

UNITED STATES BANKRUPTCY COURT
 Eastern **DISTRICT OF** Michigan

IN RE <u>City of Detroit, Michigan</u> Debtor.	BAP No. <u>22-12150</u>
<u>Debra Metris-Shamoon, et al</u> Appellant, v. <u>City of Detroit, MI</u> Appellee.	Bankr. No. <u>13-53846</u> Adv. No. _____ Chapter <u>9</u>

Designation of Items to be Included in the Record on Appeal

Debra Metris-Shamoon, pursuant to Federal Rule of Bankruptcy Procedure 8009(a), hereby designates the following items to be included in the record on appeal:

Document name, number and file date for each designated item:

1. 13532, City's Motion for Entry of Order Enforcing the Bar Date, 4/6/22
2. 13565, Response in Opposition to City's Motion for Entry of Order 5/17/22
3. 13588, Reply Brief in Support of City's Motion for Entry of Order 6/24/22
4. 13617, Opinion Regarding City's Motion for Entry of An Order 8/26/22
5. 13618, Order Granting City's Motion for Entry of An Order 8/26/22
6. 13624, Notice of Appeal and Statment of Election
7. 13627, Amended Notice of Appeal and Statement of Election
8. 13628, Civil Case Cover Sheet
9. 13629, Certificate of Service
10. _____
11. _____



12. _____
13. _____
14. _____
15. _____

Dated: 09/22/2022

/s/Michael R. Dezsi (P64530)

Signature

1523 N. Main St.

Address

Royal Oak, MI 48067

Address

(313) 757-8112

Phone Number

mdezsi@dezsilaw.com

ECF E-mail Address

File with the Bankruptcy Court

Note: Attach proof of service on all parties. Fed. R. Bankr. P. 8011(d)(1)(B).

**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
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**CITY OF DETROIT’S MOTION FOR THE ENTRY OF AN ORDER
ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, MUKHLIS SHAMOON, CARL
VERES, PAUL METRIS AND JULIA METRIS**

The City of Detroit, Michigan (“City”) by its undersigned counsel, Miller, Canfield, Paddock and Stone, PLC, files this *Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris* (“Motion”).

In support of this Motion, the City respectfully states as follows:

I. Introduction

1. On July 8, 2021, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (collectively, the “Plaintiffs”) filed their second amended complaint against the City seeking monetary damages on account of alleged events that occurred approximately ten months before the City filed for bankruptcy. The filing of the lawsuit violates the discharge and injunction provisions in the City’s confirmed Plan and the Bar Date Order (each as defined below). The City informed the Plaintiffs of these violations and asked them to

voluntarily dismiss the lawsuit, but to no avail. As a result, the City is left with no choice but to seek an order barring and permanently enjoining the Plaintiffs from asserting and prosecuting the claims described in the federal court action against the City or property of the City and requiring the Plaintiffs to dismiss the federal court action with prejudice.

II. Factual Background

A. The City's Bankruptcy Case

2. On July 18, 2013 (“Petition Date”), the City filed this chapter 9 case.

3. On October 10, 2013, the City filed its *Motion Pursuant to Section 105, 501 and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), for Entry of an Order Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof* (“Bar Date Motion”) [Doc. No. 1146], which was approved by order of this Court on November 21, 2013 (“Bar Date Order”). [Doc. No. 1782].

4. The Bar Date Order established February 21, 2014, as the deadline for filing claims against the City. Paragraph 6 of the Bar Date Order states that the

following entities must file a proof of claim on or before the Bar Date...any entity: (i) whose prepetition claim against the City is not listed in the List of Claims or is listed as disputed, contingent or unliquidated; and (ii) that desires to share in any distribution in this bankruptcy case and/or otherwise participate in the proceedings in this bankruptcy case associated with the confirmation of any chapter 9 plan of adjustment proposed by the City...

Bar Date Order ¶ 6.

5. Paragraph 22 of the Bar Date Order also provides that:

Pursuant to sections 105(a) of the Bankruptcy Code and Bankruptcy Rule 3003(c)(2), **any entity that is required to file a proof of claim in this case pursuant to the Bankruptcy Code, the Bankruptcy Rules or this Order with respect to a particular claim against the City, but that fails properly to do so by the applicable Bar Date, shall be forever barred, estopped and enjoined from: (a) asserting any claim against the City or property of the City** that (i) is in an amount that exceeds the amount, if any, that is identified in the List of Claims on behalf of such entity as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification or priority than any Scheduled Claim identified in the List of Claims on behalf of such entity (any such claim under subparagraph (a) of this paragraph being referred to herein as an “Unscheduled Claim”); (b) voting upon, or receiving distributions under any Chapter 9 Plan in this case in respect of an Unscheduled Claim; or (c) with respect to any 503(b)(9) Claim or administrative priority claim component of any Rejection Damages Claim, asserting any such priority claim against the City or property of the City.

6. None of the Plaintiffs have filed a proof of claim in the City’s bankruptcy case.

7. On October 22, 2014, the City filed its *Eighth Amended Plan of the Adjustment of Debts of the City of Detroit* (“Plan”), which this Court confirmed on November 12, 2014. [Doc. Nos. 8045 & 8272].

8. The discharge provision in the Plan provides:

Except as provided in the Plan or in the Confirmation Order, the rights afforded under the Plan and the treatment of Claims under the Plan will be in exchange for and in complete satisfaction, discharge and release of all Claims arising on or before the Effective Date. Except as provided in the Plan or in the Confirmation Order, Confirmation will, as of the Effective Date, discharge the City from all Claims or other debts that arose on or before the Effective Date, and all debts of the kind specified in section 502(g), 502(h) or 502(i) of the Bankruptcy Code, whether or not (i) proof of Claim based on such debt is Filed or deemed Filed pursuant to section 501 of the Bankruptcy Code, (ii) a Claim based on such debt is allowed pursuant to section 502 of the Bankruptcy Code or (ii) the Holder of a Claim based on such debt has accepted the Plan.

Plan, Art. III.D.4, at p.50.

9. Further, the Plan injunction set forth in Article III.D.5 provides in pertinent part:

Injunction

On the Effective Date, except as otherwise provided herein or in the Confirmation Order,

a. all Entities that have been, are or may be holders of Claims against the City...shall be permanently enjoined from taking any of the following actions against or affecting the City or its property...

1. commencing, conducting or continuing in any manner, directly or indirectly, any suit, action or other proceeding of any kind against or affect the City of its property...

5. proceeding in any manner in any place whatsoever that does not conform or comply with the provisions of the Plan or the settlements set forth herein to the extent such

settlements have been approved by the Bankruptcy Court in connection with Confirmation of the Plan; and

6. taking any actions to interfere with the implementation or consummation of the Plan.

Plan, Article III.D.5, at pp.50-51 (emphasis added).

10. The Court also retained jurisdiction to enforce the Plan injunction and to resolve any suits that may arise in connection with the consummation, interpretation or enforcement of the Plan. Plan, Art. VII. F, G, I, at p.72.

B. Plaintiff's United States District Court Lawsuit

11. On November 26, 2018, the Plaintiffs filed a complaint against the City and certain individuals in the United States District Court for the Eastern District of Michigan ("District Court"), commencing case number 18-13683 ("Lawsuit"). The docket sheet for the lawsuit is attached as **Exhibit 6-1**.

12. On June 25, 2021, the District Court entered the *Order Granting in Part and Denying in Part Defendants' Motion for Judgment on the Pleadings and Denying Defendants' Motion for Summary Judgment* ("Opinion") in the Lawsuit. The Opinion is attached as **Exhibit 6-2**.

13. As set forth in the Opinion, each of the Plaintiffs' claims stem from a raid which occurred on September 13, 2012. Opinion, p. 1. All of the Plaintiffs claims against the individual defendants have been dismissed. Opinion, p. 10. The only claims that remain in the Lawsuit are claims against the City.

14. In the Opinion, the District Court ordered the Plaintiffs to file an amended complaint. Opinion, p. 37.

15. On July 8, 2021, the Plaintiffs filed the *Second Amended Complaint and Jury Demand* (“Second Amended Complaint”).¹ The Second Amended Complaint is attached as **Exhibit 6-3**. The Second Amended Complaint contains three counts. Each of the counts stem from the alleged raid on September 13, 2012. Second Amended Complaint ¶ 10.

III. Argument

16. The Plaintiffs violated the Plan’s injunction and discharge provisions when they filed the Lawsuit to assert claims and otherwise seek relief against the City. And, they continue to violate them by persisting in prosecuting the Lawsuit.

17. The Plan’s injunction prohibited the filing of the Lawsuit and requires that it be dismissed with prejudice. Plan, Article III.D.5, at pp.50-51.

18. Further, the Plan’s discharge provision states that the “rights afforded under the Plan and the treatment of Claims under the Plan will be in exchange for and in complete satisfaction, discharge and release of all Claims arising on or before

¹ The Plaintiffs improperly added Sgt. Stephen Geelhood as a defendant in the Second Amended Complaint even though they acknowledge that the claims against him were dismissed: “Plaintiffs recognize that Defendant Geelhood was previously dismissed by the Court, however, he is listed herein for purposes of Plaintiffs’ preserving their claims against him.” Second Amended Complaint, p. 1, FN 1.

the Effective Date.” Plan Art. III.D.4, at p.50. The Plaintiffs did not file a proof of claim in the City’s bankruptcy case. Consequently, they do not have a right to a distribution or payment under the Plan on account of the claims asserted in the Lawsuit. Plan, Art. III.D.5, at p.50 (“[A]ll entities that have been, are or may be holders of Claims against the City . . . shall be permanently enjoined from . . . proceeding in any manner in any place whatsoever that does not conform or comply with the provisions of the Plan.”). *See also* Plan, Art. I.A.19, at p.3; Art. I.A.134, at p.11; Art. VI.A.1, at p.67 (“Notwithstanding any other provision of the Plan, no payments or Distributions shall be made on account of a Disputed Claim until such Claim becomes an Allowed Claim.”). Any claims that Plaintiffs may have had were discharged, and the Plan enjoins the Plaintiffs from pursuing them. The Bar Date Order also forever barred, estopped and enjoined the Plaintiffs from pursuing the claims asserted in the Second Amended Complaint.

19. Even if the Plaintiffs could somehow seek relief on their claims against the City or its property (which they cannot), the proper and only forum for doing so would be in this Bankruptcy Court. There is therefore no set of circumstances under which the Plaintiffs are or would have been permitted to commence and prosecute the Lawsuit against the City or its property.

IV. Conclusion

20. The City thus respectfully requests that this Court enter an order, in substantially the same form as the one attached as Exhibit 1, (a) directing the Plaintiffs to dismiss, or cause to be dismissed, the Lawsuit with prejudice; (b) permanently barring, estopping and enjoining the Plaintiffs from asserting the claims alleged in, or claims related to, the Lawsuit against the City or property of the City; and (c) prohibiting the Plaintiffs from sharing in any distribution in this bankruptcy case. The City sought, but did not obtain, concurrence to the relief requested in the Motion.

Dated: April 6, 2022

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

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
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Attorneys for the City of Detroit

**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

EXHIBIT LIST

Exhibit 1	Proposed Order
Exhibit 2	Notice of Opportunity to Object
Exhibit 3	None
Exhibit 4	Certificate of Service
Exhibit 5	None
Exhibit 6-1	Docket Sheet
Exhibit 6-2	Opinion
Exhibit 6-3	Second Amended Complaint

EXHIBIT 1 – PROPOSED ORDER

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

<p>In re: City of Detroit, Michigan, Debtor.</p>	<p>Bankruptcy Case No. 13-53846 Judge Thomas J. Tucker Chapter 9</p>
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**ORDER GRANTING CITY OF DETROIT’S MOTION FOR THE
ENTRY OF AN ORDER ENFORCING THE BAR DATE ORDER AND
CONFIRMATION ORDER AGAINST DEBRA METRIS-SHAMOON,
MUKHLIS SHAMOON, CARL VERES, PAUL METRIS AND JULIA
METRIS**

This matter, having come before the Court on the *Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris* (“Motion”),¹ upon proper notice and a hearing, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

THE COURT ORDERS THAT:

1. The Motion is granted.
2. Within five days of the entry of this Order, the Plaintiffs must dismiss, or cause to be dismissed, with prejudice the lawsuit captioned as Debra Metris-

¹ Capitalized terms used but not otherwise defined in this Order shall have the meanings given to them in the Motion.

Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris, Julia Metris, Plaintiffs (collectively, the “Plaintiffs”), vs. City of Detroit, and Stephen Geelhood, in his Individual Capacity; jointly and severally, filed in the United States District Court for the Eastern District of Michigan and assigned Case No. 18-13683 (“Lawsuit”).

3. The Plaintiffs are permanently barred, estopped and enjoined from asserting claims asserted in the Lawsuit or claims arising from or related to the Lawsuit against the City of Detroit or property of the City of Detroit.

4. The Plaintiffs are prohibited from sharing in any distribution in this bankruptcy case.

5. The Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

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
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**NOTICE OF OPPORTUNITY TO OBJECT TO CITY OF
DETROIT’S MOTION FOR THE ENTRY OF AN ORDER ENFORCING
THE BAR DATE ORDER AND CONFIRMATION ORDER AGAINST
DEBRA METRIS-SHAMOON, MUKHLIS SHAMOON, CARL VERES,
PAUL METRIS AND JULIA METRIS**

The City of Detroit has filed papers with the Court requesting the Court to enforce the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney.

If you do not want the Court to enter an Order granting the *Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris*, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 W. Fort St., Suite 1900
Detroit, Michigan 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. You must also mail a copy to:

Miller, Canfield, Paddock & Stone, PLC
Attn: Marc N. Swanson
150 West Jefferson, Suite 2500
Detroit, Michigan 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time, and location of that hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

¹ Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e).

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: April 6, 2022

EXHIBIT 3 – NONE

EXHIBIT 4 – 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
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 6, 2022, he served a copy of the foregoing *Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris* upon counsel for Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris, in the manner described below:

Via first class mail and email:

Dennis A Dettmer
Dettmer & Dezsi, PLLC
1523 N. Main St.
Royal Oak, MI 48067
Email: ddettmeresq@yahoo.com

Michael R. Dezsi
Law Office of Michael R. Dezsi, PLLC
1523 N. Main St.
Royal Oak, MI 48067
Email: mdezsi@dezsilaw.com

DATED: April 6, 2022

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

EXHIBIT 5 – NONE

EXHIBIT 6-1 – DOCKET SHEET

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

reassigned

**U.S. District Court
Eastern District of Michigan (Port Huron)
CIVIL DOCKET FOR CASE #: 3:18-cv-13683-RHC-EAS**

Metris-Shamoon et al v. City of Detroit et al
Assigned to: District Judge Robert H. Cleland
Referred to: Magistrate Judge Elizabeth A. Stafford
Cause: 28:1983 Civil Rights

Date Filed: 11/26/2018
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Debra Metris-Shamoon**

represented by **Dennis A Dettmer**
Dettmer & Dezsi, PLLC
1523 N. Main St.
Royal Oak, MI 48067
313-757-8112
Fax: 313-887-0420
Email: ddettmeresq@yahoo.com
ATTORNEY TO BE NOTICED

Michael R. Dezsi
Law Office of Michael R. Dezsi, PLLC
1523 N. Main St.
Royal Oak, MI 48067
313-757-8112
Fax: 313-887-0420
Email: mdezsi@dezsilaw.com
ATTORNEY TO BE NOTICED

Plaintiff**Mukhlis Shamoon**

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezsi
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff**Carl Veres**

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezsi
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Paul Metris

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezzi
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Julia Metris

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezzi
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City of Detroit

represented by **Crystal B Olmstead**
City of Detroit Law Department
2 Woodward Ave Ste. 500
Detroit, MI 48224
313-237-5035
Fax: 313-224-5505
Email: olmsteadc@detroitmi.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
Allen Brothers
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Suite 220
Detroit, MI 48226
313-962-7777
Email: jamesallen@allenbrotherspllc.com
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
Allen Brothers, Attorneys and Counselors,
PLLC
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313-962-7777
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
Schenk & Bruetsch, PLC

211 W. Fort Street, Suite 1410
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Email: Lindsey.Johnson@SBDetroit.com
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Patrick M. Cunningham
City of Detroit Law Department
2 Woodward Avenue
Suite 500
Detroit, MI 48226
313-237-5032
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Email: cunninghamp@detroitmi.gov
ATTORNEY TO BE NOTICED

Defendant

John Doe
TERMINATED: 03/21/2019

represented by **John Doe**
PRO SE

Lindsey R. Johnson
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Jane Doe
TERMINATED: 03/21/2019

represented by **Jane Doe**
PRO SE

Lindsey R. Johnson
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Sgt Joe Tucker
TERMINATED: 06/25/2021

represented by **Crystal B Olmstead**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
(See above for address)

TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Sgt Candace Matschikowski
TERMINATED: 06/25/2021

represented by **Crystal B Olmstead**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Sgt Stephen Geelhood

represented by **Crystal B Olmstead**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Juan Davis
TERMINATED: 06/25/2021

represented by **Crystal B Olmstead**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
(See above for address)

TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
 (See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
 (See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Brian A Johnson
TERMINATED: 06/25/2021

represented by **Crystal B Olmstead**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
 (See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
 (See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
 (See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/26/2018	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants with Jury Demand. Plaintiff requests summons issued. Receipt No: 0645-7002575 - Fee: \$ 400. County of 1st Plaintiff: Macomb - County Where Action Arose: Macomb - County of 1st Defendant: Wayne. [Previously dismissed case: No] [Possible companion case(s): USDC EDMICH, 15-cv-10547, Judge Borman] (Dezsi, Michael) (Entered: 11/26/2018)
11/27/2018	<u>2</u>	SUMMONS Issued for *City of Detroit* (SKra) (Entered: 11/27/2018)
11/27/2018		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (SKra) (Entered: 11/27/2018)
11/29/2018	<u>3</u>	NOTICE of Appearance by Dennis A Dettmer on behalf of All Plaintiffs. (Dettmer, Dennis) (Entered: 11/29/2018)
12/12/2018	<u>4</u>	CERTIFICATE of Service/Summons Returned Executed. City of Detroit served on 12/12/2018, answer due 1/2/2019. (Dezsi, Michael) (Entered: 12/12/2018)

12/13/2018	5	NOTICE of Appearance by James P. Allen on behalf of City of Detroit. (Allen, James) (Entered: 12/13/2018)
12/13/2018	6	NOTICE of Appearance by Lindsey R. Johnson on behalf of City of Detroit. (Johnson, Lindsey) (Entered: 12/13/2018)
12/17/2018	7	STIPULATED ORDER Extending Time for Response to 1 Complaint. Response due by 1/31/2019 . Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/17/2018)
01/31/2019	8	ANSWER to Complaint with Affirmative Defenses with Jury Demand <i>Defendant City of Detroit's Answer to Complaint, Affirmative Defenses and Other Defenses and Reliance Upon Jury Demand and Certificate of Service</i> by City of Detroit. (Allen, James) (Entered: 01/31/2019)
02/15/2019	9	NOTICE TO APPEAR: Scheduling/Settlement Conference set for 3/7/2019 11:30 AM before District Judge Arthur J. Tarnow . (MLan) (Entered: 02/15/2019)
02/21/2019		TEXT-ONLY NOTICE: Scheduling/Settlement Conference ADJOURNED TO 3/14/2019 11:00 AM before District Judge Arthur J. Tarnow . (MLan) (Entered: 02/21/2019)
03/13/2019	10	ATTORNEY APPEARANCE: James M. Surowiec appearing on behalf of City of Detroit (Surowiec, James) (Entered: 03/13/2019)
03/14/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Scheduling Conference held on 3/14/2019. (MLan) (Entered: 03/14/2019)
03/14/2019	11	SCHEDULING ORDER: Witnesses to be exchanged by 5/1/2019, Discovery Motions to be filed by 8/23/2019, Discovery due by 9/20/2019, Dispositive Motion Cut-off set for 10/28/2019, Joint Final Pretrial Order due 2/3/2020, Final Pretrial Conference set for 2/10/2020 02:30 PM before District Judge Arthur J. Tarnow . Signed by District Judge Arthur J. Tarnow. (Refer to image for additional dates) (MLan) (Entered: 03/14/2019)
03/21/2019	12	STIPULATED ORDER Allowing Plaintiffs to File First Amended Complaint. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/21/2019)
03/21/2019	13	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against All Defendants. NEW PARTIES ADDED . (Dezsi, Michael) (Entered: 03/21/2019)
03/21/2019		REQUEST for SUMMONS for Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker . (Dezsi, Michael) (Entered: 03/21/2019)
03/22/2019	14	SUMMONS Issued for *Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker* (DPer) (Entered: 03/22/2019)
04/03/2019	15	STIPULATED ORDER Extending Time for Response to 13 Amended Complaint. Response due by 4/29/2019 . Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/03/2019)
04/10/2019	16	CERTIFICATE of Service/Summons Returned Executed. Stephen Geelhood served on 4/5/2019, answer due 4/26/2019. (Dezsi, Michael) (Entered: 04/10/2019)
04/18/2019	17	CERTIFICATE of Service/Summons Returned Executed. Brian A Johnson served on 4/17/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)
04/18/2019	18	CERTIFICATE of Service/Summons Returned Executed. Juan Davis served on 4/17/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)
04/18/2019	19	CERTIFICATE of Service/Summons Returned Executed. Joe Tucker served on 4/18/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)

04/29/2019	20	ATTORNEY APPEARANCE: James P. Allen appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Allen, James) (Entered: 04/29/2019)
04/29/2019	21	ATTORNEY APPEARANCE: James M. Surowiec appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Surowiec, James) (Entered: 04/29/2019)
04/29/2019	22	ATTORNEY APPEARANCE: Lindsey R. Johnson appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 04/29/2019)
04/29/2019	23	ANSWER to Amended Complaint with Affirmative Defenses <i>and Reliance Upon Jury Demand</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 04/29/2019)
05/01/2019	24	<i>Plaintiffs'</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 05/01/2019)
05/01/2019	25	<i>Defendants' Preliminary Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 05/01/2019)
05/13/2019	26	AMENDED ANSWER to Complaint 13 Amended Complaint with Affirmative Defenses <i>and Reliance Upon Jury Demand</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 05/13/2019)
08/08/2019	27	STIPULATED ORDER Allowing Defendants Leave to File Amended Affirmative Defenses. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/08/2019)
08/09/2019	28	AFFIRMATIVE DEFENSES by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 08/09/2019)
08/13/2019	29	ORDER REFERRING OTHER MATTERS to Magistrate Judge R. Steven Whalen: Discovery Conference. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/13/2019)
08/20/2019	30	NOTICE TO APPEAR: Discovery Conference set for 9/10/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 08/20/2019)
08/22/2019	31	MOTION Extend Scheduling Order by 120 days by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A) (Johnson, Lindsey) (Entered: 08/22/2019)
08/22/2019	32	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/22/2019)
08/26/2019	33	NOTICE OF HEARING on 31 Defendants' MOTION to Amend Scheduling Order Dates by 120 Days . Motion Hearing set for 9/10/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 08/26/2019)
09/04/2019	34	RESPONSE to 31 MOTION Extend Scheduling Order by 120 days filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Indictment, # 3 Exhibit B Jury Trial Transcript, # 4 Exhibit C Internal Affairs File, # 5 Exhibit D Affidavit and Search Warrant, # 6 Exhibit E Discovery Requests, # 7 Exhibit F Notices of Deposition) (Dezsi, Michael) (Entered: 09/04/2019)

09/06/2019	35	REPLY to Response re 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7) (Johnson, Lindsey) (Entered: 09/06/2019)
09/10/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Discovery Conference held on 9/10/2019 - (CCie) Modified on 9/10/2019 (CCie). (Entered: 09/10/2019)
09/10/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 9/10/2019 re 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood - Disposition: Motion granted. (Court Reporter: Digitally Recorded) (CCie) (Entered: 09/10/2019)
09/10/2019	36	ORDER GRANTING DEFENDANTS' 31 Motion to Amend Scheduling Order- Signed by Magistrate Judge R. Steven Whalen. ***PLEASE SEE DOCUMENT FOR IMPORTANT DATES*** (CCie) (Entered: 09/10/2019)
09/14/2019	37	MOTION for Reconsideration re 36 Order on Motion - Free by All Defendants. (Attachments: # 1 Exhibit May v. City of Detroit) (Surowiec, James) (Entered: 09/14/2019)
09/17/2019	38	ORDER STAYING 36 Order on Motion, Set Deadlines as to 37 MOTION for Reconsideration re 36 Order on Motion: (Plaintiff's Response due by 9/24/2019) - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 09/17/2019)
09/18/2019	39	RESPONSE to 37 MOTION for Reconsideration re 36 Order on Motion - Free filed by All Plaintiffs. (Dezsi, Michael) (Entered: 09/18/2019)
09/23/2019	40	ORDER DENYING DEFENDANTS 37 Motion for Reconsideration - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 09/23/2019)
10/31/2019	41	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 11/13/2019 02:00 PM before District Judge Arthur J. Tarnow. (MLan) (Entered: 10/31/2019)
11/08/2019	42	MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Declaration, # 3 Exhibit B Redacted Declaration, # 4 Exhibit C Deposition Transcript, # 5 Exhibit D Affidavit & Warrant, # 6 Exhibit E Sealed) (Dezsi, Michael) (Entered: 11/08/2019)
11/08/2019	43	SEALED EXHIBIT <i>E Deposition Transcript</i> re 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free by All Plaintiffs. (Dezsi, Michael) (Entered: 11/08/2019)
11/12/2019	44	MOTION to Compel <i>Deposition Testimony</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit Article, # 3 Exhibit Notices of Depositions, # 4 Exhibit email, # 5 Exhibit Jackson trial testimony, # 6 Exhibit Leavells Plea Agreement, # 7 Exhibit Leavells trial testimony, # 8 Exhibit Indictment, # 9 Exhibit Memo Re Reorganization, # 10 Exhibit Objections to Discovery, # 11 Exhibit Sims Depo Trans excerpts) (Dezsi, Michael) (Entered: 11/12/2019)
11/13/2019		TEXT-ONLY NOTICE: Telephone Status Conference on 11/13/2019 is Cancelled. Issues resolved. (MLan) (Entered: 11/13/2019)
11/13/2019	45	ORDER REFERRING MOTIONS to Magistrate Judge R. Steven Whalen: 42 MOTION for Relief from the Magistrate Judge's Discovery Order re 36 Order filed by Julia Metris, Doc133538946 Filed 09/06/22 Entered 09/06/22 16:53:10 Page 91 of 30

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		Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 44 MOTION to Compel <i>Deposition Testimony</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/13/2019)
11/19/2019	46	NOTICE OF HEARING on 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt 36] and 44 MOTION to Compel <i>Deposition Testimony</i> . Resolved/Unresolved Issues due by 12/17/2019. Motion Hearings set for 12/19/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 11/19/2019)
11/22/2019	47	RESPONSE to 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free <i>with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Plaintiffs' Concurrence Email, # 3 Exhibit 2- Plaintiffs' Emails agreeing to Protective Order, # 4 Exhibit 3- Plaintiffs' Statement of Unresolved Discovery Issues, # 5 Exhibit 4- Plaintiffs' Email Denying Concurrence, # 6 Exhibit 5- Email from Case Manager, # 7 Exhibit 6- Attorney's Eyes Only Discovery Production, # 8 Exhibit 7-Attorney's Eyes Only Geelhood Dep Transcript, # 9 Exhibit 8- Geelhood Transcript Pages Start-Finish Times) (Surowiec, James) (Entered: 11/22/2019)
11/22/2019	48	SEALED EXHIBIT re 47 Response to Motion,, by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Exhibit 6-Attorney's Eyes Only Court Ordered Discovery Production, # 2 Exhibit 7- Attorney's Eyes Only Geelhood Deposition Transcript) (Surowiec, James) (Entered: 11/22/2019)
11/25/2019	49	REPLY to Response re 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/25/2019)
11/27/2019	50	RESPONSE to 44 MOTION to Compel <i>Deposition Testimony with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1-Search Warrant, # 3 Exhibit 2-Articles) (Surowiec, James) (Entered: 11/27/2019)
12/03/2019	51	REPLY to Response re 44 MOTION to Compel <i>Deposition Testimony</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/03/2019)
12/09/2019	52	MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 12/09/2019)
12/10/2019	53	INDEX of Exhibits re 52 MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Attachments: # 1 Exhibit 1- Proposed Protective Order, # 2 Exhibit 2- Search Warrant, # 3 Exhibit 3- Deposition Excerpts Metris-Shamoon, # 4 Exhibit 4- Chief Craig Declaration, # 5 Exhibit 5-Chief Godbee Declaration) (Surowiec, James) (Entered: 12/10/2019)
12/10/2019	54	INDEX of Exhibits re 52 MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (CORRECTED VERSION) (Attachments: # 1 Exhibit 1- Proposed Protective Order, # 2 Exhibit 2- Search Warrant, # 3 Exhibit 3- Deposition Excerpts Metris-Shamoon, # 4 Exhibit 4- Chief Craig Declaration, # 5 Exhibit 5-Chief Godbee Declaration) (Surowiec, James) (Entered: 12/10/2019)

12/13/2019	55	EXHIBIT <i>Supplemental Exhibits</i> re 44 MOTION to Compel <i>Deposition Testimony</i> by All Plaintiffs (Attachments: # 1 Index of Exhibits, # 2 Exhibit news article, # 3 Exhibit news article) (Dezsi, Michael) (Entered: 12/13/2019)
12/16/2019	56	<i>First Amended Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 12/16/2019)
12/19/2019	57	<i>Second Amended Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 12/19/2019)
12/19/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 12/19/2019 re 44 MOTION to Compel <i>Deposition Testimony</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Disposition: Motion 42 and 44 granted. (Court Reporter: Digitally Recorded - DUTY) (CCie) (Entered: 12/20/2019)
12/20/2019	58	ORDER GRANTING PLAINTIFF'S 42 Motion for Relief from Magistrate Judge's Discovery Order - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 12/20/2019)
12/20/2019	59	ORDER GRANTING PLAINTIFF'S 44 Motion to Compel- Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 12/20/2019)
12/23/2019	60	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 52 MOTION for Protective Order filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/23/2019)
12/30/2019	61	MOTION to Compel <i>Production of Documents</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Detroit News Article, # 3 Exhibit B Plaintiffs' 2nd RTP, # 4 Exhibit C Defendants' Objections 2nd RTP, # 5 Exhibit D Detroit News Article, # 6 Exhibit E Detroit News Article, # 7 Exhibit F Jury Trial Transcript Gary Jackson, # 8 Exhibit G Jury Trial Transcript Arthur Leavells) (Dezsi, Michael) (Entered: 12/30/2019)
12/30/2019	62	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 61 MOTION to Compel <i>Production of Documents</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/30/2019)
12/30/2019	63	MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A- Plaintiffs' Responses to Roggs, # 3 Exhibit B- Plaintiffs' Doc Production, # 4 Exhibit C-Plaintiffs' Responses to RPD, # 5 Exhibit D-December 16th Email, # 6 Exhibit E - Dec 29 to 30th Email Correspondence) (Johnson, Lindsey) (Entered: 12/30/2019)
01/03/2020	64	ORDER DENYING DEFENDANTS' 52 Motion for Protective Order - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 01/03/2020)
01/03/2020	65	REQUEST <i>for an Extension of Time in order to Object to Magistrate Judge's Opinion</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Declaration of Surowiec and Email, # 3 Exhibit 2- Declaration of Holland, # 4 Exhibit 3- Email to Court Reporter) (Surowiec, James) (Entered: 01/03/2020)

01/03/2020	66	REQUEST (<i>Corrected</i>) for Extension of Time to File Objections to the Opinion and Order of the Magistrate Judge by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Declaration of Surowiec and Email, # 3 Exhibit 2- Declaration of Holland, # 4 Exhibit 3- Email to Court Reporter) (Surowiec, James) (Entered: 01/03/2020)
01/07/2020	67	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 63 MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/07/2020)
01/07/2020	68	NOTICE OF HEARING on 61 MOTION to Compel <i>Production of Documents</i> and 63 MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> . Resolved/Unresolved Issues due by 2/4/2020. Motion Hearing set for 2/6/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 01/07/2020)
01/07/2020		TEXT-ONLY ORDER GRANTING DEFENDANT'S 66 Request for An Extension of Time, filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood - Entered by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 01/07/2020)
01/09/2020	69	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 1/13/2020 03:00 PM before District Judge Arthur J. Tarnow. Counsel are directed to forward their phone numbers by email to mike_lang@mied.uscourts.gov prior to the conference. (MLan) (Entered: 01/09/2020)
01/13/2020		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Telephonic Status Conference held on 1/13/2020. (MLan) (Entered: 01/13/2020)
01/13/2020	70	RESPONSE to 61 MOTION to Compel <i>Production of Documents and Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Hearing Transcript, # 3 Exhibit 2 - Search Warrant, # 4 Exhibit 3- Defendants Discovery Responses) (Johnson, Lindsey) (Entered: 01/13/2020)
01/14/2020	71	RESPONSE to 63 MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 01/14/2020)
01/17/2020	72	NOTICE by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker re 64 Order on Motion for Protective Order, 59 Order on Motion to Compel <i>of Objections to the Orders of the Magistrate Judge</i> (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Hearing Transcript, Dec 19, 2019, # 3 Exhibit 2- Order Granting Plaintiffs' Motion to Compel Depositions, # 4 Exhibit 3- Order Denying Defendants' Motion for Protective Order) (Surowiec, James) (Entered: 01/17/2020)
01/20/2020	73	SUPPLEMENTAL BRIEF re 72 Notice (Other),, <i>Response to Defendants Objections to Magistrate Judge's Orders</i> filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit News Article 12/11/19, # 3 Exhibit News Article 12/12/19) (Dezsi, Michael) (Entered: 01/20/2020)
01/21/2020	74	REPLY to Response re 63 MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit E, # 3 Exhibit F, # 4 Exhibit G, # 5 Exhibit H, # 6 Exhibit I) (Johnson, Lindsey) (Entered: 01/21/2020)
01/21/2020	75	REPLY to Response re 61 MOTION to Compel <i>Production of Documents</i> filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit H Transcript) (Dezsi, Michael) (Entered: 01/21/2020)

