

[REDACTED]

CITY ATTORNEY QUARTERLY STATUS REPORT OF LITIGATION
For Period Commencing July 1, 2018 through September 30, 2018

[REDACTED]

APPELLATE COURTS

Adams Outdoor Advertising Limited Partnership v City of East Lansing
(Michigan Court of Appeals, Case No. 342454, ICCA 17-442-AA)

On February 20, 2018, Adams filed an Application for Leave to Appeal to appeal from Judge Canady's decision upholding the Building Board of Appeal's denial of their request for a billboard permit at the intersection of Grand River and Michigan Avenues. [REDACTED]

[REDACTED]

We filed our Answer to the Application on March 13, 2018 [REDACTED]

[REDACTED]

Leave to appeal was denied by the Court of Appeals on August 6, 2018, for lack of merit on the grounds presented.

CIRCUIT TRIAL COURTS

DJH Realty, Inc. v City of East Lansing (Circuit Court Case No. 18-587-AW)

On August 30, 2018, DJH Realty, Inc., filed a complaint against the City challenging the City Council denial of their request to change the classification of their rental license on August 14, 2018. [REDACTED]

An Appearance was filed by our firm on behalf of the City on September 5, 2018. An Answer to the Complaint was filed on September 21, 2018. [REDACTED]

Gallagher, et al v City of East Lansing (Circuit Court Case No. 10-1540-NZ)

Plaintiffs James and Laura Gallagher, Jill Baker, and Chris and Lori Kindsvatter, filed a lawsuit against the City on November 24, 2010, alleging that the City was negligent when it allowed raw sewage and/or storm water to back up into their homes on Bramble Street. Plaintiffs also alleged an unlawful taking of property. [REDACTED] Our firm accepted service of the complaint on December 9, 2010. On December 30, 2010, we filed an answer and affirmative defenses to the complaint as well as a reliance on their jury demand.

[REDACTED]

Discovery ended on March 5, 2012. We filed a motion for summary disposition and argued our motion on April 18, 2012. Judge Canady denied our motion for summary disposition on the issue of governmental immunity but granted the motion on the issue of an unlawful taking.

Case evaluation was held on June 14, 2012. [REDACTED]

[REDACTED]

[REDACTED] appeal was taken in a timely manner on June 28, 2012. The appellate process stayed the proceedings in circuit court until the Court of Appeals renders its decision. [REDACTED]

[REDACTED]

We filed our brief on September 14, 2012. The plaintiffs filed their brief on October 19,

2012. [REDACTED]

[REDACTED] The Court of Appeals remanded this case back to the circuit court for a full evidentiary hearing. The Court of Appeals' decision was dated February 25, 2014.

[REDACTED] plaintiffs' counsel filed a motion for reconsideration with the Court of Appeals on March 18, 2014, [REDACTED]

Plaintiffs' motion for reconsideration was denied by the Court of Appeals by order dated May 2, 2014. No further appeals were taken by plaintiffs. The case stands as remanded back to the circuit court. No hearing date has been set at this time. [REDACTED]

[REDACTED] The City is insured for this claim in excess of \$50,000.

There has been no notification from the Circuit Court since this case was remanded back to it by order of the Court of Appeals on May 2, 2014. [REDACTED]

Gateway of East Lansing LLC v City of East Lansing (Ingham County Circuit Court File No. 18-31-CH)

On January 11, 2018 Gateway filed a complaint against the City challenging the restrictions the City placed on their Special Use Permit limiting the hours of operation from 6:00 am to 10 pm for any business that goes into their commercial space.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The answer has been filed and a scheduling order has been entered. A mediator has been selected.

We filed our Witness List on August 15, 2018. This matter is currently scheduled for mediation on March 15, 2019. Pretrial is scheduled for May 2, 2019, and Non-Jury trial is scheduled for June 3, 2019. [REDACTED]

Next Generation Investment Properties v City of East Lansing (Ingham County Circuit Court File No. 18-426-CZ)

This case involves the conversion of duplexes into non-conforming single family houses and our refusal to issue a rental housing license until the house is returned to a duplex. A complaint was filed on June 27, 2018 asserting five counts: Count I - prescriptive easement. Count II - Illegal taxation of rental housing. Count III - "unequal protection." Count IV - Inverse Condemnation. Count

V - Due Process. The matter was assigned to Judge Canady.

An appearance was filed on 7-11-18 and an answer on 7-31-18. A Scheduling Conference Order was entered on 8-27-18. This case is proceeding through the discovery phase.

