Docket #9868 Date Filed: 5/21/2015

# IN THE UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

	X	
	:	Chapter 9
In re	:	
	:	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	:	
	:	Hon. Thomas J. Tucker
Debtor	:	
	Х	

## DEBTOR'S REPLY TO RESPONSE TO OBJECTION TO CLAIM NO. 2730 FILED BY GRETCHEN R. SMITH

The Debtor, the City of Detroit (the "<u>City</u>"), by and through its undersigned counsel, for its reply (the "<u>Reply</u>") to the Response filed on behalf of Gretchen R. Smith dated May 21, 2015 (the "<u>Response</u>") [Dkt. No. 9586] to the City's Seventeenth Omnibus Objection to Certain Incorrectly Classified Claims ("<u>Seventeenth Omnibus Objection</u>") [Dkt. No. 9741] regarding claim number 2730 (the "<u>Claim</u>"), respectfully states as follows:

#### **BACKGROUND**

- 1. On July 18, 2013 (the "Petition Date"), the City filed this bankruptcy case.
- 2. On November 21, 2013, this Court entered its *Order, Pursuant to Sections 105,* 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof (the "Bar Date Order") [Dkt. No. 1782].
- 3. On July 9, 2014, this Court entered its Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 3007 Approving Claim Objection Procedures [Dkt. No. 5872] (the "Claims Procedures Order"), allowing the City to file an omnibus objection with respect to incorrectly classified claims (Claim Procedures Order at 2).

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- 4. On February 21, 2014, Ms. Smith filed Claim No. 2730 in an undetermined amount as an administrative priority claim.
- 5. On April 23, 2015, the City filed its Seventeenth Omnibus Objection [Dkt. No. 9741]. As to the claims objected to in the Seventeenth Omnibus Objection, the City determined that they were incorrectly classified as administrative claims.
- 6. The stated basis of the Claim is "retirement (DPS), property, bus accident, lawsuit for all Detroit Public Schools, appropriate benefits and rights." It appears that the claim may have arisen from a bus accident in which Ms. Smith apparently was injured.
- 7. The City filed the Seventeenth Omnibus Objection and objected to the Claim because it is incorrectly classified as an administrative claim.
- 8. On or about April 23, 2015, Ms. Smith was served notice of the Seventeenth Omnibus Objection [Dkt. No. 9741].
- 9. On May 21, 2015, Ms. Smith filed her response, stating in part "This Creditor, I, feel this case may or may not be Incorrectly classified." *Response*, p. 1
- 10. As set forth more fully below, the Claim is not properly classified as an administrative claim and should be reclassified as a general unsecured claim.
- 11. Other than seeking reclassification of the incorrectly classified Claim as a general unsecured claim, the Seventeenth Omnibus Objection did not address the substance of the Claim.

  Accordingly, the City reserves all of its rights to object, on any basis, to the Claim.

#### **ARGUMENT**

12. Section 502(a) of the Bankruptcy Code provides that a claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). Bankruptcy Rule 3007(d) and the Claims

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<sup>&</sup>lt;sup>1</sup> Section 502 of the Bankruptcy Code is applicable to this Chapter 9 case through Section 901 of the Bankruptcy Code. *See* 11 U.S.C. § 901.

Procedure Order allow the City to object to multiple claims in an omnibus objection if the claims are incorrectly classified.

- 13. Only proofs of claim that comply with Bankruptcy Rule 3001 are presumed to be valid in the amount filed.
  - 14. Ms. Smith apparently argues that her claim is entitled to administrative priority.
- 15. Section 503(b) allows creditors to file claims seeking administrative expense priority. Claims which meet the requirements of Section 503(b) are entitled to administrative, rather than general unsecured, priority.
- 16. Courts give "strict construction of the Bankruptcy Code provisions governing requests for priority payment of administrative expenses." *Woburn Assocs. v. Kahn (In re Hemingway Transport, Inc.)*, 954 F.2d 1, 5 (1st Cir. 1992). "[Administrative expense claims] under § 503(b) are strictly construed because priority claims reduce the funds available for creditors and other claimants." *National Union Fire Insurance Co. v. VP Buildings, Inc.*, 606 F.3d 835, 838 (6th Cir. 2010) (*quoting In re Federated Dept. Stores, Inc.*, 270 F.3d 994, 1000 (6th Cir. 2001)). "The party seeking the priority 'has the burden of proving that his claim constitutes an administrative expense." *Id.* (*quoting McMillan v. LTV Steel, Inc.*, 555 F.3d 218, 226 (6th Cir. 2009)).
- 17. First, Ms. Smith did not properly file her Claim as an administrative priority claim pursuant to the Bar Date Order.
- 18. Under the Bar Date Order, "all administrative claims under Section 503(b) of the Bankruptcy Code, other than 503(b)(9) claims and the administrative portion of Rejection Damages Claims, shall not be deemed proper if asserted by proof of claim." Bar Date Order, ¶ 5. If the alleged administrative priority claim did not fall under Section 503(b)(9) and was not the

administrative portion of a Rejection Damages Claim, then it was required to be filed with 45 days after the Effective Date and, pursuant to the Bar Date Order, "shall not be deemed proper if asserted by proof of claim." *See* Plan Art. II.A.2(a); Bar Date Order ¶ 5.