		Michael) (Entered: 01/21/2020)
01/23/2020	76	SUPPLEMENTAL BRIEF re 74 Reply to Response to Motion, filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 01/23/2020)
01/27/2020	77	MOTION TO EXTEND Discovery <i>30 Days</i> by All Plaintiffs. (Dezsi, Michael) (Entered: 01/27/2020)
01/29/2020	78	ORDER Sustaining in part and Overruling in part 72 Objections by Defendants re 64 Order on Motion for Protective Order, 59 Order on Motion to Compel. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/29/2020)
01/29/2020	79	ORDER REFERRING MOTIONS to Magistrate Judge R. Steven Whalen: 77 MOTION TO EXTEND Discovery 30 Days filed by Plaintiffs, 44 MOTION to Compel <i>Deposition Testimony</i> filed by Plaintiffs, 52 MOTION for Protective Order filed by Defendants. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/29/2020)
01/29/2020	80	SUPPLEMENTAL BRIEF re 78 Order, Order to Vacate filed by All Plaintiffs. (Dezsi, Michael) (Entered: 01/29/2020)
02/04/2020	81	NOTICE OF HEARING on 77 MOTION TO EXTEND Discovery <i>30 Days</i> . Motion Hearing set for 2/6/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen - (CCie) (Entered: 02/04/2020)
02/04/2020	82	RESPONSE to 77 MOTION TO EXTEND Discovery <i>30 Days Opposing Any Extension</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Plaintiffs' 2nd Notice of Deposition for Chiefs, # 3 Exhibit 2- Email between Counsel, # 4 Exhibit 3- Hearing Transcript Excerpts (12/19/2019), # 5 Exhibit 4- Plaintiffs' 1st Notice of Deposition of Chiefs, # 6 Exhibit 5- US Atty Sentencing Memo, # 7 Exhibit 6- Police Report, # 8 Exhibit 7- Mukhlis Shamoon Deposition Excerpts, # 9 Exhibit 8- Preliminary Lab Tests, # 10 Exhibit 9- Chain of Custody Reports, # 11 Exhibit 10- Notice of Forfeiture, # 12 Exhibit 11- January Notices of Deps & Subpoenas, # 13 Exhibit 12- Plaintiffs' 5th RFP, # 14 Exhibit 13- Notice of Status Conference, # 15 Exhibit 14- Plaintiffs Email Insisting on Proceeding with Deps of Chiefs, # 16 Exhibit 15- Defs' email seeking compromise) (Surowiec, James) (Entered: 02/04/2020)
02/04/2020		TEXT-ONLY NOTICE: Final Pretrial Conference on 2/10/2020 is Cancelled. New date to be set following determination of pending motions. (MLan) (Entered: 02/04/2020)
02/06/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 2/6/2020 re 63 MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood, 77 MOTION TO EXTEND Discovery <i>30 Days</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 61 MOTION to Compel <i>Production of Documents</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Disposition: 61 Motion granted in part and denied in part; 63 Motion granted in part and denied in part; 77 Motion granted. (Court Reporter: Digitally Recorded) (CCie) (Entered: 02/06/2020)
02/07/2020	83	ORDER GRANTING PLAINTIFFS' 61 Motion to Compel- Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/07/2020)
02/07/2020	84	ORDER GRANTING DEFENDANTS' 63 Motion to Compel- Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/07/2020)
02/07/2020	85	ORDER GRANTING PLAINTIFFS' 77 MOTION TO EXTEND Discovery - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/07/2020)

02/07/2020		TEXT-ONLY ORDER AMENDING SCHEDULING ORDER: Discovery due by 5/7/2020, Dispositive Motion Cut-off set for 6/8/2020, Joint Final Pretrial Order due 9/21/2020, Final Pretrial Conference set for 9/28/2020 02:30 PM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/07/2020)
02/10/2020	86	SUPPLEMENTAL ORDER re 58 Order on Motion - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/10/2020)
02/10/2020	87	ORDER GRANTING PLAINTIFFS' 44 Motion to Compel AND DENYING DEFENDANTS' 52 Motion for Protective Order - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/10/2020)
03/09/2020	88	STIPULATED PROTECTIVE ORDER - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 03/09/2020)
04/03/2020	89	NOTICE by All Plaintiffs of <i>Motion to Consolidate Cases</i> (Dezsi, Michael) (Entered: 04/03/2020)
04/06/2020	90	MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Plaintiffs' Second Request to Produce, # 3 Exhibit B Detroit News Article 12/11/2019, # 4 Exhibit C Detroit News Article 12/12/2019, # 5 Exhibit D Defendants' Answers to Second Request to Produce, # 6 Exhibit E Article) (Dezsi, Michael) (Entered: 04/06/2020)
04/06/2020	91	MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Jury Trial Transcript, # 3 Exhibit B Detroit News Article 12/11/2019, # 4 Exhibit C Detroit News Article 12/12/2019) (Dezsi, Michael) (Entered: 04/06/2020)
04/14/2020	92	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/14/2020)
04/20/2020	93	RESPONSE to 91 MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6) (Johnson, Lindsey) (Entered: 04/20/2020)
04/21/2020	94	RESPONSE to 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> in <i>opposition</i> filed by All Defendants. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Declaration of Graveline, # 3 Exhibit B - Defendants doc production, # 4 Exhibit C - Email exchange re LR 71) (Johnson, Lindsey) (Entered: 04/21/2020)
04/21/2020	95	NOTICE OF HEARING BY TELEPHONE on 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> . Resolved/Unresolved Issues due by 5/15/2020. Motion Hearing set for 5/19/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen. CALL IN INFORMATION WILL BE PROVIDED PRIOR TO HEARING. (THac) (Entered: 04/21/2020)
04/24/2020	96	REPLY to Response re 91 MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker filed by All Plaintiffs. (Dezsi, Michael)

		(Entered: 04/24/2020)
04/27/2020	97	REPLY to Response re 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 04/27/2020)
05/04/2020	98	<i>Amended</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 05/04/2020)
05/19/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Telephonic Motion Hearing held on 5/19/2020 re 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Disposition: Motion taken under advisement (Court Reporter: Rene Twedt) (MarW) (Entered: 05/19/2020)
05/30/2020	99	STIPULATED ORDER EXTENDING SCHEDULING ORDER: Discovery due by 7/7/2020, Dispositive Motion Cut-off set for 8/8/2020, Final Pretrial Conference set for 11/23/2020 02:30 PM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (Refer to image for additional dates) (MLan) (Entered: 05/30/2020)
06/08/2020	100	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 6/9/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen - ***PLEASE SEE NOTICE FOR ADDITIONAL IMPORTANT INFORMATION*** (CCie) (Entered: 06/08/2020)
06/09/2020	101	OPINION and ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 06/09/2020)
06/09/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Telephonic Status Conference held on 6/9/2020 - (CCie) (Entered: 06/09/2020)
06/15/2020	102	NOTICE of Appearance by Patrick M. Cunningham on behalf of City of Detroit. (Cunningham, Patrick) (Entered: 06/15/2020)
06/15/2020	103	MOTION to Stay re 101 Memorandum Opinion & Order,, Terminate Motions, by City of Detroit. (Cunningham, Patrick) (Entered: 06/15/2020)
06/17/2020	104	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 103 MOTION to Stay re 101 Memorandum Opinion & Order filed by City of Detroit. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 06/17/2020)
06/19/2020	105	MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Appearance of Counsel Garcia, # 3 Exhibit B Excerpt of Deposition Transcript of Arthur Leavells, # 4 Exhibit C Leavells Plea Agreement, # 5 Exhibit D Excerpt of Jury Trial Transcript: Arthur Leavells, # 6 Exhibit E Correspondence from Garcia) (Dezsi, Michael) (Entered: 06/19/2020)
06/26/2020	106	RESPONSE to 103 MOTION to Stay re 101 Memorandum Opinion & Order,, Terminate Motions, filed by All Plaintiffs. (Dezsi, Michael) (Entered: 06/26/2020)
07/01/2020	107	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by Plaintiffs. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 07/01/2020)
07/01/2020	108	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 7/2/2020 at 9:30 AM before Magistrate Judge R. Steven Whalen - ***PLAINTIFFS' COUNSEL,

		PLEASE EMAIL THE CASE MANAGER A CALL IN NUMBER FOR THE TELEPHONE CONFERENCE*** (CCie) (Entered: 07/01/2020)
07/01/2020	109	RESPONSE to 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by City of Detroit. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8) (Johnson, Lindsey) (Entered: 07/01/2020)
07/02/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Telephonic Status Conference held on 7/2/2020 - (CCie) (Entered: 07/02/2020)
07/02/2020	110	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' 103 Motion to Stay - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 07/02/2020)
07/07/2020	111	REPLY to Response re 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 07/07/2020)
07/16/2020	112	APPEAL OF MAGISTRATE JUDGE DECISION by City of Detroit re 110 Order on Motion to Stay. (Cunningham, Patrick) (Entered: 07/16/2020)
07/20/2020	113	RESPONSE to 112 Appeal of Magistrate Judge Decision <i>Denying Its Motion for Clarification or for a Sixty Day Stay of Enforcement</i> by All Plaintiffs. (Dezsi, Michael) (Entered: 07/20/2020)
07/23/2020	114	NOTICE TO APPEAR BY VIDEO CONFERENCE: Objection to R&R Hearing set for 8/5/2020 03:30 PM before District Judge Arthur J. Tarnow. Zoom Webinar Information: https://zoom.us/j/99317086263? Passcode: 235954 Or join by phone: Dial(for higher quality, dial a number based on your current location): US: +1 301 715 8592 or +1 312 626 6799 or +1 602 753 0140 or +1 213 338 8477 or +1 253 215 8782 (MLan) (Entered: 07/23/2020)
07/27/2020	115	RE-NOTICE TO APPEAR BY VIDEO CONFERENCE: Objection to R&R Hearing set for 8/5/2020 03:30 PM before District Judge Arthur J. Tarnow. THIS NOTICE CORRECTS THE ZOOM INVITATION INFORMATION. Zoom Webinar Information: https://zoom.us/j/99317086263? Passcode: 235954 Or iPhone one-tap : US: +13017158592,,99317086263#,,,,,0#,,235954# or +13126266799,,99317086263#,,,,,0#,,235954# (MLan) (Entered: 07/27/2020)
08/05/2020		Minute Entry for proceedings before District Judge Arthur J. Tarnow: OBJECTION Hearing held on 8/5/2020. Disposition: Objection Resolved on the Record. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 08/06/2020)
08/11/2020	116	STIPULATED PROTECTIVE ORDER. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/11/2020)
08/11/2020	117	STIPULATED ORDER Extending Deadlines: Discovery due by 9/10/2020, Dispositive Motion Cut-off set for 10/23/2020. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/11/2020)
08/18/2020	118	NOTICE by All Plaintiffs of withdrawal of 91 MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker ; <i>Partial Withdrawal as to Defendant Tucker Only.</i> (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Internal Affairs documents, # 3 Exhibit B Excerpt IA Case 00 213, # 4 Exhibit C Defendants' Answers & Objections to Plaintiffs' Third Request for Production of Documents, # 5 Exhibit D Correspondence, # 6 Exhibit E Excerpt IA Case 14 149) (Dezsi, Michael) (Entered: 08/18/2020)

08/26/2020	119	DOCUMENT IS NOT A NOTICE DOCUMENT TITLED: DEFENDANTS RESPONSE TO PLAINTIFFS NOTICE OF PARTIAL WITHDRAWAL OF MOTION FOR VOLUNTARY DISMISSAL NOTICE by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker re 118 Notice to Withdraw Motion,, (Surowiec, James) Modified on 8/28/2020 (LGra). (Entered: 08/26/2020)
08/27/2020	120	NOTICE by All Plaintiffs re 116 Protective Order <i>Dated August 11, 2020</i> (Dezsi, Michael) (Entered: 08/27/2020)
10/23/2020	121	MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c) with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Davis Complaint, # 3 Exhibit 2- Davis First Amended Complaint, # 4 Exhibit 3- Davis Motion to Certify, # 5 Exhibit 4- R&R Denying Class Cert, # 6 Exhibit 5-Order Denying Class Cert, # 7 Exhibit 6- Metris Shamoon Complaint, # 8 Exhibit 7- Metris Shamoon First Amended Complaint) (Surowiec, James) (Entered: 10/23/2020)
10/23/2020	122	MOTION for Summary Judgment <i>With Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 10/23/2020)
10/24/2020	123	MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Geelhood Deposition, # 3 Exhibit 2- Search Warrant, # 4 Exhibit 3- Declaration of Tucker, # 5 Exhibit 4- Declaration of Johnson, # 6 Exhibit 5- Declaration of J Davis, # 7 Exhibit 6- Declaration of Matschikowski, # 8 Exhibit 7- DPD Report, # 9 Exhibit 8-Prelim Lab Test, # 10 Exhibit 9-Firearm Reports, # 11 Exhibit 10- Notice of Forfeiture, # 12 Exhibit 11- Dixon Declaration, # 13 Exhibit 12-IBRSYS Property Reports, # 14 Exhibit 13-Mrs. Shamoon Dep, # 15 Exhibit 14- Mr. Shamoon Dep, # 16 Exhibit 15- Photos of Grow Op, # 17 Exhibit 16- Paul Metris Dep, # 18 Exhibit 17- Julia Metris Dep, # 19 Exhibit 18- Mr. Veres Dep) (Surowiec, James) (Entered: 10/24/2020)
11/10/2020	124	STIPULATED ORDER Extending Time for Responses as to 121 MOTION to Dismiss Pursuant to Fed R Civ P 12(c) and 123 CORRECTED MOTION for Summary Judgment: Responses due by 11/23/2020 . Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/10/2020)
11/18/2020		TEXT-ONLY NOTICE: Final Pretrial Conference on 11/23/2020 is Cancelled. New date to be set following determination of pending motions. (MLan) (Entered: 11/18/2020)
11/20/2020	125	RESPONSE to 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/20/2020)
11/20/2020	126	APPENDIX re: 125 Response to Motion filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. by All Plaintiffs <i>Combined Exhibits In Opposition to Defendants' Corrected Motion for Summary Judgment [Dkt#123] and Motion to Dismiss [Dkt #121]</i> (Attachments: # 1 Exhibit A Search Warrant & Affidavit, # 2 Exhibit B DPD Report (Shamoon), # 3 Exhibit C Deposition Transcript of Debra Metris-Shamoon, # 4 Exhibit D Order of Dismissal, # 5 Exhibit E Motion Hearing Transcript, # 6 Exhibit F Deposition Transcript of Matthew Bray, # 7 Exhibit G Motion Hearing Transcript, # 8 Exhibit H Defendants' Answers & Objections to Second Request to Admit, # 9 Exhibit I Defendants' Answers & Objections to Plaintiffs' 1st Interrogatories and Requests for Production, # 10 Exhibit I-2 Defendants' Answers & Objections to Plaintiffs' Fifth Request to Produce, # 11 Exhibit I-3 Defendant City's Responses & Objections to Schedule A, # 12 Exhibit J McGee Complaint, # 13 Exhibit K Defendants Response to Court Order Production, # 14 Exhibit K1 Audio Recording of Doc 13632-2 Filed 09/09/22 Entered 09/09/22 16:36:00 Page 27 of

		<p>Chuck Fitzgerald, # 15 Exhibit L Search Warrant & Affidavit (Matelic) McCallum, # 16 Exhibit M Final Conference Transcript; McCallum, # 17 Exhibit N WCPO Press Release, # 18 Exhibit O Order of Dismissal; People v Chancellor, # 19 Exhibit P Jury Trial Transcript Vol 14, # 20 Exhibit Q Defendants' Answers & Objections to Plaintiffs' 4th Interrogatories, # 21 Exhibit R DPD Communications, # 22 Exhibit S Detroit News Article 11-01-2014, # 23 Exhibit T Indictment of Watson & Hansberry, # 24 Exhibit U Hansberry Judgment, # 25 Exhibit V Watson Judgment, # 26 Exhibit W Jury Trial Transcript Vol 15, # 27 Exhibit X DPD Record, # 28 Exhibit Y Detroit News 12-11-2019, # 29 Exhibit Z Detroit News 12-12-2019, # 30 Exhibit AA DPD Report (Davis), # 31 Exhibit BB DPD Report (McShane), # 32 Exhibit CC DPD Report (Lockard), # 33 Exhibit DD DPD Report (Reid), # 34 Exhibit EE Deposition Transcript of Chief Craig, # 35 Exhibit FF Deposition Transcript of Stephen Geelhood 04-04-2016, # 36 Exhibit GG IA File (Rayis), # 37 Exhibit HH Chancellor Documents, # 38 Exhibit II Search Warrant & Affidavit (Geelhood); Chancellor, # 39 Exhibit JJ Order of Dismissal; People v. McCallum, # 40 Exhibit KK Search Warrant & Affidavit (Bray); Lockard, # 41 Exhibit LL Deposition Transcript of Matthew Bray 01-30-2020, # 42 Exhibit MM Defendants' Answers & Objections to Plaintiffs' 4th Request to Produce; Frontczak, # 43 Exhibit NN 2012 Operating Procedures, # 44 Exhibit OO DPD Retention Policy, # 45 Exhibit PP Correspondence, # 46 Exhibit QQ Search Warrant & Affidavit (Bray) McShane, # 47 Exhibit RR Deposition Transcript of Stephen Geelhood 10-15-2019, # 48 Exhibit SS Declaration of Stephen Geelhood, # 49 Exhibit TT Declaration of Sgt. McCoy-O'Neill, # 50 Exhibit UU Deposition Transcript (2) of Stephen Geelhood 10-15-2019, # 51 Exhibit VV DPD Seizure, # 52 Exhibit WW Warrendale Blog, # 53 Exhibit XX Deposition Transcript of Chief Godbee, # 54 Exhibit YY IA Case documents, # 55 Exhibit ZZ Detroit News 01-22-2015, # 56 Exhibit AAA IA Correspondence, # 57 Exhibit BBB Notice of Discipline, # 58 Exhibit CCC Leavells Plea Agreement, # 59 Exhibit DDD Deposition Transcript of Mukhlis Shamoon, # 60 Exhibit EEE SOI Documents, # 61 Exhibit FFF Obituary, # 62 Exhibit GGG Declaration of Justin Reid, # 63 Exhibit HHH Search Warrant & Affidavit (Leavells) Reid, # 64 Exhibit III Search Warrant & Affidavit (Leavells) Davis, # 65 Exhibit JJJ Excerpt of Leavells Deposition Transcript, # 66 Exhibit KKK Photographs) (Dezsi, Michael) (Entered: 11/20/2020)</p>
11/20/2020	127	Ex Parte MOTION for Leave to File <i>Exhibits in the Traditional Manner</i> by All Plaintiffs. (Dezsi, Michael) (Entered: 11/20/2020)
11/20/2020	128	RESPONSE to 121 MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c) with Brief in Support</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/20/2020)
11/30/2020	129	STIPULATION AND ORDER granting Plaintiffs' leave to file excess pages in plaintiffs' brief in opposition to Defendants' Motion for Summary Judgment 123 . Signed by District Judge Arthur J. Tarnow. (McColley, N) (Entered: 11/30/2020)
12/04/2020	130	REPLY to Response re 121 MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c) with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 8- McCallum Opinion (Excerpt), # 3 Exhibit 9-WCP-CIU Memo Redacted, # 4 Exhibit 10- Deposition of APA Newman (Excerpt), # 5 Exhibit 11- Cover Page CIU-Memo Under Seal) (Surowiec, James) (Entered: 12/04/2020)
12/07/2020	131	MOTION for Leave to File <i>Sealed Exhibit (Ex. 11) re: 130 Reply Brief</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 12/07/2020)
12/07/2020	132	REPLY to Response re 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit

		19- Geelhood Dep Part II, # 3 Exhibit 20- Police Reports, # 4 Exhibit 21- CI Death Certificate, # 5 Exhibit 22- Detective Rutledge Declaration, # 6 Exhibit 23- CI Obituary, # 7 Exhibit 24- Geelhood Declaration, # 8 Exhibit 25- Verdict Form USA v. Hansberry, # 9 Exhibit 26- Deposition of Chief Godbee, # 10 Exhibit 27- Deposition of Chief Craig (Surowiec, James) (Entered: 12/07/2020)
12/08/2020		TEXT-ONLY ORDER granting 127 Ex Parte MOTION for Leave to File <i>Exhibits in the Traditional Manner</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/08/2020)
12/10/2020	136	EXHIBIT K1 in support of 126 Appendix filed by plaintiffs (filed in the traditional manner) (DPer) (Entered: 12/28/2020)
12/11/2020	133	RESPONSE to 131 MOTION for Leave to File <i>Sealed Exhibit (Ex. 11) re: 130 Reply Brief</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/11/2020)
12/21/2020	134	STIPULATED ORDER Extending Time and Granting Excess Pages. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/21/2020)
12/22/2020	135	MOTION for Leave to File <i>Corrected (Signed) Declarations in Support of Defendants Motions for Summary Judgment</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits A- with corrected exhibits 3, 4, 5, 6, and 11 attached) (Surowiec, James) (Entered: 12/22/2020)
12/29/2020	137	RESPONSE to 135 MOTION for Leave to File <i>Corrected (Signed) Declarations in Support of Defendants Motions for Summary Judgment</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/29/2020)
01/04/2021	138	REPLY to Response re 135 MOTION for Leave to File <i>Corrected (Signed) Declarations in Support of Defendants Motions for Summary Judgment</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Exhibit A- Email of Defendants stipulating to Plaintiffs' requested relief) (Surowiec, James) (Entered: 01/04/2021)
01/22/2021	139	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 2/18/2021 11:00 AM before District Judge Arthur J. Tarnow. This conference is set to discuss recently filed motions (#131 and 135). Counsel will receive Zoom invitation by email. (MLan) (Entered: 01/22/2021)
02/18/2021		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Status Conference held on 2/18/2021. (MLan) (Entered: 02/18/2021)
02/23/2021	140	ORDER granting 131 Motion for Leave to File Sealed Exhibit; granting 135 Motion for Leave to File <i>Corrected (Signed) Declarations</i> . Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/23/2021)
03/01/2021	141	EXHIBIT /REPLACEMENT DECLARATIONS (SIGNED) re 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Attachments: # 1 Index of Exhibits, # 2 Exhibit 3- Signed Declaration of Sgt. Tucker, # 3 Exhibit 4- Signed Declaration of PO B. Johnson, # 4 Exhibit 5- Signed Declaration of Juan Davis, # 5 Exhibit 6- Signed Declaration of Sgt. Matschikowski, # 6 Exhibit 11- Signed Declaration of Sgt. Dixon) (Surowiec, James) (Entered: 03/01/2021)
03/02/2021	142	SEALED EXHIBIT // re 130 Reply to Response to Motion, by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 03/02/2021)

03/11/2021	143	NOTICE OF HEARING BY VIDEO CONFERENCE on 121 MOTION to Dismiss Pursuant to Fed R Civ P 12(c), 123 MOTION for Summary Judgment CORRECTED with Brief in Support. Motion Hearing set for 4/28/2021 02:30 PM before District Judge Arthur J. Tarnow. Zoom Webinar Information: https://www.zoomgov.com/j/1618355148? pwd=MnRqMm1lZCtDd0hVNU9WWTZzVVJqdz09 Passcode: 436861 Or iPhone one-tap : US: +16692545252,,1618355148# or +16468287666,,1618355148#. (MLan) (Entered: 03/11/2021)
03/16/2021	144	OPINION AND ORDER DENYING PLAINTIFFS' 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> , Motions terminated: 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 03/16/2021)
04/28/2021		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Motion Hearing held on 4/28/2021 re 123 MOTION for Summary Judgment CORRECTED filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood, 121 MOTION to Dismiss Pursuant to Fed R Civ P 12(c) filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood Disposition: Motions taken under advisement. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 04/29/2021)
06/25/2021	145	ORDER granting in part and denying in part 121 Motion to Dismiss; denying 123 Motion for Summary Judgment. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 06/25/2021)
07/08/2021	146	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against City of Detroit, Stephen Geelhood. NO NEW PARTIES ADDED. (Dezsi, Michael) (Entered: 07/08/2021)
07/08/2021	147	NOTICE of Change of Address/Contact Information by Michael R. Dezsi on behalf of All Plaintiffs. (Dezsi, Michael) (Entered: 07/08/2021)
07/20/2021	148	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 8/2/2021 03:30 PM before District Judge Arthur J. Tarnow. Counsel will receive Zoom invitation by email. (MLan) (Entered: 07/20/2021)
07/22/2021	149	ANSWER to Amended Complaint with Affirmative Defenses by City of Detroit. (Surowiec, James) (Entered: 07/22/2021)
08/02/2021		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Status Conference held on 8/2/2021 Joint Final Pretrial Order to be submitted by 1/18/2022, Final Pretrial Conference set for 1/25/2022 03:00 PM before District Judge Arthur J. Tarnow, Jury Trial set for 1/31/2022 09:30 AM before District Judge Arthur J. Tarnow. (MLan) (Entered: 08/02/2021)
09/27/2021	150	TRANSCRIPT of Motion Hearing held on April 28, 2021. (Court Reporter/Transcriber: Lawrence R. Przybysz) (Number of Pages: 40) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 10/18/2021. Redacted Transcript Deadline set for 10/28/2021. Release of Transcript Restriction set for 12/27/2021. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Przybysz, L) (Entered: 09/27/2021)

12/07/2021	151	STIPULATED ORDER of Substitution of Counsel - Attorney Crystal B Olmstead for City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski and Joe Tucker added. Attorney James M. Surowiec; James P. Allen and Lindsey R. Johnson terminated. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/07/2021)
12/07/2021		Text-Only Order of reassignment from Magistrate Judge R. Steven Whalen to Magistrate Judge Elizabeth A. Stafford pursuant to Administrative Order 21-AO-013. (SSch) (Entered: 12/07/2021)
12/10/2021	152	STIPULATED ORDER of Adjournment of Trial: Joint Final Pretrial Order to be submitted by 5/9/2022, Final Pretrial Conference set for 5/16/2022 03:00 PM before District Judge Arthur J. Tarnow, Jury Trial set for 5/23/2022 09:30 AM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/10/2021)
02/16/2022		Text-Only Order of reassignment from District Judge Arthur J. Tarnow to District Judge Victoria A. Roberts pursuant to Administrative Order 22-AO-007. (SSch) (Entered: 02/16/2022)
02/17/2022	153	ORDER of RECUSAL and REASSIGNING CASE from District Judge Victoria A. Roberts in Detroit to District Judge Robert H. Cleland in Port Huron. (SSch) (Entered: 02/17/2022)
03/03/2022	154	ORDER Referring ALL Pretrial Matters to Magistrate Judge Elizabeth A. Stafford. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 03/03/2022)
03/16/2022	155	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 4/7/2022 at 10:30 AM before Magistrate Judge Elizabeth A. Stafford. ***Parties are to file a joint factual and procedural summary of the case by 3/30/22. Parties to receive Zoom invitation in a separate email prior to conference.*** (MarW) (Entered: 03/16/2022)
03/30/2022	156	STATEMENT of Joint Factual and Procedural Summary by Debra Metris-Shamoon (Dezsi, Michael) (Entered: 03/30/2022)

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Transaction Receipt			
04/04/2022 09:22:42			
PACER Login:	mcps3037	Client Code:	
Description:	Docket Report	Search Criteria:	3:18-cv-13683-RHC-EAS
Billable Pages:	19	Cost:	1.90

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reassigned

U.S. District Court
Eastern District of Michigan (Port Huron)
CIVIL DOCKET FOR CASE #: 3:18-cv-13683-RHC-EAS

Metris-Shamoon et al v. City of Detroit et al
Assigned to: District Judge Robert H. Cleland
Referred to: Magistrate Judge Elizabeth A. Stafford
Cause: 28:1983 Civil Rights

Date Filed: 11/26/2018
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Debra Metris-Shamoon**

represented by **Dennis A Dettmer**
Dettmer & Dezsi, PLLC
1523 N. Main St.
Royal Oak, MI 48067
313-757-8112
Fax: 313-887-0420
Email: ddettmeresq@yahoo.com
ATTORNEY TO BE NOTICED

Michael R. Dezsi
Law Office of Michael R. Dezsi, PLLC
1523 N. Main St.
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313-757-8112
Fax: 313-887-0420
Email: mdezsi@dezsilaw.com
ATTORNEY TO BE NOTICED

Plaintiff**Mukhlis Shamoon**

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezsi
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff**Carl Veres**

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezsi
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

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Paul Metris

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezsi
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Julia Metris

represented by **Dennis A Dettmer**
(See above for address)
ATTORNEY TO BE NOTICED

Michael R. Dezsi
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City of Detroit

represented by **Crystal B Olmstead**
City of Detroit Law Department
2 Woodward Ave Ste. 500
Detroit, MI 48224
313-237-5035
Fax: 313-224-5505
Email: olmsteadc@detroitmi.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

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Defendant

John Doe
TERMINATED: 03/21/2019

represented by **John Doe**
PRO SE

Lindsey R. Johnson
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ATTORNEY TO BE NOTICED

Defendant

Jane Doe
TERMINATED: 03/21/2019

represented by **Jane Doe**
PRO SE

Lindsey R. Johnson
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Sgt Joe Tucker
TERMINATED: 06/25/2021

represented by **Crystal B Olmstead**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Allen
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TERMINATED: 12/07/2021
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James M. Surowiec
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TERMINATED: 12/07/2021
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Lindsey R. Johnson
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Sgt Candace Matschikowski
TERMINATED: 06/25/2021

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LEAD ATTORNEY
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James P. Allen
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James M. Surowiec
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TERMINATED: 12/07/2021
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Lindsey R. Johnson
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Sgt Stephen Geelhood

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James P. Allen
(See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

James M. Surowiec
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Juan Davis
TERMINATED: 06/25/2021

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ATTORNEY TO BE NOTICED

James P. Allen
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Lindsey R. Johnson
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Defendant

Brian A Johnson
TERMINATED: 06/25/2021

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LEAD ATTORNEY
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James P. Allen
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TERMINATED: 12/07/2021
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James M. Surowiec
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Lindsey R. Johnson
 (See above for address)
TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/26/2018	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants with Jury Demand. Plaintiff requests summons issued. Receipt No: 0645-7002575 - Fee: \$ 400. County of 1st Plaintiff: Macomb - County Where Action Arose: Macomb - County of 1st Defendant: Wayne. [Previously dismissed case: No] [Possible companion case(s): USDC EDMICH, 15-cv-10547, Judge Borman] (Dezsi, Michael) (Entered: 11/26/2018)
11/27/2018	<u>2</u>	SUMMONS Issued for *City of Detroit* (SKra) (Entered: 11/27/2018)
11/27/2018		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (SKra) (Entered: 11/27/2018)
11/29/2018	<u>3</u>	NOTICE of Appearance by Dennis A Dettmer on behalf of All Plaintiffs. (Dettmer, Dennis) (Entered: 11/29/2018)
12/12/2018	<u>4</u>	CERTIFICATE of Service/Summons Returned Executed. City of Detroit served on 12/12/2018, answer due 1/2/2019. (Dezsi, Michael) (Entered: 12/12/2018)
13-53846-tjt Doc 13632-2 Filed 09/08/22 Entered 09/08/22 16:56:00 Page 36 of 30		