City of East Lansing v. Daniel O'Connell - 631 Lexington Avenue (Ingham County Circuit Court File No. 17-154-CZ)

On May 4, 2016, the single family home and detached garage located on the property were determined to be a dangerous building by the City's chief code official pursuant to East Lansing City Ordinance section 108.2 and notice was provided to the current property owner and one other party in interest.

A hearing was scheduled for May 23, 2016, and at that time, Respondent appeared and placed a stipulation on the record that he would completely demolish the single family home by September 1, 2016, and that he would obtain the required demolition permits from the City by August 8, 2016.

It was also stipulated that he would provide to the City approval from the Ingham County Health Department to maintain the well located on the property. If approval by the Health Department was not granted, he agreed to would comply with all orders of the Ingham County Health Department regarding the well.

It was further stipulated that he would comply with any corrective actions ordered by the City for the detached garage structure located at 631 Lexington Avenue by August 8, 2016. If not in compliance by that date, he would obtain the required demolition permits from the City by August 8, and completely demolish the garage structure by September 1, 2016.

Finally, it was stipulated that the pink slip placard notifying persons that the building had been designated a dangerous building would remain posted at 631 Lexington Avenue, and that he would comply with all City ordinances for property maintenance. An Order with all of the stipulations identified above was signed by Hearing Officer Thomas Lapka on June 29, 2016.

Respondent failed to comply with the Order and pursuant to section 108.4.4, on October 3, 2016, the hearing officer sent a Report of Findings and copy of the Order to City Council for further action. On October 25, 2016, the City Council held a show cause hearing and approved the Order with 60 days for compliance. As of January 4, 2017, no permits have been obtained and no demolition has occurred.

On February 24, 2017, the City filed a Summons and Complaint for Equitable Relief to Abate the Dangerous Building with the 30th Circuit Court. The case was assigned to the Honorable Rosemarie Aquilina. [REDACTED]

[REDACTED] on May 12, 2017, the City filed a Request and Affidavit for default, which was entered by the court on May 15, 2017.

A hearing was held on the same on June 28, 2017 at which time Judge Aquilina entered the default judgment and Order for demolition [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] A lien was recorded with the Register of Deeds for the amount of the costs owed.

The property is still owned by Mr. O'Connell. The 2017 delinquent taxes in the amount of \$1,622.53 have been turned over to the County. 2018 delinquent taxes in the amount of \$24,199.57 includes the cost of the demolition lien also remain unpaid.

City of East Lansing v Richard Schomaker (Ingham County Circuit Court File Nos. 16-707-AR and 17-665-AR)

On April 9, 2015, Defendant was charged with two zoning code violations—one for having a fence which exceeds the maximum height requirement and one for maintaining a nuisance on his property which endangers the public safety by having an eight to ten foot barbed wire fence.

Following a jury trial on June 1, 2016, he was found not guilty of the height charge and guilty of the nuisance charge. At the sentencing held July 6, 2016, Judge Ball adjourned and ordered Defendant to have his fence in compliance with City code by July 29, 2016.

The sentencing was reconvened on August 1, 2016. [REDACTED]
[REDACTED]

[REDACTED]

On August 29, 2016, [REDACTED]

[REDACTED] Judge Ball ordered \$825.00 in fines and costs and three months of probation, the only condition being that the fence must be made compliant.

On September 16, 2016, Defendant filed his Claim of Appeal from the sentence in the Ingham County Circuit Court. [REDACTED]

[REDACTED] The City filed its response on November 2, 2016 and oral argument was held December 19, 2016.

[REDACTED] Judge Aquilina vacated the sentence and remanded it back to Judge Ball to hold an evidentiary hearing on the status of the retaining wall and resentence consistent with the evidentiary hearing.

The evidentiary hearing was held May 31, 2017 and June 1, 2017. [REDACTED]

[REDACTED] Judge Ball ordered Mr. Schomaker to allow an inspection of the structure within 14 days and reset the hearing for a report of findings.

By Order dated August 23, 2017, Judge Ball [REDACTED] not in compliance with the City's ordinances regulating fences, and that the matter be set for sentencing.

[REDACTED] Defendant filed a (second) Claim of Appeal on September 13, 2017, appealing the ruling on the evidentiary hearing. That case is 17-665-AR.

On October 16, 2017, we filed a motion to dismiss the appeal [REDACTED] On November 15, 2017, the Circuit Court granted our motion and dismissed the appeal.

