmetti v Pittsburgh Corning Corp. (Pollution; Premises/Operations) The plaintiff was exposed to asbestos in the 1960s at a General Motors Cadillac plant in Detroit. In 1997 he was diagnosed with mesothelioma and died on Dec. 28, 1998. The jury awarded economic damages, pain and suffering damages, and loss of society and companionship. Pittsburg Corning was found 80% responsible; GM, 20%.
1998		
01/1998	$ 3,800,000	Etheridge, et al. v City of Grosse Pointe Park, et al. (Pollution) Plaintiff owners and occupants of about 350 properties in Detroit alleged that City of Grosse Pointe Park's discharge of combined sewer overflows into Fox Creek was 1) a trespass-nuisance, 2) an exception to governmental immunity, 3) causing their homes to be invaded by human sewage and noxious odors, and 4) a contractual breach, failing to maintain Fox Creek so sewer overflows would not overrun the boundaries of the creek and flood the plaintiffs' properties. Plaintiffs received monetary

		damages as well as injunctive relief which will ultimately result in the cessation of the Park's 58-year practice of discharging sewer overflows into Fox Creek.
05/20/1998	$ 1,580,000	Herbruck Poultry Ranch v Fleck Controls (Premises/Operations; Products Liability; Pollution) This was a products liability case involving the control valve of a water treatment system which was manufactured by the defendant. As a result of the failure of this valve, resin beads were forced into the drinking water lines of the hennery. Within a few days, 22 miles of water pipe was contaminated that supplied drinking water to 500,000 laying hens. The contaminants jammed open metal drinking nozzles, causing water to spray into cages, drench the hens, and soak sophisticated feed delivery, egg collection, and manure removal equipment with caustic water. In addition, the leaks starved the water lines of pressure, resulting in the perishing of 9,000 birds. The damage adversely impacted the plaintiff's operations for two years.

V. MANAGEMENT PRACTICES

2016		
01/05/16	$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."
2015		
		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.
2014		
04/10/2014	$26,525,000	MSC Software Corp. v Altair Engineering Inc. (Management Practices) 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 year later, Altair released a competitive product, MotionSolve, which would be competitive with MSC's ADAMS/Solver, where there had not been a

		competitive product available at the time the employees left MSC and joined Altair. When released, MotionSolve competed directly with ADAMS/Solver, was able to read the same types of computer files that ADAMS/Solver used, and in many instances, was able to generate the same results as ADAMS/Solver when it was presented with those files. Because of the way this type of simulation software works, it would be nearly impossible to get the same results. The source code that makes up the software contains numerous "tweaks" that had been built into the program over time; matching results requires that those tweaks be built into a competing code. Plaintiff alleged that the former employees had breached confidentiality agreements and non-solicitation agreements and that the employees and Altair had misappropriated trade secrets contained with the ADAMS/Solver product. During discovery, several documents were found that confirmed that both Hoffmann and Klinger had revealed information regarding MSC to Altair while they were still MSC employees. In addition, various documents authored by the individual defendants or Altair executives proved that Altair was targeting key MSC employees for hire, despite non-solicitation agreements prohibiting that conduct. Several other emails authored by the individual defendants illustrated, in an understandable way, the barriers that Altair faced in competing against the ADAMS/Solver and described the plans adopted by Altair to use MSC trade secrets to overcome those barriers. In addition, plaintiff argued that Rampalli advocated for destroying incriminating documents after learning of the lawsuit. He also admitted lying to his former MSC supervisors about his plans following his resignation in order to avoid potential legal entanglements. Those admissions severely undermined Rampalli's credibility before the jury trial. The case was tried for over 6 weeks before a federal jury. After 3 days of deliberations, the jury returned a $26,100,000 verdict 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.
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.
07/16/2014	$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.
2013		
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.
02/20/2013	$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.
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.
2012		
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.
11/29/2012	$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.

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.
2011		
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.
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.
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.
2010		
06/10/2010	$12,262,500	Epstein v Heartland (Management Practices) Improper accounting led to company collapse.
2009		
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.
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.
2008		
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 2000s to herself.

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).
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.
2007		
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.
2006		
10/26/2006	$ 3,100,000	Interior/Exterior Specialists v Devon Industrial (Management Practices) During demolition work for the renovation of Detroit Southeastern High School, minority subcontractor was incompetent, causing additional costs to loss of bonding capacity.
2006	$ 1,150,000	Confidential (Management Practices / D&O) Defendants threatened to shut down the company and compete against the company post-dissolution rather than provide equal distributions to the plaintiff, who was a minority member. The key was in establishing that the prior conduct of the managing member and majority members violated the MCL 450.4515, et seq. Majority members were avoiding distributions to the minority through a variety of compensation plans that funneled profits directly to other members through "guaranteed compensation" plans. By denying plaintiff distributions and making him suffer the tax consequences of profits, defendants effectively leveraged the company against the minority interest. Majority members failed to follow the operating agreement and engaged in other actions to financially squeeze the minority member. Fiduciary duty was breached by the managing member and majority interest holder. The operating agreement mandated arbitration. Plaintiff's counsel said forcing a buy-out of the minority shareholder at negotiated valuation was achieved by asserting minority rights to records, illustrating self-dealing and tying the hands of the majority members who threatened to liquidate the company and leave the minority shareholder with nothing for his membership interest.