- 19. The Claim at issue here was not properly filed as administrative priority claim pursuant to the Bankruptcy Code or the Bar Date Order. Specifically, though the Claim is not a 503(b)(9) or Rejection Damages Claim, it was filed by proof of claim, in direct contravention of the Bar Date Order.
  - 20. For this reason, the Claim should be reclassified as a general unsecured claim.
- 21. Second, administrative expenses are those "costs and expenses of preserving the estate." 11 U.S.C. § 503(b). However, in a Chapter 9 case, there is no "estate." *See* Collier on Bankruptcy § 901.04[13][a]; *In re New York City Off-Track Betting Corp.*, 434 B.R. 131, 141-43 (Bankr. S.D.N.Y. 2010) ("Because a chapter 9 debtor's property remains its own and does not inure into a bankruptcy estate as provided by section 541 of the Bankruptcy Code, there can be no administrative expenses for 'the actual and necessary costs of preserving the estate' as contemplated by section 503(b)(1)(A) of the Bankruptcy Code."). As such, administrative expenses in a Chapter 9 case, such as this, are limited to those expenses incurred in connection with the administration of the Chapter 9 case. *Id*.
- Ms. Smith has not provided any support for her arguments that the amounts listed in her proof of claim, which appear to have arisen from a bus accident, were expenses incurred in connection with the administration of the Chapter 9 case. As a result, even if Ms. Smith had properly filed her alleged administrative claim (she did not), the Claim would not qualify as an administrative claim in this Chapter 9 bankruptcy.

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23. Given all of these factors, the Claim should be reclassified as a general unsecured claim.

WHEREFORE, the City respectfully requests that this Court enter an order reclassifying the Claim as a general unsecured claim, and granting the City such other and further relief as this Court may deem just and proper.

Dated: May 21, 2015

FOLEY & LARDNER LLP

By: /s/ John A. Simon
John A. Simon (P61866)
Tamar N. Dolcourt (P73425)
Leah R. Imbrogno (P79384)
500 Woodward Ave., Ste. 2700
Detroit, MI 48226
313.234.7100
jsimon@foley.com
tdolcourt@foley.com
limbrogno@foley.com
Counsel for the Debtor, City of Detroit,
Michigan