The matter was scheduled for sentencing in the 54-B District Court on November 20, 2017. The Defendant was present; however, his attorney failed to appear for the sentencing.

The sentence was held on February 21, 2018. On March 23, 2018, Defendant filed a Claim of Appeal. [REDACTED]
[REDACTED] the City filed a motion to dismiss. [REDACTED]
[REDACTED] Defendant then filed a Claim of Appeal with a new filing number on March 29, 2018, [REDACTED] the City filed yet another motion to dismiss. At the motion hearing on June 14, 2018, [REDACTED] granted Application for Leave to Appeal, and ordered Defendant perfect his filing within 7 days. He failed to do so, and by Order dated June 25, 2018, dismissed his appeal and closed the file.

On July 3, 2018, Defendant filed a motion to reinstate the appeal. The City filed an objection on August 20, 2018. [REDACTED]
[REDACTED]

On September 12, 2018, Judge Garcia entered an order denying Defendant's motion for reconsideration. The file now goes back to the district court for a hearing on the pending probation violation.

City of East Lansing/Treasurer v None (Ingham County Circuit Court File No. 18-386-CZ)

On June 2, 2018, we filed a circuit court action to have delinquent property taxes taken off the tax rolls. [REDACTED]
[REDACTED]

A hearing was held on July 18, 2018 and the Order Striking Personal Property Taxes was signed by Judge James Jamo on that date and has been served upon all appropriate parties.

City of East Lansing v Kipling Wilson (Ingham County Circuit Court File No. 18-410-AV)

On February 22, 2017, Defendant was charged with ten civil infraction violations for maximum licensed occupancy and two civil infraction violations for renting without a license. A formal hearing was held over the course of several days and the parties submitted briefs. [REDACTED]
[REDACTED] on May 31, 2018, the court issued an Opinion and Order finding Defendant responsible for all twelve violations and ordering minimum fines and costs of \$260.00 per ticket, along with \$500.00 attorney's fees on the first ticket only.

On June 21, 2018, Defendant filed a Claim of Appeal. [REDACTED]
[REDACTED]

[REDACTED] On September 12, 2018 City filed its response brief and on September 27, 2018, Defendant filed his reply brief. [REDACTED]

Troy Williams, et al v City of East Lansing, (Ingham County Circuit Court File No. 15-49-NI)

Neal Wilensky filed suit on January 16, 2015, representing nine plaintiffs who worked for the WWTP and were/may have been exposed to asbestos in various locations of the WWTP. [REDACTED]

[REDACTED] on 6-26-18 the Court of Appeals issued an unpublished decision holding that the Worker's Disability Compensation Act is the exclusive remedy.

The Plaintiffs filed an Application for Leave to Appeal on 7-18-18. The City filed its answer on 8-14-18. The Plaintiffs filed a reply on 8-20-18. [REDACTED]

FEDERAL DISTRICT TRIAL COURTS

Adams Outdoor Advertising Limited Partnership v City of East Lansing (U.S. Dist. Court, West. Dist of MI, File No. 1:17-cv-548)

Adams Outdoor Advertising Limited Partnership v City of East Lansing (U.S. Dist. Court, West. Dist of MI, File No. 1:18-cv-20)

Adams Outdoor Advertising Limited Partnership v City of East Lansing (U.S. Dist. Court, West. Dist of MI, File No. 1:18-cv-279)

[REDACTED] on June 16, 2017, Adams filed a complaint in the Western District of the Federal District Court. It was assigned to Judge Paul L. Maloney. The Complaint asserts claims that City Sign Code is unconstitutionally vague and, as such, constitutes an unlawful prior restraint of their freedom of speech as well as violating their procedural and substantive due process rights under both US and Michigan constitutions.

On July 17, 2017 we received a scheduling conference from the Court setting the conference on August 17, 2017. On August 2, 2017 Plaintiff filed an amended complaint [REDACTED] adding a count that our sign code was in violation of the *Reed v Town of Gilbert Arizona* decision. Our office filed an answer to the amended complaint on August 29, 2017. [REDACTED] the Court adjourned the previous scheduling conference and reset it for September 29, 2017. Joint status reports were submitted on September 25, 2017 as required by the order and the scheduling conference was held on September 29, 2017. [REDACTED]

In December of 2017, the case was transferred from my office to Mr. Bogren from Plunkett, Cooney to handle the defense of the action. [REDACTED]

[REDACTED] The parties agreed to some extensions in the scheduling order as a result of the transition.
[REDACTED]

Discovery continues, and was extended to May 13, 2018. ADR is to take place between 5/16/2018 and 7/17/2018. Experts have been disclosed and the City filed responses to plaintiff's discovery requests on February 20, 2018. We served our Interrogatories to plaintiff on February 28, 2018, and filed our answers to interrogatories on March 1, 2018. A status/scheduling conference was held on March 7, 2018.

