

SPECIAL REPORT

10-YEAR VERDICT REPORT – 2008-2017 FOR COMMERCIAL INSURANCE CLIENTS

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

(Updated 01/02/2018)

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

- Pages 2-6 include a quick overview documenting only 2008-2017 largest judgments in Michigan by category, listed by year (at left).
- Pages 7-62 give a detailed description of these claims and other cases of interest.
- Pages 63-69 detail additional out-of-state cases of interest.

(For the complete 1998-2017 Verdict Report contact Ken Hale at khale@mma-mi.com)

Year	# of Cases Over \$1M Pg #	Automobile	Employment Practices	Products Liability	Premises/ Operations	Pollution	Management Practices (D&O, Intellectual Property, Tortious Interference, Misc. Disputes; Sales Rep. Act)	Construction
2017	10 Pg 7-8	\$9,500,000 Motorcyclist Hit by Bus; catastrophic damages			\$5,009,269 Flashover food truck fire; burned 47% of body		\$1,250,000 Shareholder oppression; breach of contract	
		\$5,300,000 Driver fell asleep; traumatic brain & spinal injuries						
		\$3,000,000 Bicyclist struck; disfigured leg						
2016	46 Pg 8-13	\$15,000,000 Rear-ended; quadriplegia & closed head injury			\$4,140,000 Apartment guardrail failed; died from injuries		\$44,500,000 Tortious interference of wrongful claim of toxic product	
		\$10,700,000 Sleep deprivation fatality			\$2,070,000 Killed in industrial accident		\$2,252,306 Breach of fiduciary duty, conversion, fraud	
		\$6,500,000 Head-on collision, spinal cord injuries			\$2,000,000 Pickup truck killed child biker on bike path at Fair		\$1,572,626 Breach of stock rights & Employment contracts	

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	Pg #							
2015	50 Pgs 13-21	\$16,000,000 Tread separated on tire; rollover, quadriplegic	\$16,500,000 Retired, stock options cancelled, breach of contract	\$16,000,000 Mfg. defects, tread separated on tire; rollover, quadriplegic	\$100,000,000 Mauled by 12 pit bulls		\$15,200,000 Shareholder and Member oppression	\$2,610,000 Fire sprinkler installer crushed by collapsed wall
		\$14,450,683 Fatality from new CDL-licensed garbage truck driver	\$2,200,000 Breach of contract for performance bonus	\$1,000,000 Temp. employee lost arm; improper guard on machine	\$7,284,545 Apartment sprinkler ruptured, water damage, insurance claim		\$5,665,565 Breach of Contract	\$1,560,000 Scaffolding gave way; fell off bridge
		\$11,900,000 Speeding semi-truck overturned onto car, killing 3	\$1,767,500 2 Teens die in silo, overcome by fumes, unsafe work environ.		\$5,080,000 Assisted-Living resident ingested detergent; died		\$5,300,000 Uniform Trade secrets violated	

2014	39 Pgs 21-29	\$17,810,434 Cement truck collision; brain & spine injuries; unable to work	\$2,836,000 Fell from bridge into moat after hours on business trip; paraplegic	\$12,000,000 Toxins/poisons Damaging farmer's crop	\$3,500,000 Carbon monoxide poisoning, hypoxic encephalopathy		\$26,525,000 D&O, tortious interference, Misappropriation of trade secrets	\$4,626,355 Backhoe loader hit volunteer off roof; wrist fractures
		\$11,500,000 Traumatic brain injury to 5-year-old	\$1,350,000 23 employees, disability discrimination & termination		\$2,836,000 Fell from bridge into moat after hours on business trip; paraplegic		\$11,500,000 Class-action, breach of contract; student education loans, interest rate reduction	\$2,500,000 No barrels to warn of rut. Quadriplegic then died.
		\$2,843,355 Bus ran red light; hit SUV at intersection	\$1,251,169 Fired after reporting racial harassment & civil rights violations		\$1,650,000 Fell into unguarded pit at oil change facility		\$10,355,011 Breach of contract & covenant of good faith & fair dealing	\$1,508,953 DTE apprentice fell 30', brain trauma; paraplegia

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2013	49 Pgs 29-40	\$7,000,000 Truck sideswiped parked truck, explosion, 85% burns	\$5,528,156 4 Court Officers reinstated with back pay	\$1,080,000 Pontiac Silverdome; temp. stage roof collapses; 3 injured	\$9,500,000 Neighbor drowns saving 7-yr old in excavation pit	\$ 5,147,500 Class action suit; sewage flooded basements	\$70,000,000 Patent infringement	\$900,000 Cement boards fell/permanently disabled
		\$4,550,000 Traffic stopped on I-94; car crushed between 2 trucks	\$5,274,000 2 State troopers, race discrimination	\$1,000,000 Severe burns from fuel poured into citronella fire pot	\$7,500,000 Co-pilot operational error; pilot 40% burns-2 weeks later, died	\$3,000,000 Contracted Legionnaires' disease in hotel	\$10,000,000 Intentional interference	
		\$4,000,000 Truck hit bicyclist on shoulder; brain injury	\$2,500,000 Sexual Harassments, hours cut, wrong disciplines, firings		\$3,000,000 Natural gas explosion, burned 40% of body	\$483,195 Misrepresentation to seller of ex-factory chemicals	\$7,450,000 Breach of contract; finance manipulation	

2012	46 Pgs 40-47	\$6,100,000 Fatal collision, failing to slow down at crash site	\$4,590,000 Wrongful discharge	\$2,075,000 RV Carbon Monoxide Poisoning	\$7,500,000 Fatalities when boat hit abandoned barge in canal		\$22,500,000 Class action suit, errors in value of homeowners claims	\$1,920,126 Fall on construction job site; permanently disabled
		\$3,736,458 Attendant Care benefits, restored to 4 plaintiffs	\$4,500,000 Defamation, stalking, malicious statements		\$4,250,000 Fatal gas washer steam/mud burn		\$13,000,000 Shareholder oppression	
		3,450,000 Speeder hit & flipped car; disfigured & disabled	\$3,420,000 Unjustly terminated		\$3,260,000 Locomotive sparks caused wildfire, destroying game club area		\$6,987,688 D&O breach of contract, privacy invasion, tort of false light	

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2011	30 Pgs 47-50	\$3,420,000 Motorcycle/Truck accident	\$12,500,000 Sexual abuse of a minor by defendant's employee		\$6,000,000 Truck load fell on driver; amputated leg; crushed other leg		\$2,300,000 Shareholder oppression	\$2,050,000 Gas leak caused explosion; pipe fell killing worker, injuring another
		\$3,250,000 Father & daughter killed, other driver ran through stop sign	\$11,300,000 DeJa Vu Club dancer suit, violated wage hour		\$2,350,000 Choking death at senior care center; serving food error		\$2,010,982 Multiple counts of soliciting from restricted vendors	\$1,450,000 Construction mat'l knocked off truck, striking plaintiff
		\$3,075,000 Semi hit man working in bucket at light; 5 surgeries	\$4,000,000 Race Discrimination, 45 police officers v Flint & ex-mayor		\$2,050,000 Killed by industrial explosion		\$1,015,152 Home fire; insurance breach	
2010	28 Pgs 50-53	\$6,291,666 Crossed center line, injured plaintiff	\$7,900,000 Foul language and degradation	\$2,835,000 Entangled in post-hole digger; quadriplegic	\$3,225,000 Drunken teen broke into home; multiple injuries	\$9,154,000 Sewer overflow	\$12,262,500 Accounting fraud	\$2,835,000 Entangled in post-hole digger; quadriplegic
		\$6,000,000 Motorcyclist completely disabled	\$650,000 Executive fondles himself for 20 min. during job evaluation. Employee=\$650,000; exec=2 years' probation & 50 hrs community service.	\$850,000 E. coli food poisoning	\$2,500,000 Falling concrete			\$2,250,000 Drywall specialist fell 10 ft. through uncovered basement access hole
		\$3,500,000 Rear-ended, brain injury			\$2,300,000 Laborer fatally fell through apt. roof			

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2009	34 Pgs 53-59	\$4,000,000 Drunk driver killed other driver; seriously hurt his own wife	\$4,388,302 Verbal harassment (Supervisor said, "Worthless Good-For-Nothing Cripple"!)	\$47,680,000 Defective parts, recall 425,000 vehicles	\$1,000,000 Roofer fell off roof after receiving electric shock; sued property owner	\$18,760,000 Landfill foul odors	\$500,000,000 Tortious interference (Valassis)	\$2,125,000 Defective traffic control sign was blown through windshield
		\$3,400,000 Rear-ended and killed in construction zone	\$4,229,500 Wrongful discharge, retaliation for complaining about shorted commissions	\$2,226,000 Substandard transmission fluid damaged 650 vehicles	\$890,000 Defective loft in dorm room; Dad installed inadequate materials	\$1,900,000 Exposure to hazardous toxic waste	\$10,800,000 Securities fraud, risky acquisition	\$1,747,000 Blocked drain pipe caused destruction of property
		\$3,000,000 Motorcycle collision (alleged intoxication)	\$4,000,000 Race discrimination in Flint police dept.		\$700,000 Drunk; drove friend's ATV in driveway, hit fence; tracheostomy/ breathing apparatus		\$6,100,000 Patent infringement and breach of contract	\$1,000,000 Roofer fell off roof after receiving electric shock; sued prop. owner
2008	24 Pgs 59-62	\$8,600,000 Truck tire blew, collided with car, killing driver	\$3,700,000 Sexual harassment	\$2,700,000 Roof failed	\$21,000,000 Rented cabin exploded, children died	\$13,210,000 Sugar company to improve ozone levels with new technology	\$3,140,216 Shareholder oppression	\$1,625,000 Fell 60 ft. to his death through hole in roof
		\$5,650,000 Stepped on accelerator instead of brake, dragged plaintiff	\$1,720,003 Wrongful Termination of ADD dental student		\$6,248,999 Fell 22' through hatchway on roof; died	\$4,450,000 Air odors discharge	\$3,014,339 Copyright infringement, unfair competition	\$1,908,000 Struck by 80-lb. sheet metal
		\$3,225,000 Drunk driver on drugs hits bumper; dead			\$4,500,000 USAF Academy grad. killed by drunk driver	\$3,600,000 Asbestos inhaled at auto dealership	\$2,600,000 Shareholder oppression in family business	

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

2017

01/18/2017	\$ 3,000,000	<u>Jane Doe v Confidential</u> (Auto / Bicycle) While riding her bicycle in Dearborn, plaintiff was struck by a commercial vehicle. She sustained fractures of her pelvis and a lesion on her left leg which became infected and required multiple surgeries and wound treatments. Ultimately, she was left with a significantly disfigured left leg, however, it is functional.
Bicyclist Struck		
02/17/2017	\$ 5,009,269	<u>Leonard v The Vineyard Inn on Suttons Bay LLC</u> (Premises) While within the galley kitchen of defendants' food truck, plaintiff was severely burned in a flashover fire, which had escaped from an uncapped gas line, when he attempted to light the stove when propane ignited and fire started. Burns covered 47% of his body. He was in a medically induced coma and on a ventilator for two months, during which he experienced kidney failure, heart arrhythmia, low blood pressure and inadequate blood perfusion to his brain. Results are disfigurement, pulmonary and cognitive deficits.
Flashover Fire Burn, 47% of body		
03/01/2017	\$ 1,600,000	<u>Valerie Evans v Ruth Ann Coppens, et al</u> (Auto / Motorcycle) In 2013, after suffering multiple fractures of her foot when falling off the back of a motorcycle after a farm vehicle turned in front of it, plaintiff was unable to return to her job as a hospital floor nurse. Subsequent to the accident, plaintiff began to have problems with her vision and difficulty with anxiety and mental confusion. She was diagnosed with sixth nerve palsy and a mild traumatic brain injury as well as a pituitary dysfunction, all related to the crash.
Subsequent Injuries from 2013		
03/14/2017	\$ 9,500,000	<u>Moreno v City of Detroit</u> (Auto: Bus / Motorcycle) While turning left with the right of way on his motorcycle, plaintiff was injured when he was struck by the front driver-side corner of a Detroit Department of Transportation bus which ran through a red light prior to striking him. Plaintiff's head was run over by the bus. He was wearing a helmet. His crush injuries to his dominant, right hand were significant, requiring digit amputation He also had traumatic brain injury and psychological damages. He also lost his ability to taste and smell and his natural abilities to speak, hear and see with perfect vision.
Motorcyclist Hit by Bus		
04/25/2017	\$ 1,210,000	<u>John Doe v ABC Ambulance</u> (Auto) John Doe and Jane Doe were non-English speaking foreign nationals in the U.S. on work visas. They were stopped at a red light while on their way to work for a landscaping company when they were rear-ended by an ambulance. The other driver was a college student and the accident occurred during the driver's final exam week. A video showed that the driver fell asleep. John Doe suffered a head injury and C-07 fracture of the spinous process. Jane Doe suffered a head injury, rib fractures and fibula fractures. Both recovered.
Rear Ended by Ambulance		
05/02/2017	\$ 1,040,000	<u>Confidential</u> (Auto / Double Fatality) Two people were killed and two others injured when their vehicle struck a disabled vehicle on the traveled portion of the roadway. The driver and rear seat passenger died. The front seat passenger suffered orthopedic injuries. The rear occupant primarily had soft tissue injuries. The arguments were that the disabled vehicle was inadequately lit and had no warning devices and that the vehicle should never have been on the road because of various violations. Also there was the inability of the claimant driver to perceive and react to the disabled vehicle in time to avoid the crash.
Hit Disabled Car; Fatalities		
06/19/2017	\$ 6,550,000	<u>Jane Does, et al v Déjà vu Services, Inc., et al</u> (Employment Practices / Wages) Exotic dancers were not paid minimum wage, or any wages at all and were classified as independent contractors. The dancers were forced to share their sole income, their tips, with defendants, as well as non-tipped workers. If plaintiffs complained about defendants' unlawful pay practices, defendants threatened to penalize and discriminate against by means of confiscating tips, termination, or other forms of retaliation.
Employee Misclassification and FLSA Violations		
06/20/2017	\$ 5,300,000	<u>Confidential</u> (Auto) In 2015, a man being transported in a commercial vehicle was severely injured when the commercial driver fell asleep behind
Fell Asleep at Wheel		

		the wheel, struck utility poles and ended up off the roadway in the ditch on the side of the road. A passenger was thrown to the ground during the crash sequence and sustained traumatic brain injury as well as disc injuries in his cervical and lumbar spines, resulting in compression and deformity of the spinal cord. The injuries debilitated the injured man and caused significant economic and non-economic harm.
08/03/2017	\$ 1,250,000	<u>Confidential</u> (Management Practices / Shareholder Oppression / Breach of Contract) Shareholder plaintiff was executive of a successful services company. His shareholder authority was usurped and the company was driven into red ink. Plaintiff alleged that the control group forced him out as an officer, made critical company decisions without his approval, locked him out of corporate decision making, and denied him access to the books and records. He alleged breach of fiduciary duty and breach of contract.
		Shareholder Oppression
09/04/2017	\$ 590,000	<u>Frank T. Aiello & William D. Shailor v Lombardo Homes</u> (Construction) In 2014, a drywall inspector fell through a porch hole cover outside of a Ypsilanti home. The inspector was looking through the home being built by Lombardo Homes when he stepped on the cover just outside of the front of the house. The cover gave way and he fell 9-10 feet, sustaining a severely fractured ankle requiring multiple surgeries since the incident. In violation of MIOSHA, the cover had shifted and come loose from its initial securement to the house. The construction coordinator, who's responsibility was for job safety, arrived at the job site late and should have been there before the workers. The job should have been inspected every day. Questionable was the fact that there needed to be more than 6 workers on the job site to have a significant number. There were 6.
		Inspector Fell Through Hole
09/27/2017	\$ 1,750,000	<u>Dayna Stevens v Katrin and James St. Onge</u> (Auto /Bicycle) Minor plaintiff bicyclist sustained permanent, serious neurological damage as a result of a crash while on the crosswalk. Plaintiff entered the intersection on a green signal and was either distracted or should have seen the plaintiff and taken evasive action. Plaintiff had a fractured skull, among other injuries requiring multiple surgeries, was in a coma and then ICU for over 60 days, and had intensive in-patient and out-patient cognitive therapy.
		Minor Hit on Bicycle

2016

01/02/2016	\$ 1,300,000	<u>Jacobs v Lambert</u> (Auto) A truck with trailer hauling parts separated and crossed over the center line, crashing into plaintiff's work truck on U.S. 2 near Escanaba in the Upper Peninsula. Plaintiff was extricated and treated for a broken femur along with some arthroscopic knee repair. Upon return to work with restrictions, his knee worsened and he needed a complete knee replacement, along with an eventual sacroiliac joint surgery, with causation disputed as to that surgical repair.
		Separated Trailer Crash
01/05/2016	\$44,500,000	<u>LidoChemInc. v Stoller Enterprises Inc.</u> (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.
		Product Disparagement & Tortious Interference
01/25/2016	\$10,700,000	<u>Doe v FedEx Freight</u> (Auto / Motorcycle <i>Fatality</i>) In July 2014, plaintiff's husband was driving to work on his motorcycle on U.S. 12 in Pittsfield Township. He stopped behind a long line of vehicles at a light at Platt Road and was rear-ended by a FedEx tractor with two trailers, and was pushed into the pickup truck in front of him, which forced him under the front of defendant's tractor, crushing him for half an hour until the semi could be lifted off him. He died an hour after he was helicoptered to the hospital. The FedEx driver claimed sleep deprivation.
		Sleep Deprivation & Auto Fatality
01/29/2016	\$ 3,350,000	<u>Davidson v Henkel Corp.</u> (ERISA <i>Class Action</i>) In 2011, Henkel advised previous executive retirees that were part of a top-hat deferred retirement program that an error had
		Top Hat Retirees' FICA Benefits

		been made and that FICA benefits should have been subject to FICA at the time of retirement. If Henkel had assessed the FICA at the time of retirement, the retirees would have never again been subject to FICA taxes and would have had the benefit of the one-time "non-duplication tax rule." As it was, retirees had to pay FICA going forward for the remainder of their lives. Remuneration was obtained for the error.
02/17/2016	\$ 1,760,000	<u>White v B.S. Group Services LIC</u> (Auto)
	Failure to Yield Right of Way	Defendant driver White failed to yield the right of way and negligently struck plaintiff's company owned vehicle. White, a mother of three, suffered severe neck and back injuries that ultimately required surgery.
03/04/2016	\$15,000,000	<u>Confidential</u> (Auto)
	Rear-Ended; Quadriplegic	Defendant driver failed to pay attention to the road ahead and rear-ended slow-moving farm equipment, resulting in plaintiff passenger becoming a quadriplegic, involving spinal cord injuries, closed-head injuries, seizures and lifetime need for 24-hour care.
03/08/2016	\$ 2,750,000	<u>Confidential</u> (Auto / Motorcycle <i>Fatality</i>)
	Motorcyclist Killed	Defendant failed to yield to motorcyclist, fatally striking him.
03/10/2016	\$ 1,150,000	<u>Perkins v Rapp</u> (Auto)
	U-Turn Crash	39-year-old plaintiff sought noneconomic damages caused when the defendant driver did an improper U-turn in front of plaintiff's vehicle. Defendant was employed with Catholic Social Services of Wayne County and was driving a company passenger van at the time of the crash.
03/10/2016	\$ 1,000,000	<u>Confidential</u> (Auto)
	Trucker hits Pedestrian	Defendant truck driver fled the scene in his pickup truck after hitting a 19-year-old female in November 2011 while crossing 15 Mile Road in Clinton Township. She sustained numerous life-threatening injuries, including traumatic brain injury and spine fractures, among others. An eyewitness was driving behind the defendant and followed him to get the defendant's license plate number and gave it to authorities, who were able to identify and locate him. Defendant pleaded guilty to reckless driving and a moving violation causing serious injuries.
03/30/2016	\$ 2,750,000	<u>Confidential</u> (Auto / Bus Shelter <i>Fatality</i>)
	Dram Shop Auto Fatality	In a dram shop claim, plaintiff's decedent was sitting in a bus shelter when a vehicle driven by defendant plowed into him and killed him.
04/08/2016	\$ 6,200,000	<u>Confidential</u> (Auto / Motorcycle <i>Fatality</i>)
	Motorcyclist Killed	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.
04/21/2016	\$ 3,956,000	<u>Vitale v Marshall</u> (Auto)
	Ran Over in Parking Lot	While plaintiff was walking through the parking lot of a Harbor Freight store, a Dodge Ram pickup truck negligently ran over the 62-year-old man who suffered several broken bones, including fractured scapula, right elbow, multiple ribs, and herniated 3 cervical discs. He developed a frozen shoulder condition and had cervical fusion surgery. He was unable to return to his concrete business and required 16 hours/day of attendant care.
05/06/2016	\$ 2,305,000	<u>Roshell v Bristol Court Limited Dividend Housing Asso.</u> (Premises)
	Loose Handrail Caused Fall	The handrail gave out as plaintiff was walking down the stairs in her apartment building. Being a diabetic, her broken left ankle did not heal properly. She had 10 procedures and her doctor is currently recommending amputation.
05/06/2016	\$ 1,603,595	<u>Andreson v Progressive Michigan Insurance Co.</u> (Auto)
	Cell Phone Auto Distraction	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.

05/06/2016	\$ 1,500,000	<u>Confidential</u> (Premises) 38-year-old plaintiff mechanic was working beneath a customer's truck on a wheeled creeper. A floor drain interfered with the wheels of the creeper; therefore, while still under the truck, plaintiff asked a co-worker to drive the truck forward one foot. The co-worker started the truck before plaintiff got out from under it, lost control, and drove over plaintiff's midsection. Plaintiff suffered a broken tibia, arthritis, nerve damage and psychological harm.
		Car Drives Over Mechanic
05/06/2016	\$ 571,000	<u>Muldoon v High Meadow Circle LLC</u> (Premises -- <i>Case of Interest</i>) 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 that fiberglass particles rested atop the ceiling tiles and when they were moved, fell to the surface areas. Plaintiff touched those surface areas and then touched her eyes, causing permanent eye injuries.
		Fiberglass Particles on Ceiling Tile Caused Eye Injury
05/09/2016	\$ 1,250,000	<u>Confidential</u> (Auto / Bicyclist <i>Fatality</i>) While 64-year-old married male and former local police officer was riding his bicycle in August 2015 on a two-lane rural road in Otsego County, he was struck and killed by an auto from behind by an 18-year-old woman who was on her way to her summer employment, operating an auto owned by her parents.
		Bicyclist Struck and Killed
05/12/2016	\$ 2,000,000	<u>Goodwin v Northwestern Michigan Fair</u> (Premises <i>Fatality</i>) 6-year-old was participating in the Northwestern Michigan Fair as a 4-H camper. While riding his bike on the bike path between the camping area and the animal barn, he was going to show his pet horse on Special Kids Day. At the same time, a non-camper driver was driving his pickup truck into the fairgrounds and down the bike path, while on a private errand, and passed the boy. Forgetting that the boy was behind him, he suddenly stopped and backed up about 30 feet. The boy froze in his tracks and was run over and was pinned under the vehicle and died instantly.
		Bicyclist Killed at Fair
05/13/2016	\$ 5,000,000	<u>LaMay v Smart</u> (Auto/Bus <i>Fatality</i>) 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. 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.
		Pedestrian Ran Over by Bus
05/17/2016	\$ 1,572,626	<u>Confidential</u> (Management Practices – Employment Practices, Stock Rights Agreement) Due to a poorly written stock rights agreement which was extremely ambiguous as to whether it granted stock or stock rights, it was ultimately determined that claimant had stock rights, but not stock. There was also confusion as to whether claimant was a shareholder or merely an employee. The respondent's CPA learned later that claimant was a shareholder in 2014. The president set the stage for "just cause" termination, allowing respondent to escape payouts provided in the agreements. Ultimately, claimant was locked out and denied computer access. It was determined there was not just cause to fire claimant.
		Wrongful Employment Termination
05/26/2016	\$ 1,550,000	<u>Madugula v Taub</u> (Management Practices) Plaintiff Madugula began working for defendant Dataspace in 2002 and returned Dataspace to profitability. Contributing to its growth and success, he became a 29% shareholder in 2004, then 36.25% in 2007. When defendant Taub terminated Madugula's employment, his shareholder interests were interfered with. Oppressive acts were: termination of employment, compensation and benefits, denying him access to information regarding Dataspace's operations, freezing him out of decision-making and involvement in operations, and violation of the parties' shareholders agreement.
		Wrongful Employment Termination
06/03/2016	\$ 4,700,000	<u>Confidential</u> (Auto <i>Fatality</i>) A backseat 38-year-old passenger of a vehicle was fatally injured with no conscious pain and suffering when a vehicle driven and owned by a trucking company plowed into it.
		Passenger Killed by Truck
06/07/2016	\$ 1,250,000	<u>Confidential</u> (Auto) A semi-truck ran a red light, crashing into the plaintiff who sustained a traumatic brain injury with mild-moderate cognitive deficits.
		Ran a Red Light; Brain Injury

06/24/2016	\$ 4,500,000	<u>Davis v City of Detroit</u> (Auto / Bus Passenger <i>Fatality</i>)
Run Over While Exiting Bus		Bicycle passenger of a DDOT bus was run over as he removed his bicycle from the front of the bus. He died after experiencing conscious pain and suffering.
06/30/2016	\$ 1,000,000	<u>Confidential</u> (Products Liability)
Defective Product; Brain Damage		Serious and permanent injuries were sustained by a 51-year-old man, resulting from a product that was alleged to have a defective design. The injuries included brain damage and the loss of an eye, past and future loss of income and medical expenses.
07/18/2016	\$ 5,000,000	<u>Confidential</u> (Auto)
Head-On Crash		A semi-tractor was speeding in inclement weather on Interstate 475 when the driver lost control and crashed through the median, a cement barrier, and struck plaintiff's van head-on. Plaintiff was rendered unconscious with major orthopedic, brain and head injuries.
08/04/2016	\$ 2,070,000	<u>Confidential</u> (Premises / Operations <i>Fatality</i>)
Killed in Industrial Accident		Plaintiff's decedent was working his shift in a steel plant when a hot metal tilter machine with structural defects was placed back into service and failed, dumping the steel and resulting in explosions that killed decedent. The machine receives a large ladle filled with 375 tons of molten steel.
08/11/2016	\$ 4,950,000	<u>Confidential</u> (Auto)
Multiple Auto Injuries		Defendants' truck hit plaintiff passenger in boyfriend's car. She suffered multiple injuries including mild traumatic brain injury, lateral tibial plateau and knee injuries.
08/11/2016	\$ 1,500,000	<u>Confidential</u> (Auto)
Driver Failed to Yield		A large garbage truck made a left turn in front of plaintiff's oncoming vehicle. The truck failed to yield, resulting in a significant front-end crush impact. Plaintiff lost consciousness and was airlifted to a local hospital. Plaintiff received protracted medical care for orthopedic and closed-head injuries.
08/19/2016	\$ 2,508,565	<u>McDaniel v Sutton</u> (Auto)
Teen Tailgating Rollover		In 2014, 15-year-old plaintiff was one of 10 occupants between the ages of 14 and 19, in a 6-passenger sedan. She was sitting in the backseat on the lap of a friend, unbelted, with 18-year-old defendant male as the driver. Their vehicle started tailgating a Mitsubishi sports car in northern Ottawa County. The front seat passenger in the sports car threw a smoke bomb at the tailgating car. Eventually entering the village of Fruitport in Muskegon County, the two vehicles were side-by-side. 12 witnesses explained the accident. The version most supported was that the Mitsubishi driver veered from the right lane and sideswiped the Sutton car, causing it to lose control and crash into a guard rail and roll multiple times.
08/30/2016	\$ 2,750,000	<u>Pierce v Sundance</u> (Auto / Motorcyclist <i>Fatality</i>)
Motorcyclist Killed by Test Driver		60-year-old motorcyclist decedent was hit by an 18-year-old who was turning left while test driving a used car owned by Sundance Chevrolet. The motorcyclist was killed at the scene. Defendants believed the motorcyclist may have been able to avoid the accident had he not been taking the prescriptive drug, Adderall.
08/30/2016	\$ 1,500,000	<u>Confidential</u> (Auto)
Auto, Long-term Disability		A Macomb auto accident caused many extensive injuries, including long-term disability.
09/2016	\$ 3,350,000	<u>Confidential</u> (Auto <i>Fatality</i>)
Wheel Dislodged; Auto Fatality		A commercial vehicle's wheel dislodged and separated while driving on U.S. 23 near Ann Arbor. He traveled across the median, striking the roof and windshield of a 20-year-old college student decedent's vehicle which was traveling the opposite direction, resulting in the student's instantaneous death. The separated wheel was installed several days prior by its owner. The commercial vehicle was being operated by an individual who did not work for the company that owned it.
10/2016	\$ 1,021,831	<u>Confidential</u> (Management Practices / Fraud, Breach, Shareholder Oppression)
Breach of Fiduciary Duty		A multifaceted business dispute arose out of the plaintiff shareholders' efforts to regain control of a closely held corporation. This came after defendant corporation president and CEO created an alliance with an outside sales representative and