#### **EXHIBIT 1: PROOF OF CLAIM NO. 2730**

4832-3607-6068.1

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: رقر ب	Ž.	2) + E + 2 2 2 3 actively prev Claim #2730 Date Filed: 2/21/2014
7	rec.	B10 (Official Form 10) (04/13) (Modified) to resume and/or compact ./
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تونو	3	UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN PROOF OF CLAIM
X F	5	Name of Debtor: City of Detroit, Michigan  Case Number: 13-53846  ROTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.
2	2	Name of Creditor (the person or other entity to whom the debtor owes money or property)
£ :	<u> </u>	Care to hen R. Smith
$\delta \sim \delta$	Tu	Name and address where notices should be sent:  3901 Grand River Are 4913  14-103  Previously filed claim.  12-008864 NI
r. 01	۶	Detroit, Mich. 48208 13-118 Court Claim Number:
3	江	(1) KNOWN)
3	1	Telephone number: (313) 675-5444 real angels 13 egmail: tom  Name and address where payment should be sent (if different from above):  The control of the co
?	:	Same medicare - msprc for 500 pages anyone else has filed a proof of claim
j	2	Telephone number: Same email: Same bills relating to this claim. Attach copy of statement giving particulars.
•	ع	Telephone number: Same email: Same bills
, ,	2	1. Amount of Claim as of Date Case Filed: \$ 75,000 attacked
	ien	1. Amount of Claim as of Date Case Filed:  Case elavoratron  If all or part of the claim is secured, complete item 4.  If all or part of the claim is entitled to priority, complete item 5.  Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.
-	7	If all or part of the claim is entitled to priority, complete item 5.  Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.
	4	2. Basis for Claim: retirement (DPB). Property. Bus accordent law suit for all
`	2	(See instruction #2) Detroit Public Schools appropriate benefits and
ı	out	3. Last four digits of any number by which creditor identifies debtor:  3a. Debtor may have scheduled account as:  7 1 3 1 3 2750:005139 Clarm 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	,	2623, 5139, 2623  4. Secured Claim (See instruction #4)  Amount of accerage and other charges, as of the time case was filed,
	5	Check the appropriate box if the claim is secured by a lien on property or a right of included in secured claim, if any:
	3	setoff, attach required redacted documents, and provide the requested information.  100 35 Winthrop, Det, Mi 48227  Nature of property or right of setoff: Real Estate Motor Vehicle Mot
1	27	Describe: property 8223 Pierson, Detroit, mi. for injured victums
, (	A	Value of Property: \$\\\\ 30,000\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
2	2	Annual Interest Rate (when case was filed) % Fixed or Variable Amount Unsecured: Pain \$ 1.5 million dellars
) ( )	7	5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$3.5 million 95 Serv
,		5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. §
need, riarry	7	\$ 602000 \$ 184000, 290000 1855 130000 to Christopher trainer by for
3 :	<u> </u>	6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)  Total #4 40 + 390 (glasses) = 9850 paid on 2423  7. Documents: Attached are reducted conies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of
<i>\</i>	tellect	n the case of a claim based on an open-end or revolving consumer credit agreement, a
<u> </u>	٢	laim is secured, box 4 has been completed, and redacted copies of documents providing and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS.
, ·	+	135384614022100000000146 See Exhibits, A - L, M - S. KELEVEL
Ž	9	8. Signature: (See instruction # 8) Check the appropriate box.  FEB 2 4 2014
	0/	X I am the creditor. □ I am the creditor's authorized agent. □ I am the trustee, or the debtor, □ I am a guarantor, surety, indorser, or other codebtor.
22	90	or their authorized agent. (See Bankruptcy Rule 3004.)  (See Bankruptcy Rule 3004.)
Z	3	I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.
	2	Print Name: Ciretchen & Smith Title: Claimant, creditor Motalian Polynith 2/21/2014
-	94,11	Address and telephone number (if different from notice address above).  (Signature)  (Date)
•	47	Same I will submitt clair ifreation as able. I have
	4	Telephone number:    Creftrief   A 3m   TM
	L	Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.
		I am not alawyer. An unexpected breakdown of effective 13-53846-tit Doc 9868-y Filed 05/21/15 Entered 05/21/15 16:56:08 Page 210f 21ad to lawyer. So lawyer. So lawyer. So lawyer. So do this myself.
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otu	ا مہ	en myself and my N lawyer so myself.

	Proof of claim attachment; p.	16
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13-53846-tjt Doc 9868-1 Filed 05/21/15 Entered 05/21/15 16:56:08/ Page 3 of 2

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13-53846-t	ijt "Doc 9868-1" Filed 05/21/15" Entered 05/21/15 16:56:08" Page 4 of 21" Exhibit 3

cli

Case: 12-008804 Pr3/6 Proof of claim attachment! Continued (2/20/2014) Gretchen Smith An estimate of medical expenses to date are approximately \$50,000, I don't know if this estimate comes from all past or/and includes the present and future medical as a result. It is my conclusion that the city of Detroit Law department did it's investigation by telephone without medicare law. Ho The law I'm told is any denial of benefits must be in writting (and give a reason why medical expenses are denied. This MSPRC was not done by the City of Detroit. The city of Detroit intentronally shucked its responsibilities and thwasted any and all my efforts to surrvive this. I am claiming any and all benefits I have a right to. This is so far my 186,620 14,400 research. Lifetime injury related medical Conknown amount) Pain and Suffering 120,000 or more, and (ife) Care Provideing: current \$201,020 (Replacement) Services) 32-8=24 Lost Wages: \$ 210,000 to date x 600 medical Expense: \$50,000 plus future. 8 14,400 (6020 x 31) Transportation:  $354 \times 2 = x8 = 16,256$  813-53846-tjt Doc 9868-1 Filed 05/21/15 Entered 05/21/15 16:56:08 Page 5 of 21 ExhibitC

proof of claim attachment continued:

(ase: 12-008804 p.4/5)

\* 50,000/yr. - (2/20/2014) P/3 120,000 or more (Jury trial requested) Care Providing/Replacement Sev. 201,020 plus lifetime Lost wages: 210,000 todate lifetime 21 years \$0,000 × 18= (1,420,000) AND retirement for such, I don't know estimated retirement age 72. calculation, I am still researching. I elaim 28 years @ 60000=1, 680,000 Life expectancy, House Iorlans PC\$ 50,000 I am not physically nor finguancially able to 19 100, runs in genes. do copies-see attached: Attn./cleint breakdown. Proof: over 50 police reports of incidents caused by abusive and criminal litagation tactics. (Criminal) Dr. Robert Pizzimenti, Tom Ceiskowski, Kalvin Lenton (abusive - (Criminal) possibly criminal) PPO Court order: Annette Thompson Total Estimates! House \$50,000 Retirement: 9 1, 680,000 DOI! Lostwages 9 1, 620,000 Detroit Public DOI Wyzon Schools Pam/Suff: "1,500,000 500x12x **99** = 294 49 Th medical expense: \$800,000 Transportation: \$294,000 Careproviding/RS: 3,500,000 6020×12 ×49 = Vermanent injury causing quality of life: 5,000,000 or more. I am Seeking Counsel,
13-53846-tjt Doc 9868-1 Filed 05/21/15 Entered 05/21/15 16:56:08. Page 6 of 21