This case, along with the other two Federal matters discussed below, are scheduled for a status/scheduling conference on April 24, 2018.

On January 8, 2018, Adams filed a second complaint in the Western District of the Federal District Court. It was assigned to Judge Paul L. Maloney. This Complaint concerns another application for another billboard on Saginaw [REDACTED]
[REDACTED]

Mr. Bogren [REDACTED] filed an Answer on February 9, 2018. This case, along with the other two Federal matters, are scheduled for a status/scheduling conference on April 24, 2018.

On March 14, 2018, Adams filed a third complaint in the Western District of the Federal District Court, assigned to Judge Paul L. Maloney. [REDACTED]
[REDACTED]

Mr. Bogren [REDACTED] filed an Answer on April 4, 2018. All three Federal matters are scheduled for a status/scheduling conference on April 24, 2018.

The Federal District Court issued an order on April 24, 2018, consolidating all three cases under Lead Case No. 1:17-cv-548. After the scheduling conference on April 24, 2018, a case management order was issued setting all three matters for jury trial on August 12, 2019. Discovery ends on November 16, 2018, and all dispositive motions are to be filed by January 11, 2019. A settlement conference is scheduled for June 11, 2019, final pretrial conference is scheduled for July 22, 2019, and ADR is to take place on or before May 16, 2019.
[REDACTED]
[REDACTED]

***Country Mill Farms v City of East Lansing* (U.S. Dist Ct, West Dist of MI, File No. 1:17-cv-00487)**

[REDACTED] Country Mill Farms filed a complaint against the City in the Western District of the Federal District Court for the City's refusal to allow Country Mill to operate in the City's Farmer's Market as the result of Country Mill's business practice being in violation of the City's Civil Rights Ordinance. The initial complaint was filed on May 31, 2017, and an amended complaint was filed on June 8, 2017. Plaintiff's also filed a motion for preliminary injunction and memorandum in support on June 9, 2017. The City was not served until June 19, 2017. [REDACTED]
[REDACTED]

The law firm of Plunkett and Cooney has been retained by the City to defend this action.

The Plaintiff filed a motion for a preliminary injunction seeking to attend the Farmers Market while the case is pending and Plunkett Cooney filed a motion to have the case dismissed on behalf of the City. Plaintiff filed a response to the motion and the matter was scheduled for hearing on September 13, 2017 both motions were heard by the Court.

On September 15, 2017 the Court issued an order granting the Plaintiffs motion for an injunction and Country Mill was permitted to attend the September 17, 2017 Farmers Market.

[REDACTED]

On November 16, 2017, the Court issued its order on the City's motion to dismiss the complaint. [REDACTED]
[REDACTED]

On December 12, 2017, an answer to the complaint was filed on behalf of the City. An order was issued by the Court setting a scheduling conference for January 12, 2018.

[REDACTED]

[REDACTED]

[REDACTED]

This case remains in the discovery phase [REDACTED]

[REDACTED]

MICHIGAN TAX TRIBUNAL CASES

The City is responsible under the Michigan General Property Tax Act to defend all challenges to the City's assessment roll and the taxable values determined for real and personal property for all taxing units.

As of September 30, 2018, the Assessor's office shows eight active cases pending, representing 32 tax parcels.

The University of Phoenix has filed two tax appeals requesting a refund for property taxes

[REDACTED]

[REDACTED] These two cases are currently being held in abeyance by the Michigan Tax Tribunal because the same issues has been presented for adjudication in the Court of Appeals in three other cases.

The remaining 31 parcels are not located in a capture district. These cases represent \$5,065,617 in taxable value in dispute for 2018. These cases represent \$114,984.43 in City taxes at risk for 2018. Three tax appeals (Gaslight Investors, LLC) are multiple parcel appeals containing 28 parcels.