		attempted to freeze plaintiffs out of their own business. Faced with about \$2M post-termination commission liability, plaintiffs filed suit against the former president and the outside sales company.
10/2016	\$ 1,000,000	<u>Confidential</u> (Auto)
	Head-On Collision	A young couple was hit head-on near Ann Arbor by a distracted, teenage driver. Defendant lost control of her car, crossed the median and crashed into the couple, causing injuries: broken foot, spinal fracture, mild traumatic brain injury, and rib injuries. In terms of orthopedic injuries, recovery was successful; however, plaintiffs were rendered disabled in their foreseeable future.
10/06/2016	\$ 3,575,000	<u>Confidential</u> (Auto)
	Driver Training Violations	In 2014 during a snow emergency, defendant's tractor-trailer crossed the center line and jackknifed. Plaintiff's right foot and ankle were crushed, requiring 7 surgeries. The defendant driver was a young, inexperienced driver who was following the vehicle ahead too closely, then slammed the brakes in the snow, causing the trailer to jackknife. He had not completed his post-collision substance screen, but continued to drive for the motor carrier.
10/19/2016	\$ 1,000,000	<u>Pyrett v Beck</u> (Auto <i>Fatality</i>)
	Fell Asleep; Auto Fatality	79-year-old defendant Beck crossed the center line and hit 78-year-old decedent, head on. The collision caused Pyrett severe injuries, resulting in her death. It was finally determined that defendant was 100% at fault for causing the collision as a result of his negligence in falling asleep, rather than experiencing a stroke.
10/26/2016	\$ 2,000,000	<u>Confidential</u> (Auto)
	Negligent Driving	While looking at his company-owned 2011 GMC Yukon SUV radio controls, defendant looked up while traveling 75 mph in a signed construction zone in Bay County during rush hour traffic and saw everyone had stopped. He hit a compact Chevy Aveo, severely injuring the front seat, restrained passenger who continues to suffer serious impairment of body function and damages. Defendant's brake lights never came on.
10/26/2016	\$ 4,140,000	<u>Confidential</u> (Premises <i>Fatality</i>)
	Guardrail Failed; Fatality	33-year-old plaintiff's decedent died from injuries sustained when a guardrail at his apartment building failed. The railing was not regularly inspected or properly maintained by the maintenance staff.
10/27/2016	\$ 6,500,000	<u>Confidential</u> (Auto)
	Head-on Collision	Failure to pay attention to the road ahead, defendant struck plaintiff's vehicle head-on. Passenger suffered multiple spinal cord injuries, nerve damage, and multiple fractures requiring ongoing medical care.
11/03/2016	\$36,630,000	<u>Jennings v Fuller</u> (Premises)
	DWI Prisoner, Beaten and Pepper Sprayed	Plaintiff Jennings had been transported to jail without incident after being arrested for DWI. His roadside PBT was 0.12. All events at the jail were captured on the jail video system. Plaintiff was severely beaten by 5 deputies, hand-cuffed, pepper sprayed, then had a spit hood placed over his face and was restrained face down on a restraint bed and left unattended for 2 ½ hours while he struggled to breathe. He suffered PTSD and because he continued to be symptomatic 6 years later, his prognosis was very poor. He suffered traumatic cataracts and an uncorrectable permanent shoulder injury.
11/04/2016	\$ 1,000,000	<u>Confidential</u> (Auto <i>Fatality</i>)
	Auto Fatality	Plaintiff's decedent was pronounced dead at the scene of an auto accident and was considered to be at fault for causing the accident after the investigation. Surveillance in the area was obtained and light timing permits were scrutinized, revealing that decedent clearly had the green light at the time of the accident.
11/17/2016	\$ 1,900,000	<u>Confidential</u> (Auto)
	Driver Failed to Yield	Defendant failed to yield his commercial vehicle at an intersection, shearing off the front corner of plaintiff's vehicle. Plaintiff sustained severe orthopedic injuries and underwent 5 surgeries. Prior to the collision, however, plaintiff had recently stopped working and on her Social Security application, she listed functional deficits with mobility. Therefore, after much research, her claims to noneconomic damages were narrowed.
11/17/2016	\$ 1,800,000	<u>Turoski v AM Communications LLC</u> (Auto)
	Driver Sideswiped	AM's defendant driver sideswiped 27-year-old father plaintiff Turoski's vehicle, pushing it into a snow bank. Plaintiff developed spinal pain and associated neurologic deficits and underwent epidural injections in his lumbar spine, eventually requiring lumbar

		fusion surgery. Plaintiff's counsel focused on Turoski's youth and the family's long-term issues.
12/03/2016	\$ 2,252,306	<u>Johnson v Garcia</u> (Management Practices / Shareholder Oppression) Defendant, majority owner and president of a staffing company (VBG), moved staffing customers, accounts receivable and money to his own company (VSI) and damaged VBG by way of shareholder oppression, breach of fiduciary duty, conversion and fraud. VSI wrongfully collected and retained VBG's receivables, and made improper payments to and for VSI by VBG.
		Shareholder Oppression
12/06/2016	\$ 1,925,000	<u>Bolotta v Rizzo Environmental Services</u> (Auto) In June 2015, plaintiff was rear-ended by a garbage truck while he was driving home from work in his F-150 pickup truck. He was left permanently disabled from employment due to neck, back and spinal injuries sustained in the crash which called for cervical and lumbar surgeries. He was a machine repairman at a steel plant in Warren and had undergone both neck and lower-back surgeries years earlier due to work injuries. The accident created aggravation to previous injuries. Before he was hit by the truck, his job required very physical work such as lifting, carrying, climbing, etc.
		Rear-Ended; Perm. Disabled
12/08/2016	\$ 2,000,000	<u>Confidential</u> (Auto) Failing to make a turn in order to follow a bend in the road, defendant driver crashed head-on into a 68-year-old nursing instructor who sustained a broken leg that required surgery and resulted in a poor recovery with loss of independence and quality of life.
		Head-on Collision
12/22/2016	\$ 1,750,000	<u>Confidential</u> (Premises / Fatality) Plaintiff's decedent was part of a subcontracting work crew fabricating and welding sheet metal into bins in a concrete silo. The bins were permit-required confined spaces. A fire broke out during welding operations and plaintiff's decedent suffered significant burns and smoke inhalation, resulting in hospitalization and death.
		Burn Fatality from Welding Operations

2015

01/06/2015	\$ 7,000,000	<u>Confidential</u> (Auto <i>Fatality</i>) This settlement, which resulted in the death of an adult male in a third-party car accident case in Oakland County, was in <u>excess of policy limits</u> . The settlement was made on behalf of the parents as the estate. The case included a \$3M contribution from the defendant over the policy limits.
		Policy Limits Exceeded
01/14/2015	\$ 2,000,000	<u>Tina Maria Harris for the Estate of Darrin Wendall Harris v Gower Corporation and Carl Krause</u> (Auto <i>Fatality</i> / Struck by Tire) In May 2014, a 49-year-old sales manager/engineer was driving on I-75 in Springville Township. However, a pickup truck traveling southbound on I-75 lost one of its front tires with 10-12 lug nuts which flew ahead of the truck, went over the median and crashed through the windshield of plaintiff's vehicle, striking him dead.
		Lug Nut Flew Into Windshield
01/20/2015	\$ 3,125,000	<u>Confidential</u> (Management Practices/D&O) Plaintiff owned 60% of a thriving business, but turned over day-to-day management to the defendant, a 40% member. Plaintiff contended that defendant manager began to take a series of oppressive actions designed to force plaintiff into selling his ownership interest at a diminished price. Defendant barred plaintiff from entering the company's premises, locked plaintiff out of the company's computer server, denied plaintiff financial information, denied plaintiff involvement in decision-making at the company, and prevented plaintiff from communicating with the company's employees and clients.
		Management Oppression
01/21/2015	\$ 1,260,000	<u>Johnson v Schopmeyer</u> (Auto / Motorcycle) A minor failed to see plaintiff on his motorcycle and made a left turn directly into his path. The crash caused significant orthopedic injuries to plaintiff, who was a skilled tradesman, in outstanding physical shape, and highly motivated to return to work. Injuries included fractures of the right humerus, ulna and radius; fractures of the left radius ulna, and 2 nd metacarpal; fracture of the right hip and right pubic ramus; and fracture of the S1 vertebra.
		Motorcyclist Hit by Minor

01/26/2015	\$ 900,000	<u>Mastaw v Nickerson</u> (Auto <i>Fatality</i>) Killed by Oncoming Car Plaintiff's decedent was a front seat passenger in defendant's car when, despite poor visibility from blowing snow and icy roads, defendant tried to pass, striking an oncoming car, killing passenger and injuring two others. The extent of the surviving husband's loss was questioned as they were separated and living apart at the time of the accident.
02/04/2015	\$ 507,333	<u>Poprasky v Wolf</u> (Auto: Third-Party Negligence) Rammed Into at Green Light While driving her Saturn through a green light at an intersection in Oak Park, plaintiff was rammed into, twice, by a 16-year-old driver who ran a red light. Traumatic brain injury to the plaintiff restricted her nanny responsibilities, she was eventually relieved of her duties with the family, and is completely incapable of working at the level in which she used to perform for her new employer. Her abilities and her earnings potential has been drastically reduced as a result of the accident.
02/11/2015	\$ 1,345,000	<u>Doe v Roe</u> (Auto <i>Fatality</i>) Intoxicated Cell-Phone User Fatality In a third-party automobile claim for economic and non-economic damages pursuant to the state's wrongful death statute, plaintiff's vehicle was struck head-on by an F150 pickup, causing her death as a result of a distracted, intoxicated and speeding insurance agent crossing the center line after he had looked down to pick up his cellular phone. Doe died on the scene; defendant Roe was taken to the hospital with non-life-threatening injuries. Crash date retrieval information revealed that Doe was travelling 45 mph without a seatbelt on; and defendant, 65mph in a 55mph zone.
03/19/2015	\$ 2,610,000	<u>Bloem v Fiskars Inc.</u> (Construction <i>Fatality</i>) Crushed to Death by Wall Collapse 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. Plaintiff argued that the excavator failed to follow MIOSHA guidelines for shoring and angles on the trench wall, as well as other violations.
03/25/2015	\$ 5,300,000	<u>Walbridge Industrial Process LIC v Atlas Industrial Contractors LLC</u> (Management Practices/D & O) Uniform Trade Secrets Violated An employee of plaintiff Walbridge left to join a competitor, defendant Atlas. When ex-employee and his new employer showed up to bid on the same jobs the employee had already bid on before for plaintiff, an investigation was conducted into his use of plaintiff's computer systems prior to his departure. He had spent most of his last week of his employment emailing himself documents and electronic spreadsheets to an outside email account he had created. He forwarded these emails to himself at Atlas and, thereafter, began circulating the plaintiff's materials to others at Atlas.
03/26/2015	\$ 1,200,000	<u>Maxwell v American Casualty Co.</u> (Auto / First-party No-Fault Benefits) Pedestrian Struck By Car A 12-year-old pedestrian ran across I-75 in 2007 and was struck by a car, receiving severe brain injury. He was 18 ½ years old when counsel was retained due to reduction in attendant-care rates. Although the No-Fault insurer, American Casualty Co. had assessed the home for necessary modification five years earlier, funding had never been provided. His family could not cope with their unmodified living space and it finally became clear that Michigan Catastrophic Claims Association (MCCA) was hindering settlement discussions with American Casualty, the court ordered facilitations for MCCA to appear.
03/27/2015	\$14,450,683	<u>Blahnik v Republic Services</u> (Auto <i>Fatality</i>) Killed By New CDL Driver 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.
03/31/2015	\$ 600,000	<u>Jane Doe v Forest Hills School District (Michigan)</u> (Premises / Classmate Sexual Violence / Title IX Training <i>case of interest</i>) Sexually Assaulted at School In 2010, a 15-year-old female sophomore who was also a star soccer player and cheerleader for the school was dragged into a soundproof band room where the perpetrator, a star basketball player, sexually assaulted her. The principal discouraged the filing of a police report. The two classmates shared classes and she endured harassments from both he and his friends and was ostracized by the student body. Two weeks later, another female was assaulted by the boy in a car in the parking lot. The school district failed to train its staff in how to properly handle Title IX allegations.

04/15/2015	\$ 1,630,000	<u>Jackson's Five Star Catering Inc. v Beason</u> (Management Practices)
TCPA Class Action Lawsuit		Defendant John Beason, sole owner of Tax Connection World, had previously approved and contracted an advertisement (that was prepared by Business Solutions) with a third party to conduct a marketing campaign that included transmission of printed advertising materials to 5,000 fax numbers. Beason paid \$268 to have it transmitted. Computer records revealed that 3,267 faxes were sent successfully to 3,159 different telephone numbers. None of the potential customers provided permission or invitations to receive the faxes, a violation of the federal Telephone Consumer Protection Act.
04/17/2015	\$ 3,000,000	<u>Williams v Mogaka</u> (Management Practices / E&O / Medical Malpractice <i>Fatality</i>)
Post-Surgery Narcotics Overdose		Recuperating from a recent orthopedic surgery, a woman died of a narcotics overdose while at Samaritan Nursing and Rehabilitation. She had suffered an adverse reaction to a medication received at the facility. The doctor who was notified, ordered a short-acting drug to reverse the effects of the narcotic. Plaintiff, however, argued that a long-term reversal agent should have been given and the patient should have been transferred to a hospital or given a pulse oxygen monitor which would alert the nursing staff if the patient began to suffer from hypoxemia.
04/27/2015	\$ 8,000,000	<u>Confidential</u> (Auto)
Collision – Severe Brain Injury		A semi-truck/minivan collision resulted in a severe traumatic brain injury to a 76-year-old retired steel worker and numerous significant, but less serious, injuries to his wife of 56 years. Other injuries included multiple facial fractures, L4 vertebral fracture, rib fracture (male), bilateral thigh hematomas, tears of medial and lateral meniscus of left knee requiring arthroscopic surgery, three fractured ribs, avulsion fracture of right ankle, closed-head injury, multiple fractured teeth and broken dental bridge, nerve damage in left thigh, traumatic lipoma of left thigh, depression, loss of consortium (female).
04/27/2015	\$ 15,200,000	<u>Confidential</u> (Management Practices – Shareholder Oppression)
Shareholder Oppression		Plaintiff was a shareholder or member of several related companies. Plaintiff brought actions against the control group alleging shareholder and member oppression, breach of fiduciary duty and other claims.
05/11/2015	\$ 16,500,000	<u>Karmanos v Compuware Corp.</u> (Employment Practices: Breach of Contract/Wrongful Termination)
Shareholder Oppression		Founder and longtime CEO and chairman of Compuware, retired and became a consultant to the company. When terminated in September 2013, millions of dollars of invested stock options were purportedly cancelled because Karmanos made critical comments about Compuware's management. Karmanos sued for breach of contract, conversion and unjust enrichment.
05/19/2015	\$100,000,000	<u>Constantine v Felton</u> (Premises / Operations: Dog Mauling)
Mauled by Dogs		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, opening a bag of dog food. 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. Plaintiff was almost naked and clinging to life, 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.
05/20/2015	\$ 1,350,000	<u>United States and State of Michigan v AK Steel Corporation</u> (Pollution)
Hazardous Air Pollutants		Under a settlement agreement, AK Steel Corporation must pay a civil penalty for past violations of the Clean Air Act at its Dearborn facility, as well as implement a variety of procedures to reduce future violations, and install dynamic air filtration systems at the Salina Elementary and Salina Intermediate Schools across from the plant. This settlement will resolve 42 violation notices issued by MDEQ and two notices issued by EPA alleging violations resulting from a wide variety of air emission sources against Severstal, the previous owner of the Dearborn facility. AK Steel purchased the facility in September 2014 and has taken responsibility for past violations and improving its compliance with environmental regulations.
05/27/2015	\$ 7,284,545	<u>UrbCamCom/WSU I LLC v Lexington Insurance Co.</u> (Premises / Insurance Property Damage Claim)
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.

06/01/2015	\$ 1,650,000	<u>Woroniak v C&D Hughes Inc.</u> (Auto)
Construction Negligence		During an early evening rush hour in August of 2013, a road construction company blocked and backed up northbound traffic on US 31, congesting the nearby intersection of a cross street obscuring presence and movements of vehicles in the southbound lane as well as for motorists traveling west on the cross street. The construction company did not put a traffic regulator or employ other measures to coordinate or direct safe vehicle travel through the junction. With views obstructed, a 16-year-old driver waited 10-15 minutes for her turn to safely cross at the intersection, eventually following the vehicle in front of her into the intersection. At the same time, a southbound automobile broadsided her car at 45 mph as it crossed US 31. She sustained severe and permanently disabling injuries.
06/17/2015	\$ 3,825,000	<u>Confidential</u> (Auto / Pedestrian Fatality)
Pedestrian Fatality		60-year-old plaintiff pedestrian was crossing an intersection when she was struck by a defendant truck driver while he was working for defendant trucking company. Testimony suggests that plaintiff was alive for a brief period of time while being pulled under the truck and dragged for a short distance. Defendant admitted liability for the accident, putting the settlement negotiation focus on the degree of conscious pain and suffering and loss of society and companionship.
06/17/2015	\$ 1,000,000	<u>Confidential</u> (Product Liability)
Assembly Line 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. While cleaning the area before going home, 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, stating they were 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.
06/24/2015	\$ 940,000	<u>Enterprises Inc. Williams v Sykes</u> (Employment Practices: Class Action for Wage and Overtime Violations)
Wage Overtime Violations		Plaintiffs and similarly situated co-workers at defendant Sykes Enterprises Inc., a publicly traded company that provides call center services to Fortune 1000 companies, formed a class-action lawsuit alleging that 76 Michigan residents of the nearly 4,000 people who opted into the class, were not paid for pre-shift time spent booting up and logging into those systems, or for wrapping up calls post-shift.
06/24/2015	\$ 2,200,000	<u>Biber v Webber</u> (Employment Practices: Breach of Contract for Performance Bonus)
Breach of Contract		In 2005, plaintiff Biber was acting as defendant Webber's attorney in the sale of Webber's business for \$220M. Biber alleged that in addition to the compensation originally agreed upon in his contract, he was owed a 1% performance bonus, which amounts to approximately \$2.2M. A Livingston County jury determined that Biber proved Webber breached a contract between them to pay Biber a fee, and that Webber proved the contract was not capable of possibly being performed within one year from the date the contract was made. In addition, the jury determined that the services on which Biber sought to recover for breach of contract were for services as a business person, not as a lawyer performing legal services, and awarded no damages.
06/26/2015	\$ 1,750,000	<u>Confidential</u> (Auto)
Broadsided at Intersection		Defendant driving a pickup truck failed to stop at a posted stop sign and turned left into oncoming traffic, broadsiding plaintiff's vehicle. Plaintiff was a front seat passenger who suffered fractured ribs, fractured C-6 vertebrae, upper extremity wounds, and right arm laceration.
07/08/2015	\$ 1,500,000	<u>Confidential</u> (Premises)
Fell Through Hole in Floor		In June 2013, 36-year-old plaintiff was hired by a restoration company to clear debris from a house that had been foreclosed on and owned by defendant mortgage company. While in the second story of the garage, he noticed a large piece of insulation board on the floor, but didn't know it was covering a hole that had been cut in the floor by a prior owner. He lifted the board and took a step forward, but fell about 12 feet onto the concrete floor below. He suffered a spinal cord injury and was rendered a complete paraplegic. Plaintiff believed the owner mortgage company was primarily liable and had a non-delegable duty to

		maintain a safe condition as well as to inspect the property for latent dangers. Plaintiff stated that he had only been hired to remove debris, not to inspect the property for defects. However, defendant claimed it was plaintiff's job to inspect; also, he named nonparties at fault to include the real estate agent who listed the house, as well as the restoration company and the original owner. The mortgage company paid the greatest portion of the settlement.
07/20/2015	\$ 1,560,000	<u>Confidential</u> (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.
Scaffolding Accident Under Bridge		
07/24/2015	\$ 1,265,364	<u>Monaco v Home-Owners Insurance Co.</u> (Auto) Contrary to Michigan law, 15-year-old plaintiff was driving without a parent in the car on July 23, 2012. She lost control of her vehicle and slid sideways and entered a south-side ditch. The vehicle struck the corner of the ditch bank. The Jaws of Life were used to free Monaco who was then air lifted to a Saginaw hospital due to the severity of her catastrophic injuries which included closed-head injury with multiple orthopedic injuries. Monaco lived an active lifestyle which continued into high school where she played basketball, volleyball, softball, and was a member of the National Honor Society. She had wanted to become a surgeon. Since the accident, however, she relearned how to walk, talk and swallow before going back to school as a senior. She died January 13, 2015 after being trapped by a fire in her home. Her father attempted to enter the house which was full of smoke and was able to get Monaco out, but she had succumbed to smoke inhalation. The family lost everything.
Driver Was a Minor		
07/30/2015	\$ 6,872,931	<u>Silas v Secura Insurance Companies</u> (Auto) In December 2012, Hall, a 17-year-old, was looking to buy his first car and was given a Chrysler 300 to test drive at a used-car dealership. His plaintiff mother was a front seat passenger. Hall turned on his hazard lights and began to slow down when he noticed the car had run out of gas before he could make it back to the dealership. The car behind him noticed this; however, the car behind it, slammed into the rear of the car behind the plaintiff, pushing that vehicle into the Chrysler 300, creating a 3-car auto accident. Plaintiff Silas alleged she sustained post-concussive syndrome, bilateral shoulder rotator cuff tears involving cervical disc herniation which required disc fusion surgery, and lumbar disc bulges.
3-car Pileup		
08/04/2015	\$ 1,250,000	<u>Rodgers v Beal</u> (Auto / Pedestrian) In the early evening in December 2014, a 20-year-old woman driving an SUV struck a 16-year-old male pedestrian crossing the street in a marked, well-lit crosswalk. The driver never saw the boy before the left front SUV bumper hit and launched the teen 85 feet away into the oncoming lane. The boy regularly used this crosswalk going to and from school, at least twice a day, and this time was walking home from a friend's house. The teen sustained a traumatic disabling brain injury in the crash, putting him into a coma for months. He has continued intensive recovery as an inpatient at Mary Free Bed Rehabilitation Hospital in Grand Rapids. Counsel was able to show the driver's insurance company proof that she was at fault for the accident, including that the driver should have seen the teen and had plenty of time to stop before striking him in the crosswalk.
Driver Struck Pedestrian		
08/07/2015	\$ 1,900,000	<u>Marek v Tieman</u> (Auto / Motorcycle) In Grand Traverse County, plaintiff was driving a 2003 Honda CBR motorcycle while, at about the same time and place, defendant, driving a 2000 Ford Excursion, was waiting to turn left. Plaintiff had the right of way; however, defendant turned left in front of plaintiff, causing plaintiff to crash into defendant's vehicle. Defendant claimed plaintiff was speeding and was at fault for the accident. Plaintiff sustained life-altering injuries including a traumatic brain injury, more than 10 bone fractures and 18 surgeries. He spent 57 days in the hospital.
Motorcyclist Hit by SUV		
08/11/2015	\$ 4,500,000	<u>Kinouna v Szymanski</u> (Auto / Truck-Pedestrian Fatality) Defendant Szymanski was pumping out outhouses in a subdivision with Brendel's Septic Tank Service LLC's tank-like septic truck and was ready to move on to the next outhouse which was more than 400 feet behind him. Instead of turning around via a driveway, he decided he could save time by putting the truck in reverse and driving backward for 130 yards. What he didn't know was that plaintiff Yousif, a 23-year-old male, was walking down his street with earbuds connected to his iPhone while
Hit While Wearing Earbuds		

		cradling a basketball in his right arm. While the truck was moving backward, Yousif walked directly behind the truck with his back to it and never heard or saw the approaching truck. The back end of the truck smashed into the back of Yousif's head, fracturing his skull and causing him to fall forward on the pavement. The truck then "steamrolled" over the back of his right leg, then over and across his back.
08/12/2015	\$ 1,767,500	<u>Perez v Yankee Springs Dairy Inc.</u> (Employment Practices / Wrongful Death) 18-year-old farm worker, Perez, as well as his 17-year-old co-worker were ordered by their employer to clean inside a molasses tank that stored liquid feed for cows that had decayed and fermented over eight months resulting in oxygen being displaced by toxic hydrogen sulfate. When the teens complained about the conditions in the tank, they were told to take turns. It was found that the business owner, Lettinga, knew of the hazards involved and willfully disregarded that knowledge. He had read the warning label on the tank and knew the teens were not provided with protective gear. He failed to provide a safe working environment and inadequate training. There was no ladder inside the tank as it wasn't meant for egress and ingress. Workers were instead pulled from the tank by a co-worker with a rope, as the container's sole opening was a hole in its top. Perez was one month away from graduating high school.
		Unsafe Work Environment
08/17/2015	\$ 1,272,500	<u>Hayden v Sparks</u> (Auto) A transportation van rear-ended a bus and left plaintiff passenger in van unconscious because of a traumatic brain injury. Liability was not an issue in this case. But, there were many complex medical issues as plaintiff was on Social Security disability and suffering from type 1 diabetes, end-stage renal failure and peripheral neuropathy. He was receiving dialysis treatments at the time of injury. After the date of injury, plaintiff underwent an unrelated below-the-knee amputation.
		Van Rear-Ended Bus
08/26/2015	\$ 4,000,000	<u>Confidential</u> (Premises / Untrained Security Guard) Plaintiff's decedent, Doe, a 58-year-old male and father of two, arrived at his apartment complex to find the security guard sleeping on the job. He told the guard that he was going to report him. As Doe was entering his elevator, the guard began loading his gun. Doe started to walk toward the security guard when the security guard shot him in the neck. The entire scene was caught on surveillance video. Plaintiff argued that the armed security guard had no experience as a guard, that the defendants never provided him any training, and that he was a convicted felon.
		Premises: Untrained Guard
08/31/2015	\$ 3,870,000	<u>Pollak v Burlington Properties Limited Partnership</u> (Management Practices / Breach of Contract) Plaintiff Laura Pollak and defendant Peter Pollak were 50/50 partners in defendant Burlington Properties Limited Partnership, a real estate holding company that owns commercial properties. Plaintiff alleged that defendant abused his discretion by siphoning funds from the partnership in the form of excessive management fees to himself and others, charging below-market rent to Burlington's corporate tenant, a company owned by defendant, and other instances of self-dealing. Plaintiff also alleged that defendant breached the operating agreement by making unauthorized withdrawals from his partner's capital account and refusing to allow plaintiff to inspect Burlington's financial records and other business records. Defendant said he had broad authority and sought to reduce plaintiff's interest in Burlington from 50% to 28% due to her failure to tender \$1.24M in additional capital to Burlington in response to a valid capital call. This case involved breach of operating agreement and partnership agreement, shareholder oppression, breach of fiduciary duties, and counterclaim for declaratory judgment/dilution of membership interest.
		Breach of Operating Agreement
09/01/2015	\$ 1,000,000	<u>Confidential</u> (Auto Fatality) Plaintiff's decedent was traveling eastbound on I-96 near Beck Road in Novi during the morning rush hour. He sustained a flat tire to the left front tire of his van, which forced him to pull onto the shoulder of the roadway to repair the tire. Traffic was heavy but several cars driving in the right lane saw him and his van and moved away from him, driving slightly left to be safe. However, though it was daylight and he was in plain sight, defendant drove his semi-tractor into him, throwing him 10 feet forward and to the right shoulder of the road. Plaintiff's decedent sustained multiple injuries and complications and died after multiple failed attempts to revive him in the emergency room. He left behind a wife and minor child.
		Hit Roadside While Changing Tire
09/01/2015	\$ 1,320,000	<u>Confidential</u> (Management Practices / Tortious Interference) Plaintiff owned a significant stake in a successful insurance agency which was sold to a multinational conglomerate. Plaintiff

		argued that the transactional documents required payment to the former owners of certain contingent commissions arising out of programs established prior to the sale. The new parent company disputed the plaintiff's interpretation of the transactional documents. After plaintiff's attorney deposed key executives from the parent company and established a pattern of evidence supporting the plaintiff's interpretation of the relevant contract language, the defendants settled prior to a final hearing. The case involved a breach of contract, breach of fiduciary duty and tortious interference.
Breach of Contract		
09/02/2015	\$11,900,000	<u>Confidential</u> (Auto / Triple Fatality)
Speeding Semi; Killed 3		A semi-truck driver was traveling 60 mph in a 30 mph traffic zone and ignored a red light. He tried to swerve to avoid oncoming traffic, but his reckless driving caused his trailer to turn over onto a car driven by plaintiffs' decedent. The 39,000-pound semi-trailer crushed and suffocated the driver (a mother) and her two passengers (the mother's adult children). A surveillance video from a nearby gas station caught the entire accident on camera. The passengers died a slow, agonizing death due to asphyxiation.
09/03/2015	\$ 4,616,000	<u>Thomas v Woodward Detroit CVS LLC, d/b/a CVS Pharmacy #8031</u> (Premises)
Chairs Fell on Customer		Plaintiff, a 58-year-old Oak Park woman, sustained a hand and head injury at Livonia CVS when an employee caused metal lawn chairs from an upper shelf to fall on top of her, when plaintiff asked the CVS employee to help price a chair that she couldn't reach. Plaintiff will not be able to work again as a senior building analyst at DTE because of her serious cognitive limitations and disabling headaches. The mother of 5 and grandmother of 6 is extremely limited in her ability to interact with her family. Plaintiff argued that a safety manual disbursed by the store required employees to stack chairs on a lower shelf and use safety clips to secure the metal bins containing the chairs to the shelf. CVS could not produce any evidence showing the safety clips were used on the bins.
09/21/2015	\$ 7,700,000	<u>Nichols v Fagin</u> (Auto Fatality)
"In Pursuit" Collision		Three people were driving in a 2006 Chevy HHR in Flint, just two blocks from front-seat passenger Nichols' home. Driver Cochran's daughter, Robbie was in the back seat. The car was suddenly hit and tossed onto its side through an intersection and onto private property by a car being pursued by defendant state trooper Fagin who was driving his patrol car with his father, as passenger, to pursue a driver not wearing his seatbelt. Nichols was pronounced dead from multiple blunt force injuries. Robbie had a neck fracture and fractures of two ribs. She has problems with fine motor skills and had a traumatic brain injury but was making steady progress. Fagin failed to properly clear the intersection before entering it while a red signal was flashing and he was traveling at 54 mph in a 30mph zone. He also sped through multiple stop signs without any attempts to yield.
09/21/2015	\$ 1,350,000	<u>Confidential</u> (Premises)
Unsafe Electric Wire Injury		A utility company's alleged failure to keep its wires in a proper condition for the safety of others resulted in plaintiff suffering an electric shock injury resulting in right upper extremity entrance wound with scarification, developing keloids, exit wound in the hands, resulting in aching pain, numbness and weakness involving the right upper and lower extremity, and recurrent headaches, in addition to disequilibrium.
10/05/2015	\$16,000,000	<u>Patel v Goodyear Tire & Rubber Co.</u> (Auto / Products Liability)
Tire Tread Defect		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.
10/08/2015	\$ 1,625,000	<u>Confidential</u> (Auto Fatality)
Fatal Collision		Plaintiff sustained neck injuries in a collision and died following surgery. Defendant argued that plaintiff's injuries were degenerative in nature and pre-existed the collision, and/or that surgery was not warranted.
10/08/2015	\$ 1,300,000	<u>Vella v Adell Broadcasting Corp.</u> (Management Practices / Employment, Disability Discrimination)
		Plaintiff's decedent Robert Vella worked for WADL Channel 39 as an account executive in sales. He received health insurance,