(2/20/2014) Property Corlan PC) 50,000 DOIY/2011 LOST Wages 1,680,000-1,620,000 1,500,000 Pain/Suff 800,000 medical exp Transportation 294,000 3,500,000 Careproviding/RS Permanent injury 5,000,000 (POI: 1/27/2013 estimate: 9,000,000 Right arm Retirement 1,680,000 dominant, total: 23,444,000

Give or take according to correct and lawful claim guidelines. My claim is: 25,000,000 with interest. 25 million dollars I feel there is an accountability effort that must be made on my but behalf. Even if I have to make it my self at

this time.

Smeerely, Sutthen BSmith Gretchen R. Smith 3901 Grand River Ave #913 Detroit, Mich. 48208 (313) 675-5444 cell

## ANDREOPOULOS & HILL, PLLC

Attorneys & Counselors

L. LOUIS ANDREOPOULOS DAVID T. HILL TODD RUTLEDGE EVAN PAPPAS BRIAN WAGNER 28900 Woodward Avenue Royal Oak, MI 48067

TELEPHONE: (248) 399-9991 FACSIMILE: 248-399-9996 E-MAIL: andhilllaw@sbcglobal.net SUPPORT STAFF

FANCY YALDO AMANDA ARAFAT SALLYKAYE RAHN JULIE PALM SARA FREER KYLE BRYANT

January 31, 2014

Ms. Gretchen Smith

RE: Gretchen Smith vs. City of Detroit

Dear Ms. Smith:

Let this letter serve to confirm our meeting this afternoon regarding our relationship. Specifically at that time, we mutually agreed to severe our relationship as attorney-client. I advised you and you understood that you should seek other counsel immediately in order to protect your rights.

Further, I advised you that a proof of claim filing deadline with the bankruptcy court is February 21, 2014 by which date you must file said claim to be received by the bankruptcy court or you may forever lose your rights.

At the time of our meeting, I gave you a copy of the above indicated proof of claim form, and instruction booklet, your case evaluation award, case evaluation summary, and voluminous medical records contained in your file. We arraigned for you to pick up the remainder of your file which will be copied and available for you on February 7, 2014 at 12:00 p.m.

Sincerely,

L. Louie Andreopoulos

Acknowledgement

I, Gretchen Smith, on January 31, 2014 acknowledge the above and understand that the firm, Andreopoulos & Hill no longer represents me and will be taking no further action on my behalf. I acknowledge and understand that I should seek new counsel immediately to protect my legal rights.

The South

Gretchen Smith

#### DMC

### Rehabilitation Institute of Michigan

Outpatient Physician Clinic 261 Mack Blvd. Detroit, MI 48201-2417 Phone 313-745-4600 Fax 313-745-1165

Phone 313-745-4	4600 Fax 313-745-1165	
Patient	. 27	FIN: 480000422356 PTID: 40010025 SMITH GRETCHEN DOS: 11/15/13 BD: 12/10/1959 MRN: xxxxx0024 AITH: AHMED,SYED MOZREI
Case Management Services Replacement Services Transportation to Medical Appointment Attendant Care	No Yes I	Hrs per day X Weeks
May return to work	□ From_	11/15/13 To 2/28/14
Physician Signature:  Print Name:  SAhme  revised - mm 11/10  Aroudspire Ins  Dingi / iall I  wont take claim	; II, mich	1/27/13 trip N fall  on Cty stateward & 19550  W. warren on N state of state  sheat in drive way, hote  about 8" x 8" - I will point  recheck - inj. neck & back,  both hands, knees, shoulders,  chest, radial shatt fracture  (R), (L) patella sprain  Dric-sinal - Ix rays,  consultation, then forced  me to w without back brace  front price. assaut, brustes.



KELVIN R. LENTON-LEGAL INVESTIGATOR
CITY OF DETROIT-LAW DEPARTMENT
CAYMC
2 WOODWARD AVENUE
SUITE-500

DETROIT, MICHIGAN 48226

PHONE: (313) 237-0430 FAX: (313) 224-5505

TO:

GRETCHEN SMITH

FROM:

KELVIN LENTON-Legal Investigator, City of Detroit Law Department.

