



Water & Sewerage
Department

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QUARTERLY LITIGATION REPORT & CASE DISPOSITION

Second Quarter – FY2021

The Office of General Counsel manages all litigation matters for the Detroit Water and Sewerage Department (“DWSD”). At the close of Q2 FY2021, there are 19 pending litigation matters. The ‘in-house’ Legal Team represents DWSD in 11 cases. Outside counsel represents DWSD in 8 cases as indicated below.

Types of Cases

- DWSD is Plaintiff in 2 pending cases:
 - All cases are collections matters against commercial customers¹
- DWSD is a/the Defendant in 16 pending cases:
 - 6 cases allege personal injury² (One pre-bifurcation – GLWA handling)
 - 1 case alleges property damage based upon a basement backup ³
 - 3 cases allege breach of contract⁴ (GLWA defending one the other two are being handled in house)
 - 1 case alleges violations of civil rights and discrimination⁵
 - 6 cases allege violations of the Michigan Constitution, specifically the Headlee Amendment⁶ -- 5 cases challenge DWSD’s drainage charge, and are being handled by Miller Canfield and 1 case challenges the industrial wastewater charge, which GLWA is defending.
- Jurisdiction: Most cases are pending in Wayne County Circuit Court except for the following:
 - Michigan Court of Appeals (*Detroit Alliance/Binns/Trappers Alley*)
 - US District Court, Eastern Michigan (*Thomas; Highland Park*)

¹ *Nicholson Terminal; Assure Affordable*

² *Dale; Medina; Stanley; Lupercio; Johnson; Greer*

³ *Anderson-Small.*

⁴ *Highland Park; Livernois; Spine Specialists of Michigan*

⁵ *Thomas*

⁶ *DAART, Binns, Trappers Alley, Oakland Park; Midwest Valve; General Mills*

Cases Resolved

- 10 cases resolved this quarter.⁷
- In 1 case, the Office of General Counsel is waiting for signed settlement agreement from the Plaintiff.⁸
- DWSD Legal Team:
 - *Gilewski v. DWSD* - Settled for \$25,000 (Personal Injury – Road Defect)
 - *Blakes v. DWSD* - Settled for \$50,000 (Personal Injury – Road Defect)
 - *Porter v DWSD* - Settled for \$15,000 (Personal Injury - Auto)
 - *Stanley v. DWSD* - Settled for \$15,000 (Personal Injury - Auto)
 - *Amerisure Insurance v. DWSD*- Settled for \$4,679.86 (Property Damage)
 - *Singh v. DWSD* - \$18,800 credit to Plaintiff for alleged property damage and payment plan agreement with DWSD for \$40,000 delinquent charges. (Property Damage and Billing Dispute)
 - *Williams v. DWSD* - Settled for \$48,000 (Employment/Discrimination)
 - *Star Lodge v. DWSD*- Dismissed. Plaintiff paid debt via tax roll. (Drainage Charge Dispute)
 - *DWSD v. Hollywood* - Dismissed pursuant to a settlement/payment plan agreement for \$111,170 (Collections)
 - *DWSD v. Outer Drive* – Dismissed. After audit, amount owed to \$6,000. (Collections)
- Outside Counsel
 - *Senior Accountants, Analysts, and Appraisers Association v. DWSD*- Dismissed (Labor Issue)

Miscellaneous

- Legal Team intends to file **4 new collection cases** against commercial customers in April 2021 after fully vetting customer accounts.

⁷ *Gilewski; Williams; Blakes; Star Lodge; Hollywood; Outer Drive; Singh; Porter; Amerisure; Stanley*

⁸ *Stanley*