

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

<p>In re:</p> <p>City of Detroit, Michigan,</p> <p style="text-align: center;">Debtor.</p>	<p>Bankruptcy Case No. 13-53846</p> <p>Judge Thomas J. Tucker</p> <p>Chapter 9</p>
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**CITY OF DETROIT’S OBJECTION TO CLAIM NUMBER 2266 FILED BY
WENDY JEFFERSON**

The Debtor, the City of Detroit (“City”), by and through its undersigned counsel, files this objection (“Objection”) to claim number 2266 (“Claim No. 2266”) filed by Wendy Jefferson (“Jefferson”). In support of this Objection, the City respectfully states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Objection pursuant to 28 U.S.C. §§ 157 and 1334 and Article VII, Section A of the Plan (defined below). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND FACTS

2. On July 18, 2013 (“Petition Date”), the City filed a petition for relief in this Court, thereby commencing the largest Chapter 9 bankruptcy case in history.



3. On November 12, 2013, the City filed its Motion of Debtor Pursuant to Sections 105 and 502 of the Bankruptcy Code, for Entry of an Order Approving Alternative Dispute Resolution Procedures to Promote the Liquidation of Certain Prepetition Claims [Doc. No. 1665] (“ADR Procedures Motion”). On December 24, 2013, this Court entered an order approving the ADR Procedures Motion [Doc. No. 2302] (“ADR Order”).

4. The Alternative Dispute Resolution Procedures (“ADR Procedures”) attached as Annex 1 to the ADR Order permitted the City to serve on claimants a

notice that the Stay/Injunction is lifted to permit the underlying claim to be liquidated in a non-bankruptcy forum consistent with the terms, conditions and limitations of Section II.E. below (a “Stay Modification Notice”). In that event, immediately upon the filing of the Stay Modification Notice, the Stay/Injunction shall be deemed modified with respect to the applicable Initial Designated Claim solely to permit the liquidation of the claim in a non-bankruptcy forum...

ADR Procedures, Section I.B, p. 4.

5. On November 21, 2013, this Court issued 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* [Doc. No. 1782] (“Bar Date Order”), establishing deadlines to file certain proofs of claim in this case. The Bar Date Order set the deadline to file proofs of claim as February 21, 2014 at 4:00 p.m., Eastern Time.

6. On October 22, 2014, the City filed the *Eighth Amended Plan of the Adjustment of Debts of the City of Detroit (October 22, 2014)* [Doc. No. 8045] (“Plan”).

7. On November 12, 2014, this Court entered an Order confirming the Plan [Doc. No. 8272] (“Confirmation Order”).

8. The Plan became effective on December 10, 2014 (“Effective Date”).

9. On February 20, 2014, Wendy Jefferson filed her Claim No. 2266 in the amount of \$75,000.00, related to a claim of alleged police misconduct. See Claim No. 2266, Exhibit 4.

10. On July 28, 2017, the City served a Stay Modification Notice on Wendy Jefferson related to her Claim No. 2266 [Doc. No. 12190].

11. Claim No. 2266 arises from an alleged incident which took place in September, 2011 and which was the subject of a lawsuit filed by Jefferson and also claimant Floyd Brunson against the City of Detroit, two of its police officers and the County of Wayne¹ in the U.S. District Court for the Eastern District of Michigan (“District Court”), filed on September 17, 2012, Case No. 12-14109 (“Lawsuit”). On February 20, 2014, Floyd Brunson filed his claim number 2033 in the amount of \$75,000.00, also related to a claim of alleged police misconduct.

¹ Defendant County of Wayne was subsequently dismissed from the Lawsuit by stipulation in September, 2013.

The City files this Objection concurrently with its objection to Floyd Brunson's claim number 2033.

12. During the pendency of the City's chapter 9 case, the Lawsuit was stayed by the District Court. The Lawsuit was reopened in November 2017.

13. On June 15, 2018, the remaining defendants in the Lawsuit filed their Motion for Summary Judgment.

14. On October 29, 2018, the District Court entered a judgment which dismissed all remaining counts of the plaintiffs' complaint and served as a final order closing the case. See Judgment, Exhibit 5.