[REDACTED]

[REDACTED]

[REDACTED]

The University of Phoenix, Inc., v City of East Lansing (MTT Docket No. 17-3899-TT)

On November 30, 2017, the City was served with petitioner's Entire Tribunal Property Tax Petition. Petitioner is requesting a refund of personal property taxes [REDACTED]. The assessed taxable value for tax year 2014 was \$72,700, and for 2015 was \$53,500. The amount of tax in dispute for tax year 2014 is \$4,408.68, and for tax year 2015 is \$3,240.14. On December 6, 2017, our office filed an answer contesting the petition, [REDACTED].

On December 8, 2017, the Tax Tribunal issued an Order of Default against Petitioner [REDACTED]. [REDACTED] Petitioner was given 14 days to cure the default. On December 22, 2017, the Petitioner served on the Tribunal documentation making the necessary corrections to the Petition. On December 26, 2017, our office received an Order setting aside the default.

The Tax Tribunal issued a notice of February 1 to 15, 2019, prehearing general call and order of procedure in this matter. The parties must file and exchange their valuation disclosures by December 4, 2018. The parties shall exchange their prehearing statements by December 4, 2018, 2018. All pre-valuation disclosure "discovery" is closed as of December 4, 2018.

[REDACTED] we did file our Notice of No Valuation Disclosure on April 30, 2018.

On August 17, 2018, the Tax Tribunal issued an Order Holding Case in Abeyance pending the outcome of *Ross Education Inc v City of Taylor*, *Dorsey School of Business Inc v City of Southgate* and *Dorsey School of Business Inc v Saginaw Twp*, which are currently pending before the Michigan Court of Appeals. We are to notify the Tribunal within 14 days of the final resolution of these cases as to the need for further proceedings in both University of Phoenix cases, [REDACTED].

The University of Phoenix, Inc., v City of East Lansing (MTT Docket No. 18-000732-TT)

On June 26, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition. The appeal is an exemption claim for 2015 for personal property owned by the University of Phoenix. The appeal is from the decision of the State Tax Commission to take jurisdiction over the matter as "incorrectly reported" property. The assessed taxable value for tax year 2015 was \$53,500. This appeal represents \$3,240.14 of tax in dispute. On July 26, 2018, our office filed an answer contesting the petition [REDACTED].

The Tax Tribunal issued a notice of June 3 to 17, 2019, prehearing general call and order of procedure in this matter. Notice of No Valuation Disclosure is due September 6, 2018. The parties must file and exchange their valuation disclosures by April 5, 2019. The parties shall exchange their prehearing statements by April 5, 2019. All pre-valuation disclosure "discovery" is closed as of April 5, 2019.

[REDACTED] we did file our Notice of No Valuation Disclosure on August 17, 2018.

On August 17, 2018, the Tax Tribunal issued an Order Holding Case in Abeyance pending the outcome of *Ross Education Inc v City of Taylor*, *Dorsey School of Business Inc v City of Southgate* and *Dorsey School of Business Inc v Saginaw Twp*, which are currently pending before the Michigan Court of Appeals. We are to notify the Tribunal within 14 days of the final resolution of these cases as to the need for further proceedings in both University of Phoenix cases [REDACTED]
[REDACTED]

Abbott Road Associates LLC v City of East Lansing (MTT Docket No. 18-1773-TT)

On July 19, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition for tax year 2018. The City's 2018 true cash value estimate for the property is \$20,085,800. The petition contends a true cash value of \$14,000,000. On July 30, 2018, we filed an answer [REDACTED]
[REDACTED]

MIGA Housing LLC v City of East Lansing (MTT Docket No. 18-1870-TT)

On July 9, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition for tax year 2018. The City's 2018 true cash value estimate for the property is \$1,642,800. The petition contends a true cash value of \$700,000. On July 30, 2018, we filed an answer [REDACTED]
[REDACTED]

The Tax Tribunal issued a notice of June 3 to 17, 2019, prehearing general call and order of procedure in this matter. Notice of No Valuation Disclosure is due September 6, 2018. The parties must file and exchange their valuation disclosures by April 5, 2019. The parties shall exchange their prehearing statements by April 5, 2019. All pre-valuation disclosure "discovery" is closed as of April 5, 2019.

Costco Wholesale Corporation #1277 v City of East Lansing (MTT Docket No. 18-2419-TT)

On August 23, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition for tax year 2018. The City's 2018 true cash value estimate for the property is \$5,427,000. The petition contends a true cash value of \$2,000,000.