04/20/2006	$ 1,100,000	Schillinger v Boltz (Management Practices) Minority shareholder engaged in misrepresentation and conversion.
2003		
09/30/2003	$30,200,000	Wrench, LLC et al. v Taco Bell Corp. (Management Practices) Plaintiffs created a Chihuahua caricature named "Psycho Chihuahua" and sued defendant Taco Bell Corp., claiming they used their creative images, ideas, concepts, and designs in their own Chihuahua advertising, without being compensated for the use of plaintiff's property. Plaintiff's enrichment claim was dismissed, as was their conversion claim. However, the court granted the plaintiff's leave to file an amended complaint alleging the elements required for a claim of conversion of an idea under Michigan law. In this court case in the Western District of Michigan, Monetary damages included the $30.2M verdict amount plus a pre-judgment interest of $11.9M.
2001		
07/27/2001	$16,637,567	Valassis Communications, Inc. v Garberg & Asso. d/b/a The Sunflower Group (Management Practices / Misappropriation of Trade Secrets) In this case where two companies that manufacture and distribute 90% of the plastic newspaper sample bags, defendant Sunflower is accused of inducing a Valassis plant manager to jump ship and reveal Valassis' trade secrets to Sunflower. Sunflower is accused of misappropriating Valassis' proprietary information and inducement to breach the duty owed by Valassis's former plant manager. Extensive discovery included about 50 depositions and 2-week jury trial. 28 witnesses were called. In addition to Valassis employees, the evidence included former Sunflower employees who confirmed Valassis' allegations of Sunflower's receipt of Valassis' proprietary information. Many ex-employees acknowledged that they were asked to do what they felt was wrong. This business tort included misappropriation of trade secrets regarding Valassis' product, customers and costs -- and inducement of breach of duty of loyalty. This discovery was made after some of Valassis' customers came back to Valassis and said they were being approached by Sunflower. When enough information was gathered, Valassis sought help. By the time of trial, each of the employees who had given incriminating information had been terminated or had quit. At that point, flags went up. An email was found from Sunflower's Kansas City office to its New York sales staff instructing them to explore some sales opportunities, companies that were targeted by Valassis. Also, an internal Sunflower memo listed the account executive in charge of each sales account. Five listed Valassis as the account executive. The biggest obstacle was to convince the jury of plaintiff's hypothesis. It was fortunate that sales people felt morally bound to tell the truth. Four witnesses were key to the case. Their testimony looked like honest testimony to the jury because it was not self-interested. They didn't work for Sunflower any more and they did not work for Valassis. Large screen technology was relied on heavily and included the deponent's face and the Q&A. During closing argument, attorneys could quickly access pertinent portions of the recorded testimony.
10/05/2001	$ 2,700,000	Causley v Causley (Employment Practices / Management Practices) Plaintiff was a 25% owner of auto dealership. His employment was terminated. Company refused to pay dividends to plaintiff but paid other shareholders' bonuses which were disguised dividends.
2000		
01/14/2000	$ 2,400,000	Cidar, Inc. v General Pattern Co., Inc. (Management Practices) Leaving a Rite Aid store, automatic sliding glass doors closed on a rheumatoid arthritic who had been on crutches since age 11. She dropped to the ground, injuring her lower back. Plaintiff sold her car, as she could no longer drive and required 24-hour, in-home nursing care in the year following her fall. Defendants did not take the case seriously, which contributed to a reasonable award for the plaintiff.
12/08/2000	$ 2,000,000	Dolan v Crutcher (Management Practices) Plaintiff and defendant were partners in 9 different real estate partnerships. Plaintiff alleged that defendant diverted millions in fees and unpaid loans to themselves. Defendant owned a management company.

VI. CONSTRUCTION

2015		
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.
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.
2014		
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.
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.
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.
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.
2012		
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.
2011		
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.
05/17/2011	$ 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.
2010		
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.

05/06/2010	$ 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.
2009		
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.
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.
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.
2008		
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.
2006		
12/14/2006	$ 1,175,000	Knepley v CSX Transportation (Construction) Construction worker on man-lift, doing carpentry work on overpass above railroad tracks, jumped because he was not notified timely and adequately of an approaching train. Sustained injuries to both feet and is no longer able to work as a construction worker and needed to undergo retraining for a sedentary job.
2005		
03/28/2005	$ 1,200,000	Ulsh v Pine Air Construction (Premises/Operations / Construction) This personal injury case arose out of a construction site accident caused by the improper use of a rough terrain forklift by an untrained, uncertified operator.
2004		
07/29/2004	$ 8,100,000	Rupersberg v Etkin, et al. (Construction) This case involved the construction site accident at the Marriot Hotel on Opdyke Road near I-75. The general managing contractor was defendant A.J. Etkin. The plaintiff was working as a journeyman electrician for a subcontractor. A crane load being directed by defendant Wahaley Steel was blown onto a guard rail post on the perimeter of the 9th floor. The 22 pound guardrail post was knocked off and fell nine stories where it struck the plaintiff's head, face, neck and shoulders.
03/2004	$ 5,500,000	Doe v XYZ (Construction) Plaintiff, a carpenter, fell 27 feet to the ground through hidden hole in roof and was rendered a paraplegic from the mid-chest