12/13/2018	5	NOTICE of Appearance by James P. Allen on behalf of City of Detroit. (Allen, James) (Entered: 12/13/2018)
12/13/2018	6	NOTICE of Appearance by Lindsey R. Johnson on behalf of City of Detroit. (Johnson, Lindsey) (Entered: 12/13/2018)
12/17/2018	7	STIPULATED ORDER Extending Time for Response to 1 Complaint. Response due by 1/31/2019 . Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/17/2018)
01/31/2019	8	ANSWER to Complaint with Affirmative Defenses with Jury Demand <i>Defendant City of Detroit's Answer to Complaint, Affirmative Defenses and Other Defenses and Reliance Upon Jury Demand and Certificate of Service</i> by City of Detroit. (Allen, James) (Entered: 01/31/2019)
02/15/2019	9	NOTICE TO APPEAR: Scheduling/Settlement Conference set for 3/7/2019 11:30 AM before District Judge Arthur J. Tarnow . (MLan) (Entered: 02/15/2019)
02/21/2019		TEXT-ONLY NOTICE: Scheduling/Settlement Conference ADJOURNED TO 3/14/2019 11:00 AM before District Judge Arthur J. Tarnow . (MLan) (Entered: 02/21/2019)
03/13/2019	10	ATTORNEY APPEARANCE: James M. Surowiec appearing on behalf of City of Detroit (Surowiec, James) (Entered: 03/13/2019)
03/14/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Scheduling Conference held on 3/14/2019. (MLan) (Entered: 03/14/2019)
03/14/2019	11	SCHEDULING ORDER: Witnesses to be exchanged by 5/1/2019, Discovery Motions to be filed by 8/23/2019, Discovery due by 9/20/2019, Dispositive Motion Cut-off set for 10/28/2019, Joint Final Pretrial Order due 2/3/2020, Final Pretrial Conference set for 2/10/2020 02:30 PM before District Judge Arthur J. Tarnow . Signed by District Judge Arthur J. Tarnow. (Refer to image for additional dates) (MLan) (Entered: 03/14/2019)
03/21/2019	12	STIPULATED ORDER Allowing Plaintiffs to File First Amended Complaint. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/21/2019)
03/21/2019	13	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against All Defendants. NEW PARTIES ADDED . (Dezsi, Michael) (Entered: 03/21/2019)
03/21/2019		REQUEST for SUMMONS for Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker . (Dezsi, Michael) (Entered: 03/21/2019)
03/22/2019	14	SUMMONS Issued for *Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker* (DPer) (Entered: 03/22/2019)
04/03/2019	15	STIPULATED ORDER Extending Time for Response to 13 Amended Complaint. Response due by 4/29/2019 . Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/03/2019)
04/10/2019	16	CERTIFICATE of Service/Summons Returned Executed. Stephen Geelhood served on 4/5/2019, answer due 4/26/2019. (Dezsi, Michael) (Entered: 04/10/2019)
04/18/2019	17	CERTIFICATE of Service/Summons Returned Executed. Brian A Johnson served on 4/17/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)
04/18/2019	18	CERTIFICATE of Service/Summons Returned Executed. Juan Davis served on 4/17/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)
04/18/2019	19	CERTIFICATE of Service/Summons Returned Executed. Joe Tucker served on 4/18/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)

04/29/2019	20	ATTORNEY APPEARANCE: James P. Allen appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Allen, James) (Entered: 04/29/2019)
04/29/2019	21	ATTORNEY APPEARANCE: James M. Surowiec appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Surowiec, James) (Entered: 04/29/2019)
04/29/2019	22	ATTORNEY APPEARANCE: Lindsey R. Johnson appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 04/29/2019)
04/29/2019	23	ANSWER to Amended Complaint with Affirmative Defenses <i>and Reliance Upon Jury Demand</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 04/29/2019)
05/01/2019	24	<i>Plaintiffs'</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 05/01/2019)
05/01/2019	25	<i>Defendants' Preliminary Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 05/01/2019)
05/13/2019	26	AMENDED ANSWER to Complaint 13 Amended Complaint with Affirmative Defenses <i>and Reliance Upon Jury Demand</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 05/13/2019)
08/08/2019	27	STIPULATED ORDER Allowing Defendants Leave to File Amended Affirmative Defenses. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/08/2019)
08/09/2019	28	AFFIRMATIVE DEFENSES by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 08/09/2019)
08/13/2019	29	ORDER REFERRING OTHER MATTERS to Magistrate Judge R. Steven Whalen: Discovery Conference. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/13/2019)
08/20/2019	30	NOTICE TO APPEAR: Discovery Conference set for 9/10/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 08/20/2019)
08/22/2019	31	MOTION Extend Scheduling Order by 120 days by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A) (Johnson, Lindsey) (Entered: 08/22/2019)
08/22/2019	32	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/22/2019)
08/26/2019	33	NOTICE OF HEARING on 31 Defendants' MOTION to Amend Scheduling Order Dates by 120 Days . Motion Hearing set for 9/10/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 08/26/2019)
09/04/2019	34	RESPONSE to 31 MOTION Extend Scheduling Order by 120 days filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Indictment, # 3 Exhibit B Jury Trial Transcript, # 4 Exhibit C Internal Affairs File, # 5 Exhibit D Affidavit and Search Warrant, # 6 Exhibit E Discovery Requests, # 7 Exhibit F Notices of Deposition) (Dezsi, Michael) (Entered: 09/04/2019)

09/06/2019	35	REPLY to Response re 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7) (Johnson, Lindsey) (Entered: 09/06/2019)
09/10/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Discovery Conference held on 9/10/2019 - (CCie) Modified on 9/10/2019 (CCie). (Entered: 09/10/2019)
09/10/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 9/10/2019 re 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood - Disposition: Motion granted. (Court Reporter: Digitally Recorded) (CCie) (Entered: 09/10/2019)
09/10/2019	36	ORDER GRANTING DEFENDANTS' 31 Motion to Amend Scheduling Order- Signed by Magistrate Judge R. Steven Whalen. ***PLEASE SEE DOCUMENT FOR IMPORTANT DATES*** (CCie) (Entered: 09/10/2019)
09/14/2019	37	MOTION for Reconsideration re 36 Order on Motion - Free by All Defendants. (Attachments: # 1 Exhibit May v. City of Detroit) (Surowiec, James) (Entered: 09/14/2019)
09/17/2019	38	ORDER STAYING 36 Order on Motion, Set Deadlines as to 37 MOTION for Reconsideration re 36 Order on Motion: (Plaintiff's Response due by 9/24/2019) - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 09/17/2019)
09/18/2019	39	RESPONSE to 37 MOTION for Reconsideration re 36 Order on Motion - Free filed by All Plaintiffs. (Dezsi, Michael) (Entered: 09/18/2019)
09/23/2019	40	ORDER DENYING DEFENDANTS 37 Motion for Reconsideration - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 09/23/2019)
10/31/2019	41	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 11/13/2019 02:00 PM before District Judge Arthur J. Tarnow. (MLan) (Entered: 10/31/2019)
11/08/2019	42	MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Declaration, # 3 Exhibit B Redacted Declaration, # 4 Exhibit C Deposition Transcript, # 5 Exhibit D Affidavit & Warrant, # 6 Exhibit E Sealed) (Dezsi, Michael) (Entered: 11/08/2019)
11/08/2019	43	SEALED EXHIBIT <i>E Deposition Transcript</i> re 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free by All Plaintiffs. (Dezsi, Michael) (Entered: 11/08/2019)
11/12/2019	44	MOTION to Compel <i>Deposition Testimony</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit Article, # 3 Exhibit Notices of Depositions, # 4 Exhibit email, # 5 Exhibit Jackson trial testimony, # 6 Exhibit Leavells Plea Agreement, # 7 Exhibit Leavells trial testimony, # 8 Exhibit Indictment, # 9 Exhibit Memo Re Reorganization, # 10 Exhibit Objections to Discovery, # 11 Exhibit Sims Depo Trans excerpts) (Dezsi, Michael) (Entered: 11/12/2019)
11/13/2019		TEXT-ONLY NOTICE: Telephone Status Conference on 11/13/2019 is Cancelled. Issues resolved. (MLan) (Entered: 11/13/2019)
11/13/2019	45	ORDER REFERRING MOTIONS to Magistrate Judge R. Steven Whalen: 42 MOTION for Relief from the Magistrate Judge's Discovery Order re 36 Order filed by Julia Metris,

		Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 44 MOTION to Compel <i>Deposition Testimony</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/13/2019)
11/19/2019	46	NOTICE OF HEARING on 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt 36] and 44 MOTION to Compel <i>Deposition Testimony</i> . Resolved/Unresolved Issues due by 12/17/2019. Motion Hearings set for 12/19/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 11/19/2019)
11/22/2019	47	RESPONSE to 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free <i>with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Plaintiffs' Concurrence Email, # 3 Exhibit 2- Plaintiffs' Emails agreeing to Protective Order, # 4 Exhibit 3- Plaintiffs' Statement of Unresolved Discovery Issues, # 5 Exhibit 4- Plaintiffs' Email Denying Concurrence, # 6 Exhibit 5- Email from Case Manager, # 7 Exhibit 6- Attorney's Eyes Only Discovery Production, # 8 Exhibit 7-Attorney's Eyes Only Geelhood Dep Transcript, # 9 Exhibit 8- Geelhood Transcript Pages Start-Finish Times) (Surowiec, James) (Entered: 11/22/2019)
11/22/2019	48	SEALED EXHIBIT re 47 Response to Motion,,, by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Exhibit 6-Attorney's Eyes Only Court Ordered Discovery Production, # 2 Exhibit 7- Attorney's Eyes Only Geelhood Deposition Transcript) (Surowiec, James) (Entered: 11/22/2019)
11/25/2019	49	REPLY to Response re 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/25/2019)
11/27/2019	50	RESPONSE to 44 MOTION to Compel <i>Deposition Testimony with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1-Search Warrant, # 3 Exhibit 2-Articles) (Surowiec, James) (Entered: 11/27/2019)
12/03/2019	51	REPLY to Response re 44 MOTION to Compel <i>Deposition Testimony</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/03/2019)
12/09/2019	52	MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 12/09/2019)
12/10/2019	53	INDEX of Exhibits re 52 MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Attachments: # 1 Exhibit 1- Proposed Protective Order, # 2 Exhibit 2- Search Warrant, # 3 Exhibit 3- Deposition Excerpts Metris-Shamoon, # 4 Exhibit 4- Chief Craig Declaration, # 5 Exhibit 5-Chief Godbee Declaration) (Surowiec, James) (Entered: 12/10/2019)
12/10/2019	54	INDEX of Exhibits re 52 MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (CORRECTED VERSION) (Attachments: # 1 Exhibit 1- Proposed Protective Order, # 2 Exhibit 2- Search Warrant, # 3 Exhibit 3- Deposition Excerpts Metris-Shamoon, # 4 Exhibit 4- Chief Craig Declaration, # 5 Exhibit 5-Chief Godbee Declaration) (Surowiec, James) (Entered: 12/10/2019)

EXHIBIT 6-2 – OPINION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBRA METRIS-SHAMOON, ET AL.,

Plaintiff,

v.

CITY OF DETROIT, ET AL.,

Defendant.

Case No. 18-13683

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE
R. STEVEN WHALEN

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR
JUDGMENT ON THE PLEADINGS [121] AND DENYING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT [123]**

This case stems from the September 13, 2012, raid of Plaintiffs' homegrown medical marijuana business by members of the now defunct Detroit Police Department ("DPD") Narcotics Unit. (Am. Compl. ¶ 10). Plaintiffs initially brought claims under the Fourth and Fourteenth Amendments via 42 U.S.C. § 1983, alleging both individual and institutional liability. (*Id.* ¶¶ 29-48). Plaintiffs have since dropped their Fourteenth Amendment claim and have agreed to dismissal of several DPD Defendants. (ECF No. 123, PageID.2458; ECF No. 128, PageID.4037). What remain are Plaintiffs' Fourth Amendment claim against Sgt. Stephen Geelhood and

Plaintiffs' municipal liability claim against the City of Detroit. (ECF No. 125, PageID.3014).

Defendants argue in their Motion for Judgment on the Pleadings [121] that Plaintiffs' action is barred by the applicable statute of limitations and that their Amended Complaint fails to put Defendants on notice as to what they allegedly did to violate the Constitution. (ECF No. 121, PageID.2287). Defendants argue in their Motion for Summary Judgment [123] that Sgt. Geelhood is entitled to qualified immunity and that Plaintiffs have failed to set forth genuine issues of material fact as to their Fourth Amendment and municipal liability claims. (ECF No. 123, PageID.2472, 2483). For the reasons articulated below, Defendants' Motion for Judgment on the Pleadings [121] will be **GRANTED in part and DENIED in part** and Defendants' Motion for Summary Judgment [123] will be **DENIED**. Plaintiffs will be permitted to proceed to trial only on their municipal liability claim.

FACTUAL BACKGROUND

On September 13, 2012, Sgt. Stephen Geelhood of the DPD swore out an affidavit in support of a search warrant for two houses—one located on Kings Dr., the other located on Wiloray Ave.—in Shelby Township, Michigan. (ECF No. 126-1, PageID.3052). His asserted bases for probable cause, both of which Plaintiffs challenge as to veracity, were a tip from a confidential informant/cooperating

individual (“CI”) and his own surveillance. (*Id.* at 3053-54). The warrant issued and was executed later that day by Sgt. Geelhood, Sgt. Joe Tucker, Officer Juan Davis, and Officer Brian Johnson (the “Narcotics Crew” or “Crew Members”).¹ (ECF No. 126-2, PageID.3056-58).

After finding no evidence of criminal activity at the Kings Dr. address, the Narcotics Crew made their way to the Wiloray Ave. address, home to Plaintiffs Mukhlis (“Mark”) Shamoon and Debra Metris-Shamoon (“the Shamoons”), where Debra’s elderly parents, Plaintiffs Paul and Julia Metris (“the Metrises”), were visiting for lunch. (ECF No. 123-2, PageID.2565; ECF No. 126-3, PageID.3076; ECF No. 126-59, PageID.3966). It was early afternoon, around 12:00 or 12:30 PM. (ECF No.126-3, PageID.3076, 3080). Plaintiff Carl Veres, a family friend of the Shamoons, was outside. (ECF No. 126-3, PageID.3067-68). What happened next is subject to some dispute.

I. PLAINTIFFS’ VERSION

Carl was the first to notice something unusual was happening. He was traveling to the Wiloray Ave. house to pick up some clothes for an upcoming trip with the Shamoon’s son, Adam, and observed a DPD vehicle following him. (ECF No. 123-19, PageID.2978-79, 2989). He thought little of it until he parked outside

¹ Other non-party law enforcement officials also appear to have been involved in the execution of the warrant.

the Shamoon's home and noticed several other law enforcement vehicles pulling up behind him. (*Id.* at 2980). He was on the phone with Adam at the time, and notified him of the vehicles. (*Id.* at 2981). Adam proceeded to call his mother. (ECF No. 126-3, PageID.3076).

Before Carl could get out of his truck, two Crew Members approached. (ECF No. 123-19, PageID.2981-82). The Crew Members did not identify themselves, though Carl later learned that one of them was Sgt. Tucker. (*Id.*). Sgt. Tucker pointed a shotgun at Carl's head through the passenger-side window; the other officer, armed with an assault rifle, "opened up the driver's side door, pulled [Carl] out by [his] shirt, slammed [him] to the ground, . . . cuffed [him,] and then picked [him] up and took [him] to the back of [his] truck." (*Id.* at 2982). Carl then observed several Crew Members break into the house through the front door without announcing their presence, while two others proceeded around the side of the house towards the back yard. (*Id.* at 2894).

Inside, Debra and her parents were having coffee. (ECF No. 126-3, PageID.3077; ECF No. 123-17, PageID.2890; ECF No. 123-18, PageID.2945, 2948). Debra had just started a phone call with Adam, who was attempting to pass along what Carl had told him, when Crew Members burst through the front door. (ECF No. 126-3, PageID.3076, 3080; ECF No. 123-17, PageID.2890-91; ECF No.

123-18, PageID.2945). One Crew member pointed a gun at Debra's face and "scream[ed] at [her] to shut [her] dogs up or he would shoot them." (ECF No. 126-3, PageID.3076). Julia, Debra's mother, immediately had her purse searched by a Crew Member; she believed they were looking for money. (ECF No. 123-18, PageID.2948, 2950). After three or four minutes of being held at gunpoint, Debra was permitted to remove her dogs to a bathroom. (ECF No. 126-3, PageID.3077). Paul, Debra's father, a former reserve sergeant with the Oakland County Sheriff's Department, was eventually relieved of a gun he lawfully carried. (ECF No. 123-17, PageID.2891-92). At no did time before entry did Crew Members announce who they were, provide a warning, or say, "police, search warrant." (ECF No. 126-3, PageID.3076). No Crew Member wore a badge or identified the police department to which they belonged. (*Id.* at 3076, 3078).

Outside, in the back yard, Mark was preparing to grill some steaks for lunch. (ECF No. 126-59, PageID.3982). Two Crew Members approached with guns aimed at his head and told him to drop what he was holding and put his hands up. (*Id.* at 3982, 3989). He was led to the front of the house, handcuffed behind his back, and directed to stand near Carl at the back of the Carl's truck. (*Id.* at 3982-83; ECF No. 123-19, PageID.2988). The two were instructed not to communicate with one another. (ECF No. 123-19, PageID.2984). Mark, who had a history of shoulder

surgeries, had asked not to be handcuffed from behind when he was first restrained. (ECF No. 126-59, PageID.3982). Nevertheless, it took Mark fifteen minutes of “almost begging” for his handcuffs to be repositioned, at which point he “was ready to cry from the pain,” before an officer finally heeded his request. (*Id.* at 3983). Mark was taken inside the house after about thirty minutes. (*Id.*).

Prior to Mark being taken inside, Crew Members searched Carl’s truck and questioned him about why he had come to the house. (ECF No. 123-19, PageID.2989). While conducting the search, which lasted about ten minutes, Crew Members punctured one of Carl’s seats and “completely ripped everything out” of his vehicle, destroying the sound system. (*Id.* at 2998). Carl remained outside after Mark was taken into the house. (*Id.* at 2995). Eventually, about forty-five minutes after he had first arrived, Carl’s handcuffs were removed, and he was instructed to leave. (*Id.*).

Back inside, Crew Members led Mark to the kitchen where Debra was being questioned and began to question him as well. (ECF No. 126-59, PageID.3984). They first asked Mark how much money was in his safe and instructed him to open it. (*Id.*). When he complied, Crew Members confiscated the \$200 they found in the safe as well as \$115 they found in Mark’s wallet. (*Id.*). Two other safes were also in the house. One, an antique for which Mark did not have the combination, was broken

open by Crew Members but was empty. (*Id.*). The other, in the Shamoon's bedroom, contained twenty-two freezer bags of dried marijuana leaves that Mark was storing away from his children until he could dispose of them.² (ECF No. 126-2, PageID.3057; ECF No. 126-59, PageID.3985, 3987).

In addition to taking \$315 from Mark, Crew Members confiscated all of the Shamoon's marijuana—just under seventy live plants—as well as their lawfully owned firearms. (ECF No. 123-15, PageID.2842; 2848). Both Mark and Debra were licensed medical marijuana caregivers and they cared for their plants jointly. (ECF No. 126-3, PageID.3069). Debra offered to let the Narcotics Crew see their paperwork and caregiver cards, but they were not interested. (*Id.* at 3071).

The Narcotics Crew left the Shamoon's home with as little notice as they provided upon entry. All in all, the raid lasted about an hour and a half or two hours and no warrant was displayed. (*Id.* at 3061, 3080). None of the Plaintiffs were charged with any crimes after the raid. (ECF No. 126-59, PageID.3980-81). Crew Members forgot to remove Mark's handcuffs before they left, and he remained cuffed for approximately ten hours. (ECF No. 126-59, PageID.3986; ECF No. 126-66, PageID.4029). Eventually, Mark's son, who worked in security and had his own handcuffs, was able to unlock Mark's cuffs. (ECF No. 123-15, PageID.2849, 2856).

² The part of the marijuana plant that is commonly smoked is the flower, which is where high levels of THC are found. (ECF No. 126-59, PageID.3959). The leaves have no value. (*Id.*).

II. DEFENDANTS' VERSION

Before the Narcotics Crew broke through the front door of the Shamoons' home, they announced "police, search warrant" and received no response. (ECF No. 123-2, PageID.2620). Their warrant, which would have been left at the scene, had been lawfully procured by Sgt. Geelhood. (*Id.* at 2616-20). He based his affidavit on information from a CI, which he corroborated with his own surveillance. (*Id.* at 2510). The CI, whom Sgt. Geelhood knew only as "Harry," is now deceased. (ECF No. 132-2, PageID.4124-31). Sgt. Geelhood does not have any records documenting the information he received from the CI or his own surveillance because, "as a matter of practice, [he does] not keep records or notes when using [a CI] and [does] not keep records from previous investigations." (ECF No. 126-48, PageID.3740).

After the Narcotics Crew forced their way into the Shamoons' home, they observed that there were no medical marijuana cards on display and concluded that "[n]othing about the grow operation was legal." (ECF No. 123-2, PageID.2580). Accordingly, Sgt. Geelhood deemed it unnecessary to ask for proof of licensure or inquire about whether there was more than one licensed provider. (*Id.*). Despite the operation's apparent illegality, Sgt. Geelhood declined to charge the Shamoons with a crime because he thought it might hinder future investigations and hoped to obtain

a “bigger haul.” (ECF No. 123, PageID.2464). The Narcotics Crew ultimately confiscated 285 marijuana plants, not seventy. (*Id.* at 3056).

PROCEDURAL BACKGROUND

Plaintiffs allege that they were asserted class members in the case of *Davis v. City of Detroit, et. al.*, No. 15-10547 (E.D. Mich.), filed February 11, 2015. (ECF No. 121-2, PageID.2311-15). The Davises claimed that they had been subject to illegal raids conducted by members of the DPD Narcotics Unit and sought institutional liability against the City of Detroit. (*Id.*). Once the Davises had an opportunity to conduct discovery, they were able to determine the specific officers involved, and filed an amended complaint on July 14, 2015, identifying those officers, who included Sgt. Geelhood. The Davises moved for class certification on July 14, 2016, but their motion was ultimately denied by Judge Borman on August 31, 2018. (ECF No. 121-4; ECF No. 121-6).

Upon denial of class certification, several putative class members filed individual lawsuits.³ Plaintiffs here filed suit against the City of Detroit and several “Doe” DPD personnel on November 26, 2018. (Compl.). Through the discovery process, Plaintiffs identified Sgts. Joe Tucker, Candace Matschikowski, and Stephen

³ In addition to the instant action, these lawsuits include: *Reid v. City of Detroit, et. al.*, No. 18-13681; *Frontczak v. City of Detroit, et al.*, No. 18-13781; *Lockard v. City of Detroit, et al.*, No. 18-13045; and *Gardella v. City of Detroit, et al.*, No. 18-13678.

Geelhood, as well as Officers Juan Davis and Brian Johnson, as the DPD members involved with the raid of their home. Plaintiffs amended their complaint to name those Defendants on March 21, 2019. (Am. Compl.). On October 23 and 24, 2020, Defendants moved for judgment on the pleadings and for summary judgment, respectively. (ECF No. 121; ECF No. 123). Plaintiffs responded on November 20, 2020. (ECF No. 128; ECF No. 125). Defendants replied in support of judgment on the pleadings on December 4, 2020, and in support of summary judgment on December 7, 2020. (ECF No. 130; ECF No. 132).

Plaintiffs have agreed to dismiss Defendants Johnson, Matschikowski, Davis, and Tucker, as well as their Fourteenth Amendment claim. (ECF No. 128, PageID.4037; ECF No. 123, PageID.2458). Remaining are Plaintiffs' Fourth Amendment claim against Sgt. Geelhood and Plaintiffs' municipal liability claim against the City of Detroit. (ECF No. 125, PageID.3014).

STANDARD OF REVIEW

I. FED. R. CIV. P. 12(C)

Courts review a FED. R. CIV. P. 12(c) motion for judgment on the pleadings under the same standard applicable to a FED. R. CIV. P. 12(b)(6) motion to dismiss. *Hayward v. Cleveland Clinic Found.*, 759 F.3d 601, 608 (6th Cir. 2014) (citing *Ziegler v. IBP Hog Mkt., Inc.*, 249 F.3d 509, 511-12 (6th Cir. 2001)). Judgment is

appropriate where the plaintiff fails to “allege ‘enough facts to state a claim to relief that is plausible on its face.’” *Traverse Bay Area Intermediate Sch. Dist. v. Mich. Dep’t of Educ.*, 615 F.3d 622, 627 (6th Cir. 2010) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the pleaded factual content allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009). “Detailed factual allegations” are not strictly necessary, “but the complaint must contain more than conclusions and an unsubstantiated recitation of the necessary elements of a claim.” *McCormick v. Miami Univ.*, 693 F.3d 654, 658 (6th Cir. 2012). The court “assume[s] the veracity of well-pleaded factual allegations and determine[s] whether the plaintiff is entitled to legal relief as a matter of law.” *Id.* (citing *Ashcroft*, 556 U.S. at 679). And although “the court primarily considers the allegations in the complaint, . . . matters of public record, orders, items appearing in the record of the case, and exhibits attached to the complaint, also may be taken into account.” *Amini v. Oberlin College*, 259 F.3d 493, 502 (6th Cir. 2001) (emphasis omitted) (quoting *Nieman v. NLO, Inc.*, 108 F.3d 1546, 1554 (6th Cir.1997)).

II. FED. R. CIV. P. 56

Summary judgment is appropriate where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” FED. R.

Civ. P. 56(a). “A ‘material’ fact is one that ‘might affect the outcome of the suit under the governing law.’ And a genuine dispute of material fact exists if ‘the evidence is such that a reasonable jury could return a verdict for the [nonmoving] party.’” *Abu-Joudeh v. Schneider*, 954 F.3d 842, 849 (6th Cir. 2020) (citations omitted) (first quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986); then quoting *Jackson v. VHS Detroit Receiving Hosp., Inc.*, 814 F.3d 769, 775 (6th Cir. 2016)).

The moving party bears the burden of demonstrating an absence of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

If the moving party meets this burden, the burden then shifts to the nonmoving party to establish a “genuine issue” for trial via “specific facts.” Additionally, the moving party is entitled to summary judgment when the nonmoving party “fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.

Abu-Joudeh, 954 F.3d at 840 (citations omitted) (quoting *Celotex Corp.*, 477 U.S. at 322, 324).

The court views all of the facts in the light most favorable to the nonmoving party and draws “all justifiable inferences” in the nonmoving party’s favor. *Anderson*, 477 U.S. at 255; *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). “In other words, ‘at the summary judgment stage[,] the judge’s function is not . . . to weigh the evidence and determine the truth of the matter but to

determine whether there is a genuine issue for trial.” *Jackson*, 814 F.3d at 775 (alteration in original) (quoting *Anderson*, 477 U.S. at 249).

ANALYSIS

I. Defendants’ Motion for Judgment on the Pleadings [121]

a. Statute of Limitations

Defendants first argue they are entitled to judgment on the pleadings because the statute of limitations has run on Plaintiffs’ claims. (ECF No. 121, PageID.2287). In Michigan, the statute of limitations for § 1983 actions is three years and begins to run when a plaintiff becomes aware of the injury for which they are bringing an action. *Cooley v. Strickland*, 479 F.3d 412, 416 (6th Cir. 2007); *Carroll v. Wilkerson*, 782 F.2d 44, 45 (6th Cir. 1986). Pursuant to the tolling doctrine announced in *American Pipe*, however, “the commencement of a class action suspends the applicable statute of limitations as to all asserted members of the class who would have been parties had the suit been permitted to continue as a class action.” *American Pipe & Constr. Co. v. Utah*, 414 U.S. 538, 554 (1974). Here, although the parties agree that the statute of limitations began to run on September 13, 2012, the date Plaintiffs became aware of the alleged constitutional violations, they disagree as to if, and for how long, the statute of limitations tolled. (ECF No. 121, PageID.2296; ECF No. 128, PageID.4038).

i. City of Detroit

Plaintiffs will benefit from *American Pipe* tolling as to the City of Detroit if they are deemed asserted class members in *Davis v. City of Detroit, et. al.*, No. 15-10547 (E.D. Mich.). Defendants contend Plaintiffs are not asserted class members, while Plaintiffs argue they are. (ECF No. 121, PageID.2299-2303; ECF No. 128, PageID.4042-46). The Davises set forth six identifiers for their proposed class:

(a) individuals who were the owners and/or occupants of homes and/or businesses engaged in the licensed distribution of marijuana for medical purposes; (b) who were subjected to search and/or seizure by agents and/or members of the Detroit Police Department's Narcotics' Unit; [(c)] from the period of February 11, 2012 until the date of judgment or settlement of this case; [(d)] who were never convicted of any offense arising from the search and/or seizure; [(e)] whose search and seizure were executed without probable cause; and [(f)] where such searches and/or seizures were conducted pursuant to Defendant City of Detroit's policies, practices, and/or customs.

(ECF No. 121-6, PageID.2391) (alterations in original).

Defendants argue that Plaintiffs fail to meet the first identifier because they have not alleged specific facts showing "they were operating in compliance with the Michigan Medical Marijuana Act." (ECF No. 121, PageID.2300). But this asks the Court to read an additional identifier into the class definition that simply is not there. Moreover, even if the Court were to infer this additional identifier, Defendants' analysis would fail. Nothing in the record suggests that Plaintiffs engaged differently in the distribution of marijuana than the plaintiffs in the *Davis* action.

Accordingly, Plaintiffs plausibly plead that they were asserted members of the putative class in *Davis*. (Am. Compl. ¶¶ 9-10, 16, 19, 27, 30). The statute of limitations thus tolled with respect to the City of Detroit from February 11, 2015, the date the Davises filed their complaint, to August 31, 2018, the date class certification was denied. (ECF No. 121-2, PageID.2309; ECF No. 121-6, PageID.2389).

From the time the raid took place on September 13, 2012, until February 11, 2015, 881 days had run on the statute of limitations. Another eighty-seven days elapsed between August 31, 2018, when class certification was denied, and November 26, 2018, when Plaintiffs commenced this action. Because the total number of days (968) is fewer than 1,095 (three years), the statute of limitations does not bar Plaintiffs' claims against the City of Detroit.

ii. Sgt. Geelhood

According to Defendants, Sgt. Geelhood is subject to a separate tolling calculation because he was given a "John Doe" placeholder in the original *Davis* complaint and was not added by name until it was amended on July 14, 2015. (ECF No. 121, PageID.2297; ECF No. 121-2, PageID.230; ECF No. 121-3, PageID.2318).

In general, *American Pipe* tolling only applies to defendants named in the prior related class action. *Wyser-Pratte Mgmt. Co. v. Telxon Corp.*, 413 F.3d 553,

568 (6th Cir. 2005). Plaintiffs concede that Sgt. Geelhood was not named in the original *Davis* complaint but argue that the February 11, 2015, tolling date should apply because the July 14, 2015, amendment related back to the original complaint. (ECF No. 128, PageID.4039).

FED. R. CIV. P. 15(c) determines whether an amendment to a complaint relates back to the filing date of the original complaint. *See generally Asher v. Unarco Material Handling, Inc.*, 596 F.3d 313, 318 (6th Cir. 2010). In order for an amendment to relate back, “the party to be brought in by amendment . . . [must have] (i) received such notice of the action that it will not be prejudiced in defending on the merits; and (ii) [known] or should have known that the action would have been brought against it, but for a mistake concerning the proper party’s identity.” FED. R. CIV. P. 15(c)(1)(C). Although Plaintiffs may satisfy the notice requirement, *see Berndt v. Tennessee*, 796 F.2d 879, 883 (6th Cir. 1986) (permitting amendment under Rule 15(c) based on constructive, rather than actual, notice), they cannot satisfy the “but for a mistake” requirement. *See Cox v. Treadway*, 75 F.3d 230 (6th Cir. 1996) (explaining that although the imputed knowledge doctrine is still recognized, “[s]ubstituting a named defendant for a ‘John Doe’ defendant is considered a change in parties, not a mere substitution of parties,” and “such amendments do not satisfy the ‘mistaken identity’ requirement”); *see also Brown v.*

Cuyahoga Cty., 517 F. App'x 431, 433-34 (6th Cir. 2013) (affirming “the continued vitality of *Cox*” and holding that “an absence of knowledge is not a mistake, as required by Rule 15(c)(1)(C)(ii)”). Accordingly, even though Geelhood may have had constructive notice under *Berndt*, his addition by the Davises did not relate back under Rule 15(c), and Plaintiffs’ individual claims against him are barred by the statute of limitations.

b. Adequate Pleading

Defendants next argue that “the Amended Complaint fails . . . to specify which of the named defendants were personally involved in or responsible for each alleged constitutional violation.” (ECF No. 121, PageID.2303). Because all that remains is Plaintiffs’ municipal liability claim, this argument is moot.

II. DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

a. An Underlying Constitutional Violation

Defendants next argue that there has not been an underlying constitutional violation, and that without such a violation, there cannot be municipal liability under *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978). (ECF No. 123, PageID.2483). Defendants are correct that “[a] municipality or county cannot be liable under § 1983 absent an underlying constitutional violation by its officers.” *Blackmore v. Kalamazoo County*, 390 F.3d 890, 900 (6th Cir. 2004) (citing *City of Los Angeles v.*

Heller, 475 U.S. 796, 799 (1986)). Nevertheless, as long as a plaintiff can prove that they have suffered an underlying injury, they need not prevail on a claim against a specific actor in order to pursue municipal liability. *See, e.g., Barnett v. Macarthur*, 956 F.3d 1291, 1301 (11th Cir. 2020) (“*Monell* . . . and its progeny do not require that a jury must first find an individual defendant liable before imposing liability on local government.” (quoting *Anderson v. City of Atlanta*, 778 F.2d 678, 686 (11th Cir. 1985))); *Fairley v. Luman*, 281 F.3d 913, 917 (9th Cir. 2002) (“If a plaintiff establishes he suffered a constitutional injury by the City, the fact that individual officers are exonerated is immaterial to [municipal] liability under § 1983.”). Accordingly, although Plaintiffs’ Fourth Amendment claims against the individual officers are now out of the picture, proceeding to the *Monell* analysis is proper as long as there is a question of fact as to whether Plaintiffs’ Fourth Amendment rights were violated. As set forth below, there is.

It is axiomatic that “an officer [or investigator] cannot rely on a judicial determination of probable cause if that officer knowingly makes false statements and omissions to the judge such that but for these falsities the judge would not have issued the warrant.” *Vakilian v. Shaw*, 335 F.3d 509, 517 (6th Cir. 2003) (quoting *Yancey v. Carroll County*, 876 F.2d 1238, 1243 (6th Cir.1989)) (alteration in original). “Such reliance is unreasonable, and [search or seizure] . . . pursuant to such

deceptive practices violates the Fourth Amendment.” *McCallum v. Geelhood*, 742 F. App’x 985, 991 (6th Cir. 2018) (quoting *Gregory v. City of Louisville*, 444 F.3d 725, 758 (6th Cir. 2006)). *See generally Franks v. Delaware*, 438 U.S. 154, 155-56 (1978) (establishing procedure for challenging warrant veracity).

Here, Plaintiffs allege that the material portions of Sgt. Geelhood’s warrant affidavit—his claims of being tipped off by a CI called Harry and conducting independent surveillance—were untruthful, and that the resulting raid on the Shamoons’ home was invalid. (ECF No. 125, PageID.3019). As an initial matter, the Court agrees that without the alleged tip and surveillance, the only evidence in support of the warrant would have been excessive electricity use, which could not have supported a finding of probable cause. (ECF No. 126-1, PageID.3053-54); *see United States v. Thomas*, 605 F.3d 300, 315 (6th Cir. 2010). Accordingly, the question is whether Plaintiffs’ evidence creates a reasonable dispute of material fact as to whether Sgt. Geelhood received and corroborated a tip from a CI. The Court finds that it does.

First, although Defendants have produced a death certificate for an individual whom Sgt. Geelhood apparently knew as “Harry,” nothing in the record apart from Sgt. Geelhood’s word connects Harry to the Shamoons, narcotics trafficking, or anything in this case. (ECF No. 132-3, ECF No. 132-4, ECF No. 132-5, ECF No.

132-6). Indeed, the DPD detective overseeing the investigation on Harry's death "[did] not recall [Sgt. Geelhood] telling [him] that [Harry] was working as an informant," and believed "that [Harry] was [likely] killed in connection with . . . auto theft," not narcotics trafficking. (ECF No. 125-5, PageID.4151-52). In addition, Sgt. Geelhood had no record of meeting or speaking with Harry in relation to the Shamoon warrant and could not recall any other cases in which Harry provided information. (ECF No. 132-7, PageID.4157). In an interview with DPD Internal Affairs regarding misconduct in the department, DPD Deputy Chief Charles Fitzgerald opined that 1) even "nine years later," an officer "should have knowledge of who [their] CI is," and that 2) an officer's alleged reliance upon a CI whose true name is unknown, even "for anonymity purposes," raises the question of whether there is "truly a CI." (ECF No. 126-14) (audio recording 34:43-37:20).⁴ Although Defendants offer a plausible explanation for why Sgt. Geelhood had no written records of his dealings with Harry,⁵ his inability to recall even one other instance in

⁴ Defendants contend that Fitzgerald's interview is inadmissible hearsay. (ECF No. 132, PageID.4113). But Plaintiffs' "evidence need not be in admissible *form*," so long as "its *content* [is] . . . admissible." *Bailey v. Floyd Cty. Bd. of Educ.*, 106 F.3d 135, 145 (6th Cir. 1997) (citing *Celotex Corp.*, 477 U.S. at 324; *Winskunas v. Birnbaum*, 23 F.3d 1264, 1268 (7th Cir. 1994)). Here, because the only portion of the interview the Court relies upon would be admissible at trial if Deputy Chief Fitzgerald were to testify, it is appropriate for consideration at summary judgment.

⁵ Unlike Sources of Information ("SOIs"), CIs are not registered with the DPD and are not paid for their information. (ECF No. 126-6, PageID.3135-36). According to Sgt. Geelhood, it was the practice of the Narcotics Unit "not [to] keep files on [CIs]." (ECF No. 132-7, PageID.4157).

which Harry provided information is concerning, particularly since he claims that “[t]he information [Harry] was giving [him had] proved to be reliable.” (ECF No. 132-7, PageID.4157). Likewise, the fact that Sgt. Geelhood was apparently helping Harry “[get] in touch with the right people” at U.S. Immigration and Customs Enforcement further undercuts the credibility of the warrant affidavit, which alleged that the CI was providing information against their own interest. (ECF No. 126-1, PageID.3053; ECF No. 132-2, PageID.4125). In sum, while Defendants may have established the existence of a man Sgt. Geelhood knew as “Harry,” Defendants have not established beyond a reasonable dispute of material fact that Harry was the CI referenced in Sgt. Geelhood’s affidavit or that such a CI even existed.⁶

Second, while Sgt. Geelhood claims to have surveilled the Shamoon’s address on approximately five occasions prior to seeking a warrant, Defendants have produced no documentary evidence in support of this claim. (ECF No. 126-50, PageID.3768; ECF No. 132-7, PageID.4158). According to Deputy Chief Fitzgerald, DPD officers are required to document their surveillance, even if it is just jotting a

⁶ Because of the ease with which an officer could allege reliance upon a non-existent CI, courts in the Eastern District have sometimes held that where a CI cannot be produced for an in-camera deposition, “[the defendants] must be precluded from presenting any evidence at trial based on, or flowing from, the alleged existence of the CI.” *Smith v. City of Detroit*, 212 F.R.D. 507, 511 (E.D. Mich. 2003). Though an order to this effect may ultimately be necessary if this case goes to trial, the Court will not make a final decision at this juncture. Plaintiffs are free to raise their request again later via a motion in limine.

note on the back of a receipt. (ECF No. 126-14) (audio recording 10:45-12:05). Although it is reasonable that some of Sgt. Geelhood's documentation might have been discarded after nearly nine years, Sgt. Geelhood claims his investigation was ongoing, and the City's record retention policies require that case reports for felony investigations, including case logs, be retained for at least twenty years. (ECF No. 126-44, PageID.3709-10; ECF No. 126-50, PageID.3771). Against this backdrop, the absence of any documentation is, at least, peculiar. Accordingly, there also remains a question of fact about whether, and to what extent, Sgt. Geelhood surveilled the Shamoons' home.

Based on the foregoing, the Court finds that Plaintiffs have demonstrated a genuine dispute of material fact as to whether Sgt. Geelhood included knowingly false statements in his warrant affidavit with the intent to mislead the issuing judge.⁷ Defendants' argument that Plaintiffs must make a "strong preliminary showing" (*i.e.* go beyond merely establishing a question of fact) is unpersuasive. (ECF No. 123, PageID.2474). In § 1983 cases, this heightened standard from *Franks* applies only

⁷ Plaintiffs also proffer considerable evidence of a culture of corruption in the Narcotics Unit pursuant to which it would have been easy for a sergeant to falsify a warrant affidavit. Some of this evidence may be inadmissible propensity evidence, but certainly not all of it. For example, Plaintiffs offer deposition testimony from DPD Chief James Craig that "there were [previously uninvestigated] criminal and administrative violations occurring" in the Narcotics Unit, and that "sergeants may have been . . . directly involved." (ECF No. 126-34, PageID.3522, 3524). In any case, this evidence, though persuasive, is not vital to the Court's finding.

when qualified immunity is at issue or where there are no “factual questions *underlying* the probable-cause determination.” *Harmon v. Hamilton Cty.*, 675 F. App’x 532, 543 (6th Cir. 2017); *see Vakilian*, 335 F.3d at 517l. Neither of those circumstances are present here. Moreover, even assuming for the sake of argument that the heightened *Franks* standard did apply, the Court would find it satisfied on the evidence above. Accordingly, the question of probable cause is one for the jury, and the Court will proceed to Plaintiffs’ *Monell* claim.⁸ *See Hill v. McIntyre*, 884 F.2d 271, 275 (6th Cir. 1989) (“[I]n a § 1983 action[,] fact-finding under the *Franks* standard is the province of the jury.” (citing *Hindman v. City of Paris*, 746 F.2d 1063, 1067 (5th Cir. 1984))); *see also Hale v. Kart*, 396 F.3d 721, 728 (6th Cir. 2005) (“[A] jury trial is appropriate where reasonable disputes of material fact exist on facts underlying a probable cause determination.”).

b. *Monell* Liability

It is well established that “[a] municipality may not be held liable under § 1983 on a *respondeat superior* theory—in other words, ‘solely because it employs a tortfeasor.’” *D’Ambrosio v. Marino*, 747 F.3d 378, 388-89 (6th Cir. 2014) (quoting *Monell*, 436 U.S. at 691). Rather, to prevail on a municipal liability claim, a plaintiff

⁸ Because a question of fact exists as to probable cause, the Court need not reach the question of whether Plaintiffs’ other alleged Fourth Amendment violations, each of which stem from Sgt. Geelhood’s allegedly fraudulent warrant affidavit, also present a question of fact.

must “show[] that the municipality had a ‘policy or custom’ that caused the violation of [the plaintiff’s] rights.” *Griffith v. Franklin Cty.*, 975 F.3d 554, 581 (6th Cir. 2020) (quoting *Monell*, 436 U.S. at 694); see *Polk Cty. v. Dodson*, 454 U.S. 312, 326 (1981) (noting that the policy or custom “must be ‘the moving force of the constitutional violation’” (quoting *Monell*, 436 U.S. at 694)).

A plaintiff can make a showing of an illegal policy or custom by demonstrating one of the following: (1) the existence of an illegal official policy or legislative enactment; (2) that an official with final decision making authority ratified illegal actions; (3) the existence of a policy of inadequate training or supervision; or (4) the existence of a custom of tolerance or acquiescence of federal rights violations.

Burgess v. Fischer, 735 F.3d 462, 478 (6th Cir. 2013) (citing *Thomas v. City of Chattanooga*, 398 F.3d 426, 429 (6th Cir. 2005)). Here, Plaintiffs allege liability under the second, third, and fourth theories. (ECF No. 125, PageID.3029).

i. Actions Taken By Officials with Final Decision-Making Authority (i.e. Ratification Theory)

Where an “authorized policymaker[] approve[s] a subordinate’s decision and the basis for it, their ratification [is] chargeable to the municipality.” *St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1988) (plurality opinion). Here, Plaintiffs argue that “the numerosity of [allegedly] illegal raids” by the Narcotics Unit makes “the City . . . liable for the unconstitutional conduct of its sergeants who were the highest-ranking officers in charge of th[ose] raids.” (ECF No. 125, PageID.3035-36).

The first question the Court must answer is whether the sergeants to which Plaintiffs refer can be considered authorized policymakers. *See Feliciano v. City of Cleveland*, 988 F.2d 649, 655 (6th Cir. 1993) (explaining that “the municipality is liable for an official’s unconstitutional action only when the official is the one who has the ‘final authority to establish municipal policy with respect to the action ordered.’” (quoting *Pembaur v. City of Cincinnati*, 475 U.S. 469, 481 (1986))). “Authority to make municipal policy may be granted directly by a legislative enactment or may be delegated by an official who possesses such authority, and . . . whether an official had final policymaking authority is a question of state law.” *Pembaur*, 475 U.S. at 483 (plurality opinion).

Sgt. Tucker was the highest-ranking officer in charge of the raid on Plaintiffs’ home, however, he apparently was not required to review Sgt. Geelhood’s affidavit until the warrant had already issued. (ECF No. 126-50, PageID.3777, 3793-94). Accordingly, it is unclear who, in Plaintiffs’ view, should be considered the final policymaker for the purpose of this analysis. Regardless, because Plaintiffs cite no authority in support of *either* sergeant being a municipal policymaker, this detail matters little. According to former DPD Chief James Craig, sergeants can only “[c]arry out policy,” not make it. (ECF No. 132-10, PageID.4318). Chief Craig’s position is backed up by the 2012 Narcotics Standard Operating Procedures, which

make “sergeant[s] . . . directly accountable to the lieutenants in charge of the[ir] units,” and the 2012 Charter of the City of Detroit, which states that the Board of Police Commissioners shall, “[i]n consultation with the Chief of Police, and with the approval of the Mayor[,] establish policies, rules and regulations.” (ECF No. 126-43, PageID.3634); DETROIT, MICH. CHARTER § 7-803 (2012), https://detroitmi.gov/sites/detroitmi.localhost/files/2018-05/2_29_2012_CharterDocument_2_1_WITHOUT_COMMENTARY_1.pdf [https://perma.cc/3WDJ-RAH8]. Against this backdrop, it is clear that sergeants were not final policymakers in a statutory sense.

Moreover, while it is true that policymaking authority can also be delegated, *see Pembaur*, 475 U.S. at 483, merely being given the “authority to exercise discretion while performing particular functions does not [by itself] make a municipal employee a final policymaker.” *Feliciano*, 988 F.2d at 655 (citing *Praprotnik*, 485 U.S. at 127). In other words, even where an official is delegated final *decisionmaking* authority by a superior, they will not necessarily be a final policymaker with respect to those decisions. *See Cristini v. City of Warren*, No. 07-11141, 2012 U.S. Dist. LEXIS 162325, at *40 (E.D. Mich. Nov. 14, 2012). Rather, a municipal employee can be said to have final policymaking authority only when

their “decisions are final and unreviewable *and are not constrained by the official policies of superior officials.*” *Id.* (emphasis added).

In *Miller v. Calhoun Cty.*, the Sixth Circuit considered whether a shift commander at a county jail had been delegated policymaking authority with respect to overnight medical treatment for pretrial detainees. 408 F.3d 803, 814 (6th Cir. 2005). The plaintiff argued that despite state law giving the sheriff final policymaking authority over the jail, liability should be imputed to the municipality because “[the sergeant] was, by county policy, the *de facto* decision-maker as to emergency care for inmates on the midnight shift.” *Id.* But the Sixth Circuit disagreed. *Id.* It explained that the plaintiff was “conflate[ing] decisionmaking with policymaking,” and noted that there was “no evidence that [the sergeant’s] decisions were not subject to review, or that [the sergeant] possessed any authority to ‘formulate[] plans for the implementation of broad goals.’” *Id.* (quoting *Hager v. Pike Cty. Bd. of Educ.*, 286 F.3d 366, 376 (6th Cir. 2002)).

Here, like in *Miller*, Plaintiffs have failed to demonstrate how the actions of Narcotics Unit sergeants, even those who supervised raids, were anything more than discretionary decisions subject to the review of superior officials. Accordingly, Plaintiffs may not proceed on their *Monell* claim under a ratification theory.

ii. A Custom of Tolerance or Acquiescence of Federal Rights Violations (i.e. Inaction Theory)

A municipal liability claim premised upon a “custom of tolerance or acquiescence of federal rights violations” is sometimes referred to as an “inaction theory.” See *D’Ambrosio*, 747 F.3d at 387. To prevail under this theory, a plaintiff must demonstrate:

(1) the existence of a clear and persistent pattern of violating federal rights . . . ; (2) notice or constructive notice on the part of defendants; (3) the defendants’ tacit approval of the unconstitutional conduct, such that their deliberate indifference in failing to act can be said to amount to an official policy of inaction; and (4) that the defendants’ custom was the ‘moving force,’ or direct causal link for the constitutional deprivation.

Powers v. Hamilton County Pub. Def. Comm’n, 501 F.3d 592, 607 (6th Cir. 2007) (quoting *Doe v. Claiborne Cty.*, 103 F.3d 495, 508 (6th Cir. 1996)).

Plaintiffs argue that “the City knew, in the summer of 2010, about the corruption of DPD’s Narcotics Unit” but “waited until July 2014 . . . to address [it].” (ECF No. 125, PageID.3031). In support, Plaintiffs cite several allegedly unlawful raids by the Narcotics Unit, as well as examples they argue show the City’s notice of allegedly illegal conduct. (ECF No. 125, PageID.3031-33). But the majority of Plaintiffs’ examples are from 2013 to 2017, and “contemporaneous or subsequent conduct” cannot be relied upon to prove an inaction theory. *Connick v. Thompson*, 563 U.S. 51, 63 n.7 (2011). Accordingly, the Court will only consider Plaintiffs’

evidence to the extent that it relates to events before the raid on Plaintiffs' home. Several pieces of evidence fall within these parameters.

First, documents from the Wayne County Prosecutor's Office ("WCPO") regarding the exoneration of Darell Chancellor, who was arrested in 2011 following the execution of a search warrant by Sgt. Geelhood. The evidence within these records, which include a WCPO press release⁹ and a memo by the WCPO's Conviction Integrity Unit ("CIU"), would enable a jury to find that there had been illegal conduct in the Narcotics Unit by Sgt. Geelhood well before the raid on Plaintiffs' home. Defendants have objected to Plaintiffs' reliance upon the CIU memo, but the Court need not address the merits of this objection here. The press release by itself makes clear that Chancellor was released from prison because the WCPO determined that the evidence against him "ha[d] been credibly refuted" and "was based upon a fraudulent search warrant" by Sgt. Geelhood. (ECF No. 126-8, PageID.3253-54; ECF No. 126-17, PageID.3314).

Second, a letter from DPD Lt. Kelly Fitzgerald to the City's Office of the Inspector General ("OIG"), chronicling how, in late 2011, officials in the Narcotics

⁹ Because the press release sets forth the conclusions of the WCPO based on its own investigation, it falls within the public records exception to hearsay under FED. R. EVID. 803(8)(A). *See Patterson v. Cent. Mills, Inc.*, 64 F. App'x 457, 462 (6th Cir. 2003) ("The Supreme Court has interpreted this 'public records' exception to the hearsay rule broadly to include both conclusions and opinions of public offices and agencies." (citing *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 162 (1988))).

Unit and Internal Affairs swept evidence of allegedly falsified surveillance and overtime “under the rug.” (ECF No. 126-56, PageID.3886-91). This letter, which Defendants do not address in their Reply [132], provides specific, detailed examples of fabricated surveillance and overtime by Sgt. Tucker, who was in charge of the raid on Plaintiffs’ home. (*Id.* at 3887). For example, it notes how “[o]n October 22, 2011, Tucker tagged himself [on Facebook] at J. Alexanders restaurant (suburb) at 4:03 PM, yet . . . was paid [overtime] to be on narcotics surveillance from [1:00 PM to 8:00 PM].” (*Id.*). In addition, Lt. Fitzgerald explains that even though she alerted Internal Affairs to Sgt. Tucker’s conduct, the case was administratively closed without a full investigation after Lt. Kevin Robinson, the Commanding Officer of Narcotics, explained to investigators that what Sgt. Tucker did “is done all the time at Narcotics.” (*Id.* at 3890). In short, Lt. Fitzgerald’s letter not only documents a second pre-2012 example of misconduct in the Narcotics Unit, but also evidences a culture of indifference to such misconduct by the Unit’s highest-ranking officials. (*Id.* at 3887, 3889-90).

Third, the trial testimony of Gary Jackson and related supporting evidence, which go to when the City first became aware of alleged corruption in the Narcotics Unit. Jackson was a drug dealer turned DPD informant who served as a cooperating witness in the 2015 prosecution of David Hansberry, Bryan Watson, and Arthur

Leavells, three of Sgt. Geelhood's former colleagues in the Narcotics Unit. *See United States v. Hansberry, et. al.*, No. 15-20217 (E.D. Mich.). Along with two civilian associates, Hansberry, Watson, and Leavells were charged with multiple crimes arising out of a conspiracy to steal drugs and money from drug dealers.¹⁰ (ECF No. 126-23, PageID.3401; ECF No. 126-26, PageID.3444). Leavells and Calvin Turner, one of the civilian associates, pleaded guilty, while Hansberry, Watson, and Kevlin Omar Brown, the other civilian associate, went to trial. (ECF No. 126-26, PageID.3444; ECF No. 126-58).

At trial, Jackson testified as follows: In the summer of 2010, he had learned of a \$3 million cocaine deal in Detroit, including how and when the profits would be moved out of the city. (ECF No. 126-26, PageID.3441-43). To make the most of this knowledge, he made an agreement with Leavells and Watson to exchange his information for a formal reward from the City of Detroit and an off the books cut of the seized money. (*Id.* at 3446-47). The bust was successful, but afterwards, Leavells told Jackson that there had been no opportunity to skim money off the top of the

¹⁰ *See generally United States v. Watson*, 778 F. App'x 340, 343 (6th Cir. 2019) ("The basic con went as follows: Defendants would raid a house or stop a car (generally with the help of an informant) knowing that drugs and money would be there. These pretextual raids would . . . scare [drug-dealing victims] 'to death' about getting arrested or hurt. So the victims would hand over their drugs and money to Defendants. And once Defendants got what they wanted, they would leave without making arrests or filing charges. Instead, Defendants would keep the money and sell the drugs (generally with the help of the same informant), splitting the profits. And if Defendants did report the bust, they would first take some money or drugs 'off the top.'").

seizure before other officers arrived. (*Id.* at 3451). Jackson was furious, and even more so when the publicly reported total of the seizure was several hundred thousand dollars less than he expected. (*Id.* at 3451-52). Jackson thought he had been duped, and that Watson and Leavells had pocketed the missing money for themselves and lied to him. (*Id.* at 3452). Jackson began to worry he was not going to get any money at all and decided to take matters into his own hands. (*Id.* at 3452, 3455). Thanks to a coincidental mutual acquaintance, Jackson was able to arrange a dinner meeting with the then-DPD Chief, Ralph Godbee. (*Id.* at 3456; ECF No. 126-53, PageID.3834). At the meeting, Jackson told Chief Godbee that there had actually been \$3 million in play, significantly more than the amount reported, and Chief Godbee responded, “I knew it.”¹¹ (ECF No. 126-26, PageID.3456).

Chief Godbee agrees that he met with Jackson very soon after the bust, but disputes Jackson’s version of their meeting. (ECF. No. 126-53, PageID.3836-37, 3840). He claims that Jackson did not mention a shortfall in the seized money and

¹¹ Defendants contend that all of Jackson’s trial testimony “is inadmissible hearsay that cannot be considered.” (ECF No. 132, PageID.4116). But Jackson is currently under the supervision of the U.S. Probation Department for the Eastern District of Michigan and is subject to this Court’s subpoena power. *See United States v. Jackson*, No. 15-20507, 2020 U.S. Dist. LEXIS 132228 (E.D. Mich. July 27, 2020) (granting Jackson compassionate release and imposing a sixty-month period of supervise release); *see also* FED. R. CIV. P. 45(c)(1). And Defendants have not argued that Jackson would be unavailable to testify at trial. Accordingly, to the extent the substance of Jackson’s trial testimony is otherwise admissible, it is competent evidence for the purpose of opposing summary judgment. *See Bailey*, 106 F.3d at 145. Here, because Plaintiffs rely upon Jackson only to show the City’s knowledge of alleged misconduct in the Narcotics Unit and not to prove the truth of the underlying misconduct, it is admissible.

that the primary topic of discussion was the danger to Jackson and his family in light of the information he had given about the drug bust. (*Id.* at 3854). Regardless of who is telling the truth, there is plainly a dispute of material fact about whether Chief Godbee knew, in the summer of 2010, of allegations that members of the Narcotics Unit had stolen or attempted to steal a large sum of money from a drug bust.

Also supporting a finding of constructive notice is the fact that there were several discrepancies in the amount of currency reportedly seized as the cash moved through the chain of custody. (ECF No. 125, PageID.3039-41). The initial police report references a “tally sheet” that was discovered with the cash, which listed the amount of currency as \$2,370,000. (ECF No. 126-51, PageID.3807-08; ECF No. 126-53, PageID.3846, 3857). This is the number that Chief Godbee first reported to the media. (ECF No. 126-53, PageID.3841). But by the time the money was logged into the property room, only \$2,100,190 was accounted for. (ECF No. 126-51, PageID.3815; ECF No. 126-53, PageID.3846). And an additional shortfall of approximately \$15,000 was discovered when the money was deposited at Comerica Bank. (ECF No. 126-51, PageID.3810; ECF No. 126-53, PageID.3846). This final shortfall triggered an Internal Affairs investigation, which concluded that it was attributable to a faulty counting machine, but the first shortfall was never investigated. (ECF No. 126-34, PageID.3547; ECF No. 126-54). In other words,

regardless of whether the initial \$2.37 million figure was accurate, there are sufficient facts for a jury to conclude that DPD officials knew of a several hundred-thousand-dollar discrepancy and did not investigate. (ECF No. 126-34, PageID.3547).

Defendants argue that these questions regarding missing money were already resolved by the jury when it found Hansberry and Watson not guilty on all counts except conspiracy and fully acquitted Brown. (ECF No. 132, PageID.4116; ECF No. 132-8, PageID.4160). But this argument fails to account for the differing burdens of proof in civil and criminal cases. And, in any event, the issue here is not whether Plaintiffs can prove that members of the Narcotics Unit stole currency from a drug bust, but whether the City had notice that they might have done so, and failed to look into it.

Taken together, these three examples—the Chancellor investigation and exoneration, the Fitzgerald OIG complaint, and the City’s knowledge of a possible shortfall in the Hansberry seizure—are sufficient to create a reasonable dispute of material fact as to whether there was a pattern of illegal conduct in the Narcotics Unit about which the City had notice. In addition, a reasonable jury could find, based on Plaintiffs’ evidence that Sgts. Geelhood and Tucker had previously falsified DPD records, that a raid premised upon a fraudulent warrant affidavit could have been

prevented if the City had opened an investigation into the Narcotics Unit sooner. In other words, there is also a reasonable dispute of material fact as to whether the City's inaction was the moving force behind Plaintiffs' injury. *See Powers*, 501 F.3d at 607. Finally, because Plaintiffs have "advance[d] sufficient evidence to create a genuine issue of material fact[,] . . . the question of 'deliberate indifference' is one for the jury." *Doe*, 103 F.3d at 509 (citing *Hicks v. Frey*, 992 F.2d 1450, 1456-57 (6th Cir. 1993)). Accordingly, Plaintiffs' inaction theory of *Monell* liability may proceed to trial.

iii. *A Policy of Inadequate Training or Supervision*

In deposition, Chief Craig opined that there was a lack of supervision in the Narcotics Unit going back "even before [2010]." (ECF No. 126-34, PageID.3546). It is unsurprising, therefore, that several of the evidentiary items that support Plaintiffs' inaction theory also support a claim for failure to supervise. *See Ellis v. Cleveland Mun. Sch. Dist.*, 455 F.3d 690, 700 (6th Cir. 2006) ("To succeed on a failure to train or supervise claim, the plaintiff must prove the following: (1) the training or supervision was inadequate for the tasks performed; (2) the inadequacy was the result of the municipality's deliberate indifference; and (3) the inadequacy was closely related to or actually caused the injury." (citing *Russo v. City of Cincinnati*, 953 F.2d 1036, 1046 (6th Cir. 1992))).

For example, as described in Lt. Fitzgerald's complaint to OIG: The Commanding Officer of Narcotics, Lt. Robinson, believed that Unit members would report being on the clock, doing things like conducting surveillance, when they were actually engaging in recreational activities. (ECF No. 126-56, PageID.3887-90). Lt. Robinson even told Internal Affairs investigators as much. (*Id.*). But no action was taken, and Unit members continued to submit warrant affidavits that relied upon alleged surveillance without any requirement that they seek approval from a superior officer before presenting their affidavit to a judge. (ECF No. 126-50, PageID.3794). In short, regardless of whether this practice was as widespread as Lt. Robinson intimated to Internal Affairs, a reasonable jury considering Plaintiffs' evidence could find both that there was inadequate supervision in the Narcotics Unit, and that the absence of a warrant review process was closely related to the allegedly fraudulent affidavit in Plaintiffs' case. Accordingly, Plaintiffs' failure to supervise theory of *Monell* liability may also proceed to trial.

CONCLUSION

IT IS ORDERED that Defendants' Motion for Judgment on the Pleadings [121] is **GRANTED in part and DENIED in part**. The Motion [121] is **GRANTED** as to Plaintiffs' claims against the individual officers. It is **DENIED** as to Plaintiffs' *Monell* claim against the City of Detroit.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment [123] is **DENIED**.

IT IS FURTHER ORDERED that, within thirty days, Plaintiffs may file a Second Amended Complaint consistent with the conclusions set forth above.

SO ORDERED.

Dated: June 25, 2021

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

EXHIBIT 6-3 – SECOND AMENDED COMPLAINT

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

DEBRA METRIS-SHAMOON,
MUKHLIS SHAMOON, CARL VERES,
PAUL METRIS, JULIA METRIS,

Plaintiffs,
vs.

Case No.: 18-cv-13683
Hon. Arthur J. Tarnow

CITY OF DETROIT, and
STEPHEN GEELHOOD,
in his Individual Capacity; jointly and severally,

Defendants.

SECOND AMENDED COMPLAINT AND JURY DEMAND

NOW COME Plaintiffs, DEBRA METRIS-SHAMOON, MUKHLIS SHAMOON, CARL VERES, PAUL METRIS, JULIA METRIS, by and through their counsel, DETTMER & DEZSI, PLLC, and for their SECOND Amended Complaint and Jury Demand state as follows:

PARTIES

1. Plaintiffs are citizens of the State of Michigan.
2. Upon information and belief, Defendant GEELHOOD is a citizen of the State of Michigan.¹

¹ Plaintiffs recognize that Defendant Geelhood was previously dismissed by the Court, however, he is listed herein for purposes of Plaintiffs' preserving their claims against him.

3. Defendant City of Detroit (“City”) is a governmental entity in the State of Michigan.
4. At all times relevant to this lawsuit, Defendant GEELHOOD was acting under color of law with respect to the events set forth in the Complaint.
5. At all material times, Defendant City of Detroit employed the Individual Defendant and is liable for his acts. City of Detroit is also liable for the unconstitutional policies, practices, and customs of its Police Department.
6. Defendants are jointly and severally liable to Plaintiff for the claims asserted herein.

JURISDICTION AND VENUE

7. The Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. § 1331, § 1343(a)(1)-(4) and 1343(b).
8. Venue is proper under 28 U.S.C. § 1391(b).

COMMON ALLEGATIONS

9. In September 2012, Plaintiffs Deborah Metris-Shamoon and Mukhlis Shamoon were the lawful and licensed operator of a marijuana grow facility located at their residence in Shelby Township, Michigan.
10. On or about September 13, 2012, Defendants, acting under color of law and as officers of Defendant City of Detroit’s Narcotics Unit, conducted an unlawful raid of Plaintiffs’ home in Shelby Township, Michigan. The raid

was supervised by, among others, Sgt. Joe Tucker of the Detroit Police Department.

11. Officers gained entry into Plaintiffs' residence via forced entry with at least one of the officers' weapons drawn.
12. The Officers purposefully concealed their identities during the raid and neither knocked or announced their presence before making a forced entry into Plaintiffs' home.
13. At no time during the raid did any of the officers show or present to Plaintiffs a lawfully issued search warrant.
14. During the raid, the officers destroyed Plaintiffs' home. Plaintiffs were unlawfully searched and seized within the meaning of the fourth amendment during the raid.
15. For an unknown duration of time, the officers extensively tore apart Plaintiffs' property and removed, without lawful authority, marijuana plants and other related legitimate and lawful by-products of Plaintiffs' business.
16. The officers had no probable cause to seize and/or arrest Plaintiffs nor were Plaintiffs ever shown a search or arrest warrant.
17. The officers also confiscated, without lawful authority, an Armsport 12-gauge shotgun, a BSA 9mm handgun, a Winchester Wildcat .22 Rifle, a BSR .45 Caliber Colt handgun, and money totaling \$315.00 from Plaintiffs'

residence.

18. At no time were Plaintiffs ever given a copy of any search warrant or a list of items that were unlawfully seized from their property.
19. Plaintiffs were eventually released by Defendants and never charged with any violations of law.
20. During the raid, Plaintiff Mukhlis Shamoan was placed in handcuffs which the officers left on him after leaving the property such that Mukhlis was forced to wear the handcuffs for approximately ten hours.
21. Following the raid, Defendants produced a search warrant and affidavit sworn out by Defendant Geelhood in which Defendant falsely swore to facts in an attempt to manufacture probable cause.
22. In particular, Defendant Geelhood falsely swore to having conducted surveillance of the Plaintiffs' home and having witnessed illegal drug transactions at Plaintiffs' residence.
23. Defendant Geelhood also falsely swore to having relied on a confidential informant to establish probable cause.
24. Upon information and belief, members of the Detroit Police Department's Narcotics Unit, including officers who participated in raid upon Plaintiffs' residence, have engaged in similar unlawful searches and seizures of other legitimate marijuana grow facilities in and around the City of Detroit.