Wrongful Disability Termination		which was renewed during open enrollment days before suffering a heart attack. He later learned he had bladder cancer as well. Plaintiff alleged that WADL's owner ordered him to be re-categorized as an exempt independent contractor without benefits so that Vella's insurance was cancelled while he was in the hospital. Vella made a written complaint and was terminated minutes later which plaintiff alleged was retaliation. WADL disputed plaintiff's unemployment until the COBRA window closed. He was unable to afford insurance and suffered severe complications, ultimately dying mid-litigation. An expert testified that prompt treatment of the bladder cancer that killed Vella has a 90% cure rate. The case was pleaded as an ERISA and ADA discrimination and retaliation case, with pendent claims under the Persons With Disabilities Civil Rights Act and various state common law theories including fraud, silent misrepresentation and unjust enrichment.
10/14/2015	\$ 1,000,000	<u>Williams v Barber</u> (Auto) Plaintiff truck driver was involved in a T-bone accident caused by defendant who was driving a cube truck filled with windows. Plaintiff waited a few days as pain progressed, then sought care at urgent care. Follow-up for back pain led to injections, physical therapy and additional testing. An MRI revealed a herniated lumbar disc. He underwent a lumbar fusion. Plaintiff claimed permanent loss of employment from his sprinkler business on the side, and was basically unemployable because he only had a 10 th -grade education.
T-Bone Accident		
10/21/2015	\$ 5,080,000	<u>Henderson v Watermark Retirement Communities</u> (Premises / Assisted Living Fatality) In a 2012 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. 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.
Assisted Living Fatality		
10/22/2015	\$ 5,665,565	<u>Gonzalez Production Systems Inc. v Martinrea International Inc.</u> (Management Practices / Breach of Contract) Defendant/counter-plaintiff Martinrea International hired plaintiff-counter-defendant Gonzalez Production Systems to design, build, and install an automated "turn-key assembly system" that would make more than 400 welds on dozens of stamped metal parts and form them into a single assembly. The contract required a system that produced one pair of parts every 44 seconds – a 44-second cycle time – in order for Martinrea to supply enough parts to Martinrea's customer, Ford Motor Co., on time. The contract also required that Gonzalez furnish labor and materials that were necessary to design, build, program and install the system. He would also retool and integrate 55 of Martinrea's bare robot arms and utilize 13 Martinrea employees to operate. There was a fixed price for this work and milestones to earn progress payments. Although Martinrea shipped 55 robot arms to Gonzalez and made repairs identified by Gonzalez, the breach of contract occurred when Gonzalez, two months later than the installation date, was only running his system at a cycle time of over 120 seconds.
Breach of Contract		
11/2015	\$ 1,000,000	<u>Confidential</u> (Auto / Pedestrian) Plaintiff was crossing in the pedestrian crosswalk at an intersection in the city of Marshall, when he was run over by defendant's semi-truck. Defendant driver maintained that he was waiting to turn left in the center lane of the intersection and started to move his truck when someone stopped and told him that he had hit someone. Video obtained after the accident demonstrated that defendant was in the center lane and travelled straight through the intersection at a high rate of speed, contradicting defendant's version of the crash. Moreover, physical evidence demonstrated that the defendant's seat was in a semi-reclined position, which would create a visual obstruction. Plaintiff incurred traumatic brain injury, amputation of the right leg above the knee at the hip, fractured left knee and leg, fractured pelvis, neck and back injuries, fractured ribs, shoulder injuries with decreased range of motion, and ruptured spleen.
Semi Ran Over Pedestrian		
11/25/2015	\$ 1,500,000	<u>Confidential</u> (Employment Practices / Workers' Compensation) Plaintiff patient, a 25-year-old male, was injured on the job in June 2011 at an assisted living center when he saved a falling patient. On his own, he went to an urgent care center on 4 occasions. A physician assistant told him to go back to work, but with a sit-down job only. No such job was available. Later, he went to another physician's office where they did emergency surgery. Because of the delay, however, patient has permanent residuals from cauda equine syndrome (neuromuscular and
Workers' Compensation		

		urogenital pain).
11/30/2015	\$ 1,500,000	<u>Serrano, et al. v Cintas Corporation</u> (Employment Practices / Sex Discrimination) In a class action lawsuit, Mirna Serrano filed against Cintas, a major uniform manufacturer and supplier. Serrano plaintiffs alleged that Cintas discriminated against women in hiring into various service sales representative (SSR) positions across all divisions of Cintas from 1999 until March 31, 2005.
		Sex Discrimination
12/03/2015	\$ 1,200,000	<u>Confidential</u> (Management Practices / D&O) Plaintiffs filed suit for shareholder/member oppression and breach of fiduciary duty. They contended that defendants froze plaintiffs out of the management of a family business, including prohibiting the plaintiffs from accessing the company's books and records. They also alleged they were, among other things, oppressed by the majority shareholders, denied any share of corporate profits and excluded from the management of the company. The plaintiffs sought a buyout of their ownership interests at fair value.
		Shareholder Oppression
12/10/2015	\$ 2,325,000	<u>Milliron v Ferrellgas LP</u> (Auto) In September 2014, semi-truck driver Allison was driving an empty Ferrellgas propane tanker in the rain through a curve on M-37 near Center Road when he lost control of the wheel to avoid a head-on collision with a "phantom" vehicle and crossed the center line. It also jackknifed and overturned, causing a road closure. The tanker collided with the Milliron's pickup truck, leaving them with serious injuries including plaintiff husband having bad pelvic and right foot fractures requiring multiple surgeries including a hip replacement. Plaintiff wife suffered a mild traumatic brain injury for which she received cognitive therapy. Both have neurological injuries and have sights and experiences that continue to haunt them. Both plaintiffs were in their late fifties and had recently retired. This is believed to be the largest verdict ever returned in Grand Traverse county and certainly in the last 25 years.
		Head-On Collision

2014

01/09/2014	\$ 1,508,953	<u>O'Shea v URS Energy and Construction Inc.</u> (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.
		Construction Fall
01/14/2014	\$ 2,000,000	<u>Harris v Gower Corp.</u> (Auto) Travelling in a company-owned pickup truck, defendant employee of Gower Corp. attempted to pass a vehicle in the far right lane when his left front wheel came off the truck. The wheel assembly rolled and bounced into the air and across the median, crashing into the front windshield of 49-year-old decedent. He was pronounced dead as a result of multiple severe traumatic injuries. Defendants' carrier elected to offer the policy limits of \$2M.
		Auto: Wheel Assembly Detached
01/21/2014	\$ 2,825,881	<u>Grouix v Muma Logging Inc., et al.</u> (Auto) In early morning, decedent was driving in Garfield Twp. when he struck a John Deere logging vehicle that was going 15 mph, but did not have the required lights needed in order to be seen. Defendants contended plaintiff was not properly alert at the time of the collision, possibly due to lack of sleep, speeding or using a cellphone.
		Auto: Hit logging vehicle
01/29/2014	\$ 2,843,355	<u>Smith v People's Transit Ltd., et al.</u> (Auto) Plaintiff millwright and other tradesmen were being driven on a bus from a commuter lot in Dearborn to a nearby steel plant when, at approximately 6 am, the bus driver disregarded a red light and ran into an intersection, hitting a 2000 Jimmy. The bus
		Bus Ran Red Light

		was pushed into the median on Miller Road. Seated behind the driver, plaintiff was thrown around the inside of the bus, suffering herniated discs that necessitated a lumbar fusion procedure and pain injections.
01/30/2014	\$ 2,500,000	<u>Boone v Rieth-Riley Construction Co.</u> (Construction)
Motorcyclist Struck Rut in Construction Zone		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.
02/27/2014	\$ 1,185,520	<u>Aboubaker v Washtenaw County</u> (Employment Practices)
Racial Discrimination		A former 17-year Washtenaw County maintenance technician and bus driver argued that union members were to be given first consideration for vacant positions at the county, but he was passed over repeatedly in favor of employees with lesser seniority status. He was Arab American and black Muslim of Tunisian origin and was an AFSCME 233 union member who had earned a bachelor's degree and two associate degrees. In 2008 he applied for an entry level drain inspector position and was the only union member to apply, but the county chose a nonemployee, nonunion member instead. He was fired in 2008 around the same time that he filed a complaint about severe harassment following the Sept. 11, 2001 terrorist attacks.
03/12/2014	\$ 1,080,000	<u>Knox-Pipes v Genesee Intermediate School District</u> (Employment Practices)
Gender Discrimination		One particular school, Clio, within its school district wanted out of a long-term contract (a fiber optic teleNetwork system that disseminated learning programs to the 21 school districts throughout the county) it had signed with GISD, claiming Clio was forced to pay for lavish perks for male board members and former male superintendent of GISD. GISD sued Clio to enforce the contract; Clio countersued to recover funds it paid for the claimed perks. Plaintiff was awarded \$760,000 for the Whistleblower Protection Act (WPA) violation and \$320,000 for the breach of contract. Plaintiff Knox-Pipes was not awarded anything on her Civil Rights Act claim for gender discrimination.
03/24/2014	\$ 3,500,000	<u>Otero v. Altman Management Co.</u> (Premises)
Carbon Monoxide Poisoning		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."
03/26/2014	\$12,000,000	<u>Lidochem Inc. v Stoller Enterprises Inc.</u> (Product Liability / Management Practices)
Violation of Lanham Act		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.
04/04/2014	\$ 1,251,169	<u>Worthy v Performance Staging, Inc.</u> (Employment Practices / Racial Discrimination / Termination)
Racial Discrimination		Plaintiff, a 30-year-old African-American truck driver and laborer, sued his former place of employment, defendant Performance Staging, Inc., for allegedly firing him for reporting complaints of civil rights violations and racial harassment in June 2012. When reporting co-employee and supervisor insults, he was threatened with a three-day suspension, and was eventually fired after six complaints. According to the plaintiff, there would have been no other reason for the termination of his job. The defendant claims the reason for his firing was due to his attitude and work ethic.
04/10/2014	\$26,525,000	<u>MSC Software Corp. v Altair Engineering Inc.</u> (Management Practices / D & O)
Misappropriation of Trade Secrets		Plaintiff MSC licenses computer-aided engineering software. In 2005-2006 several employees (Hoffman, Klinger, and Rampalli) left MSC and joined defendant Altair Engineering, another software company. A \$26,100,000 verdict was reached for Altair, Rampalli and Hoffmann's <u>misappropriation of trade secrets</u> and <u>breach of confidentiality</u> agreements; \$175,000 for breach of Rampalli's non-solicitation agreement and Altair's <u>tortious interference</u> with that agreement; and \$250,000 for breach

		of Klinger's non-solicitation agreement and Altair's tortious interference with that agreement. The jury had also found that Altair and Rampalli's misappropriation was willful and malicious.
04/10/2014	\$ 817,648	<u>Grandowicz v Doe</u> (Auto / No-Fault PIP)
	Rear-Ended	After being rear-ended by a hit-and-run driver, 53-year-old plaintiff sought no-fault personal injury protection benefits and uninsured motorist benefits from her insurance carrier. Plaintiff claimed injuries primarily to her lower back, neck and right shoulder from the March 5, 2011 accident. However, defendant argued that all injuries were pre-existing and degenerative and that the plaintiff did not sustain a threshold injury. Treating doctors testified that her prior medical conditions had stabilized until the accident. She walked with a cane before the accident and had been disabled since 1998 because of her prior injuries. Treating doctors testified that the plaintiff was more susceptible to injury than a normal person; thus, could be hurt in this kind of minor accident.
04/25/2014	\$ 2,657,952	<u>Bonkowski v Allstate Insurance Co.</u> (Auto / Pedestrian)
	Attendant Care Benefits	In a 2001 automobile/pedestrian accident, plaintiff suffered a diffuse brain injury and a spinal cord injury which rendered him a high-level quadriplegic. Attendant care benefits had been litigated three times previously with multiple different jury awards and multiple appeals to the Michigan Court of Appeals and the 6 th U.S. Circuit Court of Appeals. This case represented the fourth lawsuit between the parties concerning attendant care benefits. The Judge said the case had the potential of being re-litigated for the rest of the plaintiff's life. Accordingly, the parties agreed to an 8-year contract for future attendant care benefits at a rate that would be determined by an arbitration panel, with the specific understanding that all other no-fault benefits are preserved. Additionally, defendant Allstate would have to bring up prior payments for attendant care pending in this litigation to the rate established by the arbitrators.
05/15/2014	\$ 1,327,040	<u>Patton v Titan Insurance Co.</u> (Auto – No Fault Insurance)
	Attendant Care Benefits	In his third lawsuit against his automobile no-fault insurer, plaintiff favorably will receive a higher daily rate for attendant care than was previously agreed to, a longer-term contract (6 years), and a provision for an annual cost-of-living adjustment increase in the daily attendant care rate. Plaintiff had suffered a traumatic brain injury in a May 2000 motor vehicle accident. The second lawsuit had resolved with a contract to pay future family-provided attendant care benefits, but the insurance adjuster decided to stop payments prematurely, necessitating this third lawsuit. The most helpful witnesses were the insurance adjuster and defendant's retained nurse expert.
05/23/2014	\$ 2,440,000	<u>Cilli v Motorists Mutual Insurance Co.</u> (Auto)
	Struck from Behind	In Jan. 2012, plaintiff, 60, in the course and scope of his employment with A & Jay Automotive, was struck from behind by defendant. Plaintiff had stopped to allow vehicle in front of him to turn left; however, defendant looked away from traffic in front of him and struck plaintiff. Plaintiff sustained a head injury after striking his head upon impact. Defendant was uninsured, so plaintiff relied upon his employer's uninsured policy with defendant Motorist Mutual Insurance and his own uninsured automobile insurance with defendant Home-Owners Insurance Co. Four days after the accident, however, plaintiff was hospitalized, exhibiting signs of erratic behavior and demonstrating hallucinations. He was bleeding profusely in his abdomen and required an emergent laparotomy. His medical stability declined, he went into respiratory failure and became ventilator dependent. His body began to shut down and he required several surgeries and remained hospitalized for almost four months, then went to an extended care facility before returning home.
05/23/2014	\$ 1,250,000	<u>Confidential</u> (Auto / Motorcycle)
	Motorcycle Fatality	In this motorcycle death case, defendants disputed liability and damages. Arguments included comparative negligence, intoxication, failure to wear a helmet and minimal damages because plaintiff's decedent was unmarried and without dependents. Plaintiff had strong expert and family testimony and well-prepared demonstrative aids.
06/03/2014	\$ 1,300,000	<u>Confidential</u> (Auto)
	Rear-Ended by Truck	Due to a circus vehicle stopping traffic on the highway, there was a sudden traffic jam and a semi-truck driver in his mid-50's was rear-ended by another semi-truck. Plaintiff was diagnosed with neck and back strain and headaches. He ultimately

		underwent a cervical neck fusion and then a lumbar discectomy. He returned to work doing light duty for approximately one year before being discharged by his employer. Plaintiff alleged he could not return to work as a semi-truck driver, but defendants' experts argued he could return to other forms of employment. They also argued that his current pain and limitations were caused by his diabetes, as suggested by one of plaintiff's own treating physicians.
06/05/2014	\$ 950,000	<u>Baldwin v Ohanian</u> (Auto)
	Ran Over in Parking Lot	70-year-old retired male plaintiff was run over by defendant, an elderly driver, while walking through a grocery store parking lot. The driver wasn't aware that she had run over plaintiff and subsequently backed up over him. The vehicle became lodged on top of plaintiff. Plaintiff was pinned beneath the vehicle for approximately 30 minutes before the fire and rescue personnel were able to lift the car and extricate him. He suffered traumatic brain injury and multiple fractures to the skull, jaw, nose, sinuses, eye orbits, ribs, left leg, lung and chest. Plaintiff underwent multiple surgeries, endured years of therapy, and is left with permanent residual problems including, but not limited to, the total and partial loss of his smell, taste, sight and hearing.
06/11/2014	\$17,810,434	<u>Dorado v McCoig Concrete Co.</u> (Auto)
	Rear-Ended by Cement Truck	In September 2010, 36-year old female plaintiff was driving home late at night from her job at a security system company. As she 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. 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.
06/30/2014	\$ 1,350,000	<u>EEOC v Princeton HealthCare System</u> (Employment Practices, Case of Interest: Medical Leave Disability Discrimination)
	Disability Discrimination	Princeton HealthCare System wrongfully terminated 23 employees that took medical leave they were entitled to under the Americans with Disabilities Act. The suit brought about by EEOC in 2010 was a result of employees of PHCS filing complaints starting in 2007. The unlawful practice involved a human resource policy that was in place until 2010. Under the consent decree settling the suit, PHCS is prohibited from having a "blanket policy" that limits the amount of leave time an employee covered by the ADA may take. Instead, they must determine how much leave is needed on an individual basis with covered employees.
07/02/2014	\$11,500,000	<u>Michigan Finance Authority v Kiebler</u> (Management Practices / Breach of Contract – Class-Action Suit)
	Breach of Contract	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 Michigan's Court of Appeals and Supreme Court.
07/07/2014	\$11,500,000	<u>Confidential</u> (Auto)
	Attendant Care Benefits	In an auto accident, 5-year old plaintiff sustained an ongoing traumatic brain injury which required 24-hour attendant care. The no-fault insurer sought to negotiate a total buyout of plaintiff's benefits, including monthly payment of lifetime benefits that are consistent with the existing payments. Raises for plaintiff's anticipated medical needs as well as for the plaintiff's service providers will occur every year for the remainder of his life. The payments will increase each and every year. The escalating benefits are guaranteed for the life of the plaintiff.
07/16/2014	\$10,355,011	<u>NorthPointe Holdings v Nationwide Emerging Managers v NorthPointe Capital</u> (Management Practices: Breach of Contract)
	Breach of Contract	Troy-based NorthPointe Capital, 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, Nationwide sold their interest in mutual fund manager, NorthPointe, along with the right to receive the income generated by the continued management of seven Nationwide mutual funds. NorthPointe's counsel argued that Nationwide had not only never intended to

		allow NorthPointe to manage the funds, but had actively planned and carried out the creation of a new multimanager NVIT mid cap growth fund to compete directly with the NVIT fund NorthPointe was managing. This was a breach of contract including breach of covenant of good faith and fair dealing.
07/17/2014	\$ 1,500,000	<u>Thomas v Sloan Petroleum Transportation</u> (Auto <i>Fatality</i>) Defendant Sloan Petroleum's tank was driving Southfield Freeway when a dual assembly broke off the axle, traveled down the freeway and bounced over the median, fatally striking the car roof of plaintiff's decedent. It was discovered that the four axles of the defendant's tanker had been improperly welded by being butt welded at the spindles. This had significantly reduced the integrity of the axle. Plaintiff argued that this was a violation of the Federal Motor Carrier Safety Regulations because the motor carrier has a duty to insure the safety of the trailer by, among other things, inspecting all the parts, axles included.
		Axle Struck Car Roof
07/24/2014	\$ 1,100,000	<u>Confidential</u> (Auto) A tractor-trailer driven by the defendant, an employee of a large, privately held transportation company, turned his vehicle into 44 year-old female plaintiff's lane of traffic, colliding head-on with her car at 45 mph. Defendant was carrying an oversized load with a piece of farm equipment on the back of the flatbed truck. Plaintiff had the right of way and was properly proceeding under a green light. Plaintiff smashed both of her knees into the dashboard of her car, fractured her wrist and sustained a closed head injury. Up until the end of 2014, she had undergone 8 separate surgeries, including replacements of both knees. She is expected to need additional procedures and ongoing treatment and rehabilitation. At the time of the accident, she was gainfully employed by a government agency and routinely received commendations from superiors. She recently passed a job-related exam that would have increased her income. She no longer had a promising career.
		Hit Head On by Tractor-Trailer
08/01/2014	\$ 1,084,344	<u>Dedvukaj v Lakeside Oakland Development LLC</u> (Management Practices / Breach of Contract for Unpaid Compensation) Plaintiff entered into a contract with development company to build buildings such as plazas and gas stations. The agreement provided that plaintiff would be entitled to 15% for the value of the construction of the buildings. As security, plaintiff was then promised half interest in two of the plazas if defendant completed them, a point that defendant denied. Buildings were built and plaintiff was not paid. Plaintiff filed suit and <i>lis pendens</i> on two of the properties. During suit, both properties sold and the parties, through cooperative, creative, and good faith efforts, placed half of the proceeds of the sale in escrow with the court. Proceeds in escrow were split equally to each party.
		Unpaid Compensation
08/05/2014	\$ 2,836,000	<u>Bujan v Dura Automotive Systems</u> (Premises / Employment Practices) Executive assistant plaintiff was in Germany assisting with a business conference. The hotel and grounds were 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 work activities had ceased, and that plaintiff engaged in a social activity when the injury occurred, so she should be excluded from workers' compensation coverage.
		Injured Overseas at Business Conference
08/14/2014	\$ 887,000	<u>Hester v Michigan Department of Corrections</u> (Employment Practices / Discrimination) Plaintiff, an African-American mason in the maintenance shop of the Ryan Correctional Facility in Detroit, asserted that between 2007 and 2010 he was treated differently from his white counterparts by his Caucasian shop supervisor, claiming racial discrimination and hostile work environment under the Elliot-Larsen Civil Rights Act (ELCRA). After filing for leave of appeal, plaintiff filed a retaliation lawsuit due to his being discriminated due to his filing civil rights action. MDOC denied, while the entire maintenance shop testified that plaintiff was treated differently since filing the action.
		Racial Discrimination
08/19/2014	\$ 1,200,000	<u>Olson v Alexander</u> (Auto/Motorcycle) A 65-year old retired registered nurse was a passenger on a motorcycle when, due to the negligent operation of the motorcycle, she was involved in a crash sustaining partial loss of use of her left arm, including nonunion of her left humerus with ulnar neuropathy and brachial plexus injury following the surgery, as well as fractured sternum with scarring. The insurance carrier had paid the majority of the medical bills leaving very little in "specials."
		Motorcycle Crash

08/25/2014	\$ 950,000	<u>Boverhof v Harrell</u> (Auto <i>Fatality</i>) On August 16, 2012, defendant Todd Harrell was driving too fast for the weather conditions in southern Kent County, lost control of his vehicle and crossed the center line, crashing in a head-on collision with another car. Plaintiff decedent died due to extensive blunt force injuries, leaving behind three adult sons, two sisters and his father. The car of the defendant had illegal rear tires, which locked when the defendant jammed on his brakes and caused the hydroplaning that led to the accident.
	Head-On Collision	
08/28/2014	\$1,500,000	<u>Schumacher v Harmon</u> (Auto) While stopped at a red traffic signal, plaintiff and his driver wife were rear-ended by defendant. After the impact, defendant backed up and drove around the plaintiff's vehicle, then sped away at a high rate of speed. Plaintiff's wife followed the at-fault driver. Plaintiff called 911 and the police were dispatched to pursue the fleeing driver. Plaintiff was diagnosed with a cervical strain from a flexion-extension injury to his head and neck and currently treats with medication, injections and rhizotomies. Prior to this collision, plaintiff was the owner and operator of a farm semi-trucking business, performing all of the heavy mechanical work on the trucks and was actively involved in the day-to-day running of the business. After the crash, however, plaintiff was unable to continue working in his business. The at-fault driver's insurance company, State Farm, offered \$60,000 prior to trial. Plaintiff's carrier, Auto-Owners, refused to offer any amount in settlement.
	Rear-Ended	
08/29/2014	\$3,238,154	<u>Oakland-Macomb Interceptor Drain Drainage District v Ric-Man Construction Co.</u> (Management Practices / Breach of Contract) This action arose out of several contracts issued by Oakland-Macomb (OMID) to Ric-Man Construction for the construction of various control structures needed to facilitate the repair of a major sewer interceptor that had once been owned by the Detroit Water and Sewerage Department. The primary issue was whether Ric-Man Construction was entitled to additional compensation for costs incurred due to various design errors and differing site conditions in the form of loosened soils which required an expensive soil grouting program to correct. OMID claimed that Ric-Man caused the differing site conditions. OMID's claim was rejected in its entirety.
	Breach of Contract	
09/15/2014	\$ 610,000	<u>Wayne County Circuit Court – Confidential</u> (Employment Practices / Wrongful Termination) After working for her employer for 8 years, 39-year-old plaintiff filed an EEOC complaint in October 2011. She was told that she was placed off work on an investigative suspension and then was terminated for an alleged "no call/no show." (It was later determined that plaintiff had given proper notice to her manager. The discipline was deleted.) Plaintiff was brought back to work 3-4 weeks later and was again suspended and terminated within 6 weeks after her return to work due to stealing \$30. (An employee who verified and counted the marked bills testified that no money came up missing. Video tapes showed no wrongdoing.) She then filed another EEOC complaint alleging retaliation. Defendants refused to produce all documents they sent to the administrative agency regarding plaintiff in 2011-2013, claiming they could not find them. They could neither admit nor deny that they notified the appropriate state administrative agency that plaintiff was terminated in October 2011. Yet, an agency did show that plaintiff was terminated at that time. Plaintiff claimed race discrimination, hostile work environment, retaliation, false imprisonment, conspiracy and concert of actions, and intentional infliction of emotional distress.
	Wrongful Termination	
10/10/2014	\$ 5,483,529	<u>Longhorn Estates LLC v Charter Township of Shelby</u> (Management Practices / Breach of Contract) Plaintiff Longhorn Estates, a real estate developer, and defendant/counter-plaintiff Shelby Township entered an agreement under which both parties would contribute funds for the installation of a sanitary sewer line across Longhorn's planned development. The township contracted with defendant Capital Contracting Co. to do the work; however, Longhorn and Shelby claimed the sewer line was installed improperly. Engineering reports showed the failure to perform the work according to specifications. Plaintiffs also argued their damages were more than \$1.4M, plus lost anticipated sales revenue suffered by Longhorn and anticipated tax revenue suffered by the township. Capital claimed, however, that they did perform according to specifications and that the township waived rights to object to its performance when it inspected the site and made final payment. \$3,848,469 was awarded to Longhorn; the township, \$1,390,123 in damages on the breach of contract claim; and \$244,937 in damages for unjust enrichment.
	Breach of Contract	
10/13/2014	\$ 1,175,000	<u>Longhorn Estates LLC v Charter Township of Shelby, et al.</u> (Management Practices / Breach of Contract) Plaintiff Longhorn Estates is the developer of real estate in which Shelby Township entered into an agreement in which both