		and below.
01/2004	$ 1,500,000	Penner v Chapp, et al. (Construction) Plaintiff was a field engineer for Wayne County Road Commission, testing ready-mixed concrete as concrete trucks delivered the concrete. As Plaintiff was kneeling with his back to the defendant's delivery truck, defendant flipped down the pound chute without making sure that no one was standing within the radius of the flip-down chute, striking the back of plaintiff's head. Dazed, his foreman drove him to the industrial clinic for X-rays which were normal, receiving five stitches. He returned to work the next day. During the next 19 months while continuing to work for WCRC, he experienced headaches, mood swings, and changes in temperament. His treating physician ordered MRI's which were interpreted as normal. Eventually plaintiff underwent extensive hospitalizations, psychiatric intervention, medication, and shock therapy. Multiple studies were done to determine if his psychiatric disability was a consequence of a traumatic brain injury or a consequence of a pre-existing latent bipolar disorder.
2003		
01/09/2003	$ 1,925,000	Johnson v A & M Custom Built Homes (Construction (or) Premises/Operations) The plaintiff was employed to deliver roofing shingles to a new home under construction at a large subdivision. Suit was instituted against the general contractor, landowner and the rough carpenter subcontractor. It was alleged that the rough carpenter failed to nail the roof toe boards into the roof trusses but instead nailed the toe boards into the 3/8 inch thick roof sheeting. As the plaintiff came sliding down the roof with his leg extended, the toe board gave way when the plaintiff's foot came into contact with it.
2002		
01/2002	$ 2,200,000	Anonymous v Anonymous (Construction) Decedent was electrocuted when he touched electrical equipment at a job site. A fellow independent contractor provided misleading information as to whether or not the equipment was energized. Two fellow independent contractors watched him touch the energized object and die. An OSHA rule permits inquiry to other persons with knowledge as an alternative to one's actually testing and grounding the equipment.
04/23/2002	$ 1,300,000	Schomaker v Demaria Building Company (Premises/Operations; Construction) An iron worker on the first floor of a three-story apartment rehab project was injured by a falling brick. Demaria Construction was the prime contractor for the work on the outside of the building.
2001		
10/30/2001	$ 1,091,979	Schmaltz v Greystone Builders (Construction / Premises/Operations) The plaintiffs, Schmaltz and Smith, were employed as carpenters for a subcontractor involved in commercial construction in Novi. Greystone was the general contractor. The plaintiffs were installing exterior drywall, which required a man-lift to raise them approximately 30 feet in the air. On one occasion, they raised their lift up to 30 feet when all of a sudden the machine fell backward and both men fell to the ground inside the basket of the lift, suffering severe injuries. It was alleged that the ground surface where they had to work the lift was too uneven and needed to be graded.
2000		
10/03/2000	$23,000,000	Brown v Phoenix, et al. (Construction) During the construction of an office building, a wall was being raised and was attached to a hoist. The connection snapped and the 2,000 lb. wall fell on Brown. He had a broken spine and fractured pelvis.
1999		
04/01/1999	$ 2,350,000	Ivezaj v Roose (Auto/Construction) The plaintiff was driving on I-275 near 6 Mile Road in the city of Livonia. A construction crew was filling potholes in the roadway. The plaintiff reduced speed and was then struck from behind by a fully loaded semi-truck driven by the defendant. Witnesses indicated that the semi was repeatedly weaving from the right lane onto the shoulder. Also, despite federal regulations requiring it, the defendant driver was not carrying a loaded fire extinguisher in his vehicle. The plaintiff suffered third-degree burns to her face and hands as well as fractures on the left side of her face.

06/30/1999	$ 2,000,000	Estate of Levi v Vanacek (Construction / Premises/Operations) This case involved the furnishing of an incompetent operator and defective equipment in a rental crane. A wire rope cable carrying the steel beam at a construction site broke, dropping the beam on the plaintiff and killing him.
10/07/1999	$ 1,800,000	Keene v Acme Building Materials (Premises/Operations; Construction) In 1993, the plaintiff fell 22 feet during the construction of the defendant's new office and showroom. The fall rendered Keene paralyzed from the waist down. Keene was working without fall protection, which the plaintiff argued was required by federal OSHA standards. The defendant acted as its own general contractor.
1998		
08/17/1998	$ 1,590,000	Poupore v J. L. Sherk (Construction) Plaintiff, a contracted operating engineer for Stanley Carter Co., was helping lift a large ventilation fan from the ground floor to the penthouse level of an office building under construction. While operating one of the power drives, torque built up in the device and caused it to spin out of control and strike him, fracturing his skull and causing a subdural hematoma, as well as a ruptured disc. Plaintiff underwent two surgeries for skull fractures and was disabled from his job.