25. Defendant City of Detroit has allowed an unconstitutional policy, custom and practice to flourish within its police department under which its police officers, including Defendant Geelhood, have unlawfully seized, confiscated, destroyed, or otherwise disposed of legitimate products of marijuana grow facilities.
26. Prior to the unlawful raid of Plaintiffs' home, Defendant City of Detroit had knowledge and notice that members of its Narcotics Unit were falsifying reports of narcotics surveillance, and despite such knowledge and notice Defendant City of Detroit ignored such misconduct.
27. Prior to the unlawful search and seizure of Plaintiffs' home, Defendant City of Detroit had knowledge and notice that officers of its Narcotics Unit were unlawfully seizing money and controlled substances for the officers' own pecuniary gain, and despite such knowledge and notice Defendant City of Detroit ignored such misconduct.
28. During these unconstitutional searches and seizures, Plaintiffs and dozens of other similar business owners would be threatened, intimidated, detained, and falsely arrested without probable cause.
29. Upon information and belief, Defendant City of Detroit's officers, including its supervisory personnel like Sgt. Tucker and Sgt. Geelhood routinely conducted, participated, and/or allowed the types of illegal searches and

seizures described herein.

30. As a result of Defendants' actions, Plaintiffs were degraded, humiliated, and subjected to an unlawful search, seizure, and false arrest in violation of their constitutional rights.
31. Plaintiffs suffered extreme emotional distress, humiliation, embarrassment, and damage as a result of Defendants' unlawful actions.
32. Plaintiffs were putative class members in the case of *Timothy and Hatema Davis v. City of Detroit, et. al.*, Case No.: 15-cv-10547 (E.D. Mich)(J. Borman) that sought to challenge as unconstitutional the acts, policies, and/or customs of Defendants as alleged herein.
33. Recently, the Court denied class certification in the *Davis* matter such that the instant Plaintiffs now seek to pursue their identical claims herein.

**COUNT I; UNLAWFUL SEARCH AND SEISURE IN VIOLATION OF
THE FOURTH AMENDMENT**

34. Plaintiffs hereby incorporate by reference herein the allegations contained in the above Paragraphs of the Complaint.
35. The acts of Defendants as ratified, endorsed, and cultivated by the City of Detroit and its Police Department as described herein violated Plaintiffs' rights against unlawful and unreasonable search and seizure as guaranteed by the Fourth Amendment to the United States Constitution.

36. Plaintiffs' arrest and detention as described herein were undertaken by Defendants without probable cause and without regard to any legitimate law enforcement interest.
37. The raid of Plaintiffs' home was based on a false affidavit sworn out by Defendant Geelhood who manufactured the bases of probable cause as described herein.
38. Defendants failed to knock and announce their presence before making forced entry into Plaintiffs' residence.
39. Plaintiffs' were unlawfully seized when the officers displayed and pointed their weapons at Plaintiffs without provocation or justification.
40. Defendant's actions were not taken spontaneously in response to an emergency, but rather in conformity with the City's deliberate policies, customs, and practices as carried out through the Detroit Police Department.
41. The constitutional rights that Defendant violated were clearly established at all times when Defendant violated such rights and a reasonable person in Defendant's position would have understood that his conduct was in violation of those rights.
42. Defendant Geelhood is thus not entitled to qualified immunity.
43. By virtue of Defendants' actions, Plaintiff is entitled to compensatory and punitive damages.

**COUNT II; *MONELL* CLAIM AGAINST CITY OF DETROIT FOR
UNCONSTITUTIONAL POLICIES, PRACTICES, AND/OR CUSTOMS**

44. Plaintiffs hereby incorporate by reference herein the allegations contained in the above paragraphs of this Complaint.
45. Defendant City of Detroit maintained an unconstitutional policy, custom, and/or practice of tolerating the misconduct and unlawful activity of officers within its Narcotics Unit.
46. Defendant City of Detroit's unconstitutional policy, custom, and/or practice of tolerating misconduct and the unlawful activity of its Narcotics Unit continued from, at least, 2010 through 2015 during which time Plaintiffs and several other individuals were subjected to unlawful searches and seizures by members of Defendant City of Detroit's Narcotics Unit.
47. Defendant City of Detroit knew about, or should have known about, the misconduct and unlawful activities of its officers within the Narcotics Unit before the raid of Plaintiffs' residence, and despite having such knowledge Defendant City of Detroit failed to remedy the misconduct and unlawful activity.
48. By failing to stop the misconduct and unlawful activity of its Narcotics Unit despite having knowledge of same, Defendant City of Detroit tacitly approved and condoned such unlawful activity which continued for several

years.

49. For these reasons, Defendant City of Detroit is liable for the violation of Plaintiffs' constitutional rights which occurred as a direct result of Defendant City of Detroit's unconstitutional policy, custom, and/or practice as set forth herein.

**COUNT III; MONELL CLAIM AGAINST CITY OF DETROIT FOR
INADEQUATE TRAINING AND/OR SUPERVISION
OF ITS AGENTS AND EMPLOYEES REGARDING
THE CONSTITUTIONAL RIGHTS OF CITIZENS**

50. Plaintiffs hereby incorporate by reference herein the allegations contained in the above paragraphs of this Complaint.
51. Defendants City of Detroit had an obligation to train its employees, police officers, and/or agents regarding the constitutional rights of citizens under the Fourth Amendment.
52. Defendant City of Detroit had an obligation to supervise its agents and employees, including the individual Defendant named herein, to insure that the constitutional rights of Plaintiffs and similarly situated business owners were not violated.
53. Defendant City of Detroit failed to comply with its duty to train and/or supervise its employees, officers, and/or agents and had a custom or policy of acting with deliberate indifference to the types of egregious violations of

the constitutional rights of Plaintiffs and other similarly situated business owners.

54. In this instance, the specific acts complained of herein were directed and encouraged by Sgt. Joe Tucker who were exercising supervisory authority over the individual officers and members of the narcotics unit.
55. Prior to the unlawful search and seizure of Plaintiffs' home, Defendant City of Detroit had knowledge that its narcotic officers, including Sgt. Joe Tucker, were falsifying time cards that purported to show narcotics surveillance that never occurred.
56. Despite having such knowledge, Defendant City of Detroit and its highest-ranking supervisory offices ignored such misconduct which Defendant "swept under the rug."
57. By failing to supervise its employees and officers, Defendant City of Detroit allowed a culture of corruption to flourish within certain ranks of its Police Department including the Narcotics Unit.
58. By inadequately training and/or supervising its employees, officers, and agents and having a custom or policy of deliberate indifference to the constitutional rights of Plaintiffs, Defendant City of Detroit encouraged and cultivated the conduct that resulted in the violation of Plaintiffs' constitutional rights.

59. Defendant City of Detroit had notice that its employees and officers were engaging in the types of actions described herein and failed to implement any preventative or corrective measures to ensure the safety of citizens including Plaintiffs.
60. Defendant City of Detroit's policies, practices, and customs were the moving force in causing Plaintiffs their injuries as described herein.
61. By virtue of the actions of Defendant City of Detroit, Plaintiffs are entitled to compensatory and punitive damages.

DAMAGES AND RELIEF REQUESTED

62. Plaintiffs hereby incorporate by reference herein the allegations contained in the above paragraphs of this Complaint.
63. As a direct and proximate result of Defendants' conduct, each and every one of them, as set forth herein, Plaintiffs' constitutional rights under the Fourth Amendment were violated.
64. As a direct and proximate result of Defendants' conduct, each and every one of them, as set forth herein, Plaintiffs suffered extreme injury including emotional distress, humiliation, anguish, embarrassment, and loss of their valuable property.
65. Plaintiffs are entitled to any and all damages or losses compensable under federal and state law including, but not limited to, those damages authorized

under 42 U.S.C. §§ 1983, 1988, and/or Michigan law.

66. Plaintiffs are also entitled to declaratory and injunctive relief to prevent the further degradation, humiliation, embarrassment, injury, and emotional distress caused by Defendants' actions and unconstitutional policies, practices, and customs.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court, by and through its trier of fact enter Judgment in favor of Plaintiffs and against Defendants, together with interest, costs and attorney fees or as otherwise determined by the court or trier of fact.

Respectfully submitted,

DETTMER & DEZSI, PLLC,

Dated: July 8, 2021

/s/ Michael R. Dezsi
MICHAEL R. DEZSI
Counsel for Plaintiffs
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(313) 757-8112
mdezsi@dezsilaw.com
P64530

DEMAND FOR JURY TRIAL

By and through their counsel, DETTMER & DEZSI, PLLC, Plaintiffs hereby demand a trial by jury in the above captioned matter.

Respectfully submitted,

DETTMER & DEZSI, PLLC,

Dated: July 8, 2021

/s/ Michael R. Dezsi
MICHAEL R. DEZSI (P64530)
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CERTIFICATE OF SERVICE

I hereby certify that on 07/08/2021, I electronically filed the Second Amended Complaint and Demand for Jury Trial with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/Michael R. Dezsi
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Hon. Thomas J. Tucker

Chapter 9

Debtor.

**DEBRA METRIS-SHAMOON, MUKHLIS SHAMOON,
CARL VERES, PAUL METRIS AND JULIA METRIS
RESPONSE IN OPPOSITION TO DEBTOR CITY OF DETROIT'S
MOTION FOR THE ENTRY OF AN ORDER ENFORCING THE BAR
DATE ORDER AND CONFIRMATION ORDER (DKT #13532)**

By and through their counsel, Dettmer & Dezsi, PLLC, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (“Shamoons”) hereby file their Response in Opposition to the City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date and Confirmation Order (Dkt #13532).

In its motion, the City of Detroit asserts that the Shamoons are pursuing a pre-petition claim that has been discharged pursuant to the City’s Confirmed plan. The City’s motion should be denied for the following reasons:

1. The Shamoons were known creditors whose claims and/or identities were “readily ascertainable” by the City such that they were entitled to actual

notice, and having failed to give the Shamoons such notice their claims are not subject to discharge;

2. The Shamoons did not fairly contemplate their claims against the City until after the effective date of the City's Confirmed plan such that they are not subject to discharge; and,
3. The City's right to discharge the Shamoons' claims are barred by the equitable doctrines of estoppel and laches.

Respectfully submitted,

DETTMER & DEZSI, PLLC

Dated: May 17, 2022

/s/Michael R. Dezsi

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**BRIEF IN OPPOSITION TO DEBTOR CITY OF DETROIT'S MOTION
FOR THE ENTRY OF AN ORDER ENFORCING THE BAR DATE ORDER
AND CONFIRMATION ORDER (DKT #13532)**

I. Background Facts

A discussion of the facts relevant to the Shamoons' instant response require both a recitation of the facts underlying the Shamoons' case as well as the predecessor case of *Timothy and Hatema Davis v. City of Detroit*. The *Davis* case was filed as a putative class action alleging claims similar to the Shamoons.

Plaintiffs Debra Metris-Shamoon ("Debra") and her husband Mukhlis Shamoon ("Mukhlis") allege that they were subjected to an unlawful raid of their home in Shelby Township, Michigan by members of Detroit Police Department's Narcotics Unit. The raid took place on September 13, 2012, under the command of Sgt. Joe Tucker who supervised the raid crew which included, among others, Sgt. Stephen Geelhood. Both of Debra's octogenarian parents, Paul and Julia Metris, were visiting for lunch at the time of the raid, and so was a family friend, Carl Veres, who was picking up some clothes.

The raid lasted about an hour and a half during which she was never shown a warrant. The officers took all of her marijuana plants and product, about \$315 cash, and some legally owned handguns that belonged to her son Adam. Debra testified that she was a licensed caregiver to provide marijuana though none of the officers ever asked to see any of her caregiver cards despite her offer to produce them.

Mukhlis was also a licensed caregiver. None of the Shamoons were ever charged with any crimes arising from the raid.

At the conclusion of the raid, Sgt. Joe Tucker left a Notice of Seizure and Intent to Forfeit form (**Ex. O**). Within a few days of the raid, both Debra Shagoon and her son Adam, had contacted the City of Detroit via telephone. Adam contacted Sgt. Tucker to inquire about why his parents' house was raided and inquired of the handguns taken from the home (**Ex. G**). According to Adam, he spoke to Sgt. Tucker and demanded answers about what had happened at his parents' home and about the status of their handguns. *Id.* Sgt. Tucker told Adam that he would have to wait before getting the guns and to call back a couple weeks later.

Debra, on the other hand, also contacted the Detroit Police department on two separate occasions in the couple weeks following the raid and before the 1st of October (**Ex. H**). During each of her calls, Debra also demanded answers about why her house had been raided and asked for a search warrant. Both times, Debra was told by some unknown lady from the department that she couldn't find any information on any of the Shamoons or a warrant in the department's computer system. *Id.*

After a couple weeks, Adam called Sgt. Tucker back and again demanded answers about what happened at his parents' home and the status of the handguns. Adam also advised Sgt. Tucker that he would get an attorney if necessary. *Id.*

Eventually, Sgt. Tucker told Adam to contact someone else at the department who told Adam he could come pick up his handguns though no one at the department explained to him what had happened at his parents' house. No one had shown him a warrant or other legal documentation regarding the search and seizure of the Shamoons' house.

On February 11, 2015, plaintiffs Timothy and Hatema Davis filed in the Eastern District of Michigan a putative class action under § 1983 against both the City of Detroit and several members of the Narcotics Unit claiming that they, along with several other individuals in and around Detroit, were subjected to unlawful raid of their home in Warren, Michigan. The Davis raid occurred in December 2013. See Case No. 15-cv-10547 (E.D. Mich.)(J. Borman)(**Ex. A**). The Davises allegations closely mirrored the allegations later made by the Shamoons insofar as the manner in which officers conducted the raid.

There was much media attention about the *Davis* case given the allegations of misconduct against the City of Detroit and its narcotics officers (**Ex. B**). Along with others, the Shamoons saw these media articles and contacted the undersigned counsel regarding the September 2012 raid of their home (**Ex. H**). According to Debra, these news reports were the first time that she or her family had any idea that her rights may have been violated by the actions of the officers.

On April 8, 2015, the U.S. Attorney indicted several members of the City of Detroit's Narcotics Unit, including narcotics officer Arthur Leavells (**Ex. C**).

On April 23, 2015, the undersigned counsel served on the City of Detroit the Davis plaintiffs' First Request to Produce Documents seeking documents related to the City's raids on several homes including the Shamoons' home (**Ex. D**, Plaintiffs' First Request to Produce, Nos. 1 and 2, pgs. 1-2).

Ultimately, after conducting some class-related discovery, the Davis plaintiffs moved to certify a class action consisting of individuals, including the Shamoons, who had been subjected to unlawful raids by members of the City of Detroit's now-defunct narcotics unit. See Motion to Certify Class, Case No. 15-cv-10547 ECF No. 88 (E.D. Mich.). Ultimately, the district court denied the Davises' Motion to Certify Class, see Case No. 15-cv-10547 ECF No. 168 (J. Borman Opinion and Order Denying Motion for Class). Not long after the district court denied the Davises' Motion to Certify Class, the Davises and the City of Detroit settled the Davises' claims for \$350,000 (**Ex. E**). The release makes clear that the City of Detroit was a released party under the settlement.

On November 26, 2018, the Shamoons filed their own individual action naming as defendants both the City of Detroit and several individual officers who supervised and/or participated in the raid on the Shamoons' home including Sgt. Stephen Geelhood and Sgt. Joe Tucker. Since the filing of the Shamoons' case, the

parties conducted extensive discovery that resulted in numerous discovery motions, motions for show cause, and dispositive motions (**Ex. S** Shamoon Docket).

On October 23, 2020, the individual Defendants filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(c) (Case No. 3:18-cv-13683 ECF No. 121), and the City of Detroit filed a Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 (ECF No. 122). On November 20, 2020, Plaintiffs filed their response to Defendants' dispositive motions (ECF No. 125 and ECF No. 126).

On June 25, 2021, Judge Tarnow issued his Opinion and Order Granting in part and denying in part Defendants' Motion to Dismiss and/or for Summary Judgment (Case No. 3:18-cv-13683 ECF No. 145). In his Opinion and Order, Judge Tarnow denied Defendant City of Detroit's Motion for Summary Judgment finding that there were questions of as to (1) whether Plaintiffs' Fourth Amendment rights were violated by the search and seizure of their home; and, (2) whether the City of Detroit is liable under *Monell* based on both an "inaction theory" and a policy of inadequate supervision. Opinion and Order, Case No. 3:18-cv-13683, ECF No. 145, PageID.4466-4474 (E.D. Mich.).

In reaching his conclusion, Judge Tarnow relied on the extensive summary judgment record that included evidence that the City of Detroit was aware, as early as 2010, that members of its Narcotics Unit, including specifically Sgt. Stephen Geelhood, were conducting unlawful raids in and around the City of Detroit.

For instance, there was sworn testimony from Arthur Leavells,¹ the affiant of the purported search warrant for the Davises' home, that he routinely lied on affidavits in support of search warrants and would simply make up phony affidavits with "all kinds of lies" and that "it's not hard to do." (Ex. I, Trans. Pg. 72-73). Leavells admitted that he got bogus search warrants on "countless occasions" (Ex. I, Tr. 77), and there was "a lot of crookery going on in Detroit Police Narcotics" including "money seizures[.]" (*Id.* at Tr. 80:16 - 81:5). Leavells also testified that Sgt. Geelhood, the affiant of alleged search warrant affidavit for the Shamoons, had full knowledge of the misconduct, (*id.* at Tr. 81:11, 82:24—83:3), and that the narcotics officers were "ripping off marijuana when [they'd] go for raids[.]" *Id.* at Tr. 83. Leavells testified the officers would divide up the seized money (*Id.* at 82), and take "personal property like jewelry, cash, drugs, and guns." (Ex. I, Tr. 84-85).

In another instance, several officers of the narcotics crew were caught (on camera) stealing from another narcotics raid in February 2014 (Ex. N). That raid was also supervised and carried out at the direction of Sgt. Geelhood. The property owner had hidden cameras on the premises which recorded the narcotics officers stealing items. The owner of the property indicated that his Chase debit card was

¹ Leavells pled guilty to federal charges similar to the allegation alleged herein.

also taken and he subsequently discovered an unauthorized charge for \$1,000 (Ex. N, pg 1-2).

Further evidence of Sgt. Geelhood's misconduct came from Wayne County Prosecutor Kym Worthy who recently moved to vacate a 2012 drug conviction of a defendant who was convicted upon the testimony and search warrant affidavit of Sgt. Geelhood. In an official press release, Worthy remarked "[t]hese are the first cases that deal directly with fraudulent search warrant affidavits and other activities by highly unethical and compromised narcotics police officers." Ex. M.²

Former Chief of Police James Craig also testified in his deposition that he believed that the narcotics unit's sergeants were "directly involved in the alleged misconduct" or "complicit and not taking appropriate supervisory action when necessary (Ex. J, Craig Depo. 24:14-22). Chief Craig's testimony is entirely consistent with the testimony of Leavells that Sgt. Geelhood was an active participant in the scheme.

In sum, Judge Tarnow concluded based on the voluminous summary judgment record that there was sufficient evidence that the City of Detroit knew

² Judge Tarnow concluded that Worthy's press release was competent evidence for purposes of opposing the City of Detroit's motion for summary judgment. See Case No. 18-cv-13683 ECF No. 145, Opinion and Order on Summary Judgment, pg. 29 n.9)(citing to FRE 803(8)(A)(i)-(iii); *Patterson v. Central Mills, Inc.*, 64 Fed. Appx. 457, 462 (6th Cir. 2003)

about, but failed to stop, the rampant corruption and misconduct of the Narcotics Unit during the time of the Shamoons raid. Accordingly, Judge Tarnow denied the City of Detroit's Motion for Summary Judgment.

The Shamoons' case was recently referred to Magistrate Judge Stafford for all final pre-trial matters, including motions in limine, jury instructions, verdict form, etc. See Case No. 18-cv-13863 ECF No. 154, Order Referring All Pretrial Matters. On March 16, 2022, Magistrate Judge Stafford issued a Notice to Appear which directed the parties to file a joint factual and procedural summary of the case before March 30, 2022. ECF No. 155.

In response to Magistrate Judge Stafford's Order, the City of Detroit asserted, for the first time ever, its defense that the Shamoons' claims were subject to discharge under the City's Confirmed Plan. The City of Detroit has now filed with this Court its Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order against the Shamoons.

For the reasons that follow, the Court should deny the City's motion and allow the matter to proceed to trial.

II. Discussion and Analysis

A. The Shamoons were known creditors whose claims and/or identities were "readily ascertainable" by the City such that they were entitled to actual notice, and having failed to give the Shamoons such actual notice their claims are not subject to discharge.

To the extent that the City asserts that the Shamoons' pre-petition claims are subject to discharge, the Court should reject the City's assertion and find that the Shamoons were known creditors who should have received actual notice of the City's bankruptcy. Without such notice, a discharge of their claims would violate the Shamoons' right to due process.

The Bankruptcy Code provides that notice shall be given of the commencement of a Chapter 9 case. 11 U.S.C. § 923. The Code also provides that "The debtor shall file a list of creditors." 11 U.S.C. § 924. Under the Code, a creditor is defined as an entity, which includes a person, that has a claim against the debtor that arose at the time of or before the order for relief concerning the debtor. 11 U.S.C. § 101(10). Known creditors are entitled to actual notice. 11 U.S.C. § 944(c)(2); *Paging Network, Inc. v. Nationwide Paging, Inc.*, 534 F.3d 76, 80-81 (1st Cir. 2008).

A known creditor is one whose claims or identities are "readily ascertainable" by the debtor. *See Paging Network*, 534 F.3d at 81 (citing *Tulsa Prof'l Collection Servs, Inc. v. Pope*, 485 U.S. 478, 490 (1988)). Readily ascertainable means a debtor can discover a creditor's claims through "reasonably diligent efforts." *Paging Network*, 534 F.3d at 81. Reasonably diligent efforts require a debtor to examine its "own books and records." *In re U.S. Home Corp.*, 223 B.R. 654, 659 (Bankr. S.D. N.Y. 1998). A claim is also discoverable to a debtor if the debtor has something in

its possession like a demand or payment or “some communication with a debtor concerning the existence of the creditor’s claim.” *In re Talon Auto Group*, 284 B.R. 622, 626 (Bankr. E.D. Mich. 2002)(quoting *In re Drexel Burnham Lambert Group, Inc.*, 151 B.R. 674, 681 (Bankr. S.D. N.Y. 1993)).

The Shamoons assert that their potential claim was known to the City such that they were entitled to receive actual notice. The Shamoons’ house was raided by several members of the Narcotics Unit including, specifically, Sgt. Stephen Geelhood who was the affiant of the purported search warrant for the Shamoons’ home. According to the sworn testimony of former narcotics officer Arthur Leavells, Sgt. Geelhood participated in a scheme to conduct unlawful raids by falsifying search warrants (Ex. I, Trans. pg. 81:11, 82:24-83:3 and Trans. pg. 84-85).

On this point, Judge Tarnow found that there were questions of fact as to whether Sgt. Geelhood’s affidavit was knowingly falsified. Case No. 3:18-cv-13683 ECF No. 145, PageID.4457-4460, Opinion and Order (finding ample record evidence creating a question of fact as to whether Geelhood falsified his affidavit in support of search warrant). In light of this evidence, the Court should conclude that the debtor knew of the Shamoons’ claims given that claims relate directly to the willful misconduct of a supervisory agent (i.e., Sgt. Geelhood) and for which the debtor’s own records would have reflected that the Shamoons were subject to this bogus raid.

Additionally, the Shamoons' son, Adam Shamoon, contacted Sgt. Tucker and spoke to him no less than twice about the status of his firearms that were confiscated during the raid and inquired of Sgt. Tucker as to City's legal basis for raiding the Shamoons' house (Ex. 7). These facts satisfy the "some communication with a debtor concerning the existence of the [Shamoons'] claim." Despite having knowledge of such a claim, the City failed to list the Shamoons as creditors on their Schedule H.

It should also be pointed out that, if the City would have listed the Shamoons as known creditors in its Schedule H, their claims would not have been subject to discharge under the terms of the confirmed plan. Specifically, the plan exempts from discharge claims by known creditors to the extent that such claims "result from any act or omission to the extent that the act or omission subsequently is determined by a Final Order to have constituted . . . willful misconduct[.]" Ex. L, Excerpt of Confirmed Plan, Art III, Sec D, sub. (7)(a), pg. 52 (entitled "Releases").

Based on the allegations of their Complaint, and the findings by Judge Tarnow in his Opinion and Order on summary judgment, there is more than an adequate basis from which to conclude that the Shamoons' claims were based on willful misconduct. The crux of their *Monell* claims against the City is premised on the theory that the City had knowledge of the misconduct within the narcotics unit and despite such knowledge the City failed to stop the misconduct. Such facts constitute

“omissions” by the City to stop the rampant and widespread willful misconduct within the Narcotics Unit.

On this point, it should be noted that both Sgt. Tucker and Sgt. Geelhood have demonstrated histories for dishonest and willful misconduct. While now former convicted felon Arthur Leavells implicated Sgt. Geelhood in the ongoing misconduct, Sgt. Tucker also has a similar history of falsifying affidavit in support of narcotics-related search warrants and Sgt. Tucker had been the subject of several Internal Affairs investigations regarding perjury, misconduct, and fraud (**Ex. P**, DPD # 2255, 2257, 2259).

In one such investigation by Internal Affairs (IAU Case # 00-213), Sgt. Tucker was accused of perjury (i.e., falsifying a narcotics-related search warrant affidavit and swearing to have observed an individual selling narcotics whereas such individual was incarcerated at the time of Tucker’s alleged observation) (**Ex. Q**, DPD 2350-2353)(finding that Sgt. Tucker neglected his duty “by swearing to and signing a Search Warrant and Affidavit that contained false information[.]”).

Sgt. Tucker was accused or engaging in criminal fraud by falsifying time records and daily activity logs which included false entries purporting to reflect narcotics surveillance (**Ex. R**, DPD 2734-2741); (DPD 2736, “Tucker was falsifying OT requests and activity logs saying he worked OT that he did not work.”). The complainant in that instance, Sgt-turned-Lt. Kelly Fitzgerald, described the City’s

response to credible allegations of Tucker's misconduct as being "swept . . . under the rug" by the Lieutenant, Commander, Deputy Chief of the Narcotics Unit, and Internal Affairs (**Ex. R**, DPD 2740). Lt. Fitzgerald was sufficiently concerned about the Department's deliberate indifference to the matter that she sought an investigation by Office of Inspector General asking that it investigate why the "initial complaint of criminal conduct" on the part of Tucker was "Administratively" closed by Internal Affairs, and further requesting that the OIG investigate "both criminal and department charges" related to Tucker's misconduct and those who swept the matter "under the rug." Judge Tarnow relied on, and specifically pointed to some of this record evidence in reaching his conclusion that the City had knowledge, and ignored, the willful misconduct that was pervasive in the former narcotics unit.

In sum, there is record evidence that Sgt. Tucker was aware that the Shamoons were challenging the manner in which the raid of their home was carried out, and as a sergeant of the narcotics department, Sgt. Tucker's knowledge of the Shamoons' claims should be imputed to the City. There is also evidence that the City knew about the misconduct within the narcotics department (specifically about Sgt. Tucker), and that despite such knowledge the City turned a blind eye to such misconduct. Collectively, this record evidence compels the conclusion that the City should have discovered the Shamoons' claims through the exercise of reasonably diligent efforts.

Even without reaching the merits of whether the Shamoons' claims fall within the exemption from discharge as set forth above, the City's motion should nevertheless be denied based on the violation of the Shamoons' due process rights because the City's failed to provide them with actual notice. In this context, the due process clause requires a reasonable search for contingent or unmatured claims so that ascertainable creditors, like the Shamoons, would have received adequate notice of the proceedings and deadlines.

What is reasonable depends on the particular facts of each case. However, a known claim arises from facts that would alert the reasonable debtor of the possibility that a claim might reasonably be filed against it. *In re Drexel Burnham Lambert Grp. Inc.*, 151 B.R. 674, 680-81 (Bankr. S.D.N.Y.), *aff'd sub nom. In re Drexel Burnham Lambert Grp., Inc.*, 157 B.R. 532 (S.D.N.Y. 1993). In this instance, the Debtor was aware of facts sufficient to alert it to the possibility that the Shamoons might have claims against the City.

In addition to the facts stated above, former Chief of Police James Craig's testimony supports the conclusion that the City should have known that the Shamoons were creditors based on the unlawful raid carried out by its narcotics officers and supervisors. Chief Craig confirmed, publicly and under oath during his deposition, that the City's Internal Affairs uncovered "false affidavits" that Craig described as "fabricated" and further acknowledged that "surveillance that was

supposedly conducted to get the warrants wasn't done; information (officers) said they got from confidential informants was erroneous[.]” Craig also testified that these “patterns” of false affidavits and bogus claims of surveillance suggest the misconduct of the Narcotics Unit was more widespread than he previously thought (Ex. J, Craig Depo. pg. 52:10-53:5).

Importantly, former Chief Craig disbanded the City's Narcotics Unit effective July 22, 2014 (Ex. F) which occurred before the debtor's Eighth Amended Plan of the Adjustment of Debts of the City of Detroit was confirmed by this Court on November 12, 2014. From these facts, it is clear that: (1) the debtor's supervisory agents (i.e., Sgt. Geelhood and Sgt. Tucker) knew about the Shamoon's constitutional claims against the City; (2) the City's Internal Affairs department had knowledge of the misconduct within the narcotics unit well before July 2014; and, (3) former Chief of Police James Craig knew about the misconduct within the Narcotics Unit including, specifically, that narcotics officers were falsifying affidavits in support of narcotics-related search warrants.

In light of the foregoing, the Debtor could have discovered the Shamoon's constitutional claims through reasonably diligent efforts. In particular, a review of the debtor's “own books and records” of the Narcotics Unit would have uncovered the Shamoon's claims. As Judge Tarnow pointed out, the City was unable to produce in discovery any records that confirmed the existence of the Confidential

Informant allegedly relied upon by Sgt. Geelhood. Nor could the City produce any records that confirmed the alleged surveillance of the Shamoons' home conducted by Sgt. Geelhood. See Case No. 3:18-cv-13683 ECF No. 145, PageID.4457-4458 (noting the absence of any records produced by the City to substantiate Geelhood's alleged reliance on a confidential informant); *Id.* at pg. 21-22 (Judge Tarnow noting that "while Geelhood claims to have surveilled the Shamoons' address on approximately five occasions prior to seeking a warrant, Defendants have produced no documentary evidence in support of this claim."); *id.* at 22 (Judge Tarnow further noting that according to Deputy Chief Fitzgerald, DPD officers are required to document their surveillance, even if it is just jotting a note on the back of a receipt" and that "the City's record retention policies require that case reports for felony investigations, including case logs, be retained for at least twenty years.").

In light of former Chief Craig's statements coupled with the lack of any documentation whatsoever to substantiate Geelhood's affidavit and search warrant to raid the Shamoons' home, this Court should conclude that the City's "own books and records" would have put the City on notice of the Shamoons' constitutional claims relating to the bogus raid conducted upon their home by Sgt. Geelhood. And having such knowledge and failing to give the Shamoons' actual notice, the City's untimely attempt to discharge their claims should fail.

Discharge under the Bankruptcy Code presumes that all creditors bound

by the plan have been given notice sufficient to satisfy due process. *See In re First Am. Health Care of Georgia*, 220 B.R. 720, 723 (Bankr.S.D.Ga.1998). Both the Bankruptcy Code, 11 U.S.C. 944(c)(2), and the City's Confirmed Plan (Article III D.4.b.) provide that the debtor *is not discharged* from any debt owed to an entity that, before confirmation of the plan, had neither notice nor actual knowledge of the Chapter 9 case.

Here, the Shamoons should have been a scheduled creditor and should have received the statutory notice required under the Code. The purpose of statutorily requiring a debtor to list its creditors with their mailing addresses is to provide them with basic due process notice. *In re Glenwood Medical Group, Ltd.*, 211 B.R. 282, 285 (Bankr.N.D.111.1997). It is the debtor's burden to establish that the creditor received adequate notice. *See In re O'Sullivan*, 488 B.R. 510, 513 (Bankr. D. Mass. 2013)(citing *In re Massa*, 187 F.3d 292, 296 (2d Cir.1999)).

The totality of the circumstances should have alerted the City to the possibility that the Shamoons might reasonably have a claim for damages arising from the bogus raid upon their home in September 2012. Despite having knowledge of their claims, the Shamoons are not listed as creditors in the Debtor's Schedule H attached to its Second Amended List of Creditors and Claims (Doc No. 1059, Notice of Filing of Second Amended List of Creditors and Claims). The City had an obligation to mail the Shamoons notice of the bankruptcy. And the

Shamoons had neither notice, nor actual knowledge of the City's Chapter 9 bankruptcy case. (Ex. H). Since the Shamoons were known claimants who did not receive the required notice their claims were not discharged in bankruptcy.