On August 22, 2018, the Tax Tribunal issued an Order of Default against Petitioner [REDACTED]
[REDACTED] Petitioner was given 14 days to cure the default. On August 24, 2018, the Petitioner served the requisite Proof of Service correcting the default. On August 6, 2018, our office received an Order setting aside the default.

On September 10, 2018, we filed an answer contesting the petition [REDACTED]

Gaslight Investors LLC v City of East Lansing (MTT Docket No. 18-3269-TT)

On August 29, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition/Property Tax Petition - Multiple Parcel. The petition covers 4 condominium units (i.e., 4 parcels). The City's 2018 true cash value estimate for the each of the parcels of property is \$164,800. The petition contends a total true cash value for each parcel of \$150,000. On September 10, 2018, we filed an answer [REDACTED]

Gaslight Investors LLC v City of East Lansing (MTT Docket No. 18-3630-TT)

On August 29, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition/Property Tax Petition - Multiple Parcel. The petition covers 20 condominium units (i.e., 20 parcels). The City's 2018 true cash value estimate for the property is \$1,993,400. The petition contends a total true cash value of \$ 1,730,000. On September 10, 2018, we filed an answer [REDACTED]

Gaslight Investors LLC v City of East Lansing (MTT Docket No. 18-3634-TT)

On August 29, 2018, the City was served with petitioner's Entire Tribunal Property Tax Petition/Property Tax Petition - Multiple Parcel. The petition covers 4 condominium units (i.e., 4 parcels). The City's 2018 true cash value estimate for each of the parcels on the property is \$164,800. The petition contends a total true cash value for each of the parcels of \$150,000. On September 14, 2018, we filed an answer [REDACTED]

ADMINISTRATIVE APPEALS

There are none pending at this time.

ADMINISTRATIVE PROCEEDINGS

1980 Wembley Way-Floyd and Lydia Radike NOW Rushmore Loan Management Services

This property has been vacant since at least June 2, 2016. [REDACTED]

[REDACTED] On March 21, 2017, the property was determined to be a dangerous building by the City's chief code official pursuant to East

Lansing City Ordinance section 108.2 and notice was provided to the current property owners and each party in interest.

[REDACTED]

[REDACTED]

[REDACTED] a hearing was held on August 1, 2017 before Hearing Officer Thomas Lapka. No one appeared on behalf of Rushmore Loan Management Services or Safeguard Properties. An Order was entered on August 22, 2017, deeming the property to be a dangerous building under City Code, ordering repair of the exterior of the structure within 60 days with applicable permits filed within 30 days, and ordering access to the interior of the property to determine any code violations.

[REDACTED]

[REDACTED] a show cause hearing was scheduled for December 19, 2017, before Council. A realtor appeared at the show cause hearing on behalf of an individual that was intending on purchasing the property. Council found the property to be a dangerous building and ordered the repairs to be done within 60 days.

The property was purchased by Djomehri Ihsan for \$140,000.00 on January 2, 2018. [REDACTED]

The property was sold May 29, 2018 for \$259,900.00. [REDACTED]

WORKERS' COMPENSATION APPEALS

There are no worker's compensation appeals pending at this time with our office.

CLAIMS AGAINST CITY

Danhof - 1812 Burrwood Circle

Date of Incident: November 25, 2016

On July 23, 2018, the City received notice from counsel for Linda Danhof claiming the City of East Lansing and the East Lansing Fire Department was liable for injuries and damages caused the City of East Lansing and the East Lansing Fire Department [REDACTED]

[REDACTED] The City has received no further correspondence regarding this matter.

Sipeolu - Vehicle Damage/Personal Injury

Date of Incident: August 20, 2018

On August 29, 2018, the City received notice from the David Chapman Agency of an automobile accident involving Oluwaseun Sipeolu and a garbage truck owned by the City of East Lansing, [REDACTED]

Gutow Management Sewer Claim at 418 Division

[REDACTED]

On December 16, 2015, I sent correspondence to Gutow Management [REDACTED]

[REDACTED]

We still have not received any further communications at this time [REDACTED]

Claim of Jeanie Henshaw

Date of Incident: February 19, 2017

Ms. Henshaw, a 63 yr old resident of the City apparently tripped on a City sidewalk on February 19, 2017, and scraped her hands, bruised her knee and hurt her shoulder. X rays were negative. On October 13, 2017, I received a copy of a letter from attorney Aardema Whitelaw on behalf of the claimant, Ms. Henshaw disputing a denial of his claim by the City's claims adjuster.