NOTICE

15. The City has provided notice of this Objection to the address listed on the proof of claim filed by Jefferson. In light of the nature of the relief requested, the City respectfully submits that no other or further notice of the relief requested in this Objection need be given.

RELIEF REQUESTED

16. The City files this Objection pursuant to the Bar Date Order, Section 502(b) of the Bankruptcy Code,² and Rule 3007 of the Federal Rules of Bankruptcy Procedures ("Bankruptcy Rules"), seeking entry of an order

² Section 502 of the Bankruptcy Code applies to Chapter 9 proceedings pursuant to Section 901(a) of the Bankruptcy Code.

disallowing and Claim No. 2266 because the claim has been resolved in favor of the City.

17. Based upon the foregoing, the City seeks entry of an order, substantially in the form annexed as Exhibit 1, expunging and disallowing Claim No. 2266 filed by Wendy Jefferson.

WHEREFORE, the City respectfully requests that this Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested herein and granting the City such other and further relief as the Court may deem just and proper.

Dated: December 13, 2018

Respectfully submitted,

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 963-6420

Facsimile: (313) 496-8451

swansonm@millercanfield.com

ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT LIST

- Exhibit 1 Proposed Order
- Exhibit 2 Notice
- Exhibit 3 Certificate of Service
- Exhibit 4 Claim No. 2266
- Exhibit 5 U.S. District Court Judgment

EXHIBIT 1: PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER SUSTAINING CITY OF DETROIT’S OBJECTION TO CLAIM
NUMBER 2266 FILED BY WENDY JEFFERSON**

Upon review of the *City of Detroit’s Objection to Claim Number 2266 Filed by Wendy Jefferson* (“Objection”),¹ seeking entry of an order disallowing and expunging Claim No. 2266; and it appearing that this Court has jurisdiction over the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and Article VII of the Plan; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of this proceeding and the Objection in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Objection is in the best interests of the City, and its creditors; and due and proper notice of the Objection having been given as provided in the Objection; and it appearing that no other or further notice of the Objection need be given; and any objections or other responses to the

¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Objection.

Objection having been overruled or withdrawn; and the Court finding that the legal and factual bases set forth in the Objection and at the hearing establish just cause for the relief granted; and after due deliberation and good and sufficient cause appearing therefore;

IT IS ORDERED that:

1. The Objection is sustained.
2. Claim No. 2266 filed by Wendy Jefferson is hereby disallowed and expunged in its entirety, pursuant to Section 502(b) of the Bankruptcy Code.
3. The City's claims agent is authorized to update the claims register to reflect the relief granted in this Order.
4. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.
5. Notice of the Objection as provided therein is good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a) and the local rules of the Court are satisfied by such notice.

EXHIBIT 2: NOTICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**NOTICE OF THE CITY OF DETROIT'S OBJECTION TO CLAIM
NUMBER 2266 FILED BY WENDY JEFFERSON**

PLEASE TAKE NOTICE THAT the City of Detroit ("City") has filed an objection to claim number 2266 filed by Wendy Jefferson ("Claim") because there is no basis for liability on the part of the City as the litigation related to the subject matter of the Claim has been settled in favor of the City ("Objection").

If you do not want the court to change your claim, or grant the relief requested in the Objection, then on or before **January 9, 2019**, you or your lawyer must:

1. File with the court, at the address below, a written response to the objection. Unless a written response is filed and served by the date specified, the court may decide that you do not oppose the objection to your claim.

Clerk of the Court
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

2. A copy of your response must also be mailed to counsel for the City:

Marc N. Swanson
Miller, Canfield, Paddock and Stone, PLC
150 West Jefferson Ave., Ste. 2500
Detroit, MI 48226

3. You must also attend the hearing on the objection scheduled to be held on **January 16, 2019** at 1:30 p.m. in Courtroom 1925, 211 W. Fort Street, Detroit, MI 48226 unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled and the objection sustained.