		parties would contribute funds for the installation of a sanitary sewer line across Longhorn's planned development. Shelby contracted with defendant 1) Capital Contracting Co. to do the work for approximately \$750,000, and 2) Anderson, Eckstein and Westrick Inc. to design the project and administer the construction contract. Longhorn and the township claimed that Capital failed to install the sewer line properly, arguing that AEW breached its engineering contract and acted negligently relative to the project and demanded damages exceeding \$5M. (See related case above, <i>Longhorn v Shelby Twp.</i>)
10/17/2014	\$ 1,946,304	<u>Gayles v Citizens Insurance Co.</u> (Auto)
	Attendant Care Benefits	Plaintiff suffered severe cognitive and emotional deficits from a traumatic brain injury sustained in a 2005 automobile accident. Prior to her current second lawsuit against defendant Citizens Insurance Co. defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss. Plaintiff was forced to file five separate discovery motions in order to obtain required discovery. The \$1,946,304 settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5½ years.
10/17/2014	\$ 1,893,352	<u>McKissick v Citizens Insurance Co.</u> (Auto)
	Attendant Care Benefits	Plaintiff's ward was severely injured with traumatic brain injury in a 2004 automobile accident. Defendant had been paying attendant care benefits at a rate that had been satisfactory to plaintiff, but cut off benefits claiming that plaintiff had not supplied reasonable proof of loss. In this third lawsuit, plaintiff claimed that defendant engaged in fraud and a conspiracy along with consulting physician and registered nurse to violate the no-fault act. Defendant was unable to escape its prior nebulous discovery answer relating its program to reduce family-provided attendant care. The settlement was for attendant care benefits only and represents a contract between the parties covering attendant care benefits for the next 5½ years. The amount of the settlement was considerably higher than what the insurance company had paid prior to the cutoff of attendant care benefits.
10/17/2014	\$ 1,500,557	<u>Pruitt v Citizens Insurance Co.</u> (Auto)
	Attendant Care Benefits	Plaintiff was severely injured in a 2005 automobile-pedestrian accident. This was her third lawsuit against Citizens Insurance Co. The type of injury incurred was traumatic brain injury and the plaintiff alleged that the defendant engaged in "fraud and conspiracy" along with the registered nurse to violate the no-fault act. A settlement was reached for attendant care benefits only for the next 5½ years.
10/17/2014	\$ 1,400,000	<u>Chemical Technology, Inc v American Empire Surplus Lines</u> (Premises/Operations)
	Building Destroyed by Fire	Plaintiff Chemical Technology, Inc. had a building that was destroyed in a fire in November 2013. The defendant American Empire Surplus Lines provided this commercial property for the plaintiff. The replacement cost of the building was determined at \$5,239,041. The actual cash value, calculated by subtracting depreciation from the building's replacement cost, was determined to be \$3,248,205, well above the \$1,400,000 building insurance limit. The plaintiffs argued that American improperly calculated the actual cash value by using the market value approach and paid Chemical under half of what it was due, effectively low-balling them on the building payment. The matter was put into appraisal and appraisers awarded Chemical the full insurance policy limits of \$1.4M.
10/20/2014	\$ 2,750,000	<u>Kindelpitya Jayawardene v. Andre Alexander Steven Ameye</u> (Auto)
	Rear-Ended	In 2013, 62-year-old plaintiff was sitting at a light while exiting a Costco parking lot when a vehicle on 13 Mile Road rear-ended another car, forcing that car into the side of plaintiff's stopped car. The impact totaled plaintiff's car as well as the non-party car. Plaintiff claimed a cervical disc herniation as a result of the accident and underwent fusion surgery. He missed 3 months of work and went through months of physical therapy. He claimed permanent nerve damage and muscle weakness in his left arm and hand. He was restricted to lifting no more than 3 pounds.
10/24/2014	\$ 1,650,000	<u>Confidential</u> (Premises)
	Fell into Pit	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.
11/18/2014	\$ 1,121,400	<u>Denys v Auto Club Insurance Association</u> (Auto / No-Fault PIP Attendant Care Claim)
Attendant Care Benefits		In November 2008, an independent 87-year-old was in an auto accident leaving her lower extremity weak and also with deep vein thrombosis. Her no-fault carrier paid attendant care benefits until October 2012, when plaintiff claimed the insurer wrongfully suspended payment. Two independent medical examinations (IME) agreed that care benefits were still needed, relating to the accident. Defendant sent plaintiff to a new and different medical examiner. As a result, the carrier discontinued paying three hours of attendant care benefits at \$12.50 per hour in February 2013. After filing suit and deposing the adjuster responsible for terminating benefits, defendant agreed to facilitation and paid \$26,760 for the October 2012-February 2013 cutoff. During litigation, defendant ordered a 4 th IME. The IME mirrored the original two examinations. Defendant adjuster admitted knowing that plaintiff was receiving 24-hour care and that the adjuster was only paying for three hours of attendant care per day.
11/26/2014	\$ 925,000	<u>Wayne County Circuit Court (confidential)</u> (Employment Practices/Racial/Disability Discrimination)
Racial / Disability Discrimination		In 2011 during defendant government agency restructuring, an African-American male plaintiff was to be transferred into another position currently held by one of his supervisor's white friends. Plaintiff believed his supervisor wrote up a fake job description that did not meet the needs of plaintiff's disability, so that he could be ultimately fired. Plaintiff was illegally sent home from work for more than 10 months. During that time, he was unpaid, lost his home and health care and was unable to care for his family. Plaintiff was unable to take his medication for high blood pressure or diabetes and his health spiraled out of control. He ended up living in his car. After nearly a year, he was returned to work without explanation. He grieved his time off work and received back pay. He argued further that upon his return he was the target of an incredibly racist and retaliatory atmosphere, he was given a disproportionate amount of work, was talked down to by the supervisor, and was given different jobs every day as a way to harass and embarrass him. Plaintiff reported this to numerous supervisors. His damages were supported by co-workers and doctors.
12/03/2014	\$ 1,375,000	<u>Moore v Art Van, et al.</u> (Auto – Dual Fatality)
Fatal Rear-End Collision		Plaintiff and his fiancée experienced mechanical problems on their way home from downtown Detroit. Some of the exterior lights were affected, so they put on their hazard lights and continued at a reduced speed. Defendant Art Van's tractor trailer rig did not switch lanes to avoid the imminent accident, although the plaintiff's vehicle was in plain sight. A fatal rear-end collision decimated plaintiff's car. An hour after the crash, the defendant Art Van driver still claimed he had no recollection of hitting the car, which was still burning, stuck underneath the tractor trailer rig. Plaintiff's counsel believed the truck driver was asleep at the wheel. Injuries included wrongful death, lost future income, mental anguish and emotional distress.
12/12/2014	\$ 4,626,355	<u>Rieck v. Genesee Otter Lake Campground</u> (Premises / Construction)
Backhoe Operator Hits Volunteer		Plaintiff was volunteering at a 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 plaintiff off the roof with the backhoe bucket. He 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 plaintiff could not have been hit by the bucket. The jury applied common sense and judged that he had been struck and that a home health aide would be needed for plaintiff, as well as lost wages.
12/19/2014	\$ 777,500	<u>Melrose v Warner Trucking and Excavating Inc.</u> (Auto)
Tractor-Trailer's Tire Blew Out		Plaintiff passenger in a semi tractor-trailer was being driven by defendant owner of a trucking company. Defendant's left front "steer" tire blew out. He lost control of the vehicle, while it careened sharply to the left and struck the median wall, breaking out two sections of the wall. The fuel tank on the left side of the truck behind the cab caught fire. As the vehicle continued to roll along the highway median over the course of about 20 seconds, defendant demanded that passenger jump out of the moving vehicle; however, plaintiff refused as there was oncoming traffic. Defendant released his own seatbelt, then released

the plaintiff's seatbelt, reached over the plaintiff and pushed the passenger door open, and then used his feet to force the plaintiff from the moving vehicle onto the highway while traveling 30 mph. Expert testimony confirmed it would have taken less time to stop the truck if the air brake "emergency tabs" had been pulled. Then, a controlled exit could have been made. Plaintiff incurred a closed-head injury and multiple fractures with permanent nerve injury. The defendant driver had been stopped by the motor carrier division that day for load violations as well as failing to have a current medical card, his mandatory annual inspection and daily inspection of the vehicle were both falsified, and the tire that blew was over three years old and was "over miles." The jury determined that both the driver and the company were negligent.

2013

01/04/2013	\$ 900,000	<u>Confidential</u> (Construction) Plaintiff electrician claimed that defendants, all carpenters, leaned a number of cement board sheets upright against a wall at a jobsite. Many hours later, plaintiff had his leg and knee broken when the sheets fell on him, permanently disabling him. Plaintiff contended that the boards should have been laid flat.
01/19/2013	\$ 2,500,000	<u>United States District Ct. Northern District of N.Y. v EEOC</u> (Employment Practices: Sexual Harassment) Sexual Harassment Burger King's franchisee, Carrols Corporation, discriminated against 89 female employees around the country, many of whom were teenagers. A class of women were subjected to egregious sexual harassment including obscene comments, jokes, propositions, unwanted touching, exposure, strip searches, stalking and rape. These gestures were perpetrated by managers in most cases. Carrols also retaliated against some of the women by cutting their hours, manufacturing discipline against them, and even firing them, or forcing them to quit.
01/10/2013	\$ 750,000	<u>Cassasanta, et al. v Saviano, et al.</u> (Premises) Renter of residential property fell through the attic floor above the garage, fracturing his pelvis and wrist. Impotence was also argued as a result of the pelvic injuries. Because a dangerous condition was created by installing particle board as the attic flooring, an arbitration panel awarded \$750,000 to plaintiffs including \$100,000 for loss of consortium.
01/11/2013	\$ 1,300,000	<u>Pease v Smith, et al.</u> (Auto) 3-car Pileup Fatality While driving within the scope of his employment, defendant began driving erratically on I-94 in Kalamazoo County when he was able to exit the highway, collided with the vehicle in front of him which, in turn, hit plaintiff motorcyclist, 66, who was killed instantly. In a <u>wrongful death</u> action plaintiff, as personal representative of the deceased, sought compensatory damages from defendants. Upon investigation, officials stated he had suffered a diabetic seizure, causing him essentially to lose consciousness prior to the collision. Plaintiff's accident reconstruction expert mapped out how many minutes defendant had been on the road when he first started having symptoms of an impending diabetic seizure and noted he could have exited sooner and that other evasive measures could have avoided the accident.
01/18/2013	\$ 1,825,000	<u>Confidential</u> (Auto) While assisting a disabled motorist whose vehicle had slid off the roadway into a ravine on a cold winter evening, plaintiff was struck by defendant driver who careened off the roadway when coming up the exit ramp at too great a speed for existing inclement conditions. Plaintiff became pinned against the disabled motorist's vehicle, suffering a fractured leg and a concussion that was ultimately diagnosed as a mild traumatic brain injury. Treating physicians asserted that plaintiff's working capacity was permanently diminished due not only to his lack of mobility, but also because of his changed personality which was attributable to post-traumatic stress disorder. Defendant denied liability, but pleaded no contest to a traffic ticket for speeding. Defendant's examining physicians contended that 1) plaintiff's psychiatric disability was attributable to his pre-existing mental state, and 2) plaintiff could perform gainful employment, although not in the same industry (sales) as previously.

02/02/2013	\$ 750,000	<p><u>McBratnie v Ajax Paving Industries, Inc.</u> (Premises) Travelling on I-75 in Auburn Hills at 4 a.m., plaintiff noticed a fallen construction sign on the expressway. He swerved to avoid the sign but could not avoid the second, unexpected overturned sign in the adjoining lane which had fallen on its face, leaving the metal legs thrusting forward in a dangerous position. The dark, rusted metal support leg of the second sign came through plaintiff's windshield, impaling him in the chest, missing his heart by inches, but causing damage to his chest cavity including an injury to his lung and chest muscle along with two shattered ribs. Paramedics arrived and noted a 2-3" open chest wound above the left nipple and found plaintiff having difficulty with breathing and placed him on oxygen. He was treated at the hospital. Carelessness was established in the securing of signs on the freeway by deposing defendant's employees as to established protocol. Also, photographs were taken of other temporary road signs on other highway projects being performed by other contractors, which revealed that oftentimes the signs had up to 12 sandbags per sign, as compared to 4 sandbags per sign. There had also been a history of signs being blown over during this construction project, but the practice of using 4 sandbags continued.</p>
02/04/2013	\$ 1,000,000	<p><u>Wilk, et al v Bird Brain, Inc.</u> (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.</p>
02/05/2013	\$248,701,780	<p><u>Stryker Corp et al v Zimmer Inc. et al.</u> (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. 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.</p>
02/18/2013	\$ 1,080,000	<p><u>Confidential</u> (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.</p>

02/22/2013	\$ 7,000,000	<u>Confidential</u> (Auto) About 4:30 a.m., 28-year-old plaintiff sustained burn injuries to more than 85% of his body after his tractor trailer sideswiped parked truck off the I-94 expressway, adjacent to defendant's apartment complex. Negligence was argued as the defendant did not use reflectors, triangles, flares or flashing lights to indicate his parked truck in a non-illuminated area. Upon impact, the gas tanks on both vehicles ruptured, causing an explosion. Also, flammable materials being transported by the plaintiff burst into flames and engulfed the truck cab before he had an opportunity to escape. Burn injuries required five months' hospitalization, undergoing over 20 surgical procedures, tracheostomy, and operations to his left hand.
02/26/2013	\$ 1,300,000	<u>Tankersely, et al. v Ameritech Publishing, Inc.</u> (Employment Practices: Unpaid Overtime) A group of sales representatives filed suit in federal court on claims for <u>unpaid overtime</u> wages relative to uncompensated work hours that they alleged their employer, defendant Ameritech Publishing, Inc., permitted. Plaintiffs alleged API directed or encouraged its workers to use voice recorders and perform pre- and post-shift work, attend meetings, weekend work and other out-of-office work to try and generate additional sales of yellow pages advertisements and produce sale leads. A secondary component of the damage claim pertained to the company's method of calculating " <u>chargebacks</u> " for defaulting sales. The court certified both a collective action and class action consisting of groups of approximately 500 and 200 members, respectively.
03/06/2013	\$ 3,000,000	<u>Confidential</u> (Premises/Operations) A 30-year-old mother of two young children sustained burns up to 40% of her body's surface and underwent skin graft surgery after a natural gas explosion occurred at her home four years ago. Defendants claimed that the plaintiff was able to resume her household activities and, because she planned to be a stay-at-home mom, there was no loss of earnings. Defendants also claimed that the leak that caused the gas explosion was inside the home and they were entitled to summary disposition. The motion was denied. Plaintiff moved for default because the defendant failed to produce the pertinent portions of the pipe leading to the house. The court entered a default against the defendants and the case proceeded to trial. The case settled near the end of trial.
03/11/2013	\$ 4,000,000	<u>Confidential</u> (Auto) Defendant truck driver collided with 54-year old plaintiff bicyclist on the gravel shoulder portion of a rural roadway as a result of trucker veering to the right, off the roadway. Plaintiff bicyclist was knocked to the ground. The accident caused a traumatic brain injury resulting in the necessity for multiple surgical interventions. Plaintiff was subsequently placed into a brain injury facility where he remains as an in-patient, undergoing occupational and speech therapy and other therapies. Plaintiff was a seasonal farm worker who has been permanently disabled as a consequence of the crash. Investigating policy officers reflected that defendant had a clear and unobstructed view of the roadway and that the roadway, other traffic and weather conditions did not contribute to the crash. The officers also said plaintiff did nothing to contribute to his injury. Defendant argued that plaintiff's lack of U.S. citizenship, spotty work history, and lack of immediate family members should result in a minimal financial recovery. Third-party tort liability case.
03/20/2013	\$ 3,717,948	<u>Cress, et al. v VHS University Laboratories Inc., et al.</u> (Auto) In Royal Oak, 54-year-old pastor's vehicle was struck by defendant driver who was operating a vehicle owned by her employer during the scope of her employment. Although the impact was relatively minor, because of his previous history of multiple concussions, plaintiff was extremely vulnerable. He was diagnosed with a traumatic brain injury, a double crush injury to his cervical and thoracic spine, vision problems, acute depression and other injuries. Church elders asked plaintiff to step down as head pastor, he ultimately lost his job and is disabled. The pastor's wife kept a daily journal of his day-to-day activity changes following the wreck. That journal was the key evidence. Defendants admitted liability but disputed causation and damages. The jury determined that the accident was a proximate cause of plaintiff's injuries and awarded past and future economic damages, past and future noneconomic damages, and co-plaintiff was awarded past and future noneconomic damages.
04/01/2013	\$ 1,100,000	<u>Morofsky v City of Lansing, et al.</u> (Auto) In Lansing, defendant police officer was speeding in response to a call to a fight at a grocery store when she hit defendant

		driver with his brother in the backseat, who was ejected from the car, landing more than 70 feet away in a yard. He suffered traumatic brain injury, abdominal and intestinal tract injuries, and spinal injuries, leaving his disabled. He underwent 12 surgeries. Defendant driver had been under the influence of marijuana at the time and was trying to cross a 3-lane road from a turnaround lane when he pulled out in front of the police officer's car which was approaching. When defendant rolled through the stop sign, the officer struck defendant's car in the back end. Because the officer felt the call was not a "priority" call she had not used her overhead lights when speeding to the scene. The matter settled for \$1,000,000 from the city and \$85,000 from defendant driver.
04/18/2013	\$ 3,533,491	<u>Elser v Auto Owners Insurance Company</u> (Auto) After 19 years of litigation regarding a 1988 auto accident leaving plaintiff with a closed-head injury and his extensive needs, development of epilepsy and need for residential care, along with lack of monitoring at a new facility which resulted in the breaking of his neck, expenses and future expenses were finally settled as it was clear that the plaintiff needed more monitoring, instead of being moved to a less-intensive facility dictated by the insurance company.
04/19/2013	\$ 1,132,119	<u>Meka v Zurich American Insurance Co., et al.</u> (Auto) In June 2008 a motor vehicle struck plaintiff motorcyclist who suffered a traumatic brain injury. Plaintiff filed a claim with defendant Zurich, the insurer of VW Credit, which was the titled owner of the car. Zurich denied that it insured the car, and Meka filed suit against VW Credit for personal injury protection benefits because VW Credit had failed to insure the car. VW Credit denied liability, claiming to have sold the car the day before the accident. Ultimately, the court determined that VW Credit owned the car and that Zurich was the highest priority and proper party for paying no-fault benefits. However, Zurich denied the claim based on independent medical examinations. The matter was resolved one week before trial which included work loss, medical mileage, replacement services, medical bills, attendant care and costs. It was also agreed that Zurich would pay interest and attorney fees as ordered by the court.
05/2013	\$ 1,500,000	<u>(Confidential) v New Breed Logistics</u> (Employment Practices) After a 7-day jury trial a verdict of more than \$1.5M was rendered in an EEOC sexual harassment and retaliation lawsuit against a logistics services provider. A warehouse supervisor harassed three temporary female workers by subjecting them to unwelcome sexual touching and lewd, obscene sexual remarks, then fired them after they complained. A male employee was terminated because he opposed the harassment and agreed to serve as a witness for several claimants during the company's investigation. Awards included back pay, compensatory and punitive damages.
05/02/2013	\$ 7,450,000	<u>Confidential</u> (Management Practices) Owner sold his business two years ago for several million dollars. The contract between seller and buyer included a provision that required the buying entity to pay the seller a certain percentage of earnings before interest, taxes, depreciation and amortization. However, the seller claimed that the buyer was manipulating the financial performance of the company to arbitrarily lower EBITDA and, hence, the earn-out amounts due to the seller. Seller threatened suit for breach of contract; however, the parties agreed on a settlement.
05/03/2013	\$ 2,250,000	<u>Farrell, et al. v Millering, et al</u> (Auto) 52-year-old plaintiff, arriving home on his motorcycle, stopped near the end of his driveway because a visitor's car blocked his entry. Seeing him, the visitor backed down the driveway into the motorcyclist's lane of traffic, stopping in front of him. She rolled down her window to talk to the motorcyclist and, because of his hearing loss, he turned off his motorcycle to hear better, and turned off the motorcycle lights. At the same time, seeing an approaching vehicle from the 2-lane rural roadway, the visitor flashed her headlights at the vehicle then backed up into the driveway, leaving the cyclist in the roadway. The cyclist was hit from behind and suffered an ankle fracture and mild brain injury, returning to work one year later. The biggest issues were deciding fault, comparing interrogatories and questionings regarding impaired vision and speed at time of impact, with the accident reconstructionist's findings. The jury's verdict allocated fault at 95% for defendant and 5%, plaintiff. \$1.5M in noneconomic damages were awarded to plaintiff and \$750,000 in noneconomic damages to co-plaintiff for loss of society and companionship.

05/07/2013	\$ 1,050,000	<u>Midland County Circuit Court: confidential</u> (Premises) The night before high school graduation, teens attended a party at defendant's home where alcohol was served and consumed and marijuana was smoked. Attendees were ordered home, but drunken teen slept in his car in the driveway, which rolled into the river in the middle of the night, and unable to escape, the teen drowned.
05/09/2013	\$ 9,500,000	<u>Conerly, et al. v Scripps Park Associates LLC, et al.; Townsend v Scripps Park Associates LLC, et al.</u> (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.
05/09/2013	\$ 2,250,000	<u>Angott v Ingles, et al.</u> (Auto) In 2008, 22-year-old rear-ended a large construction barrel truck when it pulled directly out in front of her vehicle from the shoulder. She crashed in a guardrail and was knocked unconscious by the impact. She underwent three surgeries to her right ankle and was diagnosed with a traumatic brain injury and complex regional pain syndrome. Though defendants argued she was comparatively negligent and had recovered from injuries, extensive written discovery and depositions established that defendant's employer was lacking in safety procedures, the defendants were negligent, and the construction truck should not have been on the road at the time of the accident because of their construction contract.
05/13/2013	\$ 4,550,000	<u>Confidential</u> (Auto) Traffic conditions on I-94 brought plaintiff's vehicle to a complete stop. She was then rear-ended by an empty tractor-trailer behind her and was crushed between it and the semi-truck directly in front of her. The 31-year-old internationally-renowned musician was airlifted to U of M Hospital where she was an inpatient for two months. She sustained a severe traumatic brain injury, fractures to the base of the skull, severage of the cranial nerves, as well as some hearing loss. Though recovered, she will require therapy for a number of years.
05/15/2013	\$ 5,147,500	<u>Svaluto, et al. v City of Westland, et al.</u> (Pollution/Environmental) In a class action lawsuit, compensatory damages were sought for property damage and cleanup expenses as a result of the flooding of their properties by raw, untreated sewage. In June 2010 and May 2011 more than 700 Westland residents and businesses incurred extensive basement damage caused from systemic flooding. Plaintiffs asserted that chronic lack of maintenance caused the flooding as rainwater entered the city's sewage pipes instead of the storm drains, due to inflow and infiltration. Defendants contended it was a significant rain event and an Act of God. Each plaintiff will receive a pro rata share of the settlement based on the amount of their claimed damages.
05/16/2013	\$ 2,455,000	<u>Confidential</u> (Management Practices/Fiduciary Liability/ERISA) In an ERISA claim alleging that the plan administrator acted arbitrarily in denying insurance benefits, two families of children with autism brought suit against defendant national insurance company and its subsidiaries in a federal court on behalf of all other similarly-situated families who were denied coverage for applied behavior analysis therapy. The insurer had designated coverage as "experimental." The court found that such distinctions do not preclude class certification because the defendant insurer has determined, on a class-wide basis, that ABA is experimental therapy in all cases. The court granted class certification to the families and, thereafter, granted the families' motion to expand the class to include both current and former insured beneficiaries. After the parties briefed numerous contested class certification issues, the parties agreed on a

		settlement.
05/20/2013	\$ 1,400,000	<u>William Dallas, et al. v. Alcatel-Lucent USA Inc.</u> (Employment Practices: Age Discrimination) In a collective action brought under the Age Discrimination in Employment Act, 36 plaintiffs and 158 opt-in plaintiffs alleged that defendant Alcatel-Lucent USA Inc., engaged in a pattern and practice of age discrimination when it implemented permanent transfers and a selection process that caused a disparate impact on older workers. More specifically, plaintiffs — all wireless communications installers — contended that the Age Discrimination in Employment Act was violated by forcing the resignation and retirement of older installers in 2002, 2003 and 2004. The plaintiffs claimed older installers were required to choose between accepting permanent transfers to locations hundreds of miles away from their home bases or terminating their employment by resigning or retiring. Older installers were eliminated from its work force by being declared as surplus installers based on an outdated skill grouping designation, rather than by examining the work installers actually performed or were qualified to perform. They were then selected as the oldest installers in the work force for permanent transfer. Faced with the prospect of relocation with limited work opportunities, many installers opted to resign or retire. This nationwide policy affected installers in 40 states.
05/23/2013	\$ 6,025,672	<u>Hi-Lex Controls, Inc., et al. v Blue Cross and Blue Shield of Michigan</u> (Management Practices) Hi-Lex corporation, on behalf of itself and the Hi-Lex Health & Welfare Plan, filed suit in 2011 alleging that BCBSM breached its fiduciary duty under ERISA by inflating hospital claims by as much as 13% with hidden surcharges , keeping the markups as additional administrative compensation, then providing false reports that hid the markups. Evidence showed that Blue Cross knew its customers were unaware of the markups. Defendant argued it did not breach any fiduciary duties required by ERISA because the disputed fees had been fully disclosed and plaintiff had agreed to pay them. U.S. District Court ruled that Hi-Lex was entitled to \$5,111,431 for damages, attorneys' fees, along with prejudgment interest of \$914,241 (the court utilized a blended rate for each of the 17 years during which the disputed fees were charged, a range from 6.13% to 0.14%).
06/12/2013	\$ 1,040,000	<u>Cranbrook Financial Group Inc. v Brandimarte</u> (Management Practices) Group sales consultant, pursuant to terms of his employment, agreed to work exclusively for plaintiff and remit all money coming into his possession to the company. However, he violated these terms by starting a competing enterprise, misappropriating company assets and proprietary information for his own personal gain, and committing fraud. In addition, a steady stream of clients began leaving Cranbrook Financial to go to the competing entity, many of the defendant's emails disparaged plaintiff, and after it was discovered that defendant used a private email account to solicit Cranbrook's customers, a client reply went to Brandimarte's old Cranbrook email address, which the company intercepted. Also, clients mistakenly left voice mail messages on his old Cranbrook phone extension. When a temporary restraining order and preliminary injunction were filed in order to stop these violations, the defendant continued. Hence, a settlement agreement with a predetermined dollar amount was levied, based on the kinds of sales deals he made.
06/17/2013	\$36,700,000	<u>Tussey v Abb</u> (Fiduciary / 401(k)) The district court certified the case to be a class action suit and refused to dismiss the case, also ruling that failure to disclose revenue sharing payments to plan participants is not a breach of fiduciary duty, as it is not explicitly required by ERISA or the DOL (Dept. of Labor). Though there were a number of deficiencies found, the primary lapse was in not following its detailed investment policy. Result: \$35M verdict against 401(k) plan fiduciaries, plus \$1.7M against provider for improper use of "float" income. Failure to monitor administrative fees, failures as to fund selection, and misuse of revenue sharing for non-plan related purposes.
06/21/2013	\$ 5,150,000	<u>McCormick International, LLC v Manitou North America, Inc.</u> (Management Practices) Violations of the Farm and Utility Equipment Act as well as the Antitrust Reform Act were violated when defendant began distributing equipment through multiple retail competitors of the plaintiff within its trade area. Defendant had also entered into an agreement with another competitor after he had already signed an exclusive dealer agreement with plaintiff to be the only Manitou farm equipment dealer in Michigan and parts of northern Indiana and northwest Ohio. Plaintiff's ability to do business, as well as other Manitou dealers in Michigan, was restrained. Financial losses caused plaintiff to go out of business.

06/25/2013	\$ 2,500,000	<u>United States of America v Lorraine Brown</u> (Management Practices/D & O) The former president of DocX, Lorraine Brown, 57, of Alpharetta, Ga., was criminally charged with racketeering for her role in authorizing the fraudulent signing of over 1,000 mortgage documents filed with county registers of deeds throughout Michigan as well as more than one million fraudulently signed and notarized mortgage-related documents throughout the United States. She conspired to commit mail and wire fraud while our nation's housing market was at its most vulnerable point in generations. Shortcuts like robo-signing are one example of the damage caused by the mortgage foreclosure crisis. Due to suspecting forgery on Assignment of Mortgage documents, an investigation showed many different variations in handwriting, as was shown on a "60 Minutes" news broadcast. Brown had orchestrated a widespread scheme in which employees were directed to forge signatures on mortgage documents in order to execute these documents as quickly as possible, a practice identified as "facsimile signing" or "surrogate signing." She allowed surrogate signers, rather than authorized signers to sign mortgage documents outside the presence of notaries. She sought to capitalize on the nation's housing crisis and took advantage of consumers for personal gain.
06/25/2013	\$ 1,550,400	<u>Argue, et al. v Home-Owners Insurance Co.</u> (Premises) Arriving home in the evening, plaintiffs discovered their house full of smoke, called 911, and firefighters arrived within 5-10 minutes to find the fire only confined to the family room area. But because of snowy conditions and the significant driveway slope, the fire engines were not able to get close enough to fight the fire. By the time water did become available the house was engulfed in flames and could not be saved. Due to the insurance company's failure to respond favorably nine months following the fire, plaintiffs filed a breach of contract suit, due to the fact that the insurance contract required suits to be brought within a years' time. Defendant's investigations included fraud, misrepresentation and arson.
07/10/2013	\$ 2,000,000	<u>V Cars LLC v KCA Engineering LLC</u> (Management Practices) When engineer was hired by V Cars to lead a team of engineers in analyzing and adapting foreign-produced vehicles to U.S. federal standards so that a contract could be made with a company producing luxury cars in China, it was discovered that the engineer had set up a private email channel with the company in China and had discussed sensitive company information. When V Cars had finally found an Israeli holding company to secure the \$200,000,000 required to enter into the joint venture with the company in China, it was found that the engineer had established KCA Engineering, LLC and, instead, contracted with the company in China and the Israeli holding company. A jury determined that KCA committed fraud based on false representation, silent fraud, conversion and tortious interference with contract. Both compensatory and exemplary damages were awarded to V Cars.
07/12/2013	\$ 5,254,500	<u>American Copper & Brass Inc. v Lake City Industrial Products Inc., et al.</u> (Management Practices) In a federal class-action lawsuit, defendant company and its president were accused of sending more than 10,000 fax advertisements to potential customers without permission or invitations from those potential customers. One plaintiff recipient of the fax advertisements argued it was a violation of the federal Telephone Consumer Protection Act (TCPA). The judge ruled the sender need not have intent in order for liability to be imposed.
07/23/2013	\$ 1,000,000	<u>Jane Doe v Kierst, et al.</u> (Auto) A Wayne State University senior was struck by defendant's vehicle while properly crossing on a green light in a marked crosswalk. Defendant admitted to having bad peripheral vision and eventually admitted negligence to operation of a motor vehicle; however, defendants did not admit proximate cause of the injuries or that plaintiff suffered injuries to meet the serious impairment threshold. Plaintiff's doctor performed a micro discectomy on her injured disc and several nerve blocks. Plaintiff's doctors have disabled her from employment both for the physical injuries to her spine and for the traumatic brain injury. Plaintiff did complete her final semester despite the injuries.
07/30/2013	\$ 925,000	<u>Confidential</u> (Auto) Two miles from home, plaintiff female senior citizen was approaching an intersection on a busy road while defendant female driver approaching the intersection realized she missed her turn and, in an effort to turn around, defendant began to make a left-hand turn, but failed to yield, turning directly in front of plaintiff's vehicle and they collided, head on. Plaintiff was trapped in

		her vehicle. First responders extricated plaintiff before she could be airlifted to U of M Hospital, Ann Arbor. At U of M her right leg was amputated and she underwent surgery to replace a fractured left hip. She continues to suffer from a foot drop that requires a brace. Prior to the accident, plaintiff lived independently in a large white farmhouse situated on 75 acres, drove her own car, shopped for groceries, and mowed her own expansive lawn. Defendant admitted liability, leaving only the extent of plaintiff's damages to be determined.
08/14/2013	\$ 5,528,156	<u>36th District Court and Michigan AFSMCE Council 25 and its Local 917</u> (Employment Practices) In 2004, two officers of the 36 th District Court's real estate division were notified in writing of their non-reappointment to their positions. In 2007, another two officers in the same division were notified similarly. Grievances were filed, reinstatements issued, and back pay with interest was awarded based on total wages reported on each of the officer's W-2 and 1099 forms.
08/21/2013	\$ 975,000	<u>Collins, et al. v Causley Trucking Inc., et al.</u> (Auto) At a red light on southbound M-53 in Bruce Township, plaintiff's vehicle was rear-ended by defendant's truck. Plaintiff William Collins incurred brain and spinal injuries; Jessica Collins, knee injuries. The third family member in the car was not injured. Defendants argued that plaintiff's injuries were not significant and that their insurance policy limits were \$1M.
08/23/2013	\$ 3,000,000	<u>Confidential</u> (Premises / Pollution) Plaintiff stayed at defendant's hotel and used the facilities. She contracted Legionnaires' disease and was hospitalized for a few weeks. The disease was not fatal. The key to reaching a \$3M settlement was establishing the causal connection between the disease and ongoing complications, as plaintiff had some pre-existing conditions that complicated matters.
09/10/2013	\$ 2,500,000	<u>Confidential</u> (Auto) Intersection accident between plaintiff's SUV and defendants' semi-truck resulted in a third-party auto negligence lawsuit. Defendants disputed fault for the accident and argued that all of the 38-year-old plaintiff's injuries were pre-existing. Defense further argued that this low-speed, low-impact accident that resulted in minor vehicle damage could not have caused the injuries which were minor. Plaintiff underwent two spinal surgeries in the years after the accident. Special damages: Excess wage loss at \$79,000/year for 20 years, potentially, although employer had dissolved during her period of disability.
09/13/2013	\$ 1,143,795	<u>Haynes v Franciuc, et al.</u> (Auto) At the intersection of Walnut Lake and Middlebelt Roads 20-year-old defendant ran a red light when he was distracted while texting on his cellphone, crashing into 51-year-old plaintiff's vehicle. After initially refusing medical treatment at the scene, plaintiff began experiencing head, neck and lower back pain over the next few days. After deliberation, the jury awarded plaintiff \$325,000 in past noneconomic damages, \$464,000 in future noneconomic damages, and \$354,795 in future economic damages.
09/25/2013	\$10,000,000	<u>Ward, et al. v Flynn, et al.</u> (Management Practices/D&O) Following a 2010 trial court judgment against defendants, both appealed the verdict's judgment in <i>Ward, et al. v Idsinga, et al</i> 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. <u>Defendants claim:</u> 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. <u>Plaintiffs claim:</u> 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. <u>Result:</u> Michigan Court of Appeals issued an unpublished opinion in this commercial litigation / business tort case upholding all but \$383,500 of the initial judgment. Rather than delaying the matter through appeals, the parties agreed to settle all of their claims including unresolved attorneys' fees for \$10M lump sum.
09/26/2013	\$ 1,350,000	<u>Estate of Gary Wilson v MacGregor, et al.</u> (Auto Fatality) While driving through an intersection, van failed to stop at stop sign, striking plaintiff's vehicle on the driver's side at about 55 mph. Forced across the intersection and into a field, plaintiff's vehicle came to a rest and caught fire a short time later, his body burned beyond recognition. It was argued that the driver of the van had cruise control on and never slowed down the van prior