[REDACTED]

[REDACTED]

Our office has received no further word on this matter.

Claim of Sarah Kay

Date of Incident: October 2, 2015

In October, 2015, a City tree fell on Ms. Kay's car. She requested reimbursement from the City of her deductible.

[REDACTED]

[REDACTED]

[REDACTED]

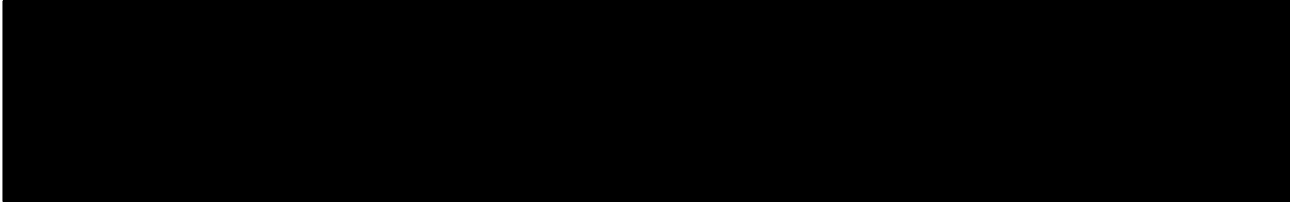
[REDACTED]

[REDACTED] There has been no action in this matter [REDACTED]

Behzad Sohizad/Heideh Sedghi - 955 Abbot Road

In October, 2015, we received a claim asserting that our repair work in front of 955 Abbot had blocked the sewer. I sent correspondence dated October 20, 2015, requesting additional

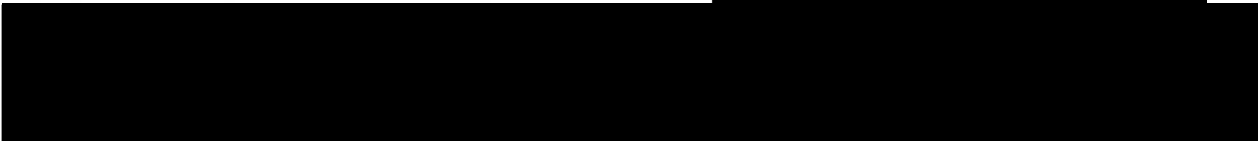
information and had not received any further correspondence until December 5, 2016 (over a year after the original correspondence was sent), I received correspondence from attorney Mark Pritzlaff indicating he had recently be retained. His correspondence asserts damages of \$35,749.04.



There has been no action in this matter since the last report.

Bonnie Sumbler - 259 Durand (Sewer lead repair)

On October 5, 2016 a contractor filed a claim on behalf of Ms. Sumbler asserting a claim for a private lead that broke 3 to 5 feet from our sewer. 



There has been no action in this matter 

DISTRICT COURT CASES

DISTRICT COURT PERSONAL PROPERTY TAX COLLECTION CASES

None at this time.

DISTRICT COURT REPORT

JULY, 2018

DISTRICT COURT

7/10/18 - 4 jury selections (3 resolved, 1 set for plea/sentencing).

7/12/18 - 35 pre-trials (22 pled, 6 adjourned, 7 FTA/BW); default motions; 7 formal pre-trials (4 resolved, 1 FTA defaulted, 2 adjourned).

7/19/18 - 18 pre-trials (7 pled, 5 adjourned, 2 set for jury selection, 4 FTA/BW); 14 formal pre-trials (11 resolved, 1 FTA/defaulted, 2 adjourned).

7/26/18 - 30 pre-trials (20 pled, 3 adjourned, 1 set for jury selection, 2 set for plea, 4 FTA/BW); default motion; 10 formal pre-trials (5 resolved, 1 FTA/defaulted, 3 set for formal hearing, 1 adjourned).

HOUSING CODE ENFORCEMENT/LITIGATION

Occupant at 3152 Hamlet Circle (William Gasper) - A default judgment was entered against the occupant for failing to appear at the formal pre-trial for six charges of occupancy without a license. Standard fines and costs were assessed in the amount of \$565.00 fines and \$10.00 costs for each citation for total fines and costs of \$3,450.00. This amount remains due at this time.

Owner at 164 Kedzie (Richard Foster) - Defendant admitted responsibility to three citations for maximum occupancy with a fine in the amount of \$565.00 and costs in the amount of \$10.00 for each citation for total fines and costs of \$1,725.00. Payment in full has been made and the remaining three citations have been dismissed.