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Dated: December 13, 2018

EXHIBIT 3: CERTIFICATE OF SERVICE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 13, 2018, he electronically filed the foregoing *City of Detroit's Objection to Claim Number 2266 Filed by Wendy Jefferson* ("Objection") with the Clerk of the Court which will provide notice of the filing to all ECF participants registered in this case. A copy of the Objection was also served upon the following, via first class mail, on the same date:

David G. Blake
Romano Law PLLC
23880 Woodward Ave
Pleasant Ridge, MI 48069

By: /s/ Marc N. Swanson

Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

Dated: December 13, 2018

EXHIBIT 4: CLAIM NO. 2266

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN		<div style="border: 2px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;">FILED</div> <div style="text-align: center; font-weight: bold;">FEB 20 2014</div> <div style="text-align: center; font-size: 0.8em;">CHAPTER 9 PROOF OF CLAIM</div>
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Jefferson, Wendy		<div style="text-align: center; font-size: 0.8em;">COURT USE ONLY</div> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. <div style="text-align: center;"> US Bankruptcy Court MI Eastern District Court Claim Number: _____ (If known) Filed on: _____ </div>
Name and address where notices should be sent: NameID: 11701863 Jefferson, Wendy Blake, David G. Romano Law PLLC 23880 Woodward Ave Pleasant Ridge, MI 48069 Telephone number: _____ email: _____		
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		
1. Amount of Claim as of Date Case Filed: \$ <u>75000.00</u> 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. <input type="checkbox"/> 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.		
2. Basis for Claim: <u>Police Misconduct</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>1078</u>		3a. Debtor may have scheduled account as: _____ (See instruction #3a)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$ _____		
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____		
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)		
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
8. Signature: (See instruction # 8) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input checked="" type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004.) 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. Print Name: <u>David G. Blake</u> Title: <u>Attorney</u> Company: <u>Romano Law PLLC</u> Address and telephone number (if different from notice address above): _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> 248 750 0270 dblake@romanolawpllc.com <div style="text-align: center;"> (Signature) </div> <div style="text-align: center;"> <u>2-18-14</u> (Date) </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Telephone number: _____ email: _____ </div>		

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.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLOYD BRUNSON and WENDY
JEFFERSON,

Plaintiffs,

Case No. 12-

vs.

DETROIT POLICE OFFICER JOSEPH CASTRO,
DETROIT POLICE OFFICER L. RHODES in their
individual capacities, jointly and severally, CITY OF
DETROIT, a Municipal Corporation, and THE COUNTY
OF WAYNE, a Government Entity,

Defendants.

ROMANO LAW, P.L.L.C. BY: DANIEL G. ROMANO (P49117) DAVID G. BLAKE (P73544) Attorneys for Plaintiff 26555 Evergreen Road, Suite 1500 Southfield, Michigan 48075 248-750-0270 / fax 248-936-2105	
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*There is no other pending or resolved civil action between these parties
or other parties arising out of the transaction or occurrence alleged in
the complaint.*

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiffs, FLOYD BRUNSON and WENDY JEFFERSON, by and
through their attorneys, ROMANO LAW, PLLC, and complaining against the above-named
Defendants, states as follows:

COMMON ALLEGATIONS

1. Plaintiffs, Floyd Brunson and Wendy Jefferson, are residents of Wayne County, Michigan.
2. Defendant, City of Detroit, is a municipal corporation operating in Wayne County, Michigan.
3. Defendant, County of Wayne, is a Government Entity operating in Wayne County, Michigan.
4. The individual Defendants officers are Detroit Police Officers. At all times pertinent to the allegations contained in the Complaint, the individual Defendants were employees, agents or servants of Defendant, City of Detroit, and were acting within the scope of their employment as law enforcement officers, under the color of law, cloaked with the authority which was granted to them as a law enforcement officers of Defendant, City of Detroit. They are sued in their individual capacities.
5. The acts of Defendants, each of them, were undertaken willfully, intentionally, wantonly, recklessly, callously, and with deliberate indifference to the rights and welfare of the Plaintiff herein, entitling Plaintiffs to exemplary damages under state law and punitive damages under federal law.
6. Insofar as the actions of the Defendants violate federally guaranteed civil and constitutional rights, they are actionable pursuant to 42 USC §1983, and attorney's fees are awardable pursuant to 42 USC §1988.
7. Insofar as Plaintiffs' civil and constitutional rights under federal law are different or less expansive than Plaintiffs' civil and constitutional rights under the Constitution of the State of Michigan, Plaintiffs state a claim under the Michigan Constitution.