		to impacting the vehicle. The key to settling the amount of this case was submitting a detailed settlement demand that documented facts that would have been used to support a jury demand of damages in excess of \$950,000. Leaving behind his wife and two children, ages 1 and 3, remaining funds sought to compensate the decedent's estate were calculated based on the possibility of a jury awarding compensation for decedent's conscious pain and suffering experience after the injury.
09/26/2013	\$ 764,900	<u>Jones v Allstate Insurance Co.</u> (Auto / No-Fault, Uninsured Motorist) In 2010, plaintiff was driving on a dirt road in Livingston County. A second vehicle was approaching from the opposite direction, when a third vehicle behind it passed the second vehicle at a high rate of speed, causing a large cloud of dust to form. The dust cloud prevented both drivers from seeing each other, resulting in a head-on collision. Plaintiff was a Michigan resident, but driving her daughter's boyfriend's vehicle which was insured under a Florida policy that provided UM coverage not requiring contact with the uninsured motorist. Plaintiff had a protruding lumber disc and radiculopathy. A medical expert testified that extensive physical therapy and epidural injections failed to provide long-term relief. Plaintiff has not worked since the accident and claimed 15 years of future wage loss.
09/27/2013	\$ 1,900,000	<u>Knispel, et al. v Chrysler Group LLC</u> (Employment Practices: Wage-Hour Claim) In a collective action suit involving 81 plaintiffs, plaintiffs contended defendant Chrysler Group implemented common policies and practices that prevented certain workers supplied to Chrysler through third-party labor suppliers from obtaining full payment for hours worked, particularly overtime hours, in violation of the Fair Labor Standards Act. Disputes included denial of overtime travel time between worksites or overnight travel, required compensatory time off in lieu of overtime, and required working without breaks. Plaintiffs alleged Chrysler was a joint employer and thus responsible party for unpaid wages and overtime because it met the definition of an employer pursuant to the FLSA. Defendant contested. Settlement was \$1.9M in wage and hour recovery with an additional confidential settlement reached for alleged retaliation claims.
10/07/2013	\$ 2,500,000	<u>DC Mex Holdings LLC v Affordable Land LLC, et al.</u> (Management Practices/Business Fraud, Shareholder Oppression) In December 2006, plaintiff DC Mex Holdings LLC partnered with defendant Affordable Land LLC to develop a resort in Cabo San Lucas, Mexico. Both were shareholders of a third entity, Arimex America LLC, co-managed by defendant Dale Fuller. Later, as part of their joint venture, the parties formed Arimex Mexico. Two real estate brokers were commissioned in the purchase of an 80-acre property. In December 2007 the brokers found a buyer for a portion of the property. On Dec. 22, the buyer and Arimex Mexico entered into a pre-trust agreement which transferred title to two-thirds of the property into a trust that made the buyer primarily responsible for developing and selling the property. Also, on Dec. 22, Arimex Mexico signed a termination of the irrevocable development agreement, whereby the brokers released Arimex Mexico from paying a 15% commission to them. Co-manager defendant Dale Fuller was not aware of the termination agreement at the time of its creation. Ultimately, the property buyer cancelled the pre-trust agreement after David Carter, of DC Mex Holdings, sent concerning emails to the buyer that made them believe other nondisclosed transactions existed, which made them question Carter's intentions regarding the property. In Oct. 2008, one of the brokers sued Arimex Mexico for unpaid commissions pursuant to the irrevocable development agreement. In Jan. 2009, Fuller signed a settlement agreement, believing he was providing two real estate brokers with a lien against the property that Arimex Mexico owed to the brokers. Fuller had the understanding that the brokers were entitled to the commission payments pursuant to the irrevocable development agreement which Carter had entered but Fuller did not know was terminated. The Mexican Court of Appeals held that Fuller's execution of the Jan. 2009 settlement activated a 15-day statute that barred Carter's efforts to reverse the property transfer, thus losing the property. The judge ruled that Affordable Land was liable for fraud, shareholder oppression and breach of the operating agreement, when the property was lost.
10/22/2013	\$ 2,026,391	<u>The Best Team Ever Inc., et al. v Prentice</u> (Management Practices/Breach of Contract) Plaintiffs sought damages from defendant Matthew Prentice on claims of breach of contract, claim and deliver, breach of fiduciary duty and conversion. The court heard detailed testimony from plaintiffs and defendant regarding the negotiation and execution of the employment agreement, the legitimate business interest it protected, the extensive non-compete terms contained therein, and the numerous ways in which defendant breached those terms. The court determined the agreement

		<p>was reasonable in all respects and was enforceable. The court fully rejected any notion that defendant had been fraudulently induced to sign the agreement as defendant had argued. It was determined he serially and repeatedly violated numerous provisions of the agreement and his other fiduciary obligations to plaintiffs by: making preparations to compete against plaintiffs prior to his departure and competing against plaintiffs following his resignation; misappropriating business opportunities belonging to plaintiffs; taking plaintiffs' assets; disparaging plaintiffs; interfering with plaintiffs' relationships with third parties; seizing receipts for executed catering events; and poaching several key employees. The court further determined that defendant would continue to breach his ongoing obligations to plaintiffs absent an injunction. Plaintiffs were awarded liquidated damages, lost-profit damages and trebled damages for converted goods. The court also enforced the noncompetition terms contained in the employment agreement and issued an injunction against defendant which prohibits him from competing against plaintiffs in Wayne and Oakland counties for a period of five years.</p>
10/28/2013	\$ 2,000,000	<p><u>Confidential</u> (Management Practices/Breach of Contract) Plaintiff sold his business in early 2013. The contract called for a lump sum payment at closing and an earn-out payment over the course of the following year based on the profits of the business. Plaintiff alleged that defendant buyer 1) made material misrepresentations to induce him to sell the business on such terms; 2) Failed to fulfill his implied obligation to exert a reasonable, good faith effort to realize the seller's maximum earn-out; and 3) Affirmatively frustrated the attainment of the maximum earn-out performance targets by delaying the development and marketing of a critical product, laying off the seller's key employees, and diverting resources to projects not subject to a profit-sharing obligation. After motion practice and extensive briefing on key issues, the parties facilitated their dispute and settled.</p>
11/05/2013	\$ 7,500,000	<p><u>Confidential</u> (Premises) A general negligence action was held against a co-pilot of a private aviation company involving a plane crash that led to the senior pilot suffering third-degree burns across 40% of his body and subsequently dying after spending two weeks in a burn unit in excruciating pain. The August 21, 2009 flight was scheduled to be a single pilot affair. Maddox was the pilot-in command (PIC) of a Beechcraft BE-58 Baron owned by Quest that was en route from Pottstown, PA. to deliver medical specimens to a Quest laboratory in Teterboro, NJ. An SIC (second-in-command), also a Quest Diagnostics pilot, was not assigned to the flight but asked the PIC if he could accompany him on the flight to gain familiarization with operations into Teterboro Airport. Defendant co-pilot Gopinath quoted in an interview after the crash, "I brought the power down, I made a left turn, and (Captain Maddox) freaks out, 'What have you done? You've lost both your engines.'" Authorities said at the time the plane approached Teterboro Airport it aborted a landing and went for a "go-around," a standard maneuver that is undertaken if a pilot is not comfortable with executing a landing. The plane then hit a tree, crossed Route 46 and burst into flames outside the Mohawk Carpet Co. The lawsuit claims Gopinath did not have the proper training or experience to fly the plane and that Quest was at fault for hiring him.</p>
11/05/2013	\$ 483,195	<p><u>Bowman v Greene</u> (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. <u>Case:</u> 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, defendant Greene, was hired 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. 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."</p>

		<p>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.</p>
11/13/2013	\$ 2,100,000	<p><u>Confidential</u> (Management Practices/D&O/Shareholder Oppression) Plaintiff employee claimed defendants engaged in illegal, fraudulent and willfully unfair conduct in relation to promised ownership interests and employment compensation, and then denied or withheld them; failed to pay dividends to plaintiff; shut plaintiff out of corporate decisions; and denied plaintiff access to corporate information. Plaintiff's counsel relied on financial records and other persuasive materials to establish the extent of plaintiff's ownership interests.</p>
11/19/2013	\$ 900,000	<p><u>Confidential</u> (Management Practices/Sales Rep. Act) In 2003, plaintiff and defendant signed a sales representation agreement which contained a provision for payment for the life of any parts or products for which a quote or inquiry was received prior to the sales representative's termination date. Defendant terminated the sales representation agreement in August 2008. In 2011, plaintiff was visiting one of his customers and discovered that his prior principal was shipping parts that had been quoted prior to plaintiff's effective termination date. Plaintiff filed suit for <u>unpaid commissions</u> on the parts. Defendant contended that 1) the purchase orders were issued in response to quotations submitted prior to the termination and 2) the parts at issue were not included on a list of projects prepared by plaintiff, which were in the pipeline at the time of termination.</p>
12/06/2013	\$ 3,000,000	<p><u>Webb v Wiitanen, et al.</u> (Auto) In a third-party auto negligence case, plaintiff suffered serious injuries, including a below-knee amputation, when his vehicle ran into a tractor-trailer that had come to a complete stop in the middle lane of I-94, giving no warning to motorists. Plaintiff argued that truck driver didn't heed multiple audible and visual warnings in the cab and then move off the highway, but instead did nothing and came to a stop in the center lane. Plaintiff did not have enough time to perceive what actually was going on and react timely to avoid the collision. Defendants argued that plaintiff was the cause of the collision and that he had sufficient time and distance to avoid the collision and that the rear-ending driver is "prima facie negligent" under Michigan law. All of the defendant's arguments were defeated and a settlement was achieved after communication with the treating physicians and gaining an excellent grasp of the underlying medical issues and orthopedic injuries and how these injuries have and will affect plaintiff for the rest of his life.</p>
12/06/2013	\$3,797,867	<p><u>Rochow v Life Insurance Company of N.A.</u> (Fiduciary / Disability Benefits) <u>Fiduciary Duty Claim.</u> Employer forced plaintiff to resign in 2002 due to short term memory loss, etc. whereby he could no longer perform his duties as president. A month later he was diagnosed with HSV-Encephalitis, a rare and severely debilitating brain infection. LINA denied <u>long-term disability</u> benefits because his employment ended before his disability began. ERISA has a goal of ensuring that plan fiduciaries act solely in the interest of the participants and providing benefits, not in punishing the defendant, while also having a goal of providing inexpensive and expeditious dispute resolution. Although discovery may slow down litigation in some cases, risk of liability and extensive discovery will act as an incentive to ensure plan administrators act in the interest of the plan participants throughout the claims process. Facts showed that LINA continually ignored its own plan definitions, wrongly denying benefits for 5 years after the initial request. Plaintiff recovered an additional award for disgorgement of profits in the amount of \$3.8M as damages for the breach of fiduciary duty claim in addition to denied benefits.</p>
12/06/2013	\$1,000,000	<p><u>Jane Doe and Janet Roe v ABC Day Care Center, et al.</u> (Employment Practices / Day Care Sexual Assault) Both 4-year-old plaintiffs attended a day care center. One girl was sexually assaulted multiple times by an employee of the Center, while the other girl was sexually assaulted on one occasion by the same employee. It was alleged that the day care Center was negligent in its hiring, retention and supervision of the employee in question. Defendants denied the sexual</p>

		assaults and the Center contended that if the assaults had happened, the employee acted outside the scope of his employment and the Center was not liable.
12/23/2013	\$ 5,274,000	<u>Darzeil Hall and Lamarr Johnson v State of Michigan Dept. of State Police . . .</u> (Employment Practices – Race Discrimination) In 2011, two African-American Michigan State Troopers were removed from the police department’s firearms examiner training program. Both men had been seeking promotions to become firearms examiners and successfully completed the program.

2012

01/06/2012	\$1,000,000	<u>Jago v Michigan State Police</u> (Auto Fatality) While driving home from work, a 23-year-old male, married with minor children, was fatally killed following blunt force trauma injuries when broadsided by police vehicle travelling 116 mph. Plaintiff alleged defendant’s vehicle did not have its lights or siren activated at the time of the accident.
01/07/2012	\$1,675,000	<u>Confidential</u> (Auto) On a snow-covered road in early evening, December 2010, defendant was driving employer’s newly purchased F350 pickup truck, which she was driving back to Traverse City. The 4-wheel drive was not engaged as she was coming up a hill, when the back wheels began to slide. Losing control, her vehicle entered the northbound lane. Plaintiff had no time to react, trying to move the vehicle toward the shoulder to avoid defendant’s truck, which ran into plaintiff’s car, killing her. Plaintiff’s son incurred injuries including pelvis fracture, cut between fingers, pulmonary contusions, neck discomfort, abdominal pain, elbow pain, and left lower-extremity pain.
01/12/2012	\$3,260,000	<u>Anonymous Game Club v Defendant Railroad Company</u> (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 started 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.
01/25/2012	\$1,025,000	<u>Confidential</u> (Auto) On a snowy afternoon in February 2009, 3 family members were seriously injured when a government vehicle, a snow plow, was driving the wrong way on a snow-covered 2-lane highway. The driver of a minivan tried to avoid the oncoming snow plow, but her vehicle spun around and collided with it. Plaintiff’s minor, now 12, was ejected from the rear window, suffering traumatic brain injury; left arm, left shoulder blade, pelvic and sacral fractures; a lacerated spleen; pulmonary injuries; and head lacerations. The key to the settlement was to convince the defendants that the police accident reconstruction was wrong when it placed fault on the plaintiff’s uninsured driver. This was done by taking all of the witnesses’ and police officers’ depositions with a “rules of the road approach,” scene investigation and testing.
01/27/2012	\$2,200,000	<u>Barachkov, et al., v 41B District Court, et al.</u> (Employment Practices) After eight years, three former employees of the District Court in Macomb County won their court case of government workers fired without cause. Though Clinton Twp. judge said plaintiffs lied during a management oversight review, plaintiff said it was really an investigation of a “then-Court Administrator” regarding her history of absenteeism and misuse of court resources. There were no personnel records regarding any lies during the review that would show that the women were fired for cause. Government workers, including these plaintiffs, are required to have a hearing before being fired. There had been no hearing.
02/05/2012	\$1,000,000	<u>Washtenaw County Circuit Court; Confidential</u> (Premises) During church-sponsored hayride, which included participation of another church, 14-year old sitting on a bale of hay fell off the front of the trailer sustaining traumatic brain injury and fractured ribs, wrist and clavicle. Plaintiff said the ride was overloaded, there was a lack of raised rail on the front and rear of trailer, and the hayride lacked proper supervision and

		equipment. Sponsoring church's liability was clear, but the invited church's liability was strongly challenged, claiming it neither owned nor had control over the premises where the accident occurred nor the vehicle used and further claimed it was only responsible for supervising its own members. Settlement was \$1,000,000 present cash value with a future lifetime benefit of \$2,570,199.
02/07/2012	\$4,250,000	<u>Confidential; confidential</u> (Premises/Operations -- Wrongful death) Plaintiff's decedent was an apprentice tradesman working at an industrial company, as were two tradesmen, working on unblocking a gas washer. It was contended that the company had developed a plan and sequence that eliminated the safest way to address the blockage. After failed attempts to unclog the washer, the company advised decedent to proceed in removing a flange which was located at the bottom of the washer in an area subsequently defined as a confined space. All defendants were aware that any material in the washer would be super-heated. Decedent removed every other bolt and was then instructed to remove the rest of the bolts. With one bolt left, the flange opened and engulfed plaintiff's decedent in hot steam and mud, burning him over 95% of his body, He died the following morning. Defense for the skilled tradesmen was that they did not have a duty to the injured parties, while defendant industrial company asserted that the skilled tradesmen did not fulfill their duties.
02/07/2012	\$1,067,624	<u>Duffy v Grange Insurance Co. of Michigan</u> (Auto) In 2007, plaintiff was operating her ATV on the Little Manistee Route in Lake County. Riding over partially buried wood objects caused her to be ejected from the ATV, sustaining permanent spinal cord injuries. The ATV is qualified as a motor vehicle under the No-Fault Act, so plaintiff turned in a claim for PIP benefits, which was denied for the reason that the accident did not occur on a public highway as defined in the Motor Vehicle Code. Though the new Michigan Legislature amendment of 2008 excluded off-road vehicles from the definition of a motor vehicle, it was ruled in Macomb County Circuit Court that this statute applied retroactively back to the date of the accident. Arguments as to who maintained the roads were discussed. Wheelchair-bound for life, plaintiff was not receiving any no-fault benefits such as home modifications, etc. Plaintiff was awarded damages for allowable expenses such as medical, mileage and family-provided attendant care, home modifications and modified van, as well as \$20 per hour for future attendant care.
02/09/2012	\$1,321,574	<u>Dever v Kubik</u> (Premises/Operations) Common-law negligence where cable company, Comcast, left unburied cable wires on the yard in front of and around a rented townhouse, creating a trip hazard for the landlord. Plaintiff underwent multiple spinal surgeries to repair a compressed cervical spinal cord; disc protrusions at T4-5; and a lumbar laminectomy/fusion. His pain and suffering and permanent disabilities have resulted in a greatly diminished lifestyle.
02/14/2012	\$1,200,000	<u>Confidential</u> (Auto) In May 2009, 60-year-old plaintiff was catapulted from his motorcycle into the windshield of a truck when defendant truck driver, while working, was making a delivery and turned left into a private driveway. Plaintiff tried to veer right and avoid the truck, but struck the passenger front tire area of the pickup truck. Plaintiff was hospitalized and in rehabilitation facilities for 3 months due to fractures to the wrist, femur, ankle, ribs and pelvis, in addition to post-traumatic stress, disorder, and aggravation of a pre-existing condition including depression and urinary retention and frequency problems. Plaintiff suffered significant residuals including traumatic arthritis in his elbow and wrist, scarring on the left arm and bladder issues. It was determined that plaintiff's headlight was on and that he was traveling below the speed limit. Plaintiff did not have a motorcycle endorsement, had significant pre-existing medical problems, and made a good recovery from the crash injuries.
02/16/2012	\$1,631,635	<u>Marcia Ganun v State Farm Mutual Auto Ins Co.</u> (Auto / Attendant Care) In 1999, then 16-year-old plaintiff suffered disabling injuries in an automobile accident, including a severe traumatic brain injury, spending 2 years in a hospital/institution, before being released to the care of her mother and 2 other individuals who provided the attendant care prescribed by her treaters. Plaintiff sought the balance of deficient attendant care benefits plus an adequate wage for the caregivers.

03/06/2012	\$6,987,688	<u>Hanczaryk, et al. v Podiatry Insurance Co. of America, et al.</u> (Management Practices – D&O) Breach of contract, negligence pertaining to information communicated to others, failure to honor good faith duties, and tort of false light, invasion of privacy against Podiatry Insurance Co. of America.
03/30/2012	\$1,750,000	<u>Hines, et al. v Noble, et al.</u> (Auto) Compensatory damages were awarded to personal representative Plaintiff for claims of wrongful death of divorced 26-year-old father of 6-year-old son. The father was killed by Defendant who turned left in front of his motorcycle. The umbrella carrier argued there was no economic loss as the Soc. Sec. death benefits exceeded plaintiff's child support. Defendant only had \$100,000 auto bodily injury policy, but the umbrella carrier (at \$250,000-\$2,000,000) did not need to pay anything until the full amount of the "gap" was paid. Ultimately, defendant driver and owner of the car entered into a payment agreement, paying \$150,000 for the gap of insurance.
04/12/2012	\$5,000,000	<u>Confidential</u> (Management Practices) In litigation with a customer for several years over a contractual dispute, plaintiff had not tendered a claim to its insurer at the time of the commencement of a breach of contract litigation because of an exclusion for claims arising from breach of contract. The insurer denied the claim based on common conditions found in most claims-made insurance policies: The claim was not "first made" against the insured and reported to the insurer during the policy period and the claim was "deemed" to have occurred in an earlier policy period of a different claims-made insurer. However, after studying the situation, the case was settled at mediation for the full insurance policy limit of liability.
04/25/2012	\$1,205,772	<u>Walsh v Kraft Foods Global, Inc.</u> (Employment Practices) Accused by his human resource manager of falsifying documents and committing fraud, wrongful termination and breach of policy was contended by plaintiff, as the four-step procedure for termination, as found in the employee handbook, was not followed. Present and future economic damages were awarded.
05/2012	\$1,100,000	<u>Confidential</u> (Management Practices) Plaintiffs entered into a joint venture and employment agreement with an out-of-state agricultural chemical company seeking to establish a Michigan branch. Plaintiffs were to receive an annual salary and 50% of the Michigan venture's annual net profits. The venture was a success and generated substantial profits; however, plaintiffs contended that for 5 years the defendant deliberately withheld and misrepresented financial information to avoid making payments mandated by their agreement and willfully refused to make documentation, computer records, and other supporting information available. Defendant countered that they were properly and fairly paid.
05/03/2012	\$3,200,000	<u>Joyce Simmons v Safeway Transportation</u> (Auto) Plaintiff vehicle passenger was hit by a bus owned by defendant Safeway Transportation and operated by defendant Pitts when defendant attempted to make a left turn at an intersection in front of plaintiff's oncoming vehicle. The bus crossed over two of the three lanes of traffic when the collision occurred. Defendant ran a red light and failed to yield to oncoming traffic. Serious impairments of body functions required surgeries (wrist fracture, torn rotator cuff, and ligament damage to the left knee, necessitating OATS procedure using pins and screws) which affected 50-year-old plaintiff's ability to work as a nurse in a burn unit and also affected her normal activities of life. She was off work for one year, but aggravated her left shoulder upon returning to nursing, which necessitated another surgery.
05/08/2012	\$1,920,126	<u>Latham v Barton Malow Co.</u> (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.

Auto/Bus Collision

05/14/2012	\$2,707,430	<u>Croteau v Auto-Owners Insurance Co. (Auto)</u> Injured in truck/motorcycle accident in 2009, plaintiff sought readjustment of benefits from defendant Auto-Owners. Injuries included respiratory failure, blunt trauma to the head and a T4 fracture, which led to a complete spinal cord lesion, paraplegia, blindness, cognitive disorder, and depressive disorder. The settlement value included work loss benefits, home modifications, and double dip allowable expense benefits.
05/21/2012	\$2,075,000	<u>Larry and Jand Brenke v Allen Smith, et al. (Products Liability / RV Carbon Monoxide Poisoning)</u> In June 2009, 58-year-old factory worker from Blissfield, Michigan and his 2 friends attended a tractor-pulling event in Wisconsin. Due to the 90°+ heat, they kept their RV running throughout the night to be able to use the air conditioning. It wasn't until 3 p.m. the next day that friends came looking for them and found one man sitting outside the camper, disoriented. The other two men were inside, unresponsive and unconscious. One failed to fully recover and is ruled a "protected person," where his wife was appointed his guardian. The Chinese-made carbon monoxide alarm failed to sound. Several companies were sued for negligence and products liability. The gasoline-powered electric generator didn't have proper exhaust ventilation and one of the three men had drilled holes in the floor of the RV to install equipment, providing a path for exhaust gases to enter the RV.
05/31/2012	\$1,000,000	<u>Meka v Jordan, et al. (Auto)</u> In June 2009 defendant, a buyer's agent, was picking up a lease vehicle that had been turned in to VW Credit at the end of its lease and sold to an out-of-state broker. It was being stored at a Volkswagen dealership until defendant arrived to load and transport the vehicle. Although defendant was not authorized to drive the vehicle on a public street, he began to drive it to his trailer which he had parked two blocks from the dealership. Pulling out of the dealership's parking lot, he hit an uninsured motorcyclist who suffered a traumatic brain injury. Because the vehicle had been sold but not delivered, and under the Owner Liability Statute, the judge ruled that VW Credit was the owner notwithstanding the fact that the vehicle had been picked up by the buyer's agent.
		Auto hit Motorcyclist
06/01/2012	\$1,250,000	<u>Confidential (Auto)</u> In Berkley, 53-year old pedestrian at a crosswalk was struck by defendant's car which had stopped at a red light, making a right turn. Witness said the light had turned green while plaintiff was in the crosswalk. Catastrophic injuries to plaintiff pedestrian included a fractured skull, bilateral leg fractures with open reduction internal fixation, and a herniated lumbar disc requiring fusion. He spent 3 weeks in intensive care at Beaumont Hospital followed by 7 months at two rehabilitation centers. Discharged to his home, he now needed a 24-hr. attendant. Proven he was too injured to stay home, he became a full-time resident of a brain-injury rehabilitation center. Defense contended plaintiff would probably have been required to move into a facility even if the accident had not occurred, as he had been disabled from his supermarket clerk job of 20 years due to depression, had made numerous suicide attempts, including one a few months prior, although he had been able to live independently, care for himself and his home, and drive.
07/19/2012	\$4,590,000	<u>Schwannecke, et al. v Schwannecke, et al. (Employment Practices / Management Practices)</u> Plaintiffs had worked for Self Serve Lumber for several decades and collectively owned a minority, non-controlling interest in the company. Over the course of several months, the controlling shareholder terminated each of the plaintiffs from their long-held positions of employment, eliminated all benefits, removed each plaintiff from the board of directors, and attempted to force the sale of their shares at a subpar price. Due to the shareholder squeeze-out, the plaintiffs filed claims for violations of the shareholder and member oppression statutes, breach of fiduciary duty, and breach of lifetime employment contracts.
07/26/2012	\$1,483,396	<u>Marshala Goins, Guardian v Unitrin Direct Ins. Co. (Auto: Insurance Dispute)</u> In 2007, a 20-year-old male plaintiff was seriously injured and disabled in an auto accident, requiring specialized care. Plaintiff filed suit for first-party, no-fault PIP benefits for a higher rate of attendant care, housing accommodations, and a specially-equipped van.
		Auto Ins. Dispute
07/31/2012	\$4,975,000	<u>Northville Crossing Venture LLC, et al. v KM Eight Mile Group Inc., et al (Management Practices)</u> Plaintiff claimed assets were improperly diverted in partnership. 50% interest was awarded.