Tenants at 237 Whitehills Drive (Mueller/Martino/Wilson/Reilly) - Two of four tenants (Reilly and Mueller) admitted responsibility for two citations each for maximum occupancy with a fine in the amount of \$250.00 and costs in the amount of \$10.00 per citation for total fines and costs of \$520.00 each. Another tenant (Martino) previously agreed to the same deal in May, 2018 and has paid total fines and costs of \$520.00. The remaining tenant (Julian) had a default judgment entered against him in the amount of \$565.00 fines and \$140.00 costs for two citations for total fines and cost in the amount of \$1,430.00. Of that amount, \$615.00 remains due at this time. Total fines and costs collected for all tenants to date total \$2,375.00.

AUGUST, 2018

DISTRICT COURT

8/02/18 - 21 pre-trials (7 pled, 10 adjourned, 1 set for plea, 3 FTA/BW); default motions; 6 formal pre-trials (5 resolved, 1 FTA set for FH).

8/08/18 - Motion to Suppress (denied); 1 formal hearing (FTA/reset).

8/09/18- 21 pre-trials (10 pled, 5 adjourned, 1 dismissed, 5 FTA/BW).

8/14/18 - 4 jury selections (1 pled, 3 set for plea).

8/16/18 - 25 pre-trials (14 pled, 6 adjourned, 2 set for jury selection, 1 set for plea, 2 FTA/BW).

8/23/18 - 26 pre-trials (17 pled, 5 adjourned, 4 FTA/BW); default motions; 1 formal hearing (FTA defaulted); 8 formal pre-trials (5 resolved, 1 adjourned, 2 dismissed).

8/30/18 - 24 pre-trials (16 pled, 4 adjourned, 4 FTA/BW).

HOUSING CODE ENFORCEMENT/LITIGATION

Owner at 318 W. Saginaw, #19 (Amporn Jagasia) - Defendant admitted responsibility to four citations for renting without a license with a fine in the amount of \$250.00 and costs in the amount of \$10.00 for each citation for total fines and costs of \$1,040.00. Payment in full has been made and the remaining three citations have been dismissed.

SEPTEMBER, 2018

DISTRICT COURT

9/06/18 - 27 pre-trials (13 pled, 5 adjourned, 7 dismissed, 2 FTA); 9 formal hearings (6 resolved, 2 FTA-defaulted, 1 set for FH).

9/07/18 - 1 pre-trial (pled).

9/11/18 - 1 pre-trial (set for JS); 3 jury selections (1 pled, 1 set for plea, 1 dismissed).

9/12/18 - 1 Motion to Set Aside Conviction, Remove Abstract, and Enter Nolle Pros (granted).

9/13/18 - 28 pre-trials (11 pled, 8 adjourned, 4 dismissed, 5 FTA/BW); default motion; 4 formal pre-trials (3 resolved, 1 dismissed).

9/17/18 - Petition Regarding Impoundment of Motor Vehicle (Petitioner failed to appear and case was dismissed with prejudice).

9/20/18 - 38 pre-trials (20 pled, 7 adjourned, 4 set for jury selection, 7 FTA/BW); default motions; 8 formal pre-trials (8 resolved).

9/24/18 - 1 Application to Set Aside Conviction (granted).

9/26/18 - 1 formal hearing (resolved)

9/27/18 - 37 pre-trials (26 pled, 3 adjourned, 8 FTA/BW).

HOUSING CODE ENFORCEMENT/LITIGATION

Tenants at 240 Orchard (J. Brown/K. Brown/Moran) - This matter was set for a formal hearing. Upon appearing for the formal hearing, the tenants were interested in a plea offer. All three tenants admitted responsibility for two citations each for maximum occupancy with a fine in the amount of \$250.00 and costs in the amount of \$10.00 for each citation for total fines and costs of \$520.00 per tenant. Each tenant also agreed to pay \$279.46 restitution for our preparation time for the formal hearing. The total fines, costs and restitution for all three tenants is \$2,398.38.

Owner at 444 Spartan Avenue (Richard Rowse III) - Defendant admitted responsibility for eight citations for maximum occupancy with a fine in the amount of \$250.00 and costs in the amount of \$10.00 for seven citations and a fine of \$470.00 and costs of \$10.00 for one citation for total fines and costs of \$2,300.00 for all eight citations. Payment in full has been made.

MAJOR PENDING PROJECTS

None at this time.