B. The Shamoons did not fairly contemplate their claims against the City of Detroit until after the effective date of the City's Confirmed plan such that they are not subject to discharge.

Alternatively, the Court should conclude that the Shamoons' did not fairly contemplate their claims against the City until after the City's confirmation plan was approved by the Court in 2014. For purposes of bankruptcy law, whether a party has a claim against a debtor is determined under the "fair contemplation" test. "[A] claim cannot fall within the purview of section 101(5) – and thus cannot be discharged as a pre-petition claim – unless that claim could have been contemplated by the parties prior to the bankruptcy proceedings." *In re City of Detroit, Michigan*, 548 B.R. at 761.

Here, while the raid on the Shamoons' house took place in September 2012, the Shamoons had no reason to suspect that the raid was carried out pursuant to a scheme by corrupt narcotics officers. At best, the Shamoons were concerned about the potential of criminal liability, but never thinking that the raid of their home was carried out by corrupt narcotics officers and sergeants who were falsifying affidavits with the intent to raid medical marijuana providers and reap the rewards of their misconduct.

The Shamoons had no reason to know, until the early part of 2015, that there was rampant corruption within the narcotics unit and that these corrupt officers were deliberating targeting medical marijuana providers in and around the City of Detroit for their own pecuniary gain. The first time that the Shamoons had any reason to believe they may have had a claim to assert against the City of Detroit was after hearing news reports about the *Davis* case in or around February 2015, followed by the federal indictments of several City of Detroit narcotics officers in April 2015 (Ex. H and B). By this point in time, the City's confirmed plan had already been approved by the Court in November 12, 2014.

Given the willful misconduct by the officers involved, the Shamoons did not fairly contemplate their constitutional claims against the City until after it was too late. For this reason, the Court should conclude that their claims are not barred.

C. The City's right to discharge the Shamoons' claims are barred by the equitable doctrines of estoppel and laches.

Assuming, *arguendo*, that the Court finds rejects the Shamoons' arguments above, the City's motion should also be denied under the equitable doctrines of estoppel and laches. It is well established that this Court retains equitable powers as codified in 11 U.S.C. § 105. Based on the facts presented here, the Court should decide, as a matter of equity, that the City's motion should be denied based on equitable estoppel and laches.

“The defense of laches ‘requires proof of (1) lack of diligence by the party against whom the defense is asserted; and, (2) prejudice to the party asserting the defense.’” *In re Rechis*, 339 B.R. 643, 645 (Bankr. E.D. Mich. 2006)(J. Rhodes). The Shamoons satisfy each of these requirements relative to the City’s untimely motion.

First, it should be noted that the instant case was filed more than three-and-a-half years ago on November 18, 2018. During the lengthy pendency of this matter, the parties have extensively litigated numerous discovery disputes at great expense to the Shamoons. At no time during any of the last 3.5 years of this protracted litigation did the City seek to assert its rights, whatever they may be, to discharge and/or enjoin the Shamoons’ constitutional claims based on its confirmed plan.³

To the contrary, the City first raised its purported discharge defense only after the City had filed lengthy motions for summary judgment and after the Shamoons responded in opposition to such motions with a nearly 1,000 page summary judgment record of exhibits. See Case No. 3:18-cv-13683 ECF Nos. 121, 122, 123 (Motion(s) to Dismiss and for Summary Judgment, and ECF Nos. 125, 126, 128 (Shamoons’ Responses to Motion(s) to dismiss and for Summary Judgment along with Appendix of Exhibits. Only now after more than 3.5 years of litigation, and

³ In fact, the City knew about the Shamoons’ claims during the pendency of the predecessor Davis case. In Davis, the undersigned counsel sought discovery relating to the Shamoons’ raid. Additionally, the parties had discussed the possibility of settling not just the Davis case, but all of the other individually filed actions including the Shamoons’ case. As such, the City has known about the Shamoons’ claims as long as 2015.

having not prevailed on summary judgment and facing an imminent trial, has the City raised, for the first time, its purported discharge defense. The City had a duty to raise its purported discharge defense without prejudicial delay, and the City failed to do so here.

As to the prejudice prong, the Court should consider that the Shamoons have incurred expenses totaling nearly \$12,500 during this litigation. Such expenses include fifteen depositions and expert witness fees. Forcing the Shamoons to incur such costs while sitting idle for more than 3.5 years on its purported discharge defense constitutes prejudice to the Shamoons and should be considered under this Court's equitable powers. *See, e.g., In re Dixon*, 295 B.R. 226, 234 (Bankr. E.D. Mich. 2003)(J. Shefferly)(highlighting that “the equitable doctrine of laches, which has as its goal the prevention of prejudicial delay in the bringing of a proceeding, is a relevant and necessary doctrine in the bankruptcy context.”). Clearly the City knew about its purported discharge defense long before now. In fact, the City has known of their potential discharge defense since 2015 during the litigation (and settlement) of the *Davis* case. Based on the City's egregious 3.5 year delay in raising such a defense, it appears just as likely that the City's instant motion is simply a litigation strategy to derail a trial on the merits.

These same facts should also compel the Court to conclude that the City is equitably estopped from seeking the relief raised in its instant motion. The doctrine

of equitable estoppel may apply based on (1) conduct or language amounting to a representation of material facts; (2) the party to be estopped must be aware of the true facts; (3) the party to be estopped must intend that the representation be acted on or must act in such manner that the party asserting the estoppel has a right to believe it so intended; (4) the party asserting the estoppel must be unaware of the true facts; and, (5) the party asserting the estoppel must detrimentally and justifiably rely on the representation. *In re H.R.P. Auto Center, Inc.*, 130 B.R. 247, 254 (Bankr. N.D. Ohio 1991)(citing *Apponi v. Sunshine Biscuits, Inc.*, 809 F.2d 1210 (6th Cir. 1987), *cert. denied* 484 U.S. 820 (1987)).

Here, the Shamoons had no reason to believe their claims were subject to discharge. This is especially so given that the City settled the predecessor *Davis* case which was filed as a putative class action and in which the City was made aware, specifically, of the identity of the Shamoons as putative class members. At no time during the *Davis* litigation did the City ever assert that the Shamoons' claims (or any of the other putative class member's claims) were barred or subject to discharge under the City's confirmed plan. Instead, the City proceeded to discuss settlement of all the putative class cases, including the Shamoons, but ultimately the parties settled only the *Davis* case after which the Shamoons' instant case was filed in November 2018. Based on these actions, the Shamoons reasonably relied, to their detriment, in filing their instant claims without any knowledge of the City's

purported discharge defense. During the more than 3.5 years litigating this matter, the Shamoons expended considerable time, money, and effort in prosecuting these claims.

Based on the sequence and timing of these facts, the Court should conclude that the City is now equitably estopped from the relief it now seeks.

CONCLUSION AND RELIEF REQUESTED

Based on the foregoing, the Court should deny the City's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order as to the Shamoons.

Respectfully submitted,

DETTMER & DEZSI, PLLC,

Dated: May 17, 2022

/s/Michael R. Dezsi

MICHAEL R. DEZSI

Counsel for Interested Parties

Debra Metris-Shamoon, Mukhlis Shamoon,

Carl Veres, Paul & Julia Metris

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Royal Oak, MI 48067

(313) 757-8112

mdezsi@dezsilaw.com

P64530

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

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

Case No. 13-53846

Hon. Thomas J. Tucker

Chapter 9

EXHIBIT LIST

Exhibit 1 – None

Exhibit 2 – None

Exhibit 3 – None

Exhibit 4 – Proof of Service

Exhibit 5 – None

Exhibit 6 – Documentary Exhibits:

- A. *Davis v. City of Detroit, et al.*; Case No. 15-cv-10547
(J. Borman); Civil docket
- B. Media articles regarding *Davis* civil Case No. 15-10547
- C. *USA v Hansberry, et al.*, Case No. 15-cr-20217
(J. Murphy, III); Criminal docket
- D. *Davis v. City of Detroit, et al.*; Case No. 15-cv-10547
First Request to Produce 4/23/2015
- E. General Release, Waiver and Settlement Agreement
Davis v. City of Detroit, et al.; Case No. 15-10547 02/06/2019

F.	Detroit Police Department Communications Operations	06/27/2014
G.	Declaration of Adam Shamoon	
H.	Declaration of Debra Metris-Shamoon	
I.	Jury Trial Transcript: Vol 14 (Including Testimony of Arthur Leavells); <i>USA v Hansberry, et al.</i> ; Case No. 15-20217 (J. Murphy, III)	06/28/2016
J.	Excerpts of Deposition Transcript of Chief James Craig	05/21/2020
K.	The Detroit News article: Detroit police probe yields allegations of widespread corruption in drug unit;	12/11/2019
	The Detroit News article: Detroit police chief: Longstanding culture of drug unit corruption	12/12/2019
L.	Excerpts of Dkt #8045 Eighth Amended Plan for the Adjustment of Debts of The City of Detroit	10/22/2014
M.	Kym Worthy/WCPO Press Release	03/24/2020
N.	IA Inter-Office memorandum (Rayis)	07/18/2014
O.	Notice of Seizure and Intent to Forfeit, witnessed by "Sgt Joe Tucker"	09/13/2012
P.	Internal Affair Database Report, Disciplinary History; (DPD Bates 2255, 2257, 2259)	
Q.	Excerpt of Internal Affairs Case 00 213 (DPD 2350-54)	05/28/2001
R.	Correspondence (DPD 2734-2741)	11/25/2011
S.	<i>Metris-Shamoon, et al., vs. City of Detroit</i> ; Case No. 18-cv-13683 (J. Cleland); Civil Docket	

EXHIBIT 1

None

EXHIBIT 2
None

EXHIBIT 3
None

EXHIBIT 4
Proof of Service

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

In re:

City of Detroit, Michigan

Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

Debtor.

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of May, 2022, I electronically filed and served a copy of the Response to City of Detroit's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order, Exhibit List and Documentary Exhibits A-S with the Clerk of the Court using the ECF system which will send notification to all interested parties and attorneys of record including:

MILLER, CANFIELD, PADDOCK & STONE, PLC
ATTN: Mark N. Swanson
150 West Jefferson, Suite 2500
Detroit, MI 48226
swansonnm@millercanfield.com

May 17, 2022

/s/ Michael R. Dezsi
MICHAEL R. DEZSI
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P64530

EXHIBIT 5
None

EXHIBIT 6

Documentary Exhibits

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

In re:

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Hon. Thomas J. Tucker

Chapter 9

Debtor.

**INDEX OF EXHIBITS TO DEBRA METRIS-SHAMOON,
MUKHLIS SHAMOON, CARL VERES, PAUL METRIS AND JULIA
METRIS RESPONSE TO CITY OF DETROIT'S
MOTION FOR THE ENTRY OF AN ORDER [DKT #13532]**

<u>Exhibit</u>	<u>Description</u>	<u>Date</u>
A.	<i>Davis v. City of Detroit, et al.</i> ; Case No. 15-cv-10547 (J. Borman); Civil docket	
B.	Media articles regarding <i>Davis</i> civil Case No. 15-cv-10547	
C.	<i>USA v Hansberry, et al.</i> , Case No. 15-cr-20217 (J. Murphy, III); Criminal docket	
D.	<i>Davis v. City of Detroit, et al.</i> ; Case No. 15-cv-10547 First Request to Produce	4/23/2015
E.	General Release, Waiver and Settlement Agreement <i>Davis v. City of Detroit, et al.</i> ; Case No. 15-cv-10547	02/06/2019
F.	Detroit Police Department Communications Operations	06/27/2014
G.	Declaration of Adam Shamoan	
H.	Declaration of Debra Metris-Shamoan	
I.	Jury Trial Transcript: Vol 14 (Including Testimony of Arthur Leavells); <i>USA v Hansberry, et al.</i> ; Case No. 15-cr-20217 (J. Murphy, III)	06/28/2016

J.	Excerpts of Deposition Transcript of Chief James Craig	05/21/2020
K.	The Detroit News article: Detroit police probe yields allegations of widespread corruption in drug unit;	12/11/2019
	The Detroit News article: Detroit police chief: Longstanding culture of drug unit corruption	12/12/2019
L.	Excerpts of Dkt #8045 Eighth Amended Plan for the Adjustment of Debts of The City of Detroit	10/22/2014
M.	Kym Worthy/WCPO Press Release	03/24/2020
N.	IA Inter-Office memorandum (Rayis)	07/18/2014
O.	Notice of Seizure and Intent to Forfeit, witnessed by "Sgt Joe Tucker"	09/13/2012
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Q.	Excerpt of Internal Affairs Case 00 213 (DPD 2350-54)	05/28/2001
R.	Correspondence (DPD 2734-2741)	11/25/2011
S.	<i>Metris-Shamoon, et al., vs. City of Detroit</i> ; Case No. 18-cv-13683 (J. Cleland); Civil Docket	

EXHIBIT A

CLOSED

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:15-cv-10547-PDB-DRG**

Davis et al v. Detroit, City of et al
Assigned to: District Judge Paul D. Borman
Referred to: Magistrate Judge David R. Grand
Cause: 28:1331 Fed. Question

Date Filed: 02/11/2015
Date Terminated: 03/28/2019
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Timothy Davis**

represented by **Dennis A Dettmer**
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Plaintiff**Hatema Davis**

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Michael R. Dezsi
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V.

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represented by

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Defendant

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James R. Acho
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Ronald G. Acho
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TERMINATED: 12/12/2017
ATTORNEY TO BE NOTICED

Defendant

Officer Novak

Defendant

James Napier
TERMINATED: 08/02/2017

represented by **Calvert A. Bailey**
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TERMINATED: 12/12/2017
ATTORNEY TO BE NOTICED

Defendant

John Doe*TERMINATED: 07/14/2015***Defendant****John Doe 2***TERMINATED: 07/14/2015***Defendant****Vatasha K Napier***TERMINATED: 08/24/2017*represented by **James P. Allen**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Calvert A. Bailey**

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*ATTORNEY TO BE NOTICED***James R. Acho**

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*TERMINATED: 12/12/2017**ATTORNEY TO BE NOTICED***Lindsey R. Johnson**

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*ATTORNEY TO BE NOTICED***Ronald G. Acho**

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Defendant

Officer Larry Barnett

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Defendant

Officer Steven Riley

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Defendant

Officer Matthew Bray

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Defendant**Officer Brian Johnson**

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Defendant**Officer Reginald Beasley**

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Defendant**Sgt. Stephen Geelhood**

represented by

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James R. Acho
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Ronald G. Acho
(See above for address)
TERMINATED: 12/12/2017
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/11/2015	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants with Jury Demand. Plaintiff requests summons issued . Receipt No: 0645-5022837 - Fee: \$ 400. County of 1st Plaintiff: St Clair County - County Where Action Arose: Oakland - County of 1st Defendant: Wayne. [Previously dismissed case: No] [Possible companion case(s): None] (Dezsi, Michael) (Entered: 02/11/2015)
02/12/2015	<u>2</u>	SUMMONS Issued for *Detroit, City of, Charles Flanagan, James Napier, Officer Novak* (TMcg) (Entered: 02/12/2015)
03/02/2015	<u>3</u>	CERTIFICATE of Service/Summons Returned Executed. Detroit, City of served on 3/2/2015, answer due 3/23/2015. (Dezsi, Michael) (Entered: 03/02/2015)
03/02/2015	<u>4</u>	CERTIFICATE of Service/Summons Returned Executed. Charles Flanagan served on 3/2/2015, answer due 3/23/2015. (Dezsi, Michael) (Entered: 03/02/2015)
03/23/2015	<u>5</u>	ANSWER to Complaint with Affirmative Defenses by Detroit, City of. (Bailey, Calvert) (Entered: 03/23/2015)
03/23/2015	<u>6</u>	MOTION to Quash Service by Charles Flanagan. (Attachments: # <u>1</u> Exhibit Affidavit of Charles Flanagan, # <u>2</u> Exhibit Return of Service) (Bailey, Calvert) Modified on 3/24/2015 (LHos). (Entered: 03/23/2015)
03/30/2015	<u>7</u>	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: <u>6</u> MOTION to Quash filed by Charles Flanagan. Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/30/2015)

03/31/2015	<u>8</u>	NOTICE OF HEARING BY TELEPHONE on <u>6</u> MOTION to Quash . Motion Hearing set for 4/1/2015 03:00 PM before Magistrate Judge David R. Grand (EBut) (Entered: 03/31/2015)
04/01/2015	<u>9</u>	NOTICE TO APPEAR: Scheduling Conference set for 5/11/2015 04:15 PM before District Judge Paul D. Borman *SEE NOTICE FOR FURTHER INFORMATION* (DTof) (Entered: 04/01/2015)
04/01/2015	<u>10</u>	NOTICE of Appearance by Dennis A Dettmer on behalf of Hatema Davis, Timothy Davis. (Dettmer, Dennis) (Entered: 04/01/2015)
04/09/2015	<u>11</u>	CERTIFICATE of Service/Summons Returned Executed. Charles Flanagan served on 4/9/2015, answer due 4/30/2015. (Dezsi, Michael) (Entered: 04/09/2015)
04/14/2015	<u>12</u>	CERTIFICATE of Service/Summons Returned Executed.. (Dezsi, Michael) (Entered: 04/14/2015)
04/23/2015		TEXT-ONLY NOTICE: Scheduling conference set for 5/11/2015 is Cancelled. (DTof) (Entered: 04/23/2015)
04/27/2015	<u>13</u>	ORDER denying as moot <u>6</u> Motion to Quash. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 04/27/2015)
04/29/2015	<u>14</u>	ANSWER to Complaint with Affirmative Defenses by Charles Flanagan. (Bailey, Calvert) (Entered: 04/29/2015)
05/01/2015	<u>15</u>	NOTICE TO APPEAR: Scheduling Conference set for 5/18/2015 04:00 PM before District Judge Paul D. Borman *Refer to Docket #9 for further information; once the parties file a Rule 26(f) plan, the Court will cancel the conference and issue a scheduling order* (DTof) (Entered: 05/01/2015)
05/13/2015	<u>16</u>	DISCOVERY plan jointly filed pursuant to Federal Rules of Civil Procedure 26(f) (Dezsi, Michael) (Entered: 05/13/2015)
05/14/2015		TEXT-ONLY NOTICE: Scheduling conference set for 5/18/2015 is Cancelled. (DTof) (Entered: 05/14/2015)
05/15/2015	<u>17</u>	SCHEDULING ORDER: Fact Discovery due by 11/1/2015; Dispositive Motion Cut-off set for 2/15/2016 - Signed by District Judge Paul D. Borman. (Refer to image for additional dates) (DTof) (Entered: 05/15/2015)
06/30/2015	<u>18</u>	MOTION for Protective Order by Detroit, City of. (Attachments: # <u>1</u> Exhibit Plaintiffs First Request To Produce) (Bailey, Calvert) (Entered: 06/30/2015)
07/14/2015	<u>19</u>	MOTION for Leave to File <i>Amended Complaint</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit First Amended Complaint) (Dezsi, Michael) (Entered: 07/14/2015)
07/14/2015	<u>20</u>	STIPULATED ORDER Allowing Plaintiff to File First Amended Complaint. Signed by District Judge Paul D. Borman. (DTof) (Entered: 07/14/2015)
07/14/2015	<u>21</u>	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against All Defendants. NEW PARTIES ADDED. (Dezsi, Michael) (Entered: 07/14/2015)

07/14/2015		REQUEST for SUMMONS for Stephen Geelhood, Brian Johnson, Arthur Leavells, Amy Matellic. (Dezsi, Michael) (Entered: 07/14/2015)
07/14/2015		REQUEST for SUMMONS for Larry Barnett, Reginald Beasley, Matthew Bray. (Dezsi, Michael) (Entered: 07/14/2015)
07/14/2015		REQUEST for SUMMONS for Vatasha K Napier. (Dezsi, Michael) (Entered: 07/14/2015)
07/14/2015		REQUEST for SUMMONS for Steven Riley. (Dezsi, Michael) (Entered: 07/14/2015)
07/14/2015	22	NOTICE by All Plaintiffs of withdrawal of 19 MOTION for Leave to File <i>Amended Complaint</i> . (Dezsi, Michael) (Entered: 07/14/2015)
07/14/2015	23	SUMMONS Issued for *Larry Barnett, Reginald Beasley, Matthew Bray, Stephen Geelhood, Brian Johnson, Arthur Leavells, Amy Matellic, Vatasha K Napier, Steven Riley* (SOso) (Entered: 07/14/2015)
07/15/2015	24	RESPONSE to 18 MOTION for Protective Order filed by All Plaintiffs. (Attachments: # 1 Exhibit Pf's First Request to Produce Documents) (Dezsi, Michael) (Entered: 07/15/2015)
07/15/2015	25	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 18 MOTION for Protective Order filed by Detroit, City of. Signed by District Judge Paul D. Borman. (DTof) (Entered: 07/15/2015)
08/05/2015	26	NOTICE OF HEARING on 18 MOTION for Protective Order . Motion Hearing set for 9/15/2015 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 08/05/2015)
08/12/2015	27	ANSWER to Amended Complaint with Affirmative Defenses by Detroit, City of. (Bailey, Calvert) (Entered: 08/12/2015)
08/12/2015	28	ANSWER to Amended Complaint with Affirmative Defenses by Charles Flanagan. (Bailey, Calvert) (Entered: 08/12/2015)
08/12/2015	29	ANSWER to Amended Complaint with Affirmative Defenses by Vatasha K Napier. (Bailey, Calvert) (Entered: 08/12/2015)
09/01/2015	30	<i>PLAINTIFFS'</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 09/01/2015)
09/02/2015	31	WITNESS LIST by Detroit, City of, Charles Flanagan, Vatasha K Napier (Bailey, Calvert) (Entered: 09/02/2015)
09/08/2015	32	CERTIFICATE of Service/Summons Returned Executed. Stephen Geelhood served on 9/8/2015, answer due 9/29/2015. (Dettmer, Dennis) (Entered: 09/08/2015)
09/08/2015	33	CERTIFICATE of Service/Summons Returned Executed. Reginald Beasley served on 9/8/2015, answer due 9/29/2015. (Dettmer, Dennis) (Entered: 09/08/2015)
09/08/2015	34	

		CERTIFICATE of Service/Summons Returned Executed. Brian Johnson served on 9/8/2015, answer due 9/29/2015. (Dettmer, Dennis) (Entered: 09/08/2015)
09/08/2015	<u>35</u>	CERTIFICATE of Service/Summons Returned Executed. Matthew Bray served on 9/8/2015, answer due 9/29/2015. (Dettmer, Dennis) (Entered: 09/08/2015)
09/15/2015	<u>36</u>	ORDER granting in part and denying in part <u>18</u> Motion for Protective Order. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 09/15/2015)
09/15/2015		Minute Entry for proceedings before Magistrate Judge David R. Grand: Motion Hearing held on 9/15/2015 re <u>18</u> MOTION for Protective Order filed by Detroit, City of Disposition: #18 granted in part, denied in part(Court Reporter Digitally Recorded) (EBut) (Entered: 09/15/2015)
09/22/2015	<u>37</u>	STIPULATED ORDER Extending Expert Disclosure Deadline. Signed by District Judge Paul D. Borman. (DTof) (Entered: 09/22/2015)
09/29/2015	<u>38</u>	ANSWER to Amended Complaint with Affirmative Defenses by Reginald Beasley. (Bailey, Calvert) (Entered: 09/29/2015)
09/29/2015	<u>39</u>	ANSWER to Amended Complaint with Affirmative Defenses by Matthew Bray. (Bailey, Calvert) (Entered: 09/29/2015)
09/29/2015	<u>40</u>	ANSWER to Amended Complaint with Affirmative Defenses by Stephen Geelhood. (Bailey, Calvert) (Entered: 09/29/2015)
09/29/2015	<u>41</u>	ANSWER to Amended Complaint with Affirmative Defenses by Brian Johnson. (Bailey, Calvert) (Entered: 09/29/2015)
10/05/2015	<u>42</u>	CERTIFICATE of Service/Summons Returned Executed. Larry Barnett served on 10/5/2015, answer due 10/26/2015. (Dezsi, Michael) (Entered: 10/05/2015)
10/06/2015	<u>43</u>	CERTIFICATE of Service/Summons Returned Executed. Arthur Leavells served on 10/6/2015, answer due 10/27/2015. (Dezsi, Michael) (Entered: 10/06/2015)
10/08/2015	<u>44</u>	STIPULATED PROTECTIVE ORDER - Signed by District Judge Paul D. Borman. (DTof) (Entered: 10/08/2015)
10/19/2015	<u>45</u>	CERTIFICATE of Service/Summons Returned Executed. Amy Matellic served on 10/19/2015, answer due 11/9/2015. (Dezsi, Michael) (Entered: 10/19/2015)
10/26/2015	<u>46</u>	ANSWER to Amended Complaint with Affirmative Defenses by Larry Barnett. (Bailey, Calvert) (Entered: 10/26/2015)
11/05/2015	<u>47</u>	ANSWER to Amended Complaint with Affirmative Defenses by Amy Matellic. (Bailey, Calvert) (Entered: 11/05/2015)
11/10/2015	<u>48</u>	CERTIFICATE of Service/Summons Returned Executed. Steven Riley served on 11/10/2015, answer due 12/1/2015. (Dezsi, Michael) (Entered: 11/10/2015)
12/04/2015	<u>49</u>	ANSWER to Amended Complaint with Affirmative Defenses by Steven Riley. (Bailey, Calvert) (Entered: 12/04/2015)

12/28/2015	<u>50</u>	STIPULATED ORDER Amending dates (Fact Discovery due by 6/20/2016, Dispositive Motion Cut-off set for 12/1/2016)*See order for other deadlines* Signed by District Judge Paul D. Borman. (DTof) (Entered: 12/28/2015)
01/25/2016	<u>51</u>	NOTICE of Appearance by Lawrence T. Garcia on behalf of Arthur Leavells. (Garcia, Lawrence) (Entered: 01/25/2016)
01/25/2016	<u>52</u>	ANSWER to Amended Complaint with Affirmative Defenses by Arthur Leavells. (Garcia, Lawrence) (Entered: 01/25/2016)
01/26/2016	<u>53</u>	MOTION for Order to Show Cause <i>and/or Default Judgment</i> by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit) (Dezsi, Michael) (Entered: 01/26/2016)
01/26/2016	<u>54</u>	Amended MOTION for Order to Show Cause <i>and/or Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Orders</i> by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F) (Dezsi, Michael) (Entered: 01/26/2016)
01/26/2016	<u>55</u>	MOTION to Compel <i>the Deposition to Detroit Police Chief James Craig</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A) (Dezsi, Michael) (Entered: 01/26/2016)
02/02/2016	<u>56</u>	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: <u>55</u> MOTION to Compel <i>the Deposition to Detroit Police Chief James Craig</i> filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 02/02/2016)
02/10/2016	<u>57</u>	ORDER denying without prejudice <u>55</u> Motion to Compel. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 02/10/2016)
03/03/2016	<u>58</u>	ORDER granting in part and denying in part <u>54</u> Motion for Order to Show Cause. Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/03/2016)
03/16/2016	<u>59</u>	STIPULATED ORDER to Extend Witness List Filing. Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/16/2016)
03/28/2016	<u>60</u>	MOTION for Default Judgment as to Arthur Leavells by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E) (Dezsi, Michael) (Entered: 03/28/2016)
03/30/2016	<u>61</u>	MOTION to Stay <i>Proceedings</i> by Arthur Leavells. (LaBelle, Stephani) (Entered: 03/30/2016)
04/04/2016	<u>62</u>	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: <u>60</u> MOTION for Default Judgment as to Arthur Leavells filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 04/04/2016)
04/04/2016	<u>63</u>	RESPONSE to <u>61</u> MOTION to Stay <i>Proceedings</i> filed by Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Amy Matellic, James Napier, Vataasha K Napier, Steven Riley. (Bailey, Calvert) (Entered: 04/04/2016)

04/06/2016	64	RESPONSE to 61 MOTION to Stay <i>Proceedings</i> filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B) (Dezsi, Michael) (Entered: 04/06/2016)
04/07/2016	65	Renewed MOTION for Default Judgment as to Detroit, City of by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I) (Dezsi, Michael) (Entered: 04/07/2016)
04/07/2016	66	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 61 MOTION to Stay <i>Proceedings</i> filed by Arthur Leavells. Signed by District Judge Paul D. Borman. (DTof) (Entered: 04/07/2016)
04/07/2016	67	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 65 Renewed MOTION for Default Judgment as to Detroit, City of filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 04/07/2016)
04/07/2016	68	SEALED EXHIBIT <i>G and H</i> re 65 Renewed MOTION for Default Judgment as to Detroit, City of by All Plaintiffs. (Attachments: # 1 Exhibit G Internal Affairs Documents, # 2 Exhibit H Internal Affairs Documents) (Dezsi, Michael) (Entered: 04/07/2016)
04/11/2016	69	NOTICE OF HEARING on 60 MOTION for Default Judgment as to Arthur Leavells , 65 Renewed MOTION for Default Judgment as to Detroit, City of , 61 MOTION to Stay <i>Proceedings</i> . Motion Hearing set for 6/7/2016 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 04/11/2016)
04/11/2016	70	RESPONSE to 60 MOTION for Default Judgment as to Arthur Leavells filed by Arthur Leavells. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A) (Garcia, Lawrence) (Entered: 04/11/2016)
04/29/2016	71	WITNESS LIST by Arthur Leavells (LaBelle, Stephani) (Entered: 04/29/2016)
05/02/2016	72	<i>Amended</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 05/02/2016)
05/12/2016	73	MOTION to Compel by Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Arthur Leavells, Amy Matellic, James Napier, Vataasha K Napier, Steven Riley. (Attachments: # 1 Exhibit Deposition Notice and Certificate of Service, # 2 Email from plaintiff counsel) (Bailey, Calvert) Modified on 6/1/2016 (DTof) - Defendant Arthur Leavells not a filer of this motion. (Entered: 05/12/2016)
05/13/2016	74	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 73 MOTION to Compel filed by Matthew Bray, Brian Johnson, Larry Barnett, James Napier, Stephen Geelhood, Reginald Beasley, Arthur Leavells, Charles Flanagan, Detroit, City of, Steven Riley, Vataasha K Napier, Amy Matellic. Signed by District Judge Paul D. Borman. (DTof) Modified on 6/1/2016 (DTof) - Defendant Arthur Leavells not a filer of this motion. (Entered: 05/13/2016)
05/16/2016	75	

		ORDER denying 73 Motion to Compel. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 05/16/2016)
05/20/2016	76	MOTION to Compel <i>Depositions of Plaintiffs</i> by Arthur Leavells. (Attachments: # 1 Index of Exhibits Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D) (LaBelle, Stephani) (Entered: 05/20/2016)
05/31/2016	77	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 76 MOTION to Compel <i>Depositions of Plaintiffs</i> filed by Arthur Leavells. Signed by District Judge Paul D. Borman. (DTof) (Entered: 05/31/2016)
05/31/2016	78	APPEAL OF MAGISTRATE JUDGE DECISION by Charles Flanagan, Stephen Geelhood, Brian Johnson, Arthur Leavells, Amy Matellic, James Napier, Vataasha K Napier, Steven Riley re 75 Order on Motion to Compel. (Bailey, Calvert) Modified on 6/1/2016 (DWor). [ALSO FILED BY LARRY BARNETT, MATTHEW BRAY, REGINALD BEASLEY] (Entered: 05/31/2016)
06/01/2016	79	RESPONSE to 76 MOTION to Compel <i>Depositions of Plaintiffs</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 06/01/2016)
06/02/2016	80	NOTICE OF HEARING on 76 MOTION to Compel <i>Depositions of Plaintiffs</i> . Motion Hearing set for 6/7/2016 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 06/02/2016)
06/05/2016	81	RESPONSE to 65 Renewed MOTION for Default Judgment as to Detroit, City of filed by Detroit, City of. (Bailey, Calvert) (Entered: 06/05/2016)
06/06/2016	82	REPLY to Response re 65 Renewed MOTION for Default Judgment as to Detroit, City of filed by Hatema Davis, Timothy Davis. (Dezsi, Michael) (Entered: 06/06/2016)
06/07/2016	83	ORDER REGARDING EVIDENTIARY HEARING. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 06/07/2016)
06/07/2016		Minute Entry for proceedings before Magistrate Judge David R. Grand: Motion Hearing held on 6/7/2016 re 65 Renewed MOTION for Default Judgment as to Detroit, City of filed by Hatema Davis, Timothy Davis, 61 MOTION to Stay <i>Proceedings</i> filed by Arthur Leavells, 60 MOTION for Default Judgment as to Arthur Leavells filed by Hatema Davis, Timothy Davis, 76 MOTION to Compel <i>Depositions of Plaintiffs</i> filed by Arthur Leavells. Disposition: MotionS taken under advisement (Court Reporter: Digitally Recorded) (EBut) (Entered: 06/07/2016)
06/14/2016	84	SUPPLEMENTAL BRIEF re 65 Renewed MOTION for Default Judgment as to Detroit, City of filed by All Plaintiffs. (Dezsi, Michael) (Entered: 06/14/2016)
06/14/2016	85	SEALED EXHIBIT re 84 Supplemental Brief by All Plaintiffs. (Attachments: # 1 Exhibit J, # 2 Exhibit K) (Dezsi, Michael) (Entered: 06/14/2016)
06/21/2016	86	SUPPLEMENTAL BRIEF re 84 Supplemental Brief filed by Detroit, City of. (Bailey, Calvert) (Entered: 06/21/2016)