08/13/2012	\$7,500,000	<u>Goodman, et al. v Shepard Marine, et al.</u> (Premises/Operations) In the canals of a waterfront subdivision on Lake St. Clair, defendants abandoned a barge that had been part of a dredging operation, after receiving payment for the project. There was improper lighting at the opening of the harbor. A boat containing plaintiffs' decedents struck the barge, resulting in their deaths.
08/14/2012	\$3,000,000	<u>Confidential</u> (Auto) Mother and daughter were rear-ended by a semi-truck while stopped in a construction zone on Interstate 94 in Calhoun County. The mother suffered traumatic brain injury, permanently disabling her from working as an executive assistant earning approximately \$70,000 per year. After determining the extent of cognitive damage leaving the mother with significant deficits, the matter was settled in a voluntary facilitation.
08/16/2012	\$4,500,000	<u>U.S. District Ct., Eastern District of Michigan</u> (Employment Practices) Plaintiff, U of M student body president, sought compensatory and exemplary damages from defendant assistant attorney general for the State of Michigan on claims of defamation, intentional infliction of emotional distress, invasion of privacy and stalking. In 2010, plaintiff asserted that defendant became obsessed with making false and malicious statements about him, and physical threats online, calling him "a radical homosexual activist, racist, elitist and liar." Defendant maintained he had wanted plaintiff to resign as student body president because he felt plaintiff was too radical for the position and that he, defendant, was acting within his First Amendment rights.
08/20/2012	\$2,500,000	<u>Confidential</u> (Auto) In September 2010 while driving a tractor trailer, plaintiff slowed down as approaching yellow traffic light and was rear-ended by fully loaded gas tanker. Defendant claimed a phantom vehicle pulled into the path of the plaintiff. Plaintiff was treated for cervical disk herniations for approx. six months, and then underwent a cervical laminectomy but never fully regained strength in his left arm. A motion was granted to strike the non-party phantom at fault as well as grant summary disposition to plaintiff on negligence.
09/06/2012	\$2,579,320	<u>Garber-Cislo v State Farm Mutual Automobile Insurance Co.</u> (Auto) Plaintiff sustained catastrophic injuries in 2009 in an automobile accident including a traumatic brain injury and numerous orthopedic injuries which resulted in related physical, cognitive, behavioral and emotional residual deficits, requiring attendant care, which was provided by her family. Settlement included deficiencies in attendant care payments, payment for work loss benefits, and no-fault penalty interest.
09/07/2012	\$3,736,458	<u>Armisted, Guardian of Jonathan Boyce; Chauvin, Guardian of Joseph Chauvin; Wagner, Guardian of Leslie Stewart; Parks, Guardian of Towanda Parks v State Farm</u> (Auto / Restoration of Attendant Care Benefits) Two men and two women suffered catastrophic automobile accident injuries and had been receiving attendant-care benefits for varying amounts of time. Defendant transferred all of the claims to a single insurance adjuster in October 2008. Within two months, the adjuster had reduced their benefits or completely cut them off. Separate lawsuits were consolidated. The magistrate found that defendant had obstructed the discovery process and that sanctions should be applied.
09/10/2012	\$3,450,000	<u>Finley, et al v Defendant Nonprofit Corporation, et al</u> (Auto) In January 2011 defendant was speeding, lost control of his vehicle, side-swiped the rear of plaintiff's vehicle with passenger brother, causing it to flip multiple times down the freeway before coming to rest on its roof. Driver-plaintiff suffered multiple cervical, thoracic, sternum and rib fractures and traumatic subarachnoid hemorrhaging resulting in a traumatic brain injury. He continues treatments and is permanently disabled and disfigured. Passenger's injuries resulted in subgaleal hematoma with traumatic brain injury, as well as collapsed disc with hypertrophic spurs indenting into the dural sac and a "hard disc" with neck/shoulder pain. Defendant's driver's license was suspended for multiple speeding violations and failure to show proof of insurance, and was cited for careless driving. A non-party was added, naming the emergency room hospital, spinal surgeon and his practice, alleging surgeon committed medical malpractice in the driver's treatment immediately following the accident.
09/12/2012	\$ 2,536,454	<u>Patterson, et al. v State Farm Mutual Automobile Insurance Co.</u> (Auto) Severely injured in a single-car crash requiring 24-hour care with a severe head injury, it was discovered that the son was

		driving his father's car which had been given to him to use while his father completed his 90-day jail sentence for a parole violation. Just before the father's release from jail, and at the direction of his father, the son drove the car to have new brakes installed, and crashed the Buick LaSabre on the day of his father's release. During the father's prison stay, the insurance on the LaSabre had expired. Damages were awarded to cover medical care expenses, overdue benefits, interest, mileage and other costs.
09/20/2012	\$ 1,200,000	<u>Confidential</u> . (Management Practices) After being terminated and offered only a nominal buyout, plaintiff claimed shareholder/member oppression, breach of contract, and breach of fiduciary duty. Plaintiff was an executive and shareholder owning about 20% of a corporation and was also a member/partner in several other related companies. After working closely with a valuation expert to develop an income-based assessment of the businesses, rather than a book-value assessment, and after engaging in extensive discovery, briefing and settlement discussions, the case settled.
09/24/2012	\$ 2,933,069	<u>Humrich v State Farm Mutual Automobile Insurance Co.</u> (Auto) Plaintiff, suffering from catastrophic automobile accident in January 2011, including severe spinal cord injury resulting in high-level quadriplegia, filed suit in November 2011 against his carrier when the insurer refused to properly pay for no-fault personal injury protection benefits. The settlement included purchase of a modified handicap accessible van, agreement for modified housing and settlement of attendant care benefits through 2019.
09/24/2012	\$ 1,000,000	<u>Buchanan v Walters</u> (Management Practices) Plaintiff sought damages for defamation and malicious prosecution / damage to reputation which would continue into the future. The lawsuit had been reported widely in the local media. In his complaint, plaintiff contended that defendant improperly abused the civil litigation process for the purpose of causing vexation, humiliation, embarrassment and damage to plaintiff's community reputation in order to coerce him to pay the unpaid bills of defendant's clients even though he had no obligation to do so. He was awarded exemplary damages.
09/26/2012	\$ 1,731,361	<u>Lorine Watson, et al. v State Farm Mutual Automobile Insurance Co.</u> (Auto) In 2006 plaintiff's son, a minor, suffered injuries from an automobile-pedestrian collision which included a traumatic brain injury and a sheering injury to the frontal lobe resulting in permanent brain damage and severe executive dysfunction. Doctors prescribed attendant care which has been provided primarily by his mother and father. Following several court cases regarding State Farm not paying appropriately, a settlement was reached which also includes a guaranteed payment by State Farm of \$504 per day for attendant care benefits for at least six years.
10/2012	\$ 3,420,000	<u>Confidential; confidential</u> (Employment Practices) Working for international automobile manufacturer for 26 years, 59-year-old South Asian Indian male was terminated in 2009 by new president and CEO. Plaintiff served in high-profile executive positions on four different continents outside of N. America. His position included substantial salary, bonuses, stock options, and numerous other benefits. He was replaced by Caucasian male with European origin. Just two days prior, plaintiff's immediate superiors issued a glowing letter of recommendation. Plaintiff filed discrimination charge with the Equal Employment Opportunity Commission.
10/09/2012	\$ 2,500,000	<u>Hendry, et al. v Vernon, et al.</u> (Auto) Due to an auto accident and after being cleared of any significant injury by the hospital and orthopedic surgeon, plaintiff discovered her left knee swelled up, changed temperature and color, and was too sensitive to touch, all symptoms of complex regional pain syndrome. Plaintiff sought compensatory damages after undergoing three years of ketamine injections into a chest port three times a week, multiple medications, physical and aqua therapy as tolerated, leg rigidity, and wheelchair confinement, two spinal stimulator implants, and a pain pump with snail venom, all with poor results. Plaintiff counsel argued that she had life-altering injuries, persistent never-ceasing pain, economic losses of salary and benefits as a registered nurse, and husband and children's loss of consortium. The resolution also included a structured settlement with \$2,854,000 in guaranteed benefits and \$3,781,000 in expected lifetime benefits.

10/23/2012	\$ 1,518,000	<u>Anonymous Passenger v Anonymous Driver</u> (Auto Fatality) In July 2011, a driver failed to stop for a stop sign at an intersection and collided with another driver, resulting in the other driver's death and injuries to passengers in both vehicles.
11/2012	\$22,500,000	<u>Carter and Jimenez, et al. v Allstate Insurance Co.</u> (Management Practices) Plaintiffs assert that Allstate was improperly calculating the loss values in homeowners' insurance policies, including calculating actual cash value and depreciation amounts. Allstate pointed to a variety of acceptable options for making the necessary calculations. A 38-state class-action settlement going back 10 years was agreed upon between the parties. The settlement calls for Allstate to increase the amounts paid to class members who qualify for the class and who attest to the errors they believe were made when valuing their homeowners' claims. The total amount of the settlement will vary based on the values of the class members who participate. There is no cap on the total settlement amount.
11/15/2012	\$ 2,550,000	<u>Modzelewski-Shekoski, et al. v Allied Excavation Inc., et al.</u> (Auto <i>Fatality</i>) While 83-year old bicyclist was attempting to cross intersection at 22 Mile Road and Van Dyke Ave., a truck driver turning right at a red signal, who alleged he did not see plaintiff who had just entered the crosswalk on a white walk signal, struck and killed plaintiff. "Loss of society" was argued. It was also implied that his general state of physical health, including his prior heart attacks and advanced coronary artery disease, would result in a very low trial verdict at case evaluation and at facilitation. His estate sued the truck driver for negligence and the parent trucking company for vicarious liability, under Michigan's owner's liability statute, because of the driver's negligence. In addition, the truck driver's personnel record indicated he had been cited for speeding and improper use of equipment. The attorney cited a statute that abolished joint and several liability, requiring a jury to allocate a "percentage of the total fault of all persons that contributed to the death or injury. . ." The driver was allocated fault at 50%; trucking company, 20%; and plaintiff's decedent, 30%.
11/20/2012	\$ 1,485,000	<u>Hannosh v Varadi, et al.</u> (Auto) Rear-ended at a red light, plaintiff sustained lower back injury, a disc herniation that required surgery. Liability was admitted. Plaintiff has been unable to return work as restaurant manager in Hazel Park since the July 2008 incident. The argument was that the vehicle did not sustain enough damage to cause injury and that whatever damage did exist could not have been caused by this accident. Awards included both economic and non-economic damages.
11/29/2012	\$13,000,000	<u>Confidential</u> (Management Practices) Shareholder oppression, breach of fiduciary duty, and usurpation of corporate opportunities were charges brought forth by plaintiff shareholders who owned 25% of a manufacturing company and had received less than 1% of the profits for years. Plaintiffs alleged that the defendant shareholders who owned 75% of the business had acted as a control unit and had diverted corporate opportunities to expand the business and had also paid themselves excessive compensation.
12/10/2012	\$ 1,587,000	<u>Avio Inc. v Creative Office Solutions Inc.</u> (Management Practices) In 2006 an unsolicited one-page advertisement for scanner and copier services was faxed to 3,258 Michigan businesses' fax numbers. A federal class-action suit with claims of a Telephone Consumer Protection Act violation discovered there was an electronic record of all numbers that were called on June 16, 2006. The settlement includes that each company identified would receive a cash payment of \$305.
12/12/2012	\$ 6,100,000	<u>Confidential</u> (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, <i>Johnson v. Recca</i> .

**Speeder Flipped Car;
Fatality**

2011

01/21/2011	\$ 2,100,000	<u>Confidential</u> (Auto) Plaintiff suffered serious brain injuries when struck by a commercial truck that ran a stop sign.
01/24/2011	\$ 1,015,152	<u>Confidential</u> (Management Practices/Breach of Contract) Plaintiff homeowner sought compensatory damages from defendant insurance carrier following a home fire. Though plaintiff provided defendant with all necessary information to adjust and pay the building and contents claim, defendant failed to resolve plaintiff's claims.
03/16/2011	\$ 2,048,000	<u>Confidential</u> (Auto) Motorcyclist was hit by a car which made a left turn in front of him. His right leg was amputated above the knee.
03/18/2011	\$ 2,100,000	<u>Confidential</u> (Auto) Plaintiff was involved in an auto accident and had a torn aorta and spinal cord injury at T-4. Surgeons were not able to restore neurological function of the patient's lower extremities, bowel or bladder.
03/22/2011	\$ 3,250,000	<u>Long v United States</u> (Auto) In 2008, father and 5-year-old daughter were killed when a U.S. Marshal driving a government-owned vehicle, ran through a stop sign at a Birch Run intersection and struck plaintiff's van. Both vehicles then struck a Trailblazer that was stopped at a stop sign. The father and daughter were both ejected from their rolling van and died due to blunt force trauma. The defendant marshal was injured, but recovered.
		Gov't vehicle ran stop sign; 2 killed
04/08/2011	\$ 2,056,998	<u>Beydoun v Benjamin</u> (Auto) Plaintiff struck by police car and was unable to return to work. due to injuries of neck, back, arm, and nerve damage.
04/13/2011	\$ 1,000,000	<u>Shopper v Retail Store (Anonymous)</u> (Premises/Operations) While shopping at a retail store, plaintiff kneeled down to look at a bottom shelf and was struck from behind by two large boxes containing heavy outdoor canopies, striking her right foot and the side of her head and arm. She sustained complex regional pain syndrome in her right foot, which worsened later. In addition, after receiving spinal cord injections and a surgically implanted popliteal catheter, plaintiff had a permanent spinal cord stimulator implanted into her spine to assist, regulate and partially control her pain. Her four-year old daughter was seated in a shopping cart several feet away.
04/20/2011	\$ 1,980,000	<u>Peterson v Gaskins</u> (Auto) SUV slowed to stop at intersection when struck in the rear by a truck, pushing plaintiff's SUV 15 feet into the intersection. Defendant admitted to falling asleep. Though plaintiff had preexisting conditions that enabled him to still be an active man, the injuries sustained from the accident were now devastating to his current life where he could no longer volunteer with the cleaning for his church and working with children, as well as babysitting his grandchildren, or playing and coaching basketball.
05/06/2011	\$ 2,050,000	<u>Confidential</u> (Contractors; Premises/Operations Fatality) Plaintiff was killed when a contractor performing maintenance work on a pipeline at an industrial complex caused an explosion. The pipeline was to be purged of gas, but it was asserted that employees of the defendant opened valves to a bypass pipe leading from a live line, which allowed gas to enter the pipeline when the work was ongoing. The resulting gas leak caused an explosion, and the pipe fell 25 feet to the ground, fatally injuring one plaintiff worker and causing physical injuries to the other.
05/10/2011	\$ 1,884,600	<u>Varner v Battle Creek</u> (Auto) Motorcyclist passed in the left lane when the tractor-mower ahead in the right lane made a sudden left turn into her path. She sustained a back fracture and ankle fracture which forced her to cease her job as a firefighter.

05/10/2011	\$ 1,285,000	<u>John Doe</u> (Premises/Operations) Apartment owner sued after the stabbing death of a resident inside her apartment. Discovery revealed 25 other tenants had extensive criminal records, and while the owner contracted with a company to do background checks, he failed to use good judgment in tenant choices. Tenants' entrance doors were also found to have defective locking mechanisms.
05/11/2011	\$12,500,000	<u>Jane Doe v Superior Ambulance</u> (Employment Practices) Superior's employee sexually assaulted a minor.
05/16/2011	\$ 1,300,000	<u>Confidential</u> (Auto) Plaintiff was hit by a bus resulting in amputation of the right leg as well as arm fracture, closed head injury, ten surgeries, months of hospitalization and rehabilitation, and is confined to a wheelchair.
05/17/2011	\$ 1,450,000	<u>Sand v Towles</u> (Premises/Operations; Construction; Auto) Construction equipment piled too high on a truck, fell off truck onto the freeway when it struck an overpass. The load spilled, unavoidably, in front of plaintiff's vehicle. Plaintiff struck and suffered serious impairment including torn rotator cuff, shoulder joint injury as well as two cervical disc herniations, all requiring surgery.
05/18/2011	\$ 3,420,000	<u>Kelley v Steel Transport</u> (Auto) Motorcycle/truck accident, where motorcyclist's injuries were that of a fractured pelvis, multiple fractures in left lower extremity, right shoulder dislocation, and excess wage loss.
06/28/2011	\$ 2,300,000	<u>Sweeney v. Mucci Food Products</u> (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 <u>shareholder oppression</u> . During written and oral discovery, admissions were obtained from defendants that plaintiff was entitled to a buy-out. Also statements were obtained from third-party witnesses supporting the promise of lifetime employment. In 2010 the owners agreed to buy out VP Sweeney's minority ownership for \$1.3M plus an additional \$1M in damages to settle plaintiff's lawsuit which alleged shareholder oppression, breach of contract, fraud, unjust enrichment and conversion against the company and others.
07/06/2011	\$ 4,000,000	<u>David Porter, et al v City of Flint and Donald J. Williamson</u> (Employment Practices – Discrimination) 45 police officers filed claims of race discrimination against the city of Flint and its former mayor based on race being a substantial causative factor in the selections of officers to serve on the Citizens Service Bureau. The CSB was created in response to concerns regarding the lack of minority presence in the command structure of the Flint police department.
07/15/2011	\$11,300,000	<u>Doe v. Cin-Lan, et al</u> (Employment Practices) Defendants Cin-Lan, Inc. and Déjà vu Consulting, Inc. wrongfully classified plaintiffs, a class of exotic dancers, as "independent contractors" instead of "employees," thus violating the Fair Labor Standards Act (FLSA). Plaintiffs argued that they, as independent contractors, paid the club a lease fee out of the dance fees paid by customers. It was argued that Déjà vu Consulting had authority over each club and exercised a traditional employer authority by firing dancers. Eventually, with counterclaims and a California case and imminent Minnesota case, settlement discussions matured into a national settlement of \$11.3M.
09/08/2011	\$ 2,010,982	<u>Heat Controller International, LLC v Heat Controller, Inc.</u> (Management Practices) Breach of contract for soliciting and purchasing from restricted vendors, in addition to selling products in plaintiff's territory.
10/12/2011	\$ 1,000,000	<u>Confidential</u> (Auto) Plaintiff was injured by a trash hauling truck which turned in front of him. Plaintiff sustained a head fracture, closed head injury, and neurological damage to left hand, arm and shoulder. He had multiple surgeries and 52 days of hospital and rehabilitation stays.
10/27/2011	\$ 1,204,334	<u>Roberto Landin v Healthsource Saginaw, Inc.</u> (Employment Practices) 50-year-old married male nurse at nursing home contended he was terminated when he reported what he deemed dangerous

		behavior by another nurse, whereby a brittle diabetic patient had died. Plaintiff had received multiple violations of hospital policy when he put his initials in the records for actions he did not perform.
11/01/2011	\$ 1,093,734	<u>Clum v Jackson National</u> (Employment Practices) Employee claimed wrongful discharge because of race.
11/15/2011	\$ 2,350,000	<u>Estate of Walter Polomski v SavaSeniorCare, LLC, et al.</u> (Premises/Operations) Nursing Center resident suffocated, developed brain damage, and died after he was mistakenly served a tray of hard, golf ball-sized meatballs intended for another resident. After choking, and unsuccessful attempts to remove the meatball, EMS was called after he had been without air for 14 minutes. Only 3 of 4 required aides were present to supervise residents in the dining room that day. Also, the nurse who was required by law to be present did not show up that day. An aide had been directed to sit with plaintiff to prevent choking and his meals were required to be ground up, as a result of being admitted to the Center earlier after having a stroke, unable to walk, moderate dementia, and a swallowing disorder.
11/15/2011	\$ 3,075,000	<u>Confidential</u> (Auto) Plaintiff was working in a bucket at a traffic light. Semi-truck driver hit him causing broken ribs, thorax damage, knee and shoulder damage. He was in the hospital for 76 days, had five surgeries, and is disabled.
11/18/2011	\$ 1,395,852	<u>Hannay v Michigan Department of Transportation</u> (Auto) Dental hygienist injured her right shoulder and neck when she was hit by a salt truck. She has had four shoulder surgeries.
12/02/2011	\$ 1,225,000	<u>Anonymous Minor Passenger, et al. v Anonymous Driver</u> (Auto) An 8-year-old passenger boy in the back seat of a minivan driven by his mother was knocked unconscious as a result of the impact of a vehicle that spun out of control. As road conditions were bad on this winter day, she attempted to avoid the collision with the oncoming vehicle, but lost control of her vehicle, as well, and the two vehicles collided head-on. Plaintiff, his mother and another passenger claimed injuries. The boy suffered a traumatic brain injury with cognitive losses, including behavior and concentration difficulties. He also suffered pelvic and sacral fractures and lacerations to his spleen and head.
12/08/2011	\$ 1,650,000	<u>Snell, et al. v Hearthstone Management, Inc.</u> (Premises/Operations) Nursing home resident was found at 3:15 am, left on defendant's bus after a shopping trip that day. Plaintiff suffered from mild dementia and ingested all the Tylenol and drank peroxide from the bus' first aid kit. Temperatures dipped to 52° overnight. When found, she was dehydrated and hypothermic and thereafter spent 2 weeks in a catatonic state until her death.
12/09/2011	\$ 1,110,000	<u>John Doe and Jane Doe v Roadrunner Transportation Systems, Inc., Specialized Service Transportation and Felicia Lucas</u> (Auto) Permanent and disabling injuries were sustained after 44-year old plaintiff's pickup truck collided with the back, right corner of a tractor-trailer attempting to back out of a parking lot onto the road. The tractor-trailer had no flashers, brake lights or visible turn signals. Backing up guidelines required the use of a spotter, which defendant failed to use, as well as ignoring safety and common sense. Defendants argued that this was a low-speed, minor sideswipe accident caused by plaintiff failing to pay attention to the roadway. They also argued that it was acceptable to back into the roadway without being able to see whether traffic was coming and that motorists have to accommodate tractor-trailers, regardless of who has the right-of-way. Defendants also disputed that plaintiff's herniations were caused by this minor accident, as it appeared at the scene that he was not injured and that head injury complaints were pre-existing. Plaintiff underwent two neck surgeries for disc herniations and required treatment for a brain injury. Attempting to return to work, he was unable to perform the tasks of his job and was permanently disabled.
12/15/2011	\$ 6,000,000	<u>McGhee v Olympic Steel</u> (Premises/Operations) Truck driver was injured when three coils being loaded onto a truck tipped over causing serious injury including a below-the-knee amputation of one leg and a severe crushing of the other leg. He will never work again as a truck driver.
12/19/2011	\$ 2,750,000	<u>Confidential</u> (Auto) About midnight during a snowstorm, 19-year-old plaintiff, girlfriend, and their 2-year-old son were driving a truck down a two-land rural roadway when they collided with a semi-trailer and tractor which defendant was backing up across the roadway into her front yard so that the truck nose would be facing out, ready for the next day's run. It was defendant's first day of

employment. Plaintiff swerved so that he took the brunt of the impact, sparing his girlfriend and son who were in the front passenger seat. They escaped serious injury; however, plaintiff, 10 months after the collision, is in a full-care nursing facility and in a minimally conscious state, just upgraded from persistent vegetative state. He is a quadriplegic and can follow commands by giving thumbs up/down.

2010

01/22/2010	\$ 2,350,000	<u>Feliks, et al., v Securitas Security Services USA, Inc., et al.</u> (Auto) On April 6, 2008, Feliks was driving with wife Margaret and stepson Christian in Livonia. As the car was turning left on a green arrow, defendant's 2005 Chevrolet Colorado pickup truck, traveling at 61 mph, ran the eastbound red light, broad siding Kenneth Feliks' car on the passenger side. The pickup was being operated in the scope of employment by an individual with a negligent driving record.
01/26/2010	\$ 1,490,000	<u>John Doe Case</u> (Auto) Plaintiff's motorcycle struck defendant's car. The defendant suffered a closed-head injury.
01/30/2010	\$ 850,000	<u>Case Name Kept Confidential</u> (Products Liability) Adult female plaintiff asserted that the defendants, a food manufacturer and a food retailer, were liable for an E. coli-related food poisoning. Plaintiff asserted \$51,000 in hospital bills and potential long-term kidney damage as a consequence of eating the suspected hamburger meat. She was also diagnosed with hemolytic uremic syndrome, which is associated with E. coli food poisoning. The female plaintiff cooked all of the meat in question, and no E. coli contamination could be found in the remaining meat sold at the retailer. Although she was not tested for E. coli food poisoning at the hospital upon admission, the Michigan Department of Community Health did find E. coli contamination at the retailer's premises. Plaintiff's case was helped when defendant food retailer lost the hamburger grind logs. This prevented the defendant retailer from showing that the contaminated hamburger came from the defendant food manufacturer.
02/25/2010	\$ 1,250,000	<u>John Doe Case</u> (Auto) Defendant truck driver rear-ended SUV driver and his wife while they were stopped in traffic behind a semi-truck, sandwiching their SUV between the two trucks. Plaintiffs had aggravations of pre-existing lumbar, cervical issues and mild traumatic brain injuries. Defendant truck driver had falsified log records and had marijuana in his system.
03/09/2010	\$ 1,003,500	<u>John Doe Case</u> (Auto) Defendant struck plaintiffs' vehicle while turning left and suffered disc herniation and other injuries.
03/10/2010	\$ 2,650,000	<u>Doe v State of Michigan</u> (Auto) Defendant made an improper U-turn in front of plaintiff's vehicle. The driver died and two passengers were seriously injured.
03/17/2010	\$ 9,154,383	<u>Walbridge Aldinger Co. v City of Dearborn, et al.</u> (Pollution) In this construction litigation / breach of contract case, Walbridge Aldinger Co. sought damages from the city of Dearborn and Travelers Property Casualty Co. of America in a dispute over damages to a construction project. Walbridge had been awarded a \$33M contract for construction to a portion of the city's combined-sewer overflow project. The city filed counter-claims against the designer and manager of the project. The concrete cylinder (caisson) sustained serious damages in the form of major cracks and delaminations in the concrete that occurred as a result of earth pressures exerted on the caisson as it sunk. Walbridge contended the failure was due to design errors and differing site conditions; however Neyer, Tisco & Hindo, Ltd. asserted the damage was caused by Walbridge's construction techniques. Walbridge sued the city and the city terminated their contract and filed a counter-claim. A third-party complaint against NTH ensued for breach of its contractual indemnification obligations and for breach of contract. The city also filed a third-party complaint against Walbridge's sureties for their failure to complete the project. Finally, Walbridge and the city brought third-party complaints against Travelers Property Casualty alleging it had wrongfully denied the city and Walbridge's claims to coverage under the builder's risk policy.

		Finally, after a couple years, the city was awarded \$9.154M.
03/24/2010	\$ 2,000,000	<u>John Doe (Auto)</u> Defendant was on a learner's permit and hit plaintiff head-on, causing serious injury and chronic, debilitating pain.
04/10/2010	\$ 2,075,000	<u>10-year-old Male v Anonymous Trucking Companies (Auto)</u> A 10-year-old was a passenger in a vehicle that was rear-ended and suffered severe traumatic brain injury and facial scars. It is expected he will never work and will require lifetime supervision.
05/2010	\$ 2,835,000	<u>Doe v Doe (Construction / Products Liability)</u> In this confidential products liability and general negligence lawsuit, plaintiff sought damages following a workplace accident that rendered him a quadriplegic: While plaintiff was operating a posthole digger, working as a manual laborer assisting in digging postholes for a deck in a residential construction site, he became entangled at the universal joint between the power take-off and the auger. He asserted the digger was defectively designed due to the fact that the guard for the universal joint was not in the proper place. Defendants asserted the digger was in accordance with industry standards and not defective and that the digger was altered by third parties. It was also contended that the non-party employer was fully or partially responsible for the accident. Defendants also claimed that the entanglement occurred on the drive shaft and not at the universal joint.
05/01/2010	\$ 3,225,000	<u>Jane Doe v John Doe and Corporation X (Premises)</u> A 45-year-old woman was seriously injured by a highly intoxicated teenager who accidentally entered her home during early morning hours. Plaintiff sustained lower spinal cord injuries with loss of bowel, bladder and sexual function.
05/01/2010	\$ 2,300,000	<u>Mary Austin v Assemblies, Inc.; Pro Build of Detroit, LLC (Premises/Operations)</u> A 19-year-old laborer fell 60 feet to his death through an unmarked and unsecured hole in the roof of a new six-story apartment building near Wayne State University.
05/06/2010	\$ 2,250,000	<u>Tyree, et al. v Smith, et al. (Construction)</u> 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, skull, torso and shoulder, lost hearing in one ear, and required extensive surgery to restore his facial nerves.
5/21/2010	\$ 1,209,000	<u>Ricardo Villafor v State Farm Mutual Auto Ins. (Auto)</u> In this 5 th lawsuit against defendant insurance carrier for the same first-party benefits, 49-year-old disabled plaintiff again sought attendant care for traumatic head injuries allegedly sustained in a high speed auto accident in 1994. He was prescribed 24/7 attendant care. As a result of each lawsuit, defendant paid outstanding benefits, then stopped paying again.
05/27/2010	\$ 6,291,666	<u>Dykes v Singh (Auto)</u> Singh lost control of his car and crossed the center line in snowy conditions. Dykes underwent multiple surgeries and was hospitalized for 2.5 months.
06/04/2010	\$ 1,557,500	<u>Hija v Levy (Auto)</u> Defendant ran a stop sign, killing the drivers of two other cars.
06/10/2010	\$12,262,500	<u>Epstein v Heartland (Management Practices)</u> Improper accounting led to company collapse.
07/22/2010	\$ 1,250,000	<u>Dunne v Franz (Auto)</u> Plaintiff was rear-ended at a red light in auto accident and suffered back and neck injuries, which required multiple-level laminectomies and discectomies on two separate occasions. Plaintiff also claimed serious impairments of body function which limited activities she was previously able to perform.
08/01/2010	\$ 1,000,000	<u>Anonymous Shareholders v Anonymous corporations (Management Practices – Minority Shareholders – Oppression)</u> 2 minority shareholders filed suit for minority shareholder oppression and sought an equitable portion for their shares after being discharged without cause. After working for the company for a few years in the 1990's they were allowed to purchase 10% of the company. But in 2004, the controlling shareholder sold 70% of the company, reducing their holdings to 3%. A new

		company was formed and they later found they could have a vote as to business decisions and that they could not be terminated without a super majority vote of the board of the original company.
08/16/2010	\$ 2,500,000	<u>Adeleye v Michigan Dept of Transportation</u> (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.
08/17/2010	\$ 1,586,000	<u>Dregely v Foust</u> (Auto) The plaintiff was killed by a drunk driver. The driver had \$300,000 in coverage and had to pay another \$1,000,000 personally. The bar owner had insufficient limits and had to contribute \$250,000 personally.
08/24/2010	\$ 1,800,000	<u>Anonymous Plaintiff & Defendant</u> (Auto) This was a case where one truck rear-ended another truck. As a result of this accident, the plaintiff's pre-existing lumbar spinal degenerative arthritis was aggravated.
09/2010	\$ 650,000	<u>Gueyser v Otis Mathis</u> (Employment Practices) School board president fondled himself in front of former superintendent, plaintiff, for 20 minutes while discussing her evaluation and contract. She was fired in retaliation for refusing his sexual advances. Her contract ended two weeks after she reported the incident. Mathis resigned the day after Gueyser reported the incident (06/16/10). He pleaded no contest. He was sentenced to 2 years of probation and 50 hours of community service.
10/04/2010	\$ 7,900,000	<u>Waldo v Consumers Energy</u> (Employment Practices) Female plaintiff sought damages for sexual harassment, a hostile work environment, and violations of her rights under Title VII. After working in mail services and meter reading for 4 years, in 2011 she entered a 4-year, in-house apprenticeship program in defendant's transmission line department, but was ultimately removed from the journeyman program as she was not "competent." She entered another journeyman program. She was subjected to sexually abusive treatment by supervisors and co-workers, which also included derogatory comments, cruel pranks, and demeaning assignments. Plaintiff claimed she was also forced to climb transmission towers and tighten bolts without proper training and safety equipment. Plaintiff was awarded compensatory and punitive damages.
10/11/2010	\$ 1,050,000	<u>Cieslkowski v Troyanek</u> (Auto) Plaintiff was a pedestrian walking in a Meijer parking lot on a dark and rainy night. She was struck by defendant backing up his vehicle. Plaintiff sustained serious knee, leg, and ankle injuries. She also incurred serious impairments of body function and was restricted in her ability to work.
10/15/2010	\$ 1,277,826	<u>Percy Shaw & Geneva Davis v London Carrier, Larry Shaw & First Choice Carriers</u> (Auto – Double Fatality) In 2007, a tractor-trailer rear-ended a vehicle on I-94 in Calhoun County. The vehicle burst into flames, with young driver and passenger decedents trapped inside. Bystander, passenger's father, sought damages as he witnessed his daughter burn to death. Two minor children, siblings, and parents survive.
10/29/2010	\$ 6,000,000	<u>Anonymous Motorcyclist & Driver</u> (Auto) In 2008, defendant driver attempted a left turn in front of 32-year-old motorcyclist plaintiff, from the opposite direction, but collided. Plaintiff had sprained wrist, minor carpal tunnel syndrome which disabled him from working or enjoying life and activities with his family. Symptoms spread to all four extremities, leaving him wheelchair-bound and completely disabled from working. He had 5 minor children. \$3,775,000 settlement was reached, including a periodic payment schedule, guaranteeing plaintiff a \$6M payout.