DATE:

1/17/2014 CLAIMANT: GRETCHEN SMITH

RE:

REQUEST FOR ADDITIONAL INFORMATION AND/OR

DOCUMENTATION.

Please submit the following documents and/or information to assist our office in the processing of your claim. You have 30 days to submit the following information to our office or your file will be closed.

1. IRS w-9 forms for the attached individuals.

Additional information may be required once processing of your claim begins. Please respond by fax at (313) 224-5505, or Phone (313) 237-0430.

Sdvin Lenton

Legal Investigator



KELVIN R. LENTON-LEGAL INVESTIGATOR
CITY OF DETROIT-LAW DEPARTMENT
CAYMC
2 WOODWARD AVENUE
SUITE-500
DETROIT, MICHIGAN 48226
PHONE: (313) 237-0430
FAX: (313) 224-5505

# FACSIMILE TRANSMITTAL NOTICE REGARDING CLAIM STATUS

TO:

ATTY: ANREOPOULOS ATTN: BRIAN WAGNER

FROM:

KELVIN R. LENTON-LEGAL INVESTIGATOR

CITY OF DETROIT-LAW DEPARTMENT

DATE:

FEBRUARY 06, 2013

FAX No:

248-399-9996

Phone:

248-399-9991

PAGES:

10

RE:

Claimant: GRETCHEN SMITH, A32950.002623

DOI: <u>5/10/2011</u>

#### You are herein being placed on notice:

Please be advised that your request for Attendant Care PIP benefits for the above claimant requires further clarification and /or documentation. In order for us to process your request we require that the following items be provided to our office:

- 1. Certificate of Disability from claimant's treating physician for the time period(s) for which you are seeking Attendant Care benefits.
- 2. INTERNAL REVENUE SERVICE FORM-W9. FOR ALL THE CARE PROVIDERS LISTED ON YOUR REQUEST FOR ATTENDANT CARE; (DAINA WOLNER, MARSHALL SYMONS, NANCY WILSON, RICARDO TREVINO, MARSHAL SYMONS, JEFF DEBRYUM, BOB CHAPMAN, JOHNNY COLOSEMO, LEONARD ASHLEY, PAUL JARVIS, CLINTON OTIS, DENISE DOTSON, MONA WILLIAMS, MIKE CARNEY, STEVE SABBOLA, TAMMI HANKINS, MR. & MRS. REEVES, RON DALE).

· City of Detroit Law Department.

G: DOCS/CLAIMS/lentk/a34000-form/KRE1110,WPD

#### THIRD JUDICIAL CIRCUIT OF MICHIGAN

#### Notification of the Results of Case Evaluation

Stayed

•		
TITLE	CONSOL.	CASE NUMBER
Smith, Gretchin v CITY OF DETROIT, et al.	NO	12-008804 NI

PLEASE APPEAR AT THE SETTLEMENT CONFERENCE OF JUDGE WENDY BAXTER ON AUGUST 26, 2013 AT 2:00 PM. FAILURE TO APPEAR AT THE SETTLMENT CONFERENCE MAY RESULT IN DISMISSAL OF THIS CASE.

TO: David Hill
28900 Woodward Ave.
Royal Oak, MI 48067

ATTORNEY COPY

#### AWARD RESULTS SUMMARY

	Award Information	Parties Involved			
#	AMOUNT STATUS	FOR		AGAINST	Result
1	\$75,000.00 Unanimous	1	vs.	4	Rejected
	\$42,000 PIP CASE / \$32,500 3RD PART	Υ			·

#### ATTORNEY / PARTY AWARD RESPONSES

Party Information		Party Information	Attorney Information	
TYPE	#	NAME	BAR # / NAME / PHONE #	
P	1	Smith Gretchin REJECTS (NO RESPONSE) A	<i>P48771 : David Hill : (248) 399-9991</i> WARD #1	

O 4 CITY OF DETROIT

P47787: Robyn Brooks: (313) 237-3049

REJECTS (NO RESPONSE) AWARD #1

#### PARTIES NOT EVALUATED

Party Information		Party Information	Attorney Information	
TYPE # NAME		NAMĒ	BAR # / NAME / PHONE #	
D	2	Owens Melvina Rosalind	P08888 : No Attorney Required	
D	3	Hill Laverne Renee	P08888 : No Attorney Required	

# WARREN CHIROPRACTIC & REHAB CLINIC P.C.

19201 W. Warren Detroit, MI. 48228

Office (313) 240-7950

Fax (313) 240-7970

5-3-13

Re: Gretchen Smith

Ms. Smith has been disabled since her car accident on 07-01-11. Her injuries are the Neck, Mid, and Low Back. Her diagnosis are multiple herniated disc, multiple Subluxation, sciatica, and sever muscle spasm. Her injuries are permanent and disabling. They severely limit her ability to stand, sit, or walk for long periods of time.