COMMON ALLEGATIONS OF FACT

8. On September 15, 2011, at 6:00 p.m., Plaintiffs were present at a home located at 2902 Woodmere Street in Detroit, Michigan.
9. At around 6:25 p.m. in the afternoon, Defendants executed a search warrant raid at 2902 Woodmere Street in Detroit, Michigan.
10. During the course of the raid, Defendants allegedly located narcotic paraphernalia and firearms throughout the residence and subsequently unlawfully detained and arrested Plaintiffs.
11. As a result of this unlawful arrest, Plaintiffs were charged with two misdemeanor charges and wrongfully arrested and taken to the Wayne County Jail.
12. Subsequently, each of the misdemeanor charges pending against Plaintiffs were dismissed.
13. That Defendants were belligerent, unreasonable, criminal and malicious in dealing with Plaintiffs.
14. That the amount in controversy exceeds Seventy-Five Thousand Dollars and is otherwise within the jurisdiction of this Honorable Court.
15. That Plaintiffs have suffered great embarrassment, humiliation and distress due to the Defendants' behavior.

COUNT I
SECTION 1983 AGAINST INDIVIDUALS

16. Plaintiffs incorporate each of the Common Allegations as though fully stated herein.
17. That 42 USC Section 1983 provides for civil liability for deprivation of any right, privilege and immunity carried by the constitution and laws of the United States and the State of Michigan.

18. That at all times material herein, Defendants were acting under color of law.

19. That at all times material herein, said Defendants subjected Plaintiffs to deprivation of their rights, privileges and immunities secured by the Constitution of the United States and, more specifically, Amendments 4 and 14 of the laws of the United States and the State of Michigan.

20. That the above referred to customs and practices implemented by Defendants proximately caused the injuries and losses to Plaintiffs as alleged herein thereby depriving Plaintiffs of their rights, privileges and immunities secured by the United States Constitution and Amendment 4.

WHEREFORE, Plaintiffs demand judgment against Defendants in whatever amount Plaintiffs are entitled together with exemplary and punitive damages, plus interest, costs, and attorney fees.

COUNT II
GROSS NEGLIGENCE, WILLFUL AND WANTON MISCONDUCT

21. Plaintiffs hereby reallege and restate each and every allegation contained in Paragraphs 1 through 19 as if fully stated herein.

22. The Defendants' owed duties to Plaintiffs not to illegally detain them, not to illegally search them, not to illegally and unlawfully cause their prosecution, a duty to develop and follow proper police procedures and regulations, and a duty to act reasonably within the authority granted to them by the laws of the State of Michigan; duties which were all breached by Defendants.

23. The Defendants, willfully, wantonly detained and terrorized Plaintiffs, without justification, provocation or excuse and without consent.

24. As a direct and proximate result of the aforesaid mentioned gross negligence, the wanton and unreasonable and reckless conducts of the Defendants, Plaintiffs sustained severe injuries and damages.

WHEREFORE, Plaintiffs demand judgment against Defendants in whatever amount Plaintiffs are entitled together with exemplary and punitive damages, plus interest, costs, and attorney fees.

COUNT III
FALSE ARREST

25. Plaintiffs hereby reallege and restate each and every allegation contained in Paragraphs 1 through 23 as if fully stated herein.

26. That by reason of the wrongful acts of Defendants, Plaintiffs were falsely arrested and/or detained.

WHEREFORE, Plaintiffs demand judgment against Defendants in whatever amount Plaintiffs are entitled together with exemplary and punitive damages, plus interest, costs, and attorney fees.

