



DETROIT

**Water & Sewerage
Department**

Office of General Counsel

Water Board Building
735 Randolph Street
Detroit, MI 48226

Phone 313-964-9421
Fax: 313-842-6472
detroitmi.gov/dwsd

MEMORANDUM

TO: The Honorable Board of Water Commissioners
City of Detroit Water and Sewerage Department

FROM: Choi T. Portis
Deputy General Counsel
City of Detroit Water and Sewerage Department

DATE: April 27, 2018

CC: Debra N. Pospiech
Chief General Counsel
City of Detroit Water and Sewerage Department

RE: *Detroit Water and Sewerage Department Litigation Report*

The cases identified below are currently pending litigation matters being handled by attorneys in the Office of General Counsel.



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#	Plaintiff	Defendant	Court	Assigned Judge	Attorney	Type of Action	Brief Facts	Claims	Status of Litigation
1	DWSD	Heritage Manor	WCCC	Daniel Hathaway	Jacob Bahri	Collections	Defendant is a nursing home and rehabilitation center who has failed to pay water and sewerage bills for several accounts. The suit was filed to collect \$286,582.86.	Breach of implied contract	Case is currently in the discovery phase.
2	DWSD	Alma Almont, LLC, et al	WCCC	Megan Maher Brennan	Jacob Bahri	Collections	Defendants are realty companies who have failed to pay water and sewerage bills for several accounts. The suit was filed to collect \$26,349.87.	Breach of implied contract	Case is currently in the discovery phase.
3	Anthony Hampton	DWSD	WCCC	Martha Snow	Nikkiya Branch	Personal Injury	Plaintiff alleges that on June 4, 2017 he was traveling near 5323 Larchmont when he allegedly fell into a catch basin missing its cover.	Negligence	Case is currently in the discovery phase.
4	Michael Freeman	DWSD	WCCC	Muriel Hughes	Jacob Bahri	Personal Injury	Plaintiff alleges that on June 21, 2017, he was riding his bike on Burlingame street near Darymple when he allegedly struck an uncovered catch basin with his bike causing him to lose control of his bike, and be ejected from the bike.	Negligence	Case is currently in the discovery phase.
5	Jonathan Kenniburg	DWSD	WCCC	John Gillis	Choi Portis	Personal Injury	Plaintiff alleges that on October 16, 2013, he was walking near the east curb on Central and northbound Radcliffe when he stepped into the street and tripped over a catch basin missing its cover	Negligence	Board approved the arbitration amount, Plaintiff has signed the settlement agreement and release and is currently awaiting a check.
6	Food and Water Watch	DWSD	WCCC	Annette Berry	Choi Portis	FOIA	Plaintiff alleges that DWSD failed to turn over documents relative to a Freedom of Information Act request	Violation of FOIA Act	Case evaluation was held on April 24, 2018. DWSD's renewed motion for summary disposition will be heard on May 4, 2018

#	Plaintiff	Defendant	Court	Assigned Judge	Attorney	Type of Action	Brief Facts	Claims	Status of Litigation
7	Gail Beasley	DWSD	WCCC	John Gillis	Choi Portis	Basement Backup class action	Plaintiffs allege that on July 8, 2016 and August 15-16, 2016, they sustained damage resulting from water and sewage backing up into their basements following a substantial rainstorm on both dates.	Negligence	Case has been preliminarily settled. Awaiting board approval of the settlement.
8	Terri Warren-Davis	DWSD	WCCC	Sheila Ann Gibson	Nikkiya Branch	Personal Injury	Plaintiff alleges that on May 13, 2016, she was walking across southbound Woodward at Erskine when a manhole cover exploded, emitting hot steam which allegedly caused second degree burns to Plaintiff's ankle and lower right leg	Negligence	Case is currently in the discovery phase.
9	Michael Williams	DWSD	WCCC	Brian Sullivan	Jacob Bahri	Personal Injury	Plaintiff alleges on or about July 14, 2016 that he allegedly fell when his foot slipped into a cracked manhole cover on Sorrento Street. Plaintiff alleges injuries to his right foot and ankle.	Negligence	Case went to case evaluation. Motion for summary disposition to be filed.
10	Mary Crawford	DWSD	WCCC	Muriel Hughes	Jacob Bahri	Personal Injury	Plaintiff alleges that on June 22, 2016, she was riding her bike along Jefferson crossing Riopelle when she a DWSD employee, driving a DWSD vehicle, allegedly hit her.	Negligence	Case is currently in the discovery phase. A motion for summary disposition will be filed.
11	Katie Washington-Harvey	DWSD	WCCC	Susan Hubbard	Choi Portis	Personal Injury	Plaintiff alleges that on May 1, 2015, she was visiting Cuse Car Wash on Conant Street when she fell into an open manhole in the alley behind the car wash	Negligence	Case went to case evaluation. Motion for summary disposition filed and will be heard on May 17, 2018.
12	DWSD	DSRN Real Estate, LLC	WCCC	John Murphy	Jacob Bahri	Collections	Defendant is a realty company who has failed to pay water and sewerage bills for several accounts.	Breach of implied contract	Case is in the discovery phase.
13	Nellie Wardrop	DWSD	WCCC	Daniel Hathaway	Choi Portis	Personal Injury	Plaintiff alleges that on December 3, 2016, she was walking on Cass near Forest when she tripped on a storm sewer cover that was elevated more than 2 inches above the adjoining pavement when she fell.	Negligence	Case is in the discovery phase.

#	Plaintiff	Defendant	Court	Assigned Judge	Attorney	Type of Action	Brief Facts	Claims	Status of Litigation
14	Kimberly and Eric Gilewski	DWSD	WCCC	Daphne Means Curtis	Nikkiya Branch	Personal Injury	Plaintiffs allege that on June 18, 2016, they were riding their mopeds on eastbound Jefferson when Kimberly's moped fell into a deep hole causing her to crash. She was ejected from the moped and propelled further east on the roadway. She alleges that she sustained sprains, lacerations, injuries to her face, neck, back, shoulders, left knee, hand and a possible traumatic brain injury. Eric alleges that he witnessed the injury sustained by his wife and sustained emotional injuries	Negligence	Case is in the discovery phase.
15	DWSD	St. James Nursing & Physical Rehabilitation Center	WCCC	David J. Allen	Choi Portis	Collections	Defendant is a nursing home and rehabilitation center who has failed to pay water and sewerage bills for several accounts. The suit was filed to collect \$105,823.03	Breach of implied contract	Case is in the discovery phase.