Dr. John Mufarreh D.

# COB CONTRACTG., INFORMATION

Please review the information in the column titled "What CMS Says You Have". If this information is not correct, please write the correct information in the column titled "Corrections".

Other Insurance Instance 1: GRETCHEN SMITH - 906541444\*01

I never had this coverage

COB/PRM

Date

Signature

COV716 NCEPN8 COV71602 RTP 00002648 / 00007991

-	10 10 10 10 10 10 10 10 10 10 10 10 10 1	•
	Authority: 1949 PA 300, Sec. 257.622 Do Not Use Page Incident # / /	01
<del>-</del>	STATE OF MICHIGAN TRAFFIC CRASH REPORT File Class S	189-11
<u> </u>	Department Name Incident Disposition	n Reviewer Closed
	Crash Date Crash Time No. of Units Crash Type Special None Deer	Special Checks
_ 3	Single Motor Vehicle School Bus Hit and Run Fleeing Police Special Study Local State  Severe Wind County Traffic Control County Traffic Control First Impact)  Relation to Roadway (Location of Shoulder First Impact)	Fatal (Report All) Corrected Copy Replace (Entire Report) Delete (Entire Report) Non-Traffic Area ORV/Snowmobile
	Stop Sign  Stop Sign  Median  Gore  Rear End-Right Turn  Light  Daylight	Area Total Lanes
}	Construction Zone (if applicable) (Mark One From Each Group) Sideswipe-Opposite Dusk Other/Unknown	Speed Limit Posted
	S Utility Off Road None Sushy Criticity	30 5.
2		Road Type Suffix
_	Distance 7 5 FT North East Beginning of Ramp Ratificway ① ③ ① Access	i Control ( 2 3 1
	Prefix Intersecting Road Divided Hoadway (N) (S) (S)	Road Type Suffix
	Ball Unit Number State Driver License Number Date of Birth License Type	Sex Total Occup Hazard
	2	Action Action
	Unit Type Name MELVINA ROSALIND OWENS ON OR	estraint Hospital
`	Street Address 641 MACKENZIE	NOTAPPLY Ambulance
	☐ E (train)   City DETIZOT   State   Type + 8 20 4   Phone Number   K   Type + 8 20 4   Phone Number   Type +	NOTADALL
	Airbag Alcohol Yes An No Test Type Feid PBT Breath Blood Urine Test Results Airbag C	Yes Not Equipped  No
	Drugs O Yes No Test Type O Blood O Urine Test Results  Citation Issued Hazardous O  Vehicle Registration  State Insurance FLEET INS CERT # 645	NI/a
	082X565 MI TOWESTED 0	Year
	9 1 4 19 14 M N T G A 9 Y K 8 12 5 1 2 19 Describion 82 V N WHY	Trailer Type
_		000000
	Extension Diversion No.   Pl. GC Truck/Bus   East   G	)
-	First Name Date of Birth Seex Position Re	Start Hospital
	Street Address 2 4 4 2 Address 2 Address 2 4 4 2 Address 2 Address 2 4 4 2 Address 2	# WILL SORPID
;	Lasi S M I T H	RESPONSE Fincted Trapped
_	Injury O K O A O B O C O O Arrag Depoyed Yes O No O Not Equipped State M I Do S 3 C 75 - 31	O C Yes Yes Strain Hospital
	First Name   Date of Birth   Sex   Position   Re   C   C   C   C   C   C   C   C   C	REFUSED
_	AYYUB  OHODIABOF O4C  Street Address 1824 YOS MITE	Ambulance FY43 RATPIP RESPONSE
	Last CARR DETROIT	Ejected Trapped
:		Yes Yes
	Owner Name CITY OF DETROIT  Unifying Passenger Prione Number Prione Number Prione Number Age * Pos * Rest. *	
	Olaner Name Address	
	Witness Price Number   Person Advised Date OLU   Oarraged Property	Public Y
	Traffic Control Time 4'30 Pm	) ON
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	Do Not Write or Mark Below This Line Do Not Write or M	lark Below This Line