COUNT IV
FALSE IMPRISONMENT

27. Plaintiffs hereby reallege and restate each and every allegation contained in Paragraphs 1 through 25 as if fully stated herein.

28. That by reason of the wrongful acts of Defendants, Plaintiffs were falsely imprisoned.

WHEREFORE, Plaintiffs demand judgment against Defendants in whatever amount Plaintiffs are entitled together with exemplary and punitive damages, plus interest, costs, and attorney fees.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

29. Plaintiffs hereby reallege and restate each and every allegation contained in Paragraphs 1 through 27 as if fully stated herein.

30. The acts of Defendants in terrorizing Plaintiffs, constituted an extreme, outrageous and intentional infliction of emotional distress which caused them to suffer severe and continuing emotional distress.

31. As a direct and proximate result of the acts and omissions of the Defendants, Plaintiffs are suffering severe emotional distress, which includes but not limited to, shame, embarrassment, humiliation, degradation, mental anguish, all of which were caused by the Defendants' unjustified and unlawful conduct.

WHEREFORE, Plaintiffs demand judgment against Defendants in whatever amount Plaintiffs are entitled together with exemplary and punitive damages, plus interest, costs, and attorney fees.

COUNT VI: CONSPIRACY

32. Plaintiffs hereby reallege and restate each and every allegation contained in Paragraphs 1 through 30 as if fully stated herein.

33. The acts of the individual Defendants in the bringing of false criminal charges were acts undertaken in concert by the individually named Defendants comprise a conspiracy to violate Plaintiffs' civil rights, pursuant to 42 USC §1983.

34. These acts caused damages to Plaintiffs.

WHEREFORE, Plaintiff demand judgment in their favor and against the Defendants in whatever amount Plaintiffs are found entitled together with costs, interest, and attorney fees.

COUNT VII
FEDERAL LAW CLAIMS-WAYNE COUNTY

35. Plaintiff reasserts his allegations contained in paragraphs 1-34 above as though fully stated herein.

36. Plaintiffs set forth claims for damages for injuries that they sustained as a result of the above misconduct as provided for under 42 USC Section 1983 against all Defendants and for their violations of his constitutional rights as guaranteed by the 4th and 14th Amendments to the United States Constitution.

37. Under Federal Law, Plaintiffs have the right to be free of unreasonable search and seizure as well as the use of excessive and unnecessary force.

38. Defendants negligently, carelessly, maliciously and with deliberate indifference beat, cuffed, accosted, arrested and detained Plaintiffs who were doing nothing illegal

39. Defendants improper, heinous and brutal actions were caused, acquiesced to, and or contributed to by Defendant County of Wayne's improper training, policy procedures and culture of retention of abusive Officers which has led to the establishment of a custom and practice to allow officers to use excessive force and illegally detain citizens.

40. That as a direct and proximate result of the wrongful acts of Defendant as aforesaid, Plaintiffs :

- a. Sustained severe injuries;
- b. In addition thereto said Plaintiff suffered shock and emotional damage;

- c. Possible aggravation of pre-existing conditions or re-aggravation of dormant conditions;
- d. Was unable to their usual affairs, render services as formerly;
- e. Hampered said Plaintiffs in the enjoyment of the normal pursuit of life as before;
- f. Said injuries are permanent to the degree that Plaintiffs suffered a loss and the ability to earn money as before and will have impaired earning capacity in the future, continued pain and suffering as well as permanency, all as a result of Defendants acts as of here and in before alleged.

WHEREFORE, Plaintiff demand judgment against Defendants in whatever amount the Plaintiffs are found to be entitled together with exemplary and punitive damages, plus interest, costs and attorney fees.

COUNT VIII
FEDERAL LAW CLAIMS-CITY OF DETROIT

Plaintiff reasserts his allegations contained in paragraphs 1-40 above as though fully stated herein.

41. Plaintiffs set forth claims for damages for injuries that they sustained as a result of the above misconduct as provided for under 42 USC Section 1983 against all Defendants and for their violations of his constitutional rights as guaranteed by the 4th and 14th Amendments to the United States Constitution.