06/28/2016	87	RENOTICE TO APPEAR: Evidentiary Hearing set for 8/1/2016 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 06/28/2016)
07/14/2016	88	MOTION to Certify Class by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A1-A4: Affidavits and Search Warrants, # 3 Exhibit B: First Superseding Indictment) (Dezsi, Michael) (Entered: 07/14/2016)
07/14/2016	89	OPINION AND ORDER Denying Objections contained in 78 Appeal of Magistrate Judge Decision, filed by Brian Johnson, James Napier, Stephen Geelhood, Charles Flanagan, Arthur Leavells, Steven Riley, Vatasha K Napier, Amy Matellic. Signed by District Judge Paul D. Borman. (DTof) (Entered: 07/14/2016)
07/14/2016	90	MOTION for Partial Summary Judgment by Arthur Leavells. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D) (Garcia, Lawrence) (Entered: 07/14/2016)
07/25/2016	91	RESPONSE to 88 MOTION to Certify Class filed by Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Arthur Leavells, Amy Matellic, James Napier, Vatasha K Napier, Steven Riley. (Bailey, Calvert) (Entered: 07/25/2016)
07/29/2016	92	RESPONSE to 88 MOTION to Certify Class filed by Arthur Leavells. (Garcia, Lawrence) (Entered: 07/29/2016)
08/01/2016		Minute Entry for proceedings before Magistrate Judge David R. Grand: Evidentiary Hearing held on 8/1/2016. (Court Reporter: Jeseca Eddington) (EBut) (Entered: 08/02/2016)
08/03/2016	93	REPLY to Response re 88 MOTION to Certify Class filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit C, # 3 Exhibit D) (Dezsi, Michael) (Entered: 08/03/2016)
08/04/2016	94	RESPONSE to 90 MOTION for Partial Summary Judgment filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C) (Dezsi, Michael) (Entered: 08/04/2016)
08/17/2016	95	REPLY to Response re 90 MOTION for Partial Summary Judgment filed by Arthur Leavells. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E) (Garcia, Lawrence) (Entered: 08/17/2016)
09/29/2016	96	ORDER granting in part and denying in part 76 Motion to Compel. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 09/29/2016)
09/29/2016	97	ORDER denying 61 Motion to Stay. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 09/29/2016)
09/29/2016	98	REPORT AND RECOMMENDATION re 60 MOTION for Default Judgment as to Arthur Leavells filed by Hatema Davis, Timothy Davis Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 09/29/2016)
09/29/2016	99	REPORT AND RECOMMENDATION re 65 Renewed MOTION for Default Judgment as to Detroit, City of filed by Hatema Davis, Timothy Davis Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 09/29/2016)

10/19/2016	<u>100</u>	OPINION AND ORDER Adopting <u>98</u> Report and Recommendation Denying <u>60</u> Motion for Default Judgment filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 10/19/2016)
10/19/2016	<u>101</u>	OPINION AND ORDER Adopting <u>99</u> Report and Recommendation Granting in Part and Denying in Part <u>65</u> Motion for Default Judgment, filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 10/19/2016)
10/19/2016	<u>102</u>	NOTICE OF HEARING on <u>90</u> MOTION for Partial Summary Judgment , <u>88</u> MOTION to Certify Class Motion Hearing set for 1/19/2017 02:30 PM before District Judge Paul D. Borman (DTof) (Entered: 10/19/2016)
11/22/2016	<u>103</u>	ORDER REFERRING OTHER MATTERS to Magistrate Judge Grand: Status conference regarding discovery issues. Signed by District Judge Paul D. Borman. (DTof) (Entered: 11/22/2016)
11/30/2016	<u>104</u>	ORDER REGARDING OUTSTANDING DISCOVERY ISSUES. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 11/30/2016)
12/13/2016		Set/Reset Deadlines as to <u>90</u> MOTION for Partial Summary Judgment , <u>88</u> MOTION to Certify Class . Motion Hearing RESET for 1/20/2017 02:30 PM before District Judge Paul D. Borman (DTof) (Entered: 12/13/2016)
12/29/2016	<u>105</u>	MOTION for Extension of Time to File Response/Reply by Detroit, City of. (Bailey, Calvert) (Entered: 12/29/2016)
12/30/2016	<u>106</u>	RESPONSE to <u>105</u> MOTION for Extension of Time to File Response/Reply filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Plaintiffs' 3rd Requests to Produce Documents, # <u>2</u> Exhibit City of Detroit's Objections to Discovery Requests) (Dezsi, Michael) (Entered: 12/30/2016)
01/11/2017	<u>107</u>	OPINION AND ORDER Reluctantly Granting <u>105</u> MOTION for Extension of Time to File Response/Reply filed by Detroit, City of AND SETTING STATUS CONFERENCE. (Status Conference set for 1/20/2017 02:30 PM before District Judge Paul D. Borman), MOTIONS WILL NOT BE HEARD ON THAT DATE, ALL COUNSEL MUST APPEAR. Signed by District Judge Paul D. Borman. (DTof) (Entered: 01/11/2017)
01/17/2017	<u>108</u>	NOTICE TO APPEAR: Status Conference RESET(TIME ONLY) for 1/20/2017 11:00 AM before District Judge Paul D. Borman *ALL COUNSEL MUST APPEAR* (DTof) (Entered: 01/17/2017)
01/20/2017		Minute Entry for proceedings before District Judge Paul D. Borman: Status Conference held on 1/20/2017. (Court Reporter: Leann Lizza) (DTof) (Entered: 01/20/2017)
01/20/2017	<u>109</u>	ORDER Referring Pretrial Matters Excluding Dispositive Motions to Magistrate Judge David R. Grand. Signed by District Judge Paul D. Borman. (DTof) (Entered: 01/20/2017)
01/24/2017	<u>110</u>	OPINION AND ORDER denying as moot <u>90</u> Motion for Partial Summary Judgment. Signed by District Judge Paul D. Borman. (DTof) (Entered: 01/24/2017)

02/28/2017	111	TRANSCRIPT of Status Conference held on 01/20/2017. (Court Reporter: Leann S. Lizza) (Number of Pages: 28) The parties have 21 days to file with the court and Court Reporter a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/21/2017. Redacted Transcript Deadline set for 3/31/2017. Release of Transcript Restriction set for 5/30/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Lizza, L.) (Entered: 02/28/2017)
03/02/2017	112	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 3/6/2017 03:30 PM before District Judge Paul D. Borman (DTof) (Entered: 03/02/2017)
03/06/2017		Minute Entry for proceedings before District Judge Paul D. Borman: Telephonic Status Conference held on 3/6/2017, Set Deadlines/Hearings: (TELEPHONIC Status Conference set for 4/17/2017 03:30 PM before District Judge Paul D. Borman) (Court Reporter: Leann Lizza) (DTof) (Entered: 03/06/2017)
04/17/2017		Minute Entry for proceedings before District Judge Paul D. Borman: Telephonic Status Conference held on 4/17/2017. (Court Reporter: Leann Lizza) (DTof) (Entered: 04/17/2017)
05/03/2017	113	NOTICE OF HEARING on 88 MOTION to Certify Class . Motion Hearing set for 7/14/2017 02:00 PM before District Judge Paul D. Borman (DTof) (Entered: 05/03/2017)
05/24/2017	114	Notice of E-mail Delivery Failure as to attorney Stephani J. LaBelle. Bounced NEF for 113 Notice of Hearing on Motion. (SSch) (Entered: 05/24/2017)
05/31/2017	115	MOTION for Default Judgment as to All Defendants by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G) (Dezsi, Michael) (Entered: 05/31/2017)
05/31/2017	116	EXHIBIT G - Amended re 115 MOTION for Default Judgment as to All Defendants by All Plaintiffs (Attachments: # 1 Exhibit G - Deposition of Arthur Leavells) (Dezsi, Michael) (Entered: 05/31/2017)
06/02/2017	117	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 115 MOTION for Default Judgment as to All Defendants filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 06/02/2017)
06/02/2017		TEXT-ONLY NOTICE: Motion Hearing set for 07/14/2017 is Cancelled re 88 MOTION to Certify Class (DTof) (Entered: 06/02/2017)
06/06/2017	118	RESPONSE to 115 MOTION for Default Judgment as to All Defendants filed by Detroit, City of. (Attachments: # 1 Exhibit A - Timothy Davis Deposition Transcript, # 2 Exhibit B - Concurrence E-Mail) (Bailey, Calvert) (Entered: 06/06/2017)

06/14/2017	119	RESPONSE to 115 MOTION for Default Judgment as to All Defendants filed by Arthur Leavells. (Attachments: # 1 Exhibit A) (Garcia, Lawrence) (Entered: 06/14/2017)
06/15/2017	120	NOTICE of Appearance by Ronald G. Acho on behalf of All Defendants. (Acho, Ronald) (Entered: 06/15/2017)
06/15/2017	121	NOTICE of Appearance by James R. Acho on behalf of All Defendants. (Acho, James) (Entered: 06/15/2017)
06/20/2017	122	REPLY to Response re 115 MOTION for Default Judgment as to All Defendants filed by All Plaintiffs. (Dezsi, Michael) (Entered: 06/20/2017)
07/17/2017	123	NOTICE OF HEARING on 115 MOTION for Default Judgment as to All Defendants . Motion Hearing set for 8/22/2017 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 07/17/2017)
07/21/2017	124	MOTION to Compel <i>Independent Medical Examinations of Plaintiffs</i> by Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Amy Matellic, James Napier, Vatasha K Napier, Steven Riley. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A: Criminal History, # 3 Exhibit B: Statement, # 4 Exhibit C: Status Report, # 5 Exhibit D: 6/9/2017 corresp., # 6 Exhibit E: 6/20/2017 corresp., # 7 Exhibit F: 7/5/2017 corresp., # 8 Exhibit G: 7/19/2017 corresp., # 9 Exhibit H: Intake form, # 10 Exhibit I: H. Davis Dep, # 11 Exhibit J: T. Davis dep., # 12 Exhibit K: Lahar v. Oakland County, # 13 Exhibit L: Medical records) (Acho, Ronald) (Entered: 07/21/2017)
07/25/2017	125	MOTION for Summary Judgment by James Napier, Vatasha K Napier. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A: Letters of Authority, # 3 Exhibit B: Geelhood Dep., # 4 Exhibit C: Activity Log, # 5 Exhibit D: Napier time cards, # 6 Exhibit E: NED Daily Detail, # 7 Exhibit F: Narc Unit Daily Detail, # 8 Exhibit G: Bennett v. Schroeder) (Acho, Ronald) (Entered: 07/25/2017)
07/26/2017	126	ORDER granting in part and denying in part 124 Motion to Compel. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 07/26/2017)
08/02/2017	127	STIPULATED ORDER Dismissing Defendant James Napier. Signed by District Judge Paul D. Borman. (DTof) (Entered: 08/02/2017)
08/03/2017		Minute Entry for proceedings before Magistrate Judge David R. Grand: Telephonic Conference held on 8/3/2017. Disposition: The Court held a telephonic conference to discuss the parties' respective proposed protective orders. The Court provided guidance which should easily enable counsel to draft a protective order that addresses each side's concerns without burdening either side's rights. The Court declined counsel's request to draft the protective order for the parties. Counsel should forthwith meet and confer in good faith and then submit a joint proposed protective order for entry by close of business on Friday, August 4, 2017. If they are unable to agree on a protective order, Plaintiff shall file a motion for protective order by close of business on Monday, August 7, 2017. Defendant shall file a response to any such motion

		by close of business on Wednesday, August 10, 2017. (EBut) (Entered: 08/03/2017)
08/04/2017	128	Notice of E-mail Delivery Failure as to attorney Stephani J. LaBelle. Bounced NEF for 125 MOTION for Summary Judgment , 127 Order, Add and Terminate Parties, Text-Only Notice of Hearing Cancelled, 115 MOTION for Default Judgment as to All Defendants , 120 Notice of Appearance, 116 Exhibit, 123 Notice of Hearing on Motion, 124 MOTION to Compel <i>Independent Medical Examinations of Plaintiffs</i> , 117 Order Referring Motion to Magistrate Judge, Status Conference,, 126 Order on Motion to Compel, 121 Notice of Appearance, 118 Response to Motion, 122 Reply to Response to Motion, 119 Response to Motion. (SSch) (Entered: 08/04/2017)
08/07/2017	129	MOTION for Protective Order <i>Regarding Independant Medical Examinations</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Proposed Stipulated Protective Order, # 3 Exhibit B Email from Lawrence Garcia, # 4 Exhibit C Selected Emails between Counsel) (Dezsi, Michael) (Entered: 08/07/2017)
08/09/2017	130	RESPONSE to 129 MOTION for Protective Order <i>Regarding Independant Medical Examinations</i> filed by Detroit, City of. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D) (Acho, Ronald) (Entered: 08/09/2017)
08/14/2017	131	[STRICKEN] RESPONSE and <i>Objection to Plaintiffs' Subpoena for Documents</i> by Detroit, City of. (Attachments: # 1 Exhibit A) (Acho, Ronald) Modified on 8/15/2017 (DTyl). (Entered: 08/14/2017)
08/15/2017		NOTICE of Error directed to: Ronald G. Acho re 131 Response (Free). Document is prohibited discovery, disclosure or a certificate of service thereof. Document was stricken . [No Image Associated with this docket entry] (DTyl) (Entered: 08/15/2017)
08/15/2017	132	OBJECTION to <i>Subpoena for Documents</i> by Arthur Leavells. (Garcia, Lawrence) (Entered: 08/15/2017)
08/16/2017	133	NOTICE by Detroit, City of <i>Objections to Plaintiffs' Subpoena for Documents for August 22, 2017 Hearing for Plaintiff's Motion for Entry of Default</i> (Attachments: # 1 Exhibit A) (Acho, Ronald) (Entered: 08/16/2017)
08/18/2017	134	MOTION to Compel <i>Production at August 22, 2017 Hearing</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Subpoenas, # 3 Exhibit B Subpoenas, # 4 Exhibit C City's Objections, # 5 Exhibit D Leavells Objections, # 6 Exhibit E Deposition of Hatema Davis, # 7 Exhibit F Deposition of Timothy Davis, # 8 Exhibit Leavells' Judgment) (Dettmer, Dennis) (Entered: 08/18/2017)
08/21/2017	135	NOTICE by Detroit, City of <i>to the Court of Objections to Plaintiffs' August 16, 2017 Subpoena for Documents for August 22, 2017 Hearing on Plaintiffs' Motion for Entry of Default</i> (Attachments: # 1 Exhibit A: Subpoena) (Acho, Ronald) (Entered: 08/21/2017)
08/22/2017	136	

		ORDER granting in part and denying in part 129 Motion for Protective Order. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 08/22/2017)
08/22/2017	137	PROTECTIVE ORDER REGARDING INDEPENDENTMEDICAL EXAMINATIONS OF THE PLAINTIFFSTIMOTHY DAVIS AND HATEMA DAVIS. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 08/22/2017)
08/22/2017		Minute Entry for proceedings before Magistrate Judge David R. Grand: Motion Hearing held on 8/22/2017 re 115 MOTION for Default Judgment as to All Defendants filed by Hatema Davis, Timothy Davis Disposition: Motion taken under advisement (Court Reporter: Digitally Recorded) (EBut) (Entered: 08/22/2017)
08/24/2017	138	NOTICE by James Napier re 125 MOTION for Summary Judgment <i>Withdrawal</i> (Acho, Ronald) (Entered: 08/24/2017)
09/20/2017	139	REPORT AND RECOMMENDATION re 115 MOTION for Default Judgment as to All Defendants filed by Hatema Davis, Timothy Davis Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 09/20/2017)
10/13/2017	140	NOTICE OF HEARING on 88 MOTION to Certify Class . Motion Hearing set for 1/10/2018 03:00 PM before District Judge Paul D. Borman (DTof) (Entered: 10/13/2017)
10/18/2017	141	ORDER Adopting 139 Report and Recommendation Denying 115 Motion for Default Judgment, filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 10/18/2017)
10/20/2017	142	MOTION for Withdrawal of Attorney Lawrence T. Garcia by Arthur Leavells. (Garcia, Lawrence) (Entered: 10/20/2017)
10/23/2017	143	RE-NOTICE OF HEARING on 88 MOTION to Certify Class . Motion Hearing RESET for 12/20/2017 03:00 PM before District Judge Paul D. Borman (DTof) (Entered: 10/23/2017)
11/01/2017		Set/Reset Deadlines as to 88 MOTION to Certify Class . Motion Hearing RESET(TIME ONLY) for 12/20/2017 03:30 PM before District Judge Paul D. Borman (DTof) (Entered: 11/01/2017)
11/06/2017	144	MOTION for Leave to File <i>Supplemental Brief in Response to Plaintiffs' Motion to Certify Class Action</i> by Detroit, City of. (Acho, Ronald) (Entered: 11/06/2017)
11/06/2017	145	SUPPLEMENTAL BRIEF re 91 Response to Motion, <i>to Certify Class Action</i> filed by Detroit, City of. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O) (Acho, Ronald) (Entered: 11/06/2017)
11/08/2017	146	RESPONSE to 144 MOTION for Leave to File <i>Supplemental Brief in Response to Plaintiffs' Motion to Certify Class Action</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/08/2017)

11/17/2017	147	MOTION to Strike <i>Plaintiffs' Claims for Damages</i> by Detroit, City of. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q, # 19 Exhibit R, # 20 Exhibit S, # 21 Exhibit T, # 22 Exhibit U, # 23 Exhibit V, # 24 Exhibit W, # 25 Exhibit X, # 26 Exhibit Y, # 27 Exhibit Z) (Acho, Ronald) (Entered: 11/17/2017)
11/28/2017	148	ORDER Granting 144 MOTION for Leave to File <i>Supplemental Brief in Response to Plaintiffs' Motion to Certify Class Action</i> filed by Detroit, City of., RESET Motion and R&R Deadlines/Hearings as to 88 MOTION to Certify Class :(Motion Hearing RESET for 1/2/2018 03:00 PM before District Judge Paul D. Borman) Signed by District Judge Paul D. Borman. (DTof) (Entered: 11/28/2017)
11/30/2017	149	STIPULATION <i>Allowing Withdrawal</i> by Arthur Leavells (Garcia, Lawrence) (Entered: 11/30/2017)
12/01/2017	150	ORDER granting 142 Motion to Withdraw as Attorney.. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 12/01/2017)
12/04/2017	151	SUPPLEMENTAL BRIEF re 91 Response to Motion, <i>to Certify Class Action</i> filed by Detroit, City of. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A: ICHAT report, # 3 Exhibit B: T Davis Dep, # 4 Exhibit C: Arrest Rpt, # 5 Exhibit D: 1st Stmt, # 6 Exhibit E: OTIS Profile, # 7 Exhibit F: 2nd Stmt, # 8 Exhibit G: Aff & Search Warrant, # 9 Exhibit H: Incident Rpt, # 10 Exhibit I: Warren PD Rpt, # 11 Exhibit J: Geelhood Dep, # 12 Exhibit K: Wheeler v Detroit) (Acho, Ronald) (Entered: 12/04/2017)
12/08/2017	152	NOTICE of Appearance by James P. Allen on behalf of Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Amy Matellic, James Napier. (Allen, James) (Entered: 12/08/2017)
12/11/2017	153	RESPONSE to 147 MOTION to Strike <i>Plaintiffs' Claims for Damages</i> filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Affidavit and Search Warrant, # 3 Exhibit B First Superseding Indictment, # 4 Exhibit C Testimony of Arthur Leavells, # 5 Exhibit D Deposition of Stephen Geelhood, # 6 Exhibit E Deposition of Timothy Davis, # 7 Exhibit F Deposition of Hatema Davis, # 8 Exhibit G Deposition of Timothy Davis) (Dezsi, Michael) (Entered: 12/11/2017)
12/12/2017	154	ORDER of Attorney Substitution with stipulation. Attorney James P. Allen for Vatasha K Napier,James P. Allen for Steven Riley added. Signed by District Judge Paul D. Borman. (DTof) (Entered: 12/12/2017)
12/14/2017	155	SUPPLEMENTAL BRIEF re 88 MOTION to Certify Class filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/14/2017)
12/14/2017		TEXT-ONLY NOTICE: Motion Hearing set for 01/02/2018 is Cancelled re 88 MOTION to Certify Class (DTof) (Entered: 12/14/2017)

12/18/2017	156	ORDER REFERRING MOTION to Magistrate Judge David R. Grand: 88 MOTION to Certify Class filed by Hatema Davis, Timothy Davis. Signed by District Judge Paul D. Borman. (DTof) (Entered: 12/18/2017)
12/18/2017	157	NOTICE OF HEARING on 147 MOTION to Strike <i>Plaintiffs' Claims for Damages</i> , 88 MOTION to Certify Class . Motion Hearing set for 1/23/2018 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 12/18/2017)
01/10/2018	158	SUPPLEMENTAL BRIEF re 147 MOTION to Strike <i>Plaintiffs' Claims for Damages</i> , 91 Response to Motion, filed by All Defendants. (Allen, James) (Entered: 01/10/2018)
01/23/2018	159	ORDER AND NOTICE OF HEARING. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 01/23/2018)
01/23/2018		Minute Entry for proceedings before Magistrate Judge David R. Grand: Motion Hearing not held on 1/23/2018 re 88 MOTION to Certify Class filed by Hatema Davis, Timothy Davis, 147 MOTION to Strike <i>Plaintiffs' Claims for Damages</i> filed by Detroit, City of (EBut) (Entered: 01/24/2018)
02/22/2018	160	RENOTICE OF HEARING on 147 MOTION to Strike <i>Plaintiffs' Claims for Damages</i> , 88 MOTION to Certify Class . Motion Hearing set for 4/3/2018 10:00 AM before Magistrate Judge David R. Grand (EBut) (Entered: 02/22/2018)
03/07/2018	161	STIPULATED ORDER TO PERPETUATE TESTIMONY. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 03/07/2018)
03/28/2018	162	SUPPLEMENTAL BRIEF re 88 MOTION to Certify Class filed by All Plaintiffs. (Dezsi, Michael) (Entered: 03/28/2018)
04/03/2018	163	ORDER denying 147 Motion to Strike. Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 04/03/2018)
04/03/2018		Minute Entry for proceedings before Magistrate Judge David R. Grand: Motion Hearing held on 4/3/2018 re 88 MOTION to Certify Class filed by Hatema Davis, Timothy Davis, 147 MOTION to Strike <i>Plaintiffs' Claims for Damages</i> filed by Detroit, City of Disposition: #88 taken under advisement, #147 denied (Court Reporter: Digitally Recorded) (EBut) (Entered: 04/03/2018)
05/03/2018	164	NOTICE of Appearance by Lindsey R. Johnson on behalf of Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Amy Matellic, James Napier, Vataasha K Napier, Steven Riley. (Johnson, Lindsey) (Entered: 05/03/2018)
05/11/2018	165	REPORT AND RECOMMENDATION re 88 MOTION to Certify Class filed by Hatema Davis, Timothy Davis Signed by Magistrate Judge David R. Grand. (EBut) (Entered: 05/11/2018)
05/25/2018	166	OBJECTION to 165 Report and Recommendation by All Plaintiffs. (Dezsi, Michael) (Entered: 05/25/2018)
06/08/2018	167	RESPONSE to 166 Objection to Report and Recommendation <i>Defendants' Response to Plaintiffs' Objections to Magistrate Judge's Report and</i>

		<i>Recommendation to Deny Plaintiffs' Motion for Class Certification and Certificate of Service</i> by Larry Barnett, Reginald Beasley, Matthew Bray, Detroit, City of, Charles Flanagan, Stephen Geelhood, Brian Johnson, Amy Matellic, James Napier, Steven Riley. (Johnson, Lindsey) (Entered: 06/08/2018)
08/31/2018	168	OPINION AND ORDER overruling plaintiff's objections, adopting 165 Report and Recommendation and denying 88 Motion for class certification.Signed by District Judge Paul D. Borman. (DPer) (Entered: 08/31/2018)
11/14/2018	169	MOTION for Judgment by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Email, # 3 Exhibit B Email, Release) (Dezsi, Michael) (Entered: 11/14/2018)
11/28/2018	170	RESPONSE to 169 MOTION for Judgment filed by Larry Barnett, Reginald Beasley, Matthew Bray, Charles Flanagan, Stephen Geelhood, Brian Johnson, Amy Matellic, James Napier, Vataasha K Napier, Steven Riley. (Allen, James) (Entered: 11/28/2018)
12/28/2018	171	NOTICE TO APPEAR: Status Conference set for 1/14/2019 03:30 PM before District Judge Paul D. Borman (DTof) (Entered: 12/28/2018)
01/14/2019		Minute Entry for proceedings before District Judge Paul D. Borman: Telephonic Status Conference held on 1/14/2019 (Court Reporter: Leann Lizza) (DTof) (Entered: 02/21/2019)
03/28/2019	172	STIPULATED ORDER DISMISSING CASE - Signed by District Judge Paul D. Borman. (DTof) (Entered: 03/28/2019)

EXHIBIT B

MACOMB COUNTY

Warren couple says Detroit police raid violated rights

Tom Greenwood and George Hunter The Detroit News

Published 11:45 a.m. ET Feb. 12, 2015 | Updated 11:24 p.m. ET Feb. 12, 2015

A Warren couple whose medical marijuana operation was raided by the Detroit Police Department's narcotics unit have filed a civil lawsuit against the officers, including one who killed himself after being investigated for corruption by the FBI and Internal Affairs.

The complaint was filed Wednesday in federal court by Timothy and Hatema Davis and names the city of Detroit as well as Lt. Charles Flanagan, former head of the DPD's narcotics unit, Detective James Napier and officers "Novak" and "John Doe."

Napier, who according to sources was being investigated for narcotics corruption, shot himself Jan. 22 while sitting in his car outside his parents' home in Sterling Heights.

The lawsuit alleges that on Dec. 28, 2013, the officers illegally raided the Davis home in Warren, which was the site of a legal marijuana growing facility.

The complaint alleges officers broke down a door and pointed weapons at Davis and his wife while failing to produce a search warrant.

Over the next few hours, the officers allegedly tore the house apart, seized 50 marijuana plants and related items and then transported the couple to a location in Detroit where they were questioned for another five hours, according to the lawsuit.

The couple were eventually released and never faced any charges, according to the complaint.

Detroit police spokeswoman June West said Thursday the department had just become aware of the Warren couple's lawsuit.

"We don't comment on litigation ... but there is no indication that this is connected to the federal investigation, which is isolated to a single team in the now disbanded narcotics unit."

The Detroit News

He added Napier had left the narcotics squad by the time Flanagan assumed command of the unit.

Flanagan — who reportedly was not the subject of any corruption investigation — declined to expand his comments because of the pending lawsuit.

The lawsuit alleges the defendants “have engaged in similar unlawful searches and seizures of other legitimate marijuana grow facilities in and around the city of Detroit” and that the city “has allowed an unconstitutional policy, custom and practice to flourish within its police department.”

The lawsuit also accused the city of failing to properly train its employees and officers, which allows a “culture of corruption to flourish within certain ranks of its police department including the narcotics unit.”

The complaint asks for compensation for the Davises plus attorney fees.

In July, Detroit Police Chief James Craig dismantled the narcotics unit in light of the investigation and replaced it with the major violators section.

Meanwhile, Flanagan, along with Craig and Assistant Chief Steve Dolunt, are accused of racism and harassment in a lawsuit filed in October by a former Detroit police officer.

The lawsuit was filed by Sgt. Myron Weathers, a 19-year veteran, in Wayne County Circuit Court. The lawsuit alleges Flanagan appointed an “unqualified white female officer” to a Drug Enforcement Administration Task Force.

Weathers said he was seeking damages of more than \$25,000 because of retaliation for “questioning the assignment of an unqualified white, female officer to (Flanagan’s) crew.”

In response, Flanagan said Weathers took big screen TVs, a tablet and a video game system for his personal use after they were seized from drug dealers.

Flanagan also said rocks of crack cocaine that hadn’t been logged as evidence were found inside the desks of officers. Flanagan’s allegations initiated an internal investigation in May.

In his lawsuit, Weathers denied Flanagan’s accusations, saying he hadn’t improperly used the confiscated equipment and he had “repurposed” the TVs “for training purposes.”

In an earlier interview, Flanagan called Weathers’ suit a case of “sour grapes.”

Flanagan filed his own EEOC complaint in May claiming he was the victim of racial discrimination by black supervisors.

He also alleged he was exposed to a hostile work environment because he blew the whistle on alleged wrongdoings in the narcotics unit that happened before he took over the squad.

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NEWS HITS

Thursday, March 12, 2015

Lawsuit: Officers in Detroit police department's now-defunct narcotics unit executed illegal search based on false affidavit

Posted By Ryan Felton on Thu, Mar 12, 2015 at 11:14 am



Wikipedia

Detroit police officers in the city's now-defunct narcotics unit wrongly detained a Detroit resident after illegally searching his home with a warrant based on false statements, according to a lawsuit filed in Wayne County Circuit Court.

Anthony and Elaine McCallum say two officers executed a search warrant in 2013 on their home that was based on false statements given by a Detroit law enforcement official in a sworn affidavit, according to the complaint. The officers physically assaulted Anthony and threatened Elaine "for no reason," the complaint, filed in November, stated.

As a result of the April 2013 search, Anthony McCallum was charged with intent to deliver and manufacture marijuana, intent to deliver and manufacture less than 50 grams of cocaine, firearms possession by a felon, and felony firearms, court records show — but all charges were eventually dismissed. McCallum was convicted in 1997 of assault with intent to commit sexual penetration, according to the Michigan State Police sex offender registry.

The McCallums filed their seven-page complaint against two officers who conducted the search of their home, Sgt. Stephen Geelhood and "Officer Blue," who have been with the Detroit Police Department since 1994 and 1997, respectively, according to court records. In briefs filed by the McCallums attorney, Geelhood and Blue are identified as "undercover" officers in the city's "now disbanded narcotics unit." (The city later identified Blue in an email to *MT* as Officer Abraham Blue.)

Upon entering the couple's home, the officers assaulted Anthony McCallum, handcuffed and arrested the 47-year-old "without probable cause," and wrongfully pursued prosecution, according to the complaint. It's unclear if more officers were involved in the search.

"Defendants wrongfully pursued prosecution of Plaintiff based on their own wrongful conduct," the complaint alleges.

Thomas Kuhn, co-counsel representing the McCallums, declined comment. Detroit police said Geelhood and Blue remain employed with the department, but declined to comment on the pending litigation.

How Detroit police officers went about getting the search warrant was apparently the chief

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reason Anthony McCallum's charges were dropped almost instantaneously, court records show.

Here's what happened: Police obtained the warrant based on an affidavit signed by Officer Amy Matelic, according to a court transcript from an Aug. 8, 2013 hearing on the charges brought against Anthony McCallum, who initially plead not guilty on each count. In the sworn affidavit, Matelic stated she received a tip from a confidential informant that cocaine was being sold and stored within McCallum's home. The informant provided tips in the past that led to arrests and generated cases in 3rd Circuit Court and 36th District Court, according to the transcript.

The problem? According to the transcript, Matelic had no direct conversation with the informant or personal knowledge of the tip; another officer, Gil Hood, actually received it. But, for unclear reasons, Hood didn't sign the affidavit.

"So the affidavit I mean really just cannot be described as anything other than false in that respect," said Wayne County Circuit Court Judge Michael Hathaway, during the 2013 hearing.

The only thing "honestly averred in the affidavit," Hathaway said, is that Matelic and Hood conducted surveillance of McCallum's property. "That in and of itself does not provide probable cause for the warrant," Hathaway said.

In his parting words, Hathaway offered this to Anthony McCallum: "You have dodged a bullet. It is highly unlikely that this will ever happen again. And I strongly urge you to clean up your act."

The case and charges against McCallum were dismissed following the hearing in Hathaway's courtroom.

Peter Henning, a Wayne State University law professor and former federal prosecutor, said the key to affidavits is the veracity of the informant.

"You have to establish the credibility of the tipster and or corroborate what was provided," Henning told *MT* on Wednesday. "So I expect the affidavit wasn't just, 'Hey, I got a tip' — but it was, 'Hey, I got a tip from someone I know and here's what I know.'"

Officer Matelic's decision to sign the affidavit, when she had no personal knowledge of the tip, was "either sloppy practices or it shows the path of least resistance figuring no one would ever notice," Henning said.