Compliance:	99 PA 300, Sec. 257.622 Do Not Use Required MSP UD-10 and/or 90 days (Rev I/04)		Page Of
STATE		C CRASH REPO	RT File Class 93001
e ORI: 82	47100 Department Name HTGHCAND PA	MRK POLICE	Incident Disposition Neviewer  Open Closed
City/Twp OS	Relation to Roadway (Location of Shoulder First Impact)  On Road Shoulder/Curb (Stop Sign On Median Gore (ifield Sign Other/Unknown)  (if applicable) (Marx One From Fach Group)  Lane Closed Activity  Head  Angle  Angle  Rear B  Re	Motor Vehicle  School Bus  School Bus  Hit an  Special Study  Clear  (Mark Only One)  Cloud  Fog/S  End-Left Turn  Ind-Right Turn  Ind-Right Turn  Impe-Same  wipe-Opposite  Unknown  Road Condition  Dry  (Mark Only One)  Road Condition  Dry  (Mark Only One)  Order  Clear  (Mark Only One)  Dawn  Road Condition  Dry  (Mark Only One)  Order  Clear  (Mark Only One)  Dawn  Order  Dusk  Wet	State Corrected Copy Severe Wind Replace (Entire Report) Corrected Copy Report
Prefix F	Roed Name	Divided Roa	dway (N) (\$) (E) (W) Road Type Suffix
Distance		nd of Ramp	Access Control ①②③  dway ® © ® Road Type Suffix
Unit Number	State Driver License Number	Date of Birth	$\square \bigcirc i \bigcirc $
_ 🏬 Unitiype [	Name		Injury Position Hestraint Hospital
	Street Address	(, )	K Amoulence
Driver Conditi	on (1) (2) (3) (4) (5) (6) (7)	Phone Number  3 9 99	○ Ejected ○Yes
Alcohol C	Yes     No     Refused     Not offered     №       Yes     No     lest Type     Field     PBT     Breath     BI	orat Results To FARS When Available)  GOOD Urine Test Results	Airpag Yes Not Equipped
Vehicle Regis	Towed To/By		B Deployed No Citation Issued C Hazardous O Other O
VIN	[F	ehicle Make Modescription	
First Impact Ext	3 4 3 6 7 8 9 40 11 12 PA C ent of Driveable VA C mage Yes No PU C	bhicle Type Vehicle Directio  CY OR North  MO Other South  GC Truck/Bus East  Morth  West	① ② ③ ① ③ ③ ⑤ ①  (1) ⑤ ⑥ Vehicle Defect
First Name		Date of Birth	Sax Position Postraint Hoopilal HENRY
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	ANGFORD	Cay DETROI	Elektes Trapped
	DA DB OC O Airtag Deployed O Yes ONo G	State Zp.	1373/358-4041 Yes Yes
ω First Name		Date of Birth	Sex Position Restraint Hospital  O M  F  Ambulance
		Street Acdress City	
Last K (		State Zip	Phone Number Ejected Trapped Sylves Yes Yes
Owner	A B C O Arbag Deployed Yes No C	Not Equipped Aodress	
Uninjured Passenger  Witness	Phone Number Age	Pos Rest.	
Ovrner Uninjured Passerger	Name Phone Number Age	Address Pos. Rest.	
	Priorie number	Damaged Property	Public C
_ Trame Control	ime	Cwner & Phone	
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	717968 OC OF OI 13 7	,   <sub>0</sub> ;
Unit Type  Name LAVERNE RENEE HILL  OB  Street Address 23540 CONDON ST	Injury Position Restraint REFUSED	No.
Street Address 233 40 CONUS N 30 OF OF OTHER OF STREET OF OTHER OT	K OI OI Arrestance	L   ₹ ;
Driver Condition ② ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑤ ⑤ Interfock Yes No Refused Not offered Submit Results to FARS When Availables	O Ejected O Yes NEEDED	or i
Alcohol O Yes No Test Type Field PBT Breath Blood O Urine Test F	Results O Airbag O Yes O Not Equipped of B Deployed No	[ ] 등 :
Drugs O Yes No Test Type O Blood O Urine Test Results  Vehicle Registration State Insurance BRISTOL WEST	Citation issued Hazardous  Other  Other	n This
BWB3450 MI TOWER TOWER NOT NEED	Total Transfer	Side !
VIN 1 GNEKI3TOYJ208839 Description CHEUR	OLET TAHOE BLUE 02 Date	
Location of Greatest Damage  Location of Greatest Damage  Vehicle Type  PA  CY  OR	Vehicle Direction   Special Vehicles   Private Trailler Type	he Lir
First Impact Extent of Driveable VA MO Other Damage Ves No PU GC Truck/Bi	ine   T Fact   (1)(2)(3)(4)(5)(6)   0 .	. 1 '
O 5 ST OSM Complete TruckBass	Sirth Sex Position Restraint Hospital ≤ 5	;
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	Birth Sex Position Pestraint Hospital C C C C C C C C C C C C C C C C C C C	Write '
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To: Also Christophen 418/2013

CHRISTOPHER TRAINOR

a C. Andropolous
9750 Highland Road
White Lake, Michigan 48386

Tel: (248) 886-8650 Toll Free (800) 961-8477 Fax (248) 698-3321 Michiganl egalCenter com

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Sasan J. Fronrath

aniel A. Groves

Thomas F. Norton-Gary B. Perkins

amothy M. Hartner

November 18, 2011

Gretchen Smith 2640 Trumbull Detroit, Michigan 48216

Dear Ms. Smith:

Enclosed please find a copy of the application for benefits that was submitted to the City of Detroit on your behalf. Also, please find the Attendant Care and Replacement Service Affidavits that you recently sent to our office, for October 1, 2011 through October 31, 2011. Please note that the Affidavits have not been submitted to the insurance company as they were just received in our office.