11/10/2010	\$ 1,400,000	<u>Qasawa v Lahey (Auto)</u> Defendant rear-ended plaintiff, causing \$2,000 in damage to plaintiff's vehicle. Plaintiff suffered disc herniation requiring extensive medical treatment.
12/15/2010	\$ 3,500,000	<u>Fairley v Schiber Truck Co. (Auto)</u> After slowing down to make a left turn, 56-year-old plaintiff was rear-ended by a truck driver. The impact forced him into the path of an on-coming semi, resulting in another collision. Plaintiff suffered a brain injury, depression and two fractured vertebrae and walks with a cane.
3-Car Collision		
12/27/2010	\$ 2,720,000	<u>John Doe Case (Auto)</u> Defendant rear-ended the plaintiff's vehicle at a high rate of speed. Plaintiff was seriously injured and became disabled. The defendant was driving an employer-owned vehicle and was on the way to work but was not in the course of employment at the time of the accident. The defendant's employer never checked the defendant's driving record.

2009

01/07/2009	\$ 1,300,000	<u>Jerry Stakhiv v L.S. Brinker Company, Larry Brinker and Donald Miller (Employment Practices – Termination)</u> Company president of a construction services company was a 25% minority shareholder in the company. He alleged defendants diverted profits to their other affiliated companies, thereby committing financial oppression. The diversion of funds and disagreements forced him to resign. He filed for minority shareholder oppression, breach of fiduciary duty and wrongful discharge. He sought a buyout of his ownership interest.
03/12/2009	\$ 1,250,000	<u>Inglehart v Manthei Development Corp. (Auto)</u> Plaintiff Brandon Inglehart sought damages following an accident in which he was hit, while riding a bicycle, by a truck driven by defendant Darren Zimmerman. Inglehart was riding his bicycle in single-file formation with a friend on the right side of the fog line. Zimmerman was driving in a truck owned by defendant Manthei Development Corp., began drifting to the right, and crossed the fog line, hitting the bicyclers at about 55 mph. Inglehart lay unconscious and was taken via helicopter to Munson Medical Center in Traverse City, where he was diagnosed with multiple brain bleeds and two spinal fractures (T9 and T10). Inglehart recovered, but had ongoing treatment through physical therapy, audiology and medicine. After several months, he was forced to retire from a career in teaching because of brain injury complications.
03/13/2009	\$ 6,100,000	<u>Baum Research and Development v University of Massachusetts at Lowell (Management Practices)</u> In this patent infringement and breach of contract lawsuit filed in U.S. District Court, Western District of Michigan, plaintiff Baum Research and Development Co., Inc. asserted that defendant University of Massachusetts at Lowell (UMass) broke the license agreement to an exclusive patented baseball speed-and-impact measuring machine.
03/18/2009	\$ 2,800,000	<u>Bradley Ross v David Plunkett and Nidel Corp. (Auto)</u> At full speed, plaintiff struck the rear of a commercial vehicle when he looked to his left because a phantom vehicle was attempting to cut in front of him when, at the same time, defendant moved into his lane from the right side, and then stopped for traffic. Plaintiff required an emergency surgical repair of the transected hepatic portal vein, transection of the pancreas, and damage to a 6-8" section of the right colon which required removal. His recovery efforts affected his preexisting muscular dystrophy and he was now unable to continue working.
03/23/2009	\$ 1,900,000	<u>Olden v Lafarge (Pollution)</u> 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

		<p>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.</p>
03/27/2009	\$ 700,000	<p><u>Confidential</u> (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 transection 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.</p>
04/02/2009	\$ 1,500,000	<p><u>Confidential</u> (Auto) On March 10, 2008, plaintiff was a passenger in a motor vehicle when it was T-boned by a vehicle driven by defendant, who was within the course and scope of his employment. Plaintiff, a union employee, sustained a traumatic brain injury and left-eye blindness. He was disabled from employment. On the eve of deposition, plaintiff, while a pedestrian, was struck by a vehicle that had entered his blind vision field. He sustained a second traumatic brain injury, this time developing Wernicke's Aphasia, a condition that profoundly affects communication. Each driver in both accidents was insured by the same insurance carrier.</p>
04/10/2009	\$47,680,000	<p><u>Hutchinson FTS, Inc v Chrysler, LLC</u> (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.</p>
04/29/2009	\$ 1,747,000	<p><u>Estate Development Co. v Road Commission of Oakland County, et al.</u> (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.</p>
04/30/2009	\$ 2,000,000	<p><u>Confidential</u> (Auto) The plaintiff, 15, was crossing a four-lane road to get to a school bus stop at around 7 a.m. He crossed almost three lanes before being struck by the defendant, who was driving a vehicle owned by a small corporation. The accident investigators determined that the accident was fully the plaintiff's fault. Still, the plaintiff argued that the defendant driver was negligent. The defendant admitted that she was looking over at the bus stop and did not have time to avoid the plaintiff once she looked forward.</p>
05/08/2009	\$ 4,229,500	<p><u>Donna Pope v Brinks</u> (Employment Practices) Employer fired employee after she threatened to report the employer for routinely shorting employees out of commissions and diverting the money to a fund for management bonuses. Employee won despite being caught on video in the office after hours going through the office coordinator's personal property and engaging in other snooping.</p>
05/13/2009	\$ 4,000,000	<p><u>Dolan J. Waters v Joel Dienhart</u> (Auto <i>Fatality</i>) Intoxicated defendant with spouse as passenger failed to stop at a stop sign and broadsided 48-year-old female decedent's vehicle. She had one dependent child and one adult son. Defendant's spouse was also seriously injured.</p>

05/20/2009	\$ 1,000,000	<u>Confidential (Auto)</u> The estate of the plaintiff's decedent asserted that the defendant restaurant/bar served alcoholic beverages to an allegedly intoxicated person (AIP), resulting in the injury or death of plaintiff's decedent. The plaintiff contended that the AIP became so intoxicated while at the restaurant/bar that his friends had to encourage him to slow down and leave the bar. Later, the AIP got behind the wheel of his SUV with the plaintiff's decedent as his passenger in the back seat. The AIP subsequently crashed his vehicle into the rear end of a street sweeper and was killed, while the plaintiff's decedent suffered a fracture at C2-C3, was rendered a quadriplegic, and died 30 days later in the hospital. The defendant restaurant/bar's policies and procedures manual was obtained, and based upon the testimony elicited from the waitress, numerous internal policies had been violated throughout the evening in serving the AIP.
06/01/2009	\$ 820,000	<u>Charles Ardingo v Local 951, United Food and Commercial Workers Union (Employment Practices: Wrongful Discharge)</u> Perceived as a threat to leaders, a longtime union organizer, currently living in Maple Valley, Washington, alleged that the former union president and the Union illegally fired him in 2004 for cooperating with a federal investigation which dealt with union finances and the unions failing to pay enough into a union legal defense fund.
06/05/2009	\$ 650,000	<u>Confidential (Auto)</u> On January 12, 2005, the drunk driver was operating a vehicle owned by the defendant employer. He crossed his vehicle over the center line and smashed into the plaintiffs' vehicle. His blood-alcohol level was registered at 0.13. The plaintiffs, a pastor and his wife, sought damages from the defendant drunken driver and the defendant employer who owned the car that the drunken driver was operating.
07/08/2009	\$ 825,000	<u>Fletcher, et al., v Cutting Edge Lawn & Landscape, Inc., et al. (Auto)</u> Defendant Warren A. Scaife was driving a full-size GMC pickup truck while towing a loaded company landscaping trailer. Traveling southbound in the right of two lanes on Telegraph, he realized he had missed his turn. After driving a couple hundred feet down, he spotted a partial gravel/paved road spanning the median between northbound and southbound travel on Telegraph Road. Scaife, while still in the right-most lane, abruptly slowed and turned for a gravel median crossing, crossing from the far right lane and the lane on his left. Fletcher and Lindsey Fletcher, who were traveling on a motorcycle in the left lane, could not avoid the truck and trailer. James Fletcher suffered a closed-head injury, eye trauma, fractured shoulder, fractured clavicle, fractured rib and a lacerated liver, and maintained continuing serious arm and extremity impairments.
07/17/2009	\$ 2,226,000	<u>C-BAM Enterprises, Inc., et al. v Corrigan Oil Co. (Products Liability)</u> Beginning in 2006, plaintiffs noticed excessive rebuilding of damaged transmissions in customers' automobiles. Automatic transmission fluid testing showed extremely elevated levels of silicon and other contaminants. Though Corrigan considered a recall they, instead, adopted a "wait-and-see approach" toward the bad ATF and advised customers to resolve the problem by just flushing out the bad ATF and replacing with good ATF. Bad ATF was used in about 650 vehicles, 235 vehicles were recalled, and transmissions costing about \$750,000 were rebuilt. Rebuilding stopped when they ran out of money. The jury determined Corrigan was negligent in its handling of the ATF and had breached its implied duties of fitness and merchantability.
07/23/2009	\$500,000,000	<u>Valassis v News America (Management Practices)</u> Valassis claimed that the defendant engaged in unfair competition and tortious interference.
07/30/2009	\$ 10,800,000	<u>In re: Collins & Aikman Securities Litigation (Management Practices)</u> In a class-action lawsuit filed in U.S. District Court, Eastern District of Michigan, the plaintiffs asserted that defendant Collins & Aikman Corp. (C&A) and several of its former officers and directors engaged in securities fraud. The plaintiffs assert that, in order to achieve a "Mega Tier 2" supplier designation, C&A had undertaken a risky acquisition strategy.
08/12/2009	\$ 795,000	<u>Hall v Aguilar-Carranza, et al. (Auto)</u> On Sept. 21, 2007, Hall, 55, drove southbound on Van Dyke Avenue in Warren. Her car was rear-ended by defendant Alberto Aguilar-Carranza, who was test-driving a vehicle owned by defendants Valerio and Kimberly Mazzola, and had struck at least three separate vehicles during his test drive.

08/24/2009	\$ 1,083,000	<u>Ann Marie Rogers v City of Sterling Heights and David M. Vinson (Employment Practices – Termination)</u> 44-year-old female was fired from her job in retaliation for complaining about sexual harassment from a newly hired married man with whom she had engaged in a 3-week affair in 2007. She also was suspended without pay on the same day her Personal Protection Order (PPO) was approved against the coworker. She was a 4-year civilian employee (animal control officer) of the Sterling Hts. Police department. During the investigation, the coworker reported that plaintiff used a city drug to wrongfully euthanize a dog and failed to report the incident.
09/01/2009	\$ 1,000,000	<u>Miller, et al. v Kemp & Sherman Co. (Premises/Operations; Construction)</u> Roofer was thrown backward and fell through three stories onto the frozen ground when he received an electric shock, due to the leads of the welding gun accumulating moisture while tack-welding a portion of corrugated steel sheets being utilized as roofing material. Plaintiff was not wearing any type of tie-off or fall protection.
09/08/2009	\$ 1,505,000	<u>Timmy Holcomb and Patricia Winger v Seng Tire and Edward Respondek v Kaylene Kessler (Auto Fatality)</u> Third-party defendant driver was driving 61-year-old male decedent passenger to work in Port Huron. Upon entering an intersection, his vehicle was struck by another defendant who entered the intersection after first stopping for a flashing red light. This defendant was operating a vehicle in the course of his employment. Plaintiff's decedent passenger struck his head on the windshield resulting in significant neck injuries that required a C3-C7 laminectomy. He developed central cord syndrome that led to quadriplegia. His condition continued to deteriorate and he died 5 months post-accident.
09/15/2009	\$ 2,091,500	<u>Mayher v Martin (Auto)</u> In October 2005, Douglas and Tammy Mayher of Britton were stopped at a stop sign at the Palmer Highway/M-50 intersection. Martin had borrowed father and co-defendant Ronald Martin's car to take her friends to Toledo for her 17th birthday. She was passing a truck on the right gravel shoulder, lost control and crashed into the Mayhers' car door. The car flipped over, and Douglas Mayher had to be removed by the Jaws of Life.
09/30/2009	\$ 1,813,293	<u>Case Name Kept Confidential (Employment Practices)</u> New Jersey-based software sales representative agency asserted that it was owed commissions after defendant Michigan-based software company refused to pay commissions that closed or could have been closed within the 90-day period subsequent to the contract termination. The defendant, through a letter, terminated the long-standing sales representation agreement with the plaintiff in December 2004. The parties were in the process of negotiating a new agreement, and continued to do so through March 2005.
10/02/2009	\$ 1,800,000	<u>Case Name Kept Confidential (Auto)</u> In a confidential lawsuit, the plaintiff asserted entitlement to damages following a motorcycle-car collision. The plaintiff, on his way to work via motorcycle, was seriously injured when a box truck turned in front of the motorcycle. Plaintiff dropped his bike in an attempt to avoid the collision. Plaintiff suffered a complex right arm fracture and a brain injury. Several surgeries followed, and plaintiff eventually returned to work as a sheet metal model maker, but co-workers noticed he could not perform his work the same as prior to the accident. He was fired after a month back on the job. As a result of plaintiff's struggles at work, his traumatic brain injury was more closely studied and the full effect of it was documented. Plaintiff also underwent cervical fusion and lumbar laminectomy. The plaintiff provided doctor reports, economic and vocation expert testimony, and a day-in-the-life video chronicle to present full value of the claim. The defendant contended plaintiff, who was 56 years old, was let go from his job because of mass downsizing in the industry, and had limited excess wage loss because of his age. Further, it was asserted, the plaintiff would return eventually to some type of employment. The case settled at facilitation for \$1.8M.
10/07/2009	\$ 2,000,000	<u>Case Name Kept Confidential (Auto)</u> The defendant driver, traveling 45-55 mph on a main road, entered the intersection, where he ran a red light. He hit the plaintiff's car, killing the decedent.
10/07/2009	\$ 1,200,000	<u>George Dunlap v Wisconsin Central (Auto)</u> Plaintiff, a 51-year-old temporary relief conductor for the railroad, was working in July 2004. The train, traveling only 1-2 mph, carrying logs as it traveled over a crossing, collided with a passing motorist who failed to yield the right-of-way to the train. As

		<p>a result of the impact, plaintiff sustained a crushed leg which was had to be amputated below the knee. Plaintiff settled with the motorist, but then pursued FELA (Federal Employers Liability Act) claims against defendant railroad, claiming unsafe working conditions such as failing to sound a whistle or otherwise alert the motorist of the train's presence. Plaintiff's disabling injury prevented him from returning to work for the railroad due to difficulty walking on uneven pavement or in adverse weather conditions. The \$4,800,000 verdict was reduced by 75% due to comparative negligence.</p>
10/08/2009	\$ 3,500,000	<p><u>Case Name Kept Confidential</u> (Management Practices) Decedent was a 30-year-old father of three who was attending a private function at the defendant recreational facility. The event included the use of the facility's swimming pool, and the defendant was to provide appropriate lifeguard service. For reasons unknown, the decedent, an accomplished swimmer, sank to the bottom of the pool's deep end and remained there for approximately three minutes before being noticed and pulled from the pool. He died from drowning. The decedent's estate alleged that there were not enough lifeguards on duty, and that the lifeguard who pulled the decedent from the pool failed to follow the defendant's life-guarding protocol. The case settled at facilitation.</p>
10/19/2009	\$ 1,500,000	<p><u>Richard Troia v Duane Spencer and Zachary Bahr; Richard Troia v Duane Spencer and Zacharay Bahr</u> (Auto) Plaintiff's vehicle was struck head-on by a vehicle that crossed the center line of traffic to pass a turning vehicle. The cars collided at a combined speed of approx. 100 mph, each car traveling 40-50 mph. Plaintiff's 56-year-old wife was the decedent passenger who died as a result of a ruptured aorta. Plaintiff sustained a severe ankle fracture and a minor closed head injury as well as psychological problems arising from the accident.</p>
10/19/2009	\$ 1,490,000	<p><u>Voss v Estate of Peter Kramer, et al.</u> (Auto) In a third-party auto tort lawsuit filed in Calhoun County Circuit Court, plaintiff Guy Voss sought compensatory damages from defendant's Estate of Peter Kramer and Wachovia Capital Finance Corp. following a low-speed, rear-end collision. The accident caused very minimal vehicle damage to Voss' vehicle and virtually no discernable damage to the front of defendant's car. Because of the minor nature of the impact, Voss did not immediately believe to have been seriously hurt. As a result, he did not seek medical care until the following afternoon, when he went to the emergency room with complaints of neck pain and stiffness.</p>
10/23/2009	\$ 4,388,302	<p><u>McKelvey v Geren</u> (Employment Practices) In a lawsuit filed in U.S. District Court, Eastern District of Michigan, plaintiff James N. McKelvey asserted that he was subjected to verbal harassment based upon his disability while doing civilian Army work. In February 2006, McKelvey, who had suffered physical impairments in Iraq during duty with the Army National Guard, commenced his civilian employment with the Army. One month in, he was subjected to verbal harassment based upon his disability. Co-worker Bud Spaulding initiated the harassment during a lunch outing when he asked McKelvey why he used "crippled parking." After that, McKelvey was called "cripple" on a regular basis, including by his supervisor, Alan Parks, who denied McKelvey's requests for accommodations, such as a touch-screen laptop or voice-activated programming for his computer. McKelvey then submitted his resignation in February of 2007. Plaintiff's witnesses included a 30-year employee and former executive officer at the garrison who testified that, upon meeting with Parks in her office, Parks called McKelvey a "worthless, good-for-nothing cripple." Also, two visiting National Guard officers, when inquiring where McKelvey was, were told by McKelvey's co-workers, "So you know 'cripple' over there?" and, "We're just waiting on the cripple."</p>
10/23/2009	\$ 3,400,000	<p><u>Michael Pawlik v Star Transport and Henry Trimble</u> (Auto <i>Fatality</i>) Plaintiff and decedent spouse passenger were stopped in a construction zone when they were rear-ended by a tractor-trailer. Decedent sustained massive head injuries and died the following day. Defendant admitted that he knew his brakes were not functioning properly, reported the problem to the safety manager who told him to keep driving. Plaintiff physician participated in resuscitation attempts for his spouse following the accident and later claimed he suffered individual emotional distress.</p>
10/28/2009	\$ 2,261,486	<p><u>Brzezinski, et al., v Ross Enterprises, Inc., et al.</u> (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.</p>

		<p>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.</p>
11/20/2009	\$ 2,125,000	<p><u>Lewis v State Barricades</u> (Auto/Construction)</p> <p>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.</p>
12/07/2009	\$ 1,359,085	<p><u>Northcross v USAA</u> (Auto)</p> <p>Plaintiff was riding a bike when struck by a hit-and-run driver and suffered brain injury.</p>
12/13/2009	\$ 890,000	<p><u>Jane Doe v Hope College</u> (Premises/Operations)</p> <p>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.</p>
12/14/2009	\$18,760,000	<p><u>Hellebuyck, et al. v Pine Tree Acres, Inc., Waste Management, Inc.</u> (Pollution)</p> <p>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.</p>
12/15/2009	\$ 3,000,000	<p><u>Case Name Kept Confidential</u> (Auto)</p> <p>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.</p>

12/23/2009	\$ 1,150,000	<u>Hussain Al-Shemary v Martin Block Corp., et al.</u> (Auto) On Aug. 18, 2006, plaintiff Hussain Al-Shemary drove a tractor-trailer on M-52 near Interstate 96 in Ingham County. A truck with a crane arm on a V-notch atop the cab was approaching from the opposite direction. As Al-Shemary passed the truck, the arm came out of the notch and struck Al-Shemary through his truck cab.
2008		
01/2008	\$21,000,000	<u>Higdon v Arby Construction, et al.</u> (Premises/Operations) The children of a Bloomfield Hills couple died in a propane explosion while vacationing at a Wisconsin resort two summers ago. The parents received \$21,000,000 as a result of a settlement. The children died when the cabin they were sleeping in exploded. Authorities said that they believed construction crews working near the resort ruptured an underground propane line sometime before the explosion.
01/07/2008	\$ 3,225,000	<u>Estate of Mira Abay v Kelly Rose Brooks and Alvin Jerome Taylor</u> (Auto <i>Fatality</i>) Plaintiff's decedent, a 52-year-old single female nurse, was driving in the left traffic lane of the "mixing bowl," where Northwestern Hwy, I-696, and Telegraph Roads converge. She noticed defendant's car was approaching quickly behind her, so she moved to the right lane. At the same time, intoxicated defendant (also with evidence of cocaine and Darvocet in her system) moved to the right lane because plaintiff was blocking her way. In an effort to pass her, defendant moved back into the left lane, but her vehicle clipped the rear bumper of her vehicle, causing her vehicle to spin 90° into the other lanes, hitting the guardrail, flying into the air, striking a tree, and overturning. She was pronounced dead at the scene with a fractured neck and other catastrophic injuries.
01/08/2008	\$ 3,700,000	<u>Liebendorfer v Albanese</u> (Employment Practices / Sexual Harassment) The defendant owned two restaurants in Kalamazoo. He molested his bookkeeper's daughter who was in the fourth and fifth grade. This continued until she graduated from high school. She was then raped upon her return.
02/11/2008	\$ 2,600,000	<u>Madill v Kramer</u> (Management Practices / Directors and Officers) Plaintiff Gary Madill was a minority shareholder in a closely-held family business. He was terminated from his position as co-president. This triggered a buy-sell agreement that would have required him to sell back his shares to the company for the book value of approximately \$420,000, which was much less than their actual value. Madill refused to tender the shares back or accept the payment and sued the other shareholders, alleging shareholder oppression, breach of contract, tortious interference with advantageous business interests, and a number of other counts. He filed a motion seeking the appointment of a receiver over the company, an expedited trial, and reinstatement to his position as co-president. The parties conducted several facilitation sessions, and a settlement was reached within 90 days of filing suit. Rather than the \$420,000 he would have received under the buy-sell agreement, Madill tendered his shares back to the company for \$2.1M, and the company assumed a \$500,000 debt owed by Madill.
02/19/2008	\$ 3,140,216	<u>Duncan v Duncan</u> (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.
04/02/2008	\$ 6,248,999	<u>Estate of John Moran by Vicki Moran v Vac-All Service</u> (Premises / <i>Fatality</i>) In 2000, decedent worked as a pipefitter for Detroit Diesel Corp. While he and a coworker were preparing to move scaffolding

		to a location on the roof of the factory, they moved a handcart on the roof when he suddenly fell 22 feet to the concrete floor below, through a hatchway which had been opened by Vac-All employees who were a cleaning contractor hired to perform various industrial-cleaning services that week. Vac-All employees had removed the protective covering to run vacuum hoses and cleaning lines to the roof.
04/07/2008	\$ 1,600,000	<u>Weller v J.T. Express</u> (Auto) The plaintiff, a truck driver, was rear-ended by another semi-trailer at the intersection of Van Dyke and Ebeling in Romeo. He was treated for neck and back complaints in the E.R. and took physical therapy. Seven weeks later, he noticed weakness and numbness in his left arm and left leg. A discectomy with fusion was performed after a disc was found to be compressing the spinal cord. His left-sided weakness never diminished, and symptoms of the weakness were stroke-like. He had suffered a stroke six years before the accident, but he recovered completely. Through case facilitation, a \$1.6M settlement was reached.
05/11/2008	\$ 1,908,000	<u>Marvin Bresky v DKI</u> (Premises / Construction) A 52-year-old union plumber worked for a plumbing subcontractor to rehabilitate buildings on the OCC campus in Farmington. Plaintiff walked outside to take a call from his employer when he was struck on the head and knocked to the ground by an 80-100 pound sheet of metal that was being thrown out of a third floor window by the demolition subcontractor. It broke the straps on his hard hat. He sustained head and neck injuries and was confused. He claimed he was permanently disabled and received his union pension and Social Security disability and claimed lost wages for 10-12 working years remaining, as well as reduced pension for 13 years.
05/15/2008	\$13,210,000	<u>United States v Michigan Sugar</u> (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. 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.
05/21/2008	\$ 2,000,000	<u>Linda Kalabat v Kenneth E. Harthen and Alta Lift Truck Services</u> (Auto) As plaintiff was driving back to work after a break, her car was struck head-on by a vehicle driven by defendant, an employee of defendant Alta Lift Truck Services. While in the course of his employment at the time of the accident, he suffered a blackout as a result of his diabetic condition. He had not eaten because he was rushed while returning to work to write up an order. Plaintiff sustained a closed head injury similar to shaken baby syndrome which caused deterioration of her condition over the following year, requiring 24-hour attendant care with no hope of recovery. She also sustained back, shoulder and wrist injuries. She was a 35-year-old married female employed as an inspector for a manufacturing company. She had 4- and 11-year old children.
06/2008	\$ 2,096,000	<u>Doe v Doe</u> (Auto) 53-year old farmer killed while driving a tractor on roadway when struck by a tractor trailer.
06/03/2008	\$ 2,700,000	<u>Confidential</u> (Products Liability/Property Damage) In the process of renovations and upgrades to make a thriving hotel a first-rate convention center, a wind and rainstorm tore the seal of the protective membrane on the hotel's new roofing project causing severe building damage, loss of contents, ensuing water loss and mold, and loss of business income. The contractor's insurance carrier did initially pay for temporary repairs and further agreed to pay for business interruption expenses. Shortly thereafter, the carrier refused to make the promised payments, allowing the hotel to sit in disrepair for several months. This occurred when the contractor's carrier

		realized that the plaintiff's commercial liability carrier also was investigating the loss. Each carrier then took the position that the other was responsible for the loss, so neither paid on the claim. Because of the defendants' failure to pay on this loss, the plaintiff was at risk of losing its hotel franchise. It was at further risk of losing the property to its bank because it was not able to meet its mortgage obligations. The case settled for \$2.7M.
06/04/2008	\$ 2,500,000	<u>Not disclosed</u> (Premises/Operations) While walking on a large construction site plaintiff, a 29-year-old painter working for a painting subcontractor, was struck on his hard hat by a falling piece of a 3 ½-pound steel angle clip used to support masonry walls. The angle clip was improperly installed and fell from the roof decking nearly 24 feet above the floor. Plaintiff suffered injuries to his cervical and thoracic spine and ultimately underwent cervical fusion at three levels with placement of plates and cages.
07/2008	\$ 1,625,000	<u>Not disclosed</u> (Construction) Nineteen-year-old general laborer fell 60 feet to his death through an unmarked and unsecured hole on roof of a new six-story apartment building in Detroit.
07/01/2008	\$ 3,014,339	<u>Goldman v Healthcare Management</u> (Management Practices /Copyright Infringement) Goldman claimed that Healthcare Management Systems copied and modified his source code and distributed it to Healthcare Management Systems' customers. He sued for copyright infringement, unfair competition, and a violation of the Digital Millennium Copyright Act (DMCA).
08/13/2008	\$ 5,650,000	<u>Broeren v Bates</u> (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.
08/27/2008	\$ 1,000,000	<u>Michigan Mutual v Fosgard</u> (Management Practices) Shareholder oppression.
09/25/2008	\$ 8,600,000	<u>Nunez v Utica Transit Mix & Supply Co.</u> (Auto <i>Fatality</i>) In a wrongful death lawsuit in Wayne County Circuit Court, a settlement resulted against the driver and a Utica construction supply company. Patrick Nunez was traveling in the fast lane on 1-75 in Detroit when a fully loaded, 150,000-pound gravel truck driven by Charles Dreyer blew a front tire and collided with Nunez' car. The car smashed into the retainer wall and burst into flames. Nunez was killed. Since a tire blowout is considered a common and foreseeable event, trucks are not supposed to dangerously lose control when that happens. The lawsuit showed that Dreyer's truck was in defective, out-of-service mechanical condition. Dreyer said in a deposition that he had received no formal training or supervision and had failed to inspect the truck's tires and brakes. Dreyer also was on epilepsy medicine for a seizure disorder, and the medication causes drowsiness and delayed reaction time. Due to the truck driver's negligence, the case settled for \$3.9M on a \$4M policy limit, with an \$8.6M total structured payout.
09/28/2008	\$ 4,450,000	<u>Stanley et al. v United States Steel Corporation</u> (Pollution) Class-action lawsuit (20,000 people living in 8,400 homes) was filed on behalf of residents near the Great Lakes Works steel plant in Ecorse and River Rouge near Detroit. Air-quality tests found excessive levels of manganese emissions which cause neurological disruption and symptoms similar to those associated with Parkinson's disease.
10/05/2008	\$ 1,350,000	<u>Confidential</u> (Auto / Motorcycle Fatality) 80-year-old defendant failed to stop for a stop sign at a cross street, while entering a two-lane highway intersection directly in front of a motorcycle driven by a 20-year-old college student. Both drivers were killed as a result of blunt-force injuries at the collision site. Though the plaintiff's decedent had the right of way, the defendants argued that the motorcyclist was speeding and, therefore, comparatively at fault. However, three eyewitnesses to the crash testified that the motorcyclist was not speeding and could not have avoided the crash. Michigan State Police accident reconstructionists confirmed that the cycle

		was not speeding and that there was not sufficient time or distance for the motorcyclist to take evasive action in response to the car pulling out in front of him.
10/21/2008	\$ 4,500,000	<u>Norita Sullivan v Christopher Alan Bohm, Jr., John Doe, and Kalik Doyle</u> (Premises/Operations / Management Practices / Liquor Liability) A Wayne County Circuit Court jury returned a wrongful death award of more than \$4M last Oct. 21st for the estate of 26-year-old John Spolsky. The U.S. Air Force Academy graduate was killed in a one-car crash and evidence at the trial showed the intoxicated driver, Spolsky's friend Christopher Bohn, had at least 10 alcoholic drinks at a Plymouth bar. The bar, Doyle's Tavern, claimed no liability under the non-innocent party doctrine, claiming Spolsky had paid the bar tab. The jury was not convinced and awarded the plaintiff's estate \$4.5M, assessing the bar 95 percent responsibility under the Michigan Dram Shop Act. The act makes a business that sells alcoholic drinks or a host who serves liquor to a drinker who is intoxicated liable for damages to anyone injured by the drunken patron or guest. The case was settled confidentially while on appeal.
11/01/2008	\$ 1,200,000	<u>Davis v Underhill</u> (Auto/Motorcycle) In 2005, 47-year-old plaintiff was riding his motorcycle when defendant made a left turn in front of his oncoming motorcycle, resulting in a collision. The force of impact, at 45 mph, caused plaintiff to be thrown from his bike onto the hood of defendant's vehicle, shattering defendant's windshield. Plaintiff then landed on the concrete surface of the roadway more than 30' away from the point of impact. His helmet flew off his head. He suffered a closed head injury, multiple pelvic fractures which required surgery, and a ruptured bladder. His injuries disabled him from returning to work as a corrections officer.
11/02/2008	\$ 3,600,000	(Pollution) Asbestos inhaled at an auto dealership.
12/02/2008	\$ 1,720,003	<u>Alissa Zwick v Regents of the Univ. of Michigan, Lantz, Piskorowski, Snyder & Burgett</u> (Employment Practices – Termination) A 30-year old female was dismissed from a dental school after having begun classes in 2002 and in 2003 being diagnosed with attention deficit disorder (ADD). At the time of her dismissal, her grades were all satisfactory and she had a 3.0 GPA for the year. She was not afforded an unbiased review process prior to dismissal.

