



DETROIT
**Water & Sewerage
Department**

Office of General Counsel

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MEMORANDUM

To: Gary A Brown, Director
From: Nikkiya Branch Penson, Deputy General Counsel
Date: June 27, 2023
Re: Metrics from the Office of the General Counsel – **June 2023**

HIGHLIGHTS

- The OGC filed a new collection case seeking to collect \$117,184.28 in outstanding water, sewer and drainage charges.
- The OGC brought in \$134,703.27 from two long time delinquent commercial customers.

New Cases filed by DWSD:

- i. ***DWSD v. Clairpointe of Victoria Park Homeowners Association*** - A collection case against Clairpointe of Victoria Park Homeowners Association for unpaid drainage services. We are seeking to collect \$117,184.28.

New Cases filed against DWSD:

- i. ***George Williams v. City of Detroit*** – in this case, the Plaintiff alleges injuries resulting from a motor vehicle accident. DWSD will be filing an answer to the complaint.

Pending Cases that are being handled In-House:

A. Collection

- i. ***DWSD v. Heritage Manor Nursing and Rehab*** – this involves the collection of outstanding water, sewer and drainage charges. We are seeking to collect \$198,000.00. DWSD is currently in settlement discussions with the Plaintiff.
- ii. ***DWSD v. Boulevard Nursing and Rehab*** – this involves the collection of outstanding water, sewer and drainage charges. We are seeking to collect \$40,000.00.
- iii. ***DWSD v. Connor Creek*** - this involves the collection of outstanding water, sewer and drainage charges. We are seeking to collect \$427,000.00. DWSD is currently in settlement discussions with the Plaintiff.

- iv. **DWSD v. Herman Kiefer** - this involves the collection of outstanding water, sewer and drainage charges. We are seeking to collect \$797,000.00. DWSD has filed a Motion for Summary Disposition on May 12, 2023. The motion is set to be heard on July 20, 2023.
- v. **DWSD v. Jalal Jameel and Nawal Jameel** – A collection case against Jalal Jameel for unpaid water, sewerage and/or drainage services. We are seeking to collect \$81,062.63. This matter is currently in the discovery process.
- vi. **DWSD v. G F H Enterprises, Inc.** - A collection case against G F H Enterprises, Inc. for unpaid water, sewerage and/or drainage services. We are seeking to collect \$90,159.19. This matter is currently in the discovery process.
- vii. **DWSD v. Wiggins Land Company, L.L.C. et al.** - A collection case against Wiggins Land Company, L.L.C. for unpaid drainage services. We are seeking to collect \$148,660.17. DWSD has filed an amended complaint as additional parties were added to the case. We are awaiting the Defendant's answer.
- viii. **DWSD v. Midtown Solutions LLC** - A collection case against Midtown Solutions LLC for unpaid water, sewerage and/or drainage services. We are seeking to collect \$92,209.55.
- ix. **DWSD v. UC Palmer Park VI** - A collection case against UC Palmer Park VI for unpaid water, sewerage and/or drainage services. We are seeking to collect \$482,725.61.
- x. **DWSD v. Linwood Group, L.L.C.** - A collection case against Linwood Group, L.L.C. for unpaid water, sewerage and/or drainage services. We are seeking to collect \$145,342.58.

B. Defense

- i. **Williams et al. v. City of Detroit, et al** – This case involves allegations of gross negligence and wrongful death on the part of DWSD relating to a house fire. After DWSD won the Motion for Summary Disposition, the Plaintiff then appealed the decision in this case to the Court of Appeals. DWSD has filed a reply to the request for appeal.
- ii. **Simmons v. City of Detroit** – in this case, the Plaintiff is alleging injuries resulting from a missing catch basin cover. This matter is currently in the discovery process.
- iii. **Dalloul v. City of Detroit** – in this case, the Plaintiff alleges injuries resulting from a motor vehicle accident. This matter is currently in the discovery process and will be going to facilitation on June 29, 2023, to assist in settling this case.
- iv. **ACLU v. City of Detroit et al** – in this case, the Plaintiff is seeking to enjoin DWSD from resuming the use of service interruptions. We are awaiting a decision from Judge Hood.
- v. **Iron Hook Property, LLC v. City of Detroit (DWSD)** – in this case, the Plaintiff alleges injuries resulting from a sewer defect. DWSD filed a counterclaim to collect outstanding water, sewer and drainage charges in the amount of \$59,000.00. This matter is currently in the discovery process.

- vi. ***Duchin Realty, LLC v. DWSD*** – in this case, the Plaintiff alleges sewage intrusion on the premises and that DWSD did nothing to address the emergency. DWSD has filed a response to the complaint. This matter is currently in the discovery process.
- vii. ***Cicely Turner v. DWSD*** – in this case, the Plaintiff is alleging damage to her vehicle from flooding that resulted from driving into an active construction site in which pavement had been removed and stormwater was collected in the remaining hole. The Court ordered the Plaintiff to file an amended complaint by April 28, 2023, which she failed to do. Defendant will be seeking dismissal of the case. Next Pre-trial is set for July 26, 2023.
- viii. ***Grand River Market, LLC v. DWSD*** – in this case, the Plaintiff currently has a tax lien against their property due to unpaid water bills and seeking a temporary restraining order to halt judicial foreclosure proceedings. This matter is currently scheduled for a status conference on July 10, 2023.
- ix. ***Ameriparts Inc. v. City of Detroit*** – in this case, the Plaintiff is disputing its drainage charges. DWSD has filed an answer to the complaint and is working on a settlement with opposing counsel.
- x. ***LaTisha Harris v. DWSD*** – in this case, the Plaintiff alleges that DWSD’s sewer line had a blockage which resulted in raw sewage backing up into her basement. DWSD filed an answer to the complaint on May 26, 2023. Pre-Trial is set for August 29, 2023.

Cases Resolved this Month:

- i. ***DWSD v. Magic Plus, LLC*** - A collection case against Magic Plus, LLC for unpaid drainage services. A motion for default judgment in the amount of \$253,424.00 has been filed and was heard on June 16, 2023. The Defendant responded and immediately began settlement discussions. It was agreed that the Defendant will pay the total past due balance in three (3) installments in exchange for a 12-month penalty reversal. With this agreement, DWSD is set to collect \$263,175.68. The first installment of \$100,000.00 was received this month and applied as revenue to the department. Pursuant to the settlement agreement, once the first installment is received, DWSD will request a dismissal. This case is now dismissed.