At this time any and all pending claims you had with our office have now been closed.

Please keep in mind that according to laws of Statute of Limitations, you must commence a lawsuit for your claims within a certain period of time. A claim for No-Fault benefits must be filed within one (1) year from the date of the accident, which in your case this would be July 1, 2012. Once the claim is established, any and all expenses incurred (i.e. wage loss, replacement services, attendant care, prescription costs, medical mileage, medical bills, etc.) must be submitted and paid by the insurance carrier within one (1) year of the date each expense was incurred. If they are not paid timely, you must file your lawsuit within that same one (1) year in order to protect your right to outstanding benefits. Further if you wish to continue pursuing your Bodily Injury claim against the owner and/or driver who was at fault, you must file a lawsuit within three (3) years from the date of the accident which in your case would be, July 1, 2014.

If you choose not to pursue either or both of these claims within the time frame allotted by the State of Michigan, you will be barred from receipt of any potential benefits owed. If you wish to pursue your claim, you should contact another attorney <u>immediately</u> and check these time limitations as they relate specifically to your case with that attorney.

Thank you for your attention to this matter.

Sincerely,

CHRISTOPHER TRAINOR & ASSOCIATES

Timothy M. Hartner, Esq.

MH/rjr Enclosures (12 Pages)



## **Medicare Summary I**

Page 1 of 2

Notice
Notice

8DD75 00000041

GRETCHEN R SMITH APT 913 3901 GRAND RIVER AVE DETROIT MI 48208-2854

**BE INFORMED:** Protect your Medicare number as you would a credit card number.

#### **CUSTOMER SERVICE INFORMATION**

Your Medicare Number: XXX-XX-7032A

If you have questions, Call: 1-800-MEDICARE (1-800-633-4227) (#08202)

Ask For Doctor's Services

TTY for hearing impaired: 1-877-486-2048

This is a summary of claims processed on 09/14/2011.

#### PART B MEDICAL INSURANCE - ASSIGNED CLAIMS

Dates of Service	Services Provided	Amount Charged	Medicare Approved	Medicare Paid Provider	You May Be Billed	See Notes Section
Claim numb	er 11-11243-435-740					
•	olds Assoc PC, Suite 100,					a
	orthwestern Hwy , ld, MI 48075-2402					
	Gorrepati, Uma D					
Dr. AL Hihi	, Maysoon M.D.					
08/09/11	1.0 X-ray exam of lower spine (72110-26) professional charge	\$53.00	\$17.26	\$13.81	\$3.45	

#### **Notes Section:**

a As requested, this is a duplicate copy of your Medicare Summary Notice.



# Medicare Summary N

438341040 Page 1 of 2

November 30, 201

8DD75 00000042

GRETCHEN R SMITH APT 913 3901 GRAND RIVER AVE DETROIT MI 48208-2854

<u> Արտեմումը Եվինգինը Միլիրիի Մինիի իրի Միլիմիի իրի</u>

**BE INFORMED:** Protect your Medicare number as you would a credit card number.

CUSTOMER SERVICE INFORMATION

Your Medicare Number: XXX-XX-7032A

If you have questions, Call: 1-800-MEDICARE (1-800-633-4227) (#08202)

Ask For Doctor's Services

TTY for hearing impaired: 1-877-486-2048

This is a summary of claims processed on 09/14/2011.

#### PART B MEDICAL INSURANCE - ASSIGNED CLAIMS

Dates of Service	Services Provided	Amount Charged	Medicare Approved	Medicare Paid Provider	You May Be Billed	See Notes Section
	er 11-11243-435-750 Ids Assoc PC, Suite 100,					a
24500 No	orthwestern Hwy,					
	d, MI 48075-2402 Gorrepati, Uma D					
-	, Maysoon M.D.					
08/09/11	1.0 X-ray exam of neck spine (72050-26) professional charge	\$58.00	\$17.26	\$13.81	\$3.45	

#### **Notes Section:**

a As requested, this is a duplicate copy of your Medicare Summary Notice.

Take on Ait Friday 1/24

13-53846-tjt Doc 9868-1 Filed 05/21/15 Entered 05/21/15 16:56:08 Page 21 of 21 THIS IS NOT A BILL - Keep this notice for your records.

MED 706