42. Under Federal Law, Plaintiffs have the right to be free of unreasonable search and seizure as well as the use of excessive and unnecessary force.

43. Defendants negligently, carelessly, maliciously and with deliberate indifference beat, cuffed, accosted, arrested and detained Plaintiffs who were doing nothing illegal

44. Defendants improper, heinous and brutal actions were caused, acquiesced to, and or contributed to by Defendant City of Detroit's improper training, policy procedures and culture of retention of abusive Officers which has led to the establishment of a custom and practice to allow officers to use excessive force and illegally detain citizens.

45. That as a direct and proximate result of the wrongful acts of Defendant as aforesaid, Plaintiffs :

- a. Sustained severe injuries;
- b. In addition thereto said Plaintiffs suffered shock and emotional damage;
- c. Possible aggravation of pre-existing conditions or re-aggravation of dormant conditions;
- d. Was unable to attend to their usual affairs, render services as formerly;
- e. Hampered said Plaintiffs in the enjoyment of the normal pursuit of life as before;
- f. Said injuries are permanent to the degree that Plaintiffs suffered a loss and the ability to earn money as before and will have impaired earning capacity in the future, continued pain and suffering as well as permanency, all as a result of Defendants acts as of here and in before alleged.

WHEREFORE, Plaintiff demand judgment against Defendants in whatever amount the Plaintiffs are found to be entitled together with exemplary and punitive damages, plus interest, costs and attorney fees.

Respectfully submitted,

By: /s/ Daniel G. Romano
DANIEL G. ROMANO (P49117)
DAVID G. BLAKE (P73544)
ROMANO LAW, P.L.L.C.
Attorneys for Plaintiff
26555 Evergreen, Suite 1500
Southfield, MI 48076
(248) 750-0270
dromano@romanolawpllc.com
dblake@romanolawpllc.com

Dated: September 17, 2012

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FLOYD BRUNSON and WENDY
JEFFERSON,

Plaintiffs,

Case No. 12-

vs.

DETROIT POLICE OFFICER JOSEPH, CASTRO,
DETROIT POLICE OFFICER L. RHODES in their
individual capacities, jointly and severally, CITY OF
DETROIT, a Municipal Corporation, and THE COUNTY
OF WAYNE, a Government Entity,

Defendants.

ROMANO LAW, P.L.L.C. BY: DANIEL G. ROMANO (P49117) DAVID G. BLAKE (P73544) Attorneys for Plaintiff 26555 Evergreen Road, Suite 1500 Southfield, Michigan 48075 248-750-0270 / fax 248-936-2105	
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DEMAND FOR JURY TRIAL

NOW COMES, the above-named Plaintiffs by and through their attorneys, ROMANO LAW, P.L.L.C., and hereby makes formal demand for a trial by jury of the facts and issues involved in this cause of action.

Respectfully submitted,

By: /s/ Daniel G. Romano
DANIEL G. ROMANO (P49117)
DAVID G. BLAKE (P73544)
ROMANO LAW, P.L.L.C.
Attorneys for Plaintiff
26555 Evergreen, Suite 1500
Southfield, MI 48076
(248) 750-0270
dromano@romanolawpllc.com
dblake@romanolawpllc.com

Dated: September 17, 2012

LAW OFFICES
ROMANO LAW, PLLC
26555 EVERGREEN, SUITE 1500 • SOUTHFIELD, MICHIGAN 48076 • (248) 750-0270

EXHIBIT 5: U.S. DISTRICT COURT JUDGMENT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Floyd Brunson, *et al.*,

Plaintiffs,

v.

Case No. 12-14109

Joseph Castro, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.
_____ /

JUDGMENT

As stated in an Opinion & Order issued this date, Plaintiffs voluntarily dismissed Count VII of Plaintiffs' Complaint, this Court dismissed Counts I, VI, and VIII with prejudice, and dismissed the remaining state-law claims (Counts II, III, IV, and V) without prejudice.

This a final order and closes this case.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: October 29, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 29, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy

Case Manager