Please see “Additional Out-of-State Cases of Interest” on Pages 63-69.

ADDITIONAL OUT-OF-STATE CASES OF INTEREST

<u>DATE</u>	<u>VERDICT AMT.</u>	<u>CASE INFORMATION</u>
11/22/2017	\$ 1,200,000	<u>Southeastern Oklahoma State University</u> (Employment Practices: Transgender Discrimination – Oklahoma) A male-identified tenure track faculty member at the Southeastern Oklahoma State University informed officials there that she was transitioning. She began suffering significant discrimination and harassment and her application for tenure was denied and she was dismissed from the University. She asks for Title VII protection.
Transgender Discrimination		
08/15/2017	\$ 10,125,000	<u>EEOC v Ford Motor Company</u> (Employment Practices: Sex and Race Discrimination and Harassment – Illinois) Personnel at two Ford facilities in the Chicago area subjected female and African-American employees to sexual and racial harassment and retaliated against them when they complained. For the next 5 years, Ford will conduct training to disseminate anti-harassment and anti-discrimination policies and will also report to EEOC regarding complaints.
Sex and Race Discrimination		
08/08/2017	\$ 2,000,000	<u>EEOC v UPS</u> (Employment Practices: Disability Discrimination – Illinois) 90 current and former UPS employees will be compensated for disability discrimination charges for failing to provide them with reasonable accommodations that would enable them to perform their job duties, maintaining an inflexible leave policy, and firing disabled employees automatically when they reached 12 months of leave, without engaging in the interactive process required by law.
Disability Discrimination		
07/26/2017	\$ 10,500,000	<u>EEOC v Bass Pro Outdoor World, LLC</u> (Employment Practices: Hiring Discrimination / Retaliation -- Missouri) From 2005 to 2011, Bass Pro discriminated against qualified African-Americans and Hispanics by routinely denying them positions at many stores nationwide. Specifically, Houston and Louisiana managers made overtly racially derogatory remarks, acknowledging the discriminatory practice. Bass Pro unlawfully destroyed or failed to keep records related to applications and internal complaints.
Hiring Discrimination/ Retaliation		
04/20/2017	\$ 1,950,000	<u>EEOC v American Dental Association</u> (Employment Practices: Discrimination – Illinois) Both the chief legal counsel and director of human resources were discharged in retaliation for complaining to the board of directors of the ADA about potential violations of federal anti-discrimination laws.
Discrimination		
03/31/2017	\$ 12,000,000	<u>EEOC v Texas Roadhouse</u> (Employment Practices: Age Discrimination – Massachusetts) Because of their age, 40 years and older, a class of applicants between 2007 and 2014 were denied front-of-the-house positions such as servers, hosts, server assistants and bartenders. A consent decree will be in force for 3 ½ years preventing age discrimination. Also the company will establish a diversity director and ensure recruitment and hiring for these positions.
Age Discrimination		
01/25/2017	\$ 4,250,000	<u>EEOC v Mach Mining, LLC</u> (Employment Practices: Sex Discrimination – Illinois) It is expected that within a group of women applicants who were denied jobs to work in underground mines and in other coal production positions, at least 34 women will be hired into coal production jobs operating in Illinois. Certain affiliates of Mach will change its hiring goals, give training of personnel with regular reporting to EEOC on compliance for 4 years.
Sex Discrimination		
11/15/2016	\$ 1,586,500	<u>EEOC v Georgia Power Company</u> (Employment Practices: Disability Discrimination – Georgia) 24 individuals were affected by disability discrimination. Georgia Power refused to hire applicants and fired employees based on their disabilities. Sometimes, it disregarded opinions of treating physicians and did not individually assess the employees' or applicants' ability to work. It will now change its seizure policy and comply with ADA and will provide equal opportunity training. It will be subject, also, to reporting and monitoring requirements for 3 years.
Disability Discrimination		
07/29/2016	\$ 1,400,000	<u>EEOC v ADP</u> (Employment Practices: Discrimination – Illinois) Black and Hispanic individuals were allegedly discriminated against by ADP during its recruitment process. ADP will enhance its recruitment, hiring and promotions of minorities at its Illinois-based operations.
Racial Discrimination		

07/22/2016	\$ 1,470,000	<u>EEOC v Zoria Foods</u> (Employment Practices: Sexual Harassment/Retaliation) Two male supervisors at Z Foods in Madera, Calif. sexually harassed a class of female employees and fired male and female employees when they complained about the sexual harassment. Promotions and employment were conditioned upon sexual favors, stalking, unwanted touching and leering.
		Sexual Harassment
7/22/2016	\$ 1,800,000	<u>EEOC v Z Foods</u> (Employment Practices: Sexual harassment) Z Foods purchased Zoria Farms' assets and hired many former Zoria employees. Z Foods shared Title VII liability as Zoria's successor for violations that occurred in the years up to and including 2008. Z Foods ceased operations in 2011.
		Sexual Harassment
07/16/2016	\$ 70,000,000	<u>A.Y. and Billie Ann Yount v Janssen Pharmaceuticals, Johnson & Johnson Co., and Johnson Pharmaceutical Research and Development</u> (Product Liability/Pharmaceutical – Pennsylvania) In August 2003, minor plaintiff, Andrew Yount, 4, lived in Tennessee and was prescribed the anti-psychotic drug Risperdal to treat schizophrenia. He took the drug intermittently for about 10 years. In December 2003, Andrew showed symptoms of gynecomastia and was later diagnosed with the condition, which causes male breast tissue to swell. Gynecomastia has left him disfigured and led to bullying at school due to his appearance. Damages were sought for emotional distress and physical disfigurement.
		Drugs Disfigured Child
06/22/2016	\$ 1,225,500	<u>Jennifer Maull and Douglass Maull v American Bread Co., Panera LLC, Panera Bread Co., and Strang Corp. (all d/b/a Panera Bread)</u> (Premises/ Restaurant Slip & Fall – Pennsylvania) In June 2014, 40-year-old plaintiff, regional director of an education company, slipped and fell at a Panera Bread restaurant. She had been walking toward the restroom when she slipped on a greasy substance and landed on her knees, injuring her left knee. Panera was sued for its negligence in maintaining the premises, creating a dangerous condition; specifically, failing to clean the greasy substance after an employee spilled it on the floor when changing a trash container.
		Slip & Fall at Restaurant
06/17/2016	\$844,566,000	<u>Suzanne Blaikie v Auto America Automotive Corp., Christopher Moreno-Vega, and Penrod's Elbo Room, Inc.</u> (Auto Fatality -- Florida) In May 2013, decedent, 49, was riding his motor scooter when a Toyota Camry collided into the back of his scooter. He was catapulted through the air and across the car windshield, fracturing his spine and instantly killed. His wife and son sought to recover damages for pain and suffering and loss of services. The decedent's adopted son is a U.S. Marine, serving in Iraq. The other driver was found to have been driving under the influence of alcohol. Auto America was also sued for claims of vicarious liability and negligent entrustment, as it had loaned the vehicle to the defendant. Penrod's Elbo Room, a bar, was sued, as defendant had consumed alcohol prior to the accident while he was a bouncer.
		DUI Auto Fatality
06/17/2016	\$ 4,000,000	<u>James Duskey and Deborah Duskey v Hilton Worldwide, Palmer House, Adrenaline Y2K, Global Adrenaline Net, Gold Cost Security, Citywide Security Group, and Surreal Chicago</u> (Premises/Hotel Stairway Slip & Fall – Illinois) On October 30, 2010, Megan Duskey, 23, fell to her death when she toppled from the bannister of a spiral staircase in the Palmer House Hotel in Chicago. She was a special education teacher. Her parents brought a wrongful death lawsuit against the hotel, management, event organizers, promoters, and security company engaged for the event.
		Fell from Staircase
06/08/2016	\$ 3,723,535	<u>Jenella Joyce Conda v 3M Company & 6 Others: (Product Liability/Asbestos – Minnesota)</u> On June 10, 2015, plaintiff Conda, a power-plant rigger, was diagnosed with mesothelioma. He died from complications of that disease in Dec. 2015. His exposure to asbestos was attributed to his lifelong work on cars, which included brake changes, and to his employment at Northern States Power from 1967 to 1996. He and his wife sued a number of manufacturers and distributors of asbestos products, alleging negligence, strict liability, and breach of warranty.
		Asbestos Exposure
04/28/2016	\$ 43,742,400	<u>Alexander Tirpack v 125 North10 LLC</u> (Premises/Fall – New York) In September 2010, plaintiff Tirpack, 26, a bartender, attended a party hosted by one of the building's tenants, on the roof of a residential building in Brooklyn. He ventured to the edge of the building's roof which was surrounded by a 42"-high parapet. He mistakenly believed that the parapet marked the junction of the building's roof and a neighboring building's roof. The roofs were not connected. He fell off the structure, and plummeted a distance of 70 feet, landing in an alley, sustaining multiple injuries. Tirpack sued the owner and developer of the building, alleging that they negligently created a dangerous condition.
		Fell Off Roof

04/27/2016	\$ 2,300,000	<u>Cesar Jimenez v Consolidated Laundry, et al.</u> (Product Liability/Negligent Training – New York) In October 2012, plaintiff Jimenez, 47, an attendant, worked in a laundering facility that was located at the U.S. Military Academy, in West Point. He was utilizing a 130S industrial-sized dryer. While crouching near the dryer, the machine's door detached and fell onto Jimenez. Jimenez alleged the dryer was defectively manufactured and that Consolidated was strictly liable for the defect. He also believed that Edro and Penn Enterprises were negligent in their maintenance and repair of the dryer.
		Industrial Dryer Defect
03/25/2016	\$ 2,100,000	<u>EEOC v Mavis Discount Tire, et al</u> (Employment Practices: Sex Discrimination – New York) 46 women were refused jobs in Mavis' 140 stores throughout 4 states for positions including managers, assistant managers, mechanics, and tire technicians, due to sex discrimination. Going forward, a decree provides extensive safeguards to prevent discrimination.
		Sex Discrimination
03/07/2016	\$ 55,000,000	<u>Erin Andrews v West End Hotel Partners; and Michael David Barrett</u> (Premises – Tennessee) 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 admitted to filming up to 10 additional women this same exact way.
		Stalked and Videotaped
03/07/2016	\$ 1,020,000	<u>EEOC v PMT Corporation</u> (Employment Practices: Age and Sex Discrimination – Minnesota) The owner and president of PMT intentionally directed a pattern or practice of systemic hiring discrimination between 2007 and 2010 when it hired over 70 individuals as sales representatives, but not a single applicant who was female or over 40 years of age. PMT will now be monitored by EEOC for 4 years and will revise its hiring practices.
		Sex and Age Discrimination
03/04/2016	\$ 1,316,326	<u>Joyce D. Higgs v Costa Crociere S.P.A. Company</u> (Premises/Trip and Fall – Florida) On Christmas Eve, 2014, 67-year-old retired plaintiff, Joyce Higgs, was aboard a cruise ship in the eastern Caribbean at Grand Turk, when she tripped and fell on a cleaning bucket while walking from the ship's breakfast buffet toward her daughter's table. She alleged the cruise ship failed to properly maintain the vessel in a reasonably safe condition.
		Cruise Ship Slip & Fall
12/22/2015	\$ 4,000,000	<u>EEOC v Hillshire Brands Co.</u> (Employment Practices / Race Discrimination – Texas) 74 African-American former employees of the former Sara Lee Corporation were subjected to a racially hostile work environment in Paris, Texas in the form of racist graffiti on the bathroom and locker room walls. The bakery employees were berated with racial slurs by supervisors and other white co-workers, and complaints by the plant workers went unaddressed by management.
		Race Discrimination
12/18/2015	\$ 5,000,000	<u>EEOC v Signal Int'l</u> (Employment Practices / Race, Nat'l Origin Discrimination – Alabama) 476 Indian male guest workers who were recruited from India worked in Texas and Mississippi in the aftermath of hurricanes Katrina and Rita and were subjected to discrimination, unfavorable working conditions, and were forced to pay \$1,050 a month to live in overcrowded, unsanitary, guarded camps. 24 of the men were forced to live in containers the size of a double-wide trailer while non-Indian workers were not required to live in these camps.
		Race and Nat'l Origin Discrimination
09/09/2015	\$ 3,800,000	<u>EEOC v Con Edison</u> (Employment Practices / Sex Discrimination – New York) 300 blue-collar women workers who held such traditional male jobs as working in the field in manholes, power stations, and other positions involving physically strenuous activities and maintaining the public's access to electricity, were assigned demeaning jobs, denied promotional opportunities, and subjected to rampant harassment.
		Sex Discrimination
09/02/2015	\$ 67,470,000	<u>Christopher J. Arnold v Weatherford US L.P. and Robert Earl Sims</u> (Auto -- Texas) In August 2012, 19-year-old plaintiff and heavy equipment operator, was a passenger in a Ford Sport Track. While attempting a U-turn, the driver was involved in a collision with a van, causing their vehicle to spin out and stop perpendicular to the highway, where it was struck on the passenger-side door. Plaintiff was not wearing his seat belt and sustained a spinal fracture that rendered him paraplegic. He will require nursing care for the rest of his life.
		Auto: U-Turn Collision
07/29/2015	\$ 52,183,023	<u>Victoria St. Jacques v Sammy's Investments Orlando</u> (Premises/Operations -- Florida) While visiting a friend staying at the Ambassador Hotel, another guest invited her to his room; however, he would not let her
		Injured by Hotel Guest

		leave. He body-slammed her on the concrete floor of his balcony. She sustained a fractured cervical vertebra and was rendered quadriplegic. She is wheelchair-bound and will live in an assisted living facility the rest of her life, while family takes care of her two children. She alleged that the hotel had a high crime rate, poor lighting, and inadequate security.
07/28/2015	\$ 12,700,000	<u>EEOC, et al v Local 28 of Sheet Metal Workers' Int'l Ass'n, et al</u> (Employment Practices/Race Discrimination – New York) The trade union for non-white sheet metal journeypersons in N.Y. City will create a back pay fund for a group of minority workers who claim work-hour disparities for a 15-year period, 1991-2006. This settlement supplements a 2008 settlement of \$6.2M covering back pay claims 1984-1991.
06/23/2015	\$ 24,057,283	<u>Estate of Alanna Demella v Rosa Rivera Kim, Jimmy Yong Kim, and Las Olas Holding Company, Inc.</u> (Auto Fatality – Florida) In March 2012, a school teacher and her husband won an all-expenses paid vacation to attend a marriage conference in Florida. While sitting inside a poolside cabana structure at the Riverside Hotel, a vehicle driven by an intoxicated female who was driving over twice the posted speed limit, struck a curb near the intersection, went over the sidewalk, and smashed through the side of the cabana, killing the teacher and her 7-month unborn child.
		Killed by Drunken Driver
06/18/2015	\$ 22,000,000	<u>Rey Jordan and Carmen Maria Jordan v T.G.I. Friday's; The Braid Group; Galleria at Tyler; General Growth Properties; Louis Alex Martinez; Michael Derek Castillo; and Does 1 to 100</u> (Premises/Operations Fatality – California) In January 2009, 33-year-old plaintiff's decedent was dining with friends at T.G.I. Friday's restaurant. During a heated argument, and after being served shots of tequila, cocktails, and beer over a 30-45 minute period, the under-aged and visibly intoxicated friend stabbed plaintiff with a knife, killing him.
		Stabbed by Intoxicated Friend
06/15/2015	\$ 20,968,903	<u>Jose Cardona, Irene Cardona and Eduardo Cardona v Galdino Navarro Cortes</u> (Auto – California) In February 2011, a 59-year-old welder with his wife and 22-year-old son were hit by an intoxicated driver who lost control of his sport utility vehicle and crossed into plaintiff's lane, striking them head-on, leaving them with severe injuries.
		Family hit by Drunk Driver
05/20/2015	\$ 2,500,000	<u>The Guardianship of Kristen Zak v J.B. Hunt Transport Inc., Terry L. Brown, Jr. and Matthew P. Robinson</u> (Auto – Indiana) In January 2006, passenger plaintiff, who was a registered nurse, was asleep in the front seat of her fiancé's vehicle when he lost control of the car, due to icy road conditions. The passenger side collided with a semi-truck which, an hour earlier, had jackknifed and crashed into a median. Neither emergency flashing lights nor reflective triangles had been set out. Plaintiff sustained permanent brain damage, diminished long-term and short-term memory and poor eyesight, and is wheelchair-bound, requiring constant care.
		Collision on Icy Road
04/20/2015	\$ 14,500,000	<u>EEOC v Patterson-UTI Drilling Company LLC</u> (Employment Practices: Race/National Origin Discrimination – Colorado) Since at least 2006, Patterson-UTI engaged in a nationwide pattern or practice of discrimination on its drilling rigs, including assigning minorities to the lowest level jobs, failing to train and promote minorities, and disciplining and demoting minority employees disproportionately. These employees endured frequent and pervasive barrages of racial and ethnic slurs, jokes, and comments, verbal and physical harassment, and intimidation of minority employees. Those who opposed or complained suffered retaliation. 1,000 or more people were estimated to have been affected.
		Race/National Origin Discrimination
04/17/2015	\$ 60,000,000	<u>Joan Antonuccio v Spectators 3 & IV; Fanatics, Inc.; Joseph Skladany; and Albert Colarusso</u> (Premises – Florida) In March 2003, plaintiff 19-year-old patron at Spectators Sports Pub in Naples was administered alcohol without any request for identification or age. Her boyfriend was intoxicated on both alcohol and Xanax for anxiety. When they left, her boyfriend dozed off and struck a tree at 80 mph at the moment of impact. Plaintiff sustained severe injuries to her head, brain, ribs, liver, lungs, heart, legs and feet. The restaurant's operator was sued, along with its owner and others for negligence, vicarious liability and breach of duty. The driver was also charged.
		Auto: Intoxicated, Hit Tree
03/23/2015	\$ 24,750,000	<u>Sandra D. Miles v Arbor Station Apartments II and J&M Management Co.</u> (Premises/Operations – Alabama) In December 2012, a 43-year-old machinist with his wife and 23-year-old daughter and a nurse were standing on the second-story balcony of an apartment complex, waiting to enter an apartment where a college graduation party was taking place. The floor collapsed, causing them to fall about 12 feet to the pavement below. The 3 family members are totally disabled and unable to work, while the nurse is only able to partially work, due to serious life-long bladder injuries.
		Balcony Collapsed

02/20/2015	\$ 25,000,000	<u>Estate of Philip Amsden v Maintenance Dynamics, Jeffrey Cleary, Chulas LLC, and Giovanni's Inc.</u> (Auto Fatality – Indiana) In November 2010, decedent service truck driver parked behind another trucker on the shoulder of I-65, and was standing on the shoulder between the two vehicles to provide help to another trucker who needed a tire change. An intoxicated driver struck the rear of the decedent's truck, pinning decedent between the two vehicles.
Drunken Driver hit Service Vehicle		
02/12/2015	\$ 75,500,000	3 Illinois TCPA Cases of Interest: (Management Practices/ TCPA -- Cell Phone Calling – Illinois) 1) <u>Capital One Telephone Consumer Protection Act Litigation</u> 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.
3 Cases of Prerecorded Phone Messages:		
02/27/2015	\$ 40,000,000	2) <u>Wilkins v HSBC</u> 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) <u>Gehrich v Chase Bank USA NA</u> 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.
02/05/2015	\$ 6,200,000	<u>EEOC v Sears Roebuck & Co.</u> (Employment Practices / Disability – Illinois) In this 2004 case, Sears maintained an inflexible workers' compensation leave exhaustion policy and terminated employees instead of providing them with reasonable accommodations for their disabilities. 235 individuals were eligible to share in the settlement.
Disability Accommodations		
01/29/2015	\$ 34,555,220	<u>Alan Casillas v Landstar Ranger, Inc. and Francisco Azurdia, and Does 1-50</u> (Auto / Bicyclist – California) In December 2012, 19-year-old plaintiff was riding his beach cruiser bicycle on a sidewalk in Los Angeles. While on his cell phone waiting at an intersection, a 55-foot-long trailer drove over the sidewalk while making a right turn, knocking plaintiff to the ground. The rear wheels of the trailer ran over his left leg. The leg was amputated.
Trailer hit bicyclist		
01/23/2015	\$165,533,000	<u>Alfredo Morga v FedEx Ground Package, Ruben's Trucking, M&K's Trucking</u> (Auto Fatality – New Mexico) In June 2011, at 1:30 a.m., decedent was driving a pickup truck with her 4-year-old daughter and 19-month-old son, enroute from Texas to New Mexico to surprise her husband. She was in the far right side of the slow lane, slowing down with her emergency flashers and taillights activated, when she was rear-ended by a FedEx tractor-trailer that was travelling 60-65 mph while hauling two trailers. The mother, daughter, and FedEx driver were killed instantly. Only the 19-month-old son survived, but with multiple, continuing injuries.
Triple Auto Fatality		
01/15/2015	\$ 72,960,000	<u>Stephen D. Wells v Aslan Commons and Worthing Holdings</u> (Premises / Operations: Gas Explosion -- Georgia) In May 2010, a 53-year-old teacher was moving his belongings from one apartment unit to another when a gas explosion occurred in his new apartment unit while he was inside. He was engulfed by a large fireball which caused first-, second- and third-degree burns to 22% of his body. Because of the demands of his teaching profession, he had to quit his job and now works at Lowe's store.
Apartment Gas Explosion		
11/13/2014	\$ 34,000,000	<u>Confidential</u> (Auto - Ohio) 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.
Auto: Truck Accident		
10/01/2014	\$ 42,000,000	<u>Kiara Torres and Joshua Rojas v Concrete Designs Inc., Brian M. English and Jovanny Martinez</u> (Auto - Ohio) In November 2010, driver Martinez, 24, was driving his 1992 Honda on a bridge in Cleveland with three other school friends on

Auto/Dump Truck Crash		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.
03/05/2014	\$ 11,000,000	<u>Rhodes v X-Chem and NCH Corp.</u> (Auto Fatality – Texas)
Pastor killed; hits overturned truck		In October 2011, Pastor Daniel Rhodes was killed on his way to work when his vehicle collided with an overturned commercial truck. The owners of the truck were found negligent in their responsibilities and supervision of the truck driver who was not in compliance for both internal and Department of Transportation training. Rhodes owned a sawmill and was a minister in Nacagdoches, Texas.
12/19/2013	\$ 4,000,000	<u>Brandi Williams v Tillerd Ardean Smith, Medallion Transport & Tomy Rushing</u> (Auto - Texas)
Auto/Tractor-Trailer Crash		In April 2011, a 32-year-old registered nurse's Lincoln Navigator hit the front of a tractor-trailer whose driver was making a U-turn. Injuries were subjective without supportive findings.
05/01/2013	\$ 20,251,963	<u>EEOC v Four Amigos Travel, Inc. and Top Dog Travel</u> (Employment Practices: Sexual Harassment and Retaliation – Florida)
Sexual Harassment/Retaliation		8 former female employees were subject to egregious sexual harassment on a daily basis including unwanted sexual advances, physical touching, repeated propositions for sex in a work environment filled with sexual banter, abuse of power and outright disrespect for women. The company also fired a manager for bringing forth the victims' complaints.
04/2013	\$ 90,000,000	<u>Confidential</u> (Auto Fatality - Maryland)
Pedestrian Fatality 6 Injured		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.
02/20/2013	\$ 47,000,000	<u>Jiffy Lube International Inc. Text Spam Litigation</u> (Management Practices / Cell Phone Calling – California)
Cell Phone Tele- marketing Transmittals		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.
09/25/2012	\$ 50,000,000	<u>Confidential</u> (Premises / <i>Chimp Attack in Connecticut</i>)
Premises: Chimp Attack		In February 2009, plaintiff/employee went to her friend's home to help lure her friend's 200-pound chimpanzee, Travis, back into her home. But, the animal went berserk outside the home and ripped off plaintiff's nose, lips, eyelids and hands before being shot to death by a police officer. She also became permanently blind from an infection spread by the chimp.
04/08/2011	\$ 23,750,000	<u>Sperl v C.H. Robinson Worldwide, Inc.</u> (Auto Fatalities – Illinois)
10 Vehicle Fatality		In 2004, a 40-ton tractor-trailer loaded with potatoes crashed into stopped traffic, involving 10 automobiles, including a number of large trucks. Two men were killed, and another was critically injured with 17 broken bones.
03/28/2011	\$ 8,000,000	<u>EEOC v In'l Profit Asso.</u> (Employment Practices / Sex Harassment – Illinois)
Sex Harassment		82 women were victims of harassment by co-workers as well as by the highest ranking officers of IPA including sexual assaults and propositions, inappropriate touching, and crude sexual comments.
01/05/2011	\$ 3,200,000	<u>EEOC v Jewel-Osco</u> (Employment Practices / Disability – Illinois)
Disability Terminations		Jewel-Osco stores had a practice of terminating employees with disabilities at the end of medical leaves of absence rather than bringing them back to work with reasonable accommodations. About 1,000 employees in the greater Chicago area were allegedly terminated under this policy since 2003; however, 110 individuals will share in the award monies.
06/24/2010	\$ 2,025,000	<u>Confidential</u> (Auto Fatality -- Maryland)
Fatality Walking Across Freeway Ramp		In 2007 while part of a 6-inmate litter-picking crew, a 28-year-old prison inmate was struck by a private, 39-ton dump truck. While he and at least two other inmates were trying to cross the freeway ramp after picking up litter on the opposite side of the road, a tractor-trailer and a dump truck approached and tried to go through the exit at the same time. The tractor-trailer was able to get through; however, the dump truck went off the ramp and struck the inmate.

03/01/2010	\$ 11,700,000	Sex Discrimination	<u>EEOC v Wal-Mart Stores</u> (Employment Practices: Sex Discrimination – Kentucky) A class of females alleged gender discrimination in hiring when filling open order filler positions. Walmart will now fill the first 50 order filler positions with female class members; the next 50 positions, every other job; thereafter, every third position.
12/17/2009	\$ 4,500,000	Age Discrimination	<u>EEOC v Allstate Ins. Co.</u> (Employment Practices / Age Discrimination -- Missouri) 90 claimants were adversely impacted based on age during a company-wide reorganization. From 200-2002, Allstate adopted a hiring moratorium while severance benefits were being received, applying to all its employee-sales agents who were part of the reorganization program. Allstate was reorganizing from employee agents to independent contractors. This had a disproportionate impact on employees over the age of 40. More than 90% of the agents subjected to the hiring moratorium were 40 years of age or older. As a result, former older employees who sought or would have sought employment with the company, received a settlement fund.
12/15/2008	\$ 8,900,000	Race/Color/Nat'l Origin Discrimination	<u>EEOC v Albertsons</u> (Employment Practices / Race, Color, and Nat'l Origin Discrimination – Colorado) The first case was filed in 2006, alleging a pattern of workplace, including the managers, harassment and discrimination including derogatory comments and graffiti. They were given harder work assignments and were more frequently and severely disciplined. The second lawsuit in 2008 alleged a practice of retaliation with continued harassments, and were passed over for promotion or fired.
05/13/2008	\$ 5,000,000	Bicyclist Killed	<u>McIntyre v Renney</u> (Auto Fatality – Florida) The family of 55-year-old bicyclist was awarded monies from motorist who ran a stop sign, striking the cyclist and killing him.
05/06/2008	\$ 2,170,000	3 Vehicle Crash	<u>Martin v Goldenhersh</u> (Auto – Illinois) After sustaining serious injuries in a crash, a Rockford plaintiff filed a civil action suit against two appellate court judges. One defendant was driving a car that allegedly caused a 3-vehicle accident on Oct. 7, 2002 outside Freeport, and crashed into plaintiff and another motorist.
11/07/2007	\$50,000,000	Car Hit by Pickup	<u>Mario Ladler v Michael Yow</u> (Auto – Florida) A 4-year-old's Lakeland family was awarded damages for a car accident that left their son severely brain damaged in 2004. His father was also seriously injured in the crash with multiple injuries. The defendant pleaded guilty to DUI with serious bodily injury after plaintiff's family car was hit by his pickup truck.
07/26/2007	\$45,000,000	Vehicle Fatality Killing 2 Children	<u>Bryant v Mitchell</u> (Auto Fatalities – Florida) In 2006, 36-year-old plaintiff mother was driving her 1998 Ford pickup, heading north on State Road 33 when defendant's commercial-sized truck, heading south, made a left turn and drove into her path, killing her 9-year-old daughter and 8-year-old passenger. None of them were wearing seat belts. The mother was seriously injured. Her fetus did not survive and the mother suffered brain damage.

(For the complete 1998-2017 Verdict Report contact Ken Hale at khale@mma-mi.com)

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