



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: September 29, 2023
Re: Metrics from the Office of the General Counsel – **September 2023**

HIGHLIGHTS

- The OGC filed a new collection case seeking to collect \$169,636.90 in outstanding water, sewer and drainage charges.
- The OGC brought in \$367,003.35 from a long time delinquent commercial customer.

New Cases filed by DWSD:

- i. ***DWSD v. Waste Management of Michigan Inc. et al.*** - A collection case against Waste Management of Michigan Inc. and Custom Ecology of Ohio, Inc. for unpaid water, sewer and drainage services. We are seeking to collect \$169,636.90.

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 filed a Motion for Summary Disposition against the Defendant. The Court ruled in favor of DWSD and the Judge ordered the Defendant to get into an installment plan to pay the outstanding debt.
- 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. This case has been settled with the Defendant paying DWSD a down payment of \$234,312.21 and the remaining balance will be paid in a payment plan arrangement. By entering this settlement, this case will be dismissed soon.
- 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 Defendant responded to our motion and filed its own motions. The Court decided to reschedule the hearing to hear all motions that have been filed. The motion hearing is set to be heard on October 10, 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 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 failure to respond to DWSD's complaint, DWSD filed a Motion for Default Judgment in the amount of \$102,635.95. The Defendant contacted DWSD prior to the pending motion hearing and a settlement has been reached.
- 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. The Defendant contacted DWSD to discuss possible settlement.
- 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. Due to Defendant's failure to respond to DWSD's complaint, a default was entered against the Defendant. The Defendant later contacted DWSD to discuss settlement.
- 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.
- xii. **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.
- xiii. **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. DWSD is currently in settlement discussions with the Defendant.
- xiv. **DWSD v. Morgan Waterfront Homes Association** - A collection case against Morgan Waterfront Homes Association for unpaid drainage services. We are seeking to collect \$157,907.46.

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. The Court of Appeals responded denying the Plaintiff’s Application to Appeal this case.
- 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 discussions of settlement.
- vii. ***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.
- viii. ***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.
- ix. ***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. This matter is currently in the discovery process. Next Pre-Trial is set for November 14, 2023.
- x. ***George Williams 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.
- xi. ***Ibraheem Jabril 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.
- xii. ***Collins v. DWSD*** – an employment case where the Plaintiff alleges discrimination and harassment while working for the department. DWSD is preparing to file a response to the complaint.

- xiii. ***Desheante Holloway v. City of Detroit*** – in this case, the Plaintiff alleges injuries resulting from a motor vehicle accident. DWSD has filed an answer to the complaint.