



DETROIT
**Water & Sewerage
Department**

Office of General Counsel

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MEMORANDUM

To: The Honorable Board of Water Commissioners
From: Nikkiya Branch Penson, Deputy General Counsel
Date: July 20, 2023
Re: Metrics from the Office of the General Counsel – **July 2023**

HIGHLIGHTS

- The OGC filed two new collection cases seeking to collect \$474,700.07 in outstanding water, sewer and drainage charges.

New Cases filed by DWSD:

- DWSD v. GDL Holdings LLC*** - A collection case against GDL Holdings LLC for unpaid water, sewer, and drainage services. We are seeking to collect \$373,887.53.
- DWSD v. Fifty Nine Hundred Commonwealth Corp*** – A collection case against Fifty Nine Hundred Commonwealth Corp for unpaid drainage services. We are seeking to collect \$100,812.54.

New Cases filed against DWSD:

- Ibraheem Jabril 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

- 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 was in settlement discussions with the Plaintiff but due to recent difficulties settling, DWSD filed a Motion for Summary Disposition against the Defendant. The hearing will be heard on August 30, 2023.
- 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. Case evaluation occurred on July 19, 2023 and the panel ruled in DWSD's favor and recommended an award of \$600,000.00. The motion is set to be heard on August 31, 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. DWSD is currently in settlement discussions with the Defendant.
- 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. This matter is currently in the discovery process.
- 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. Due to the Defendant not responding to our complaint, DWSD filed a Motion for Default Judgment in the amount of \$102,635.95. The motion is set to be heard by the Court in August.
- 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. Due to the Defendant not responding to our complaint, DWSD filed a Request and Entry for Default and will soon file its Motion for Default Judgment.
- 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.
- xi. **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.

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.
- 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 and serve an amended complaint by April 28, 2023, which she failed to do. DWSD filed a Motion to Dismiss and will be seeking a dismissal of this case. Pretrial/Motion Hearing 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 in the discovery process.
- 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.
- xi. ***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.