"Get your affidavit blown — that would blown the warrant," he said. "It's not like they said, 'Oh, let's let a bad guy go' ... it did not meet the valid, constitutional requirements for a warrant."

The McCallums lawsuit, which also names the city of Detroit as a defendant, seeks compensatory damages in excess of \$25,000 and attorney fees. A motion hearing is scheduled March 20 before Judge Annette Berry in Wayne County Circuit Court.

Detroit's narcotics unit was disbanded last summer by Detroit Police Chief James Craig. Since August, it has **reportedly** been the focus of an FBI probe. (David Porter, special agent in the FBI's Detroit bureau declined comment Thursday.)

Last month, it was also at the center of a separate lawsuit filed by a Warren couple. The couple, Timothy and Hatema Davis, allege officers **forcibly entered their home in December 2013** with assault rifles drawn, demanded to know if they had any money, and seized nearly fifty marijuana plants, according to the complaint.

Timothy Davis — who said he was then taken to a seemingly abandoned building and questioned for five hours — was legally licensed to operate a marijuana grow facility, the complaint says.

The Davises say in the complaint the Detroit officers who conducted the raid never presented a search warrant.

The couple was handcuffed while officers "extensively tore apart Plaintiffs' property and removed ... nearly fifty marijuana plants and other related legitimate and lawful by-products of Plaintiffs' business," the complaint says.

The Davises were eventually released and never charged with any violations. The case remains pending.

Tags: detroit, police, narcotics, lawsuit, Image

Ex-drug squad member helped feds snare indicted

Robert Snell and George Hunter, The Detroit News 9:41 a.m. EDT April 17, 2015

A former member of a scandal-plagued Detroit police drug unit wore a secret recording device to help FBI agents catch and extorting drug dealers, The Detroit News has learned.

Officer Arthur Leavells was involved in an alleged conspiracy headed by two suspended members of the Detroit Police Department, federal agents secretly record conversations via a wiretap, according to court records and two sources familiar with the investigation.

The officer's involvement helps flesh out what led to a criminal case that Chief James Craig said undermined the public's cooperation also is a rare instance of a law enforcement member crossing the "thin blue line" to help prosecute colleagues.

The FBI and U.S. Attorney's Office refused to comment Thursday about the investigation and Leavells.

"The challenge for prosecutors is piercing the thin blue line, but there comes a point where self-interest takes over," said University law professor and former federal prosecutor. "Anytime someone wears a wire, they're playing on other people. There is a special bond but once prosecutors breach it, wiretaps end up helping build a much stronger case."

Leavells, 44, was charged in connection with his role in the conspiracy, according to federal court records filed Thursday. "information," which means a guilty plea is expected.

Lt. David "Hater" Hansberry and Officer Bryan "Bullet" Watson were charged April 8 in a bare-bones indictment. Court records indicate prosecutors are armed with bank and cellphone records, text messages, tax documents, photos and a wiretap. Two sources familiar with the investigation told The News.

He allegedly conspired to distribute cocaine between June 2010 and August 2014, according to federal court records. He refused to comment Thursday.

That is the roughly the same period covered in the indictment against Hansberry and Watson, who are accused of arranging for money, narcotics and property.

Leavells worked in the drug unit under Hansberry, a source told The News, but quit several months ago after being suspended from the drug unit. They were suspended after a surveillance video captured them taking away a box that they never logged from a suspected drug house.

Hansberry, 34, of Warren and Watson, 46, of Novi, meanwhile, were suspended without pay following the indictment.

They "would also identify themselves as law enforcement officers performing official law enforcement duties in order to gain trust with their demands and to encourage their victims to flee, leaving behind their controlled substances, money or personal items," the indictment.

Instead of turning over the money, drugs and property to the Detroit Police Department, Hansberry and Watson sold the information to informants — and split the money, the Justice Department alleged.

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In a court filing, prosecutors gave a peek at the types of evidence gathered during the current investigation.

That evidence includes phone records, social media records, receipts and other records of retail purchases.

A lawyer for Watson, a 22-year veteran of the department, declined comment Thursday.

Hansberry is a 16-year veteran — his lawyer called him a "superstar" — who rose through the ranks and was promoted

Hansberry's lawyer, Michael Harrison, could not be reached for comment Thursday but earlier told The News he worried

"My fear is that this case could be about drug dealers and dirty cops looking to get themselves out of trouble by burning Harrison said. "Could there be a much bigger fish than a young rising star of the police department?"

Craig declined comment Thursday, as did a spokeswoman for the U.S. Attorney's Office.

Two others have been charged in the case. Kevlin Brown, allegedly a Hansberry associate, is accused of robbing and e: According to court records filed Thursday, a man named Calvin Turner is expected to plead guilty after being accused of in April 2013, according to court records.

Craig disbanded the drug unit in July because of what he said were systemic problems uncovered during an Internal Aff May. The problems included handling drugs and evidence.

An officer helping prosecute colleagues is rare, and no guarantee of a conviction.

In 2004, three Detroit police officers cooperated in a federal case against eight officers from Detroit's 4th Precinct. The e charges they violated the constitutional rights of suspected criminals by planting evidence and writing phony reports.

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Read or Share this story: <http://detne.ws/1FZGxnm>

EXHIBIT C

APPEAL

**U.S. District Court
Eastern District of Michigan (Detroit)
CRIMINAL DOCKET FOR CASE #: 2:15-cr-20217-SJM-APP All Defendants**

Case title: United States of America v. Hansberry et al

Date Filed: 04/08/2015

Date Terminated: 05/25/2017

Assigned to: District Judge Stephen J.
Murphy, III
Referred to: Magistrate Judge Anthony
P. Patti

Appeals court case number: 17-
1383/17-1221 U.S. Court of Appeals -
Sixth Circuit

Defendant (1)**David Hansberry***TERMINATED: 02/24/2017**also known as***Sarge***TERMINATED: 02/24/2017**also known as***Hater***TERMINATED: 02/24/2017*represented by **Michael J. Harrison**

Harrison Law

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Fax: 248-220-3326

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TERMINATED: 04/20/2017

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TERMINATED: 04/20/2017

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TERMINATED: 04/28/2017

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

CONSPIRACY TO DISTRIBUTE
CONTROLLED SUBSTANCE

(1)

CONSPIRACY TO OBTAIN
PROPERTY BY EXTORTION
UNDER COLOR OF OFFICIAL
RIGHT

(1s)

INTERFERENCE WITH
COMMERCE BY THREAT OR

Disposition

DISPOSED

IMPRISONMENT: 151 MONTHS,
SUPERVISED RELEASE: 24
MONTHS; SPECIAL ASSESSMENT:
\$100.00

DISPOSED

VIOLENCE

(2-4)

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE
CONTROLLED SUBSTANCES

DISMISSED

(2s)

OBTAINING PROPERTY BY
EXTORTION UNDER COLOR OF
OFFICIAL RIGHT

DISMISSED

(3s-8s)

VIOLENT
CRIME/DRUGS/MACHINE GUN

DISPOSED

(5)

INTERFERENCE WITH
COMMERCE BY THREAT OR
VIOLENCE

DISPOSED

(6)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR DISPENSE

DISPOSED

(7)

VIOLENT
CRIME/DRUGS/MACHINE GUN

DISPOSED

(8)

DISTRIBUTION AND POSSESSION
WITH INTENT TO DISTRIBUTE 5
KILOGRAMS OR MORE OF
COCAINE

DISMISSED

(9s)

CARRYING A FIREARM DURING
AND IN RELATION TO A DRUG
TRAFFICKING CRIME

DISMISSED

(10s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Assigned to: District Judge Stephen J. Murphy, III
 Referred to: Magistrate Judge Anthony P. Patti

Appeals court case numbers: 17-1205
 U.S. Court of Appeals - Sixth Circuit,
 17-1205/17-1221 U.S. Court of Appeals
 - Sixth Circuit

Defendant (2)

Bryan Watson

TERMINATED: 02/28/2017

also known as

Bullet

TERMINATED: 02/28/2017

represented by **Steven F. Fishman**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

CONSPIRACY TO DISTRIBUTE
 CONTROLLED SUBSTANCE

(1)

CONSPIRACY TO OBTAIN
 PROPERTY BY EXTORTION
 UNDER COLOR OF OFFICIAL
 RIGHT

(1s)

INTERFERENCE WITH
 COMMERCE BY THREAT OR
 VIOLENCE

(2)

CONSPIRACY TO POSSESS WITH
 INTENT TO DISTRIBUTE
 CONTROLLED SUBSTANCES

(2s)

OBTAINING PROPERTY BY
 EXTORTION UNDER COLOR OF
 OFFICIAL RIGHT

(3s-5s)

Disposition

DISMISSED

IMPRISONMENT: 108 Months;
 SUPERVISED RELEASE: 2 Years;
 ASSESSMENT: \$100; FINE: \$2000
 [AMENDED JUDGMENT]
 IMPRISONMENT: 108 Months;
 SUPERVISED RELEASE: 2 Years;
 ASSESSMENT: \$100; FINE: \$2000

DISMISSED

NOT GUILTY

NOT GUILTY

INTERFERENCE WITH COMMERCE BY THREAT OR VIOLENCE (4)	DISMISSED
VIOLENT CRIME/DRUGS/MACHINE GUN (5)	DISMISSED
INTERFERENCE WITH COMMERCE BY THREAT OR VIOLENCE (6)	DISMISSED
CONTROLLED SUBSTANCE - SELL, DISTRIBUTE, OR DISPENSE (7)	DISMISSED
OBTAINING PROPERTY BY EXTORTION UNDER COLOR OF OFFICIAL RIGHT (7s-8s)	NOT GUILTY
VIOLENT CRIME/DRUGS/MACHINE GUN (8)	DISMISSED
DISTRIBUTION AND POSSESSION WITH INTENT TO DISTRIBUTE 5 KILOGRAMS OR MORE OF COCAINE (9s)	NOT GUILTY
CARRYING A FIREARM DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME (10s)	NOT GUILTY

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition

Assigned to: District Judge Stephen J.
Murphy, III
Referred to: Magistrate Judge Anthony
P. Patti

Defendant (3)

Kevlin Omar Brown
TERMINATED: 09/27/2016

represented by **Federal Community Defender**
Federal Defender Office
613 Abbott
5th Floor
Detroit, MI 48226
313-967-5542
TERMINATED: 04/10/2015
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Kenneth Sasse
27 E Flint Street
2nd Floor
Lake Orion, MI 48362
248-821-7325
Email: ksasse11@gmail.com
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

INTERFERENCE WITH
COMMERCE BY THREAT OR
VIOLENCE
(3)

Disposition

NOT GUILTY

Highest Offense Level (Opening)

Felony

Terminated Counts

OBTAINING PROPERTY BY
EXTORTION UNDER COLOR OF
OFFICIAL RIGHT
(6s)

Disposition

NOT GUILTY

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Assigned to: District Judge Stephen J. Murphy, III
 Referred to: Magistrate Judge Anthony P. Patti

Defendant (4)**Arthur Leavells***TERMINATED: 05/25/2017*

represented by **Federal Community Defender**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
 Community Defender Appointment*

Andrew N. Wise

Federal Community Defender Eastern
 District of Michigan
 613 Abbott
 5th Floor
 Detroit, MI 48226
 313-967-5830
 Email: andrew_wise@fd.org
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
 Community Defender Appointment*

Miriam L. Siefer

Federal Defender Office
 613 Abbott
 5th Floor
 Detroit, MI 48226
 313-967-5868
 Email: miriam_siefer@fd.org
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
 Community Defender Appointment*

Pending Counts

CONSPIRACY TO DISTRIBUTE
 CONTROLLED SUBSTANCE
 (1)

Disposition

IMPRISONMENT: 1 DAY WITH
 CREDIT FOR TIME SERVED;
 SUPERVISED RELEASE: 24
 MONTHS; SPECIAL ASSESSMENT:
 \$100.00 [AMENDED 08/17/17 TO
 CORRECT CLERICAL MISTAKE]

IMPRISONMENT: 1 DAY WITH
CREDIT FOR TIME SERVED;
SUPERVISED RELEASE: 24
MONTHS; SPECIAL ASSESSMENT:
\$100.00 [AMENDED 08/17/17 TO
CORRECT CLERICAL MISTAKE]

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: District Judge Stephen J.
Murphy, III
Referred to: Magistrate Judge Anthony
P. Patti

Defendant (5)

Calvin Turner

TERMINATED: 03/15/2017

represented by **James L. Feinberg**
James L. Feinberg & Associates
28411 Northwestern Highway
Suite 875
Southfield, MI 48034
248-353-0600
Fax: 248-353-0605
Email: jlfdefense@mindspring.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

CONSPIRACY TO DISTRIBUTE
CONTROLLED SUBSTANCE
(1)

Disposition

IMPRISONMENT: 10 MONTHS;
SUPERVISED RELEASE: 12
MONTHS; SPECIAL ASSESSMENT:
\$100.00; IMPRISONMENT: 5 Months;
SUPERVISED RELEASE: One (1)
Year; SPECIAL ASSESSMENT: \$100

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition**Plaintiff****United States of America**

represented by **Sheldon N. Light**
 U.S. Attorney's Office
 211 W. Fort Street
 Suite 2001
 Detroit, MI 48226
 313-226-9732
 Fax: 313-226-3413
 Email: sheldon.light@usdoj.gov
TERMINATED: 10/03/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: U.S. Attorney

J. Michael Buckley
 U.S. Attorney's Office
 211 W. Fort Street
 Suite 2001
 Detroit, MI 48226
 313-226-9581
 Fax: 313-226-3413
 Email: michael.buckley@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: U.S. Attorney

Louis P. Gabel
 U.S. Attorney's Office (E.D. Mich.)
 211 W. Fort Street
 Suite 2001
 Detroit, MI 48226
 313-226-9756

Fax: 313-226-2873

Email: USAMIE.ECFCSU@usdoj.gov

*TERMINATED: 12/10/2015**ATTORNEY TO BE NOTICED**Designation: U.S. Attorney***Shane Cralle**

U.S. Attorney's Office

211 W. Fort Street Suite 2001

Detroit, MI 48226

313-226-9551

Fax: 313-226-5892



Email: shane.cralle@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/08/2015	<u>1</u>	INDICTMENT as to David Hansberry (1) count(s) 1, 2-4, 5, 6, 7, 8, Bryan Watson (2) count(s) 1, 2, 4, 5, 6, 7, 8, Kevlin Omar Brown (3) count(s) 3. (DPer) (Entered: 04/09/2015)
04/08/2015	<u>5</u>	ORDER WITH MOTION to Seal <u>1</u> Indictment, 2 Arrest Warrant Issued, 3 Arrest Warrant Issued, 4 Arrest Warrant Issued as to David Hansberry, Bryan Watson, Kevlin Omar Brown. Signed by Magistrate Judge Mona K. Majzoub. (DPer) (Entered: 04/09/2015)
04/09/2015	<u>6</u>	ORDER WITH MOTION to Unseal <u>5</u> Order to Seal, <u>1</u> Indictment, 2 Arrest Warrant Issued, 3 Arrest Warrant Issued, 4 Arrest Warrant Issued as to David Hansberry, Bryan Watson, Kevlin Omar Brown. Signed by Magistrate Judge Mona K. Majzoub. (DPer) (Entered: 04/09/2015)
04/09/2015	<u>7</u>	NOTICE of Change of Assistant U.S. Attorney: Louis P. Gabel added. (Gabel, Louis) (Entered: 04/09/2015)
04/09/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Initial Appearance as to David Hansberry held on 4/9/2015. Bond Info: David Hansberry (1) \$10,000.00 - Unsecured. Disposition: Bond Issued (Tape #: MKM 04/09/2015) (Defendant Attorney: Michael Harrison) (AUSA: Louis Gabel) (LBar) (Entered: 04/09/2015)
04/09/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Arraignment as to David Hansberry (1) Counts 1,2-4,5,6,7,8 held on 4/9/2015. Bond Continued. Disposition: Plea of Not Guilty Entered (Tape #: MKM 04/09/2015) (Defendant Attorney: Michael Harrison) (AUSA: Louis Gabel) (LBar) (Entered: 04/09/2015)
04/09/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Initial Appearance as to Bryan Watson held on 4/9/2015. Bond Info: Bryan Watson (2) \$10,000.00 - Unsecured. Disposition: Bond Issued (Tape #: MKM 04/09/2015) (Defendant Attorney: Steven Fishman) (AUSA: Louis Gabel) (LBar) (Entered: 04/09/2015)

04/09/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Arraignment as to Bryan Watson (2) Counts 1,2,4,5,6,7,8 held on 4/9/2015. Bond Continued. Disposition: Plea of Not Guilty Entered (Tape #: MKM 04/09/2015) (Defendant Attorney: Steven Fishman) (AUSA: Louis Gabel) (LBar) (Entered: 04/09/2015)
04/09/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Initial Appearance as to Kevlin Omar Brown held on 4/9/2015. Bond Info: Kevlin Omar Brown (3) \$10,000.00 - Unsecured. Arraignment set for 4/10/2015 01:00 PM before Magistrate Judge Unassigned Disposition: Bond Issued (Tape #: MKM 04/09/2015) (Defendant Attorney: Stacey Studnicki) (AUSA: Louis Gabel) (LBar) (Entered: 04/09/2015)
04/09/2015	<u>8</u>	🔊 Audio File of Arraignment on Indictment as to David Hansberry held on 04/09/2015 before Magistrate Judge Mona K. Majzoub. AUDIO FILE SIZE (2.2 MB) (SOso) (Entered: 04/10/2015)
04/09/2015	<u>9</u>	🔊 Audio File of Arraignment on Indictment as to Bryan Watson held on 04/09/2015 before Magistrate Judge Mona K. Majzoub. AUDIO FILE SIZE (2.3 MB) (SOso) (Entered: 04/10/2015)
04/09/2015	<u>10</u>	🔊 Audio File of Initial Appearance on Indictment as to Kevlin Omar Brown held on 04/09/2015 before Magistrate Judge Mona K. Majzoub. AUDIO FILE SIZE (2.9 MB) (SOso) (Entered: 04/10/2015)
04/09/2015	<u>11</u>	ORDER APPOINTING FEDERAL DEFENDER as to Kevlin Omar Brown. Signed by Magistrate Judge Mona K. Majzoub. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>12</u>	ORDER Setting Conditions of Release as to Kevlin Omar Brown. Signed by Magistrate Judge Mona K. Majzoub. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>13</u>	BOND as to Kevlin Omar Brown in the amount of \$10,000.00 unsecured entered. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>14</u>	ATTORNEY APPEARANCE: Steven F. Fishman appearing for Bryan Watson. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>16</u>	ACKNOWLEDGMENT of Indictment by Bryan Watson. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>17</u>	ORDER Setting Conditions of Release as to Bryan Watson. Signed by Magistrate Judge Mona K. Majzoub. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>18</u>	BOND as to Bryan Watson in the amount of \$10,000.00 unsecured entered. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>19</u>	ATTORNEY APPEARANCE: Michael J. Harrison appearing for David Hansberry. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>20</u>	ACKNOWLEDGMENT of Indictment by David Hansberry. (SOso) (Entered: 04/10/2015)
04/09/2015	<u>21</u>	ORDER Setting Conditions of Release as to David Hansberry. Signed by Magistrate Judge Mona K. Majzoub. (SOso) (Entered: 04/10/2015)




04/09/2015	22	BOND as to David Hansberry in the amount of \$10,000.00 unsecured entered. (SOso) (Entered: 04/10/2015)
04/10/2015	15	NOTICE OF ATTORNEY APPEARANCE: Kenneth Sasse appearing for Kevlin Omar Brown (Sasse, Kenneth) (Entered: 04/10/2015)
04/10/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Arraignment as to Kevlin Omar Brown (3) Count 3 held on 4/10/2015 Bond Continued Disposition: not guilty plea entered (Tape #: MKM 4/10/15) (Defendant Attorney: Kenneth Sasse) (AUSA: Louis Gabel) (EBut) (Entered: 04/10/2015)
04/10/2015	23	Audio File of Completion of Arraignment as to Kevlin Omar Brown held on 04/10/2015 before Magistrate Judge Mona K. Majzoub. AUDIO FILE SIZE (0.8 MB) (SOso) (Entered: 04/13/2015)
04/10/2015	24	CJA 20 as to Kevlin Omar Brown: Appointment of Attorney Kenneth R. Sasse, in place of Federal Defender. Signed by Magistrate Judge Mona K. Majzoub. (SOso) (Entered: 04/13/2015)
04/10/2015	25	ACKNOWLEDGMENT of Indictment by Kevlin Omar Brown. (SOso) (Entered: 04/13/2015)
04/15/2015	26	MOTION for Bond by Kevlin Omar Brown. (Sasse, Kenneth) (Entered: 04/15/2015)
04/15/2015	28	SUPERSEDING INFORMATION as to Arthur Leavells (4) count(s) 1. (DPer) (Entered: 04/16/2015)
04/15/2015	29	SECOND SUPERSEDING INFORMATION as to Calvin Turner (5) count(s) 1. (DPer) (Entered: 04/16/2015)
04/16/2015	27	DISCOVERY NOTICE by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown (Gabel, Louis) (Entered: 04/16/2015)
04/16/2015	30	Warrant for Arrest Returned Executed on 02/09/15 as to David Hansberry. (DPer) (Entered: 04/20/2015)
04/16/2015	31	Warrant for Arrest Returned Executed on 04/09/15 as to Kevlin Omar Brown. (DPer) (Entered: 04/20/2015)
04/16/2015	32	Warrant for Arrest Returned Executed on 04/09/15 as to Bryan Watson. (DPer) (Entered: 04/20/2015)
04/17/2015		Minute Entry for proceedings before Magistrate Judge Anthony P. Patti: Initial Appearance as to Arthur Leavells held on 4/17/2015. Disposition: \$10,000 Unsecured Bond Issued. (Tape #: APP 4/17/2015) (Defendant Attorney: Miraim Seifer) (AUSA: Louis P. Gabel) (MWil) (Entered: 04/17/2015)
04/17/2015		Minute Entry for proceedings before Magistrate Judge Anthony P. Patti: Arraignment as to Arthur Leavells (4) Count 1 held on 4/17/2015. Disposition: Plea of Not Guilty Entered. (Tape #: APP 4/17/2015) (Defendant Attorney: Miriam Seifer) (AUSA: Louis Gable) (MWil) (Entered: 04/17/2015)
04/17/2015	34	

		 Audio File of Arraignment as to Arthur Leavells held on 04/17/2015 before Magistrate Judge Anthony P. Patti. AUDIO FILE SIZE (4.1 MB) (LHos) (Entered: 04/20/2015)
04/17/2015	35	ORDER APPOINTING FEDERAL DEFENDER as to Arthur Leavells. Signed by Magistrate Judge Anthony P. Patti. (DPer) (Entered: 04/20/2015)
04/17/2015	36	ACKNOWLEDGMENT of first superseding information by Arthur Leavells. (DPer) (Entered: 04/20/2015)
04/17/2015	37	WAIVER OF INDICTMENT by Arthur Leavells. (DPer) (Entered: 04/20/2015)
04/17/2015	38	ORDER Setting Conditions of Release as to Arthur Leavells. Signed by Magistrate Judge Anthony P. Patti. (DPer) (Entered: 04/20/2015)
04/17/2015	39	BOND as to Arthur Leavells in the amount of \$10,000.00 unsecured entered. (DPer) (Entered: 04/20/2015)
04/20/2015	33	DISCOVERY NOTICE as to Kevlin Omar Brown (Sasse, Kenneth) (Entered: 04/20/2015)
04/21/2015	40	NOTICE OF ATTORNEY APPEARANCE: Andrew N. Wise appearing for Arthur Leavells (Wise, Andrew) (Entered: 04/21/2015)
04/21/2015	41	NOTICE OF ATTORNEY APPEARANCE: Miriam L. Siefer appearing for Arthur Leavells (Siefer, Miriam) (Entered: 04/21/2015)
04/21/2015		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Initial Appearance as to Calvin Turner held on 4/21/2015. Bond Info: Calvin Turner (5) Released on a \$10,000 Unsecured Bond. Disposition: Held. (Tape #: RSW 04/21/2015 SOSO) (Defendant Attorney: James Feinberg) (AUSA: Sheldon Light) (Ciesla, C) (Entered: 04/21/2015)
04/21/2015		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Arraignment as to Calvin Turner (5) Count 1 held on 4/21/2015 - Bond Continued. Disposition: Plea of Not Guilty Entered. (Tape #: RSW 04/21/2015 SOSO) (Defendant Attorney: James Feinberg) (AUSA: Sheldon Light) (Ciesla, C) (Entered: 04/21/2015)
04/21/2015	42	 Audio File of Initial Appearance/Arraignment as to Calvin Turner held on 04/21/2015 before Magistrate Judge R. Steven Whalen. AUDIO FILE SIZE (1.5 MB) (SOso) (Entered: 04/21/2015)
04/21/2015	43	ATTORNEY APPEARANCE: James L. Feinberg appearing for Calvin Turner. (SOso) (Entered: 04/21/2015)
04/21/2015	44	WAIVER OF INDICTMENT by Calvin Turner (SOso) (Entered: 04/21/2015)
04/21/2015	45	ACKNOWLEDGMENT of Second Superseding Information by Calvin Turner. (SOso) (Entered: 04/21/2015)
04/21/2015	46	ORDER Setting Conditions of Release as to Calvin Turner. Signed by Magistrate Judge R. Steven Whalen. (SOso) (Entered: 04/21/2015)
04/21/2015	47	

		BOND as to Calvin Turner in the amount of \$10,000.00 unsecured entered. (SOso) (Entered: 04/21/2015)
05/04/2015	48	NOTICE TO APPEAR as to Calvin Turner, Plea Hearing set for 5/21/2015 02:00 PM before District Judge Stephen J. Murphy III (CCoh) (Entered: 05/04/2015)
05/06/2015	49	NOTICE TO APPEAR as to Calvin Turner, Plea Hearing rescheduled to 5/19/2015 11:30 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 05/06/2015)
05/07/2015	50	SCHEDULING ORDER as to David Hansberry, Bryan Watson, Kevlin Omar Brown, and Arthur Leavells Final Pretrial Conference set for 5/21/2015 02:00 PM before District Judge Stephen J. Murphy III; Plea cut-off: 5/21/2015; Jury Trial set for 6/16/2015 09:00 AM before District Judge Stephen J. Murphy III Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 05/07/2015)
05/08/2015	51	NOTICE of hearing re: 26 MOTION for Bond as to Kevlin Omar Brown. Motion Hearing set for 5/20/2015 11:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 05/08/2015)
05/08/2015	52	NOTICE TO APPEAR as to Arthur Leavells, Plea Hearing set for 6/3/2015 02:00 PM before District Judge Stephen J. Murphy III (CCoh) (Entered: 05/08/2015)
05/08/2015	53	ORDER on Petition for Action on Conditions of Pretrial Release - bond conditions modified to include the condition to attend mental health treatment as directed by Pretrial Services, as to Kevlin Omar Brown. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 05/08/2015)
05/19/2015	54	NOTICE TO APPEAR as to Calvin Turner, Plea Hearing rescheduled to 5/27/2015 11:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 05/19/2015)
05/20/2015	55	STIPULATED PROTECTIVE ORDER as to David Hansberry, Bryan Watson, Kevlin Omar Brown Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 05/20/2015)
05/20/2015		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Motion Hearing as to Kevlin Omar Brown held on 5/20/2015 re 26 MOTION for Bond filed by Kevlin Omar Brown Disposition: TAKEN UNDER ADVISEMENT(Court Reporter: Linda Cavanagh) (Defendant Attorney: Kenneth Sasse) (AUSA: Louis Gabel/Sheldon Light) (CCoh) (Entered: 05/22/2015)
05/22/2015	56	ORDER Denying 26 Motion for Review of Bond Conditions as to Kevlin Omar Brown (3). Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 05/22/2015)
05/27/2015	57	NOTICE TO APPEAR as to Calvin Turner, Sentencing set for 9/25/2015 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 05/27/2015)

05/27/2015		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Plea Hearing, Plea Entered by Calvin Turner (5) Guilty Count 1(Court Reporter: Rob Smith) (Defendant Attorney: James Feinberg) (AUSA: Louis Gabel/Sheldon Light) (CCoh) (Entered: 05/27/2015)
05/27/2015	58	PLEA AGREEMENT as to Calvin Turner. (DPer) (Entered: 05/28/2015)
06/03/2015	59	STIPULATION AND ORDER for Continuance as to David Hansberry, Bryan Watson, and Kevlin Omar Brown, (Final Pretrial Conference set for 7/22/2015 02:00 PM before District Judge Stephen J. Murphy III; Plea cut-off: 7/22/2015; Jury Trial set for 8/18/2015 09:00 AM before District Judge Stephen J. Murphy III), ORDER TO CONTINUE - Ends of Justice as to David Hansberry, Bryan Watson, Kevlin Omar Brown Time excluded from 6/16/2015 until 8/18/2015. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 06/03/2015)
06/03/2015	60	NOTICE TO APPEAR as to Arthur Leavells, Plea Hearing rescheduled to 6/12/2015 09:30 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 06/03/2015)
06/12/2015		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Plea Hearing, Plea Entered by Arthur Leavells (4) Guilty Count 1(Court Reporter: Rene Twedt) (Defendant Attorney: Miriam L. Siefer/Andrew Wise) (AUSA: Louis Gabel/Sheldon Light) (CCoh) (Entered: 06/12/2015)
06/12/2015	61	NOTICE TO APPEAR as to Arthur Leavells, Sentencing set for 10/9/2015 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 06/12/2015)
06/12/2015	62	PLEA AGREEMENT as to Arthur Leavells. (DPer) (Entered: 06/16/2015)
06/18/2015	63	ORDER on Petition for Action on Conditions of Pretrial Release - removal of weapon from the defendant's residence as to Arthur Leavells. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 06/18/2015)
07/22/2015		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Pretrial Conference as to David Hansberry, Bryan Watson, Kevlin Omar Brown NOT HELD on 7/22/2015 Disposition: counsel will submit stipulation and order to extend the dates. (CCoh) (Entered: 07/22/2015)
08/12/2015	64	STIPULATION AND ORDER for Continuance as to David Hansberry, Bryan Watson, and Kevlin Omar Brown: (Final Pretrial Conference set for 9/24/2015 02:00 PM before District Judge Stephen J. Murphy III; Plea cut-off: 9/24/2015; and, Jury Trial set for 10/13/2015 09:00 AM before District Judge Stephen J. Murphy III) Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 08/12/2015)
09/21/2015	65	NOTICE TO APPEAR as to Calvin Turner, Sentencing rescheduled to 1/22/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 09/21/2015)
10/07/2015	66	NOTICE TO APPEAR as to Arthur Leavells, Sentencing rescheduled to 3/18/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 10/07/2015)

10/13/2015	67	STIPULATION AND ORDER for Continuance and Finding of Excludable Delay as to David Hansberry, Bryan Watson, Kevlin Omar Brown: (Final Pretrial Conference set for 11/9/2015 10:00 AM before District Judge Stephen J. Murphy III; Plea cut-off: 11/9/2015; Jury Trial set for 12/1/2015 09:00 AM before District Judge Stephen J. Murphy III), ORDER TO CONTINUE - Ends of Justice as to David Hansberry, Bryan Watson, Kevlin Omar Brown Time excluded from 10/13/2015 until 12/1/2015 Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 10/13/2015)
10/14/2015	68	STIPULATION AND ORDER as to Kevlin Omar Brown Amending Defendant's Bond Conditions. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 10/14/2015)
10/19/2015	69	STIPULATION <i>and Agreement Regarding Admissibility of Business Records</i> by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Gabel, Louis) (Entered: 10/19/2015)
11/09/2015		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Final Pretrial Conference as to David Hansberry, Bryan Watson, Kevlin Omar Brown held on 11/9/2015 - counsel to get back to court as to a new trial date. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Steven Fishman/Kenneth Sasse) (AUSA: Louis Gabel/Sheldon Light) (CCoh) (Entered: 11/09/2015)
11/19/2015	72	STIPULATION AND ORDER for Continuance and Finding of Excludable Delay as to David Hansberry, Bryan Watson, and Kevlin Omar Brown: (Final Pretrial Conference set for 5/4/2016 02:00 PM before District Judge Stephen J. Murphy III; Plea cut-off: 5/4/2016; Jury Trial set for 6/7/2016 09:00 AM before District Judge Stephen J. Murphy III), ORDER TO CONTINUE - Ends of Justice as to David Hansberry, Bryan Watson, Kevlin Omar Brown Time excluded from 12/2/2015 until 6/7/2016. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 11/19/2015)
11/24/2015	73	STIPULATION AND ORDER Amending Defendant's Bond Conditions as to Kevlin Omar Brown. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 11/24/2015)
12/10/2015	76	NOTICE of Change of Assistant U.S. Attorney: J. Michael Buckley added. Attorney Louis P. Gabel terminated. (Buckley, J.) (Entered: 12/10/2015)
01/05/2016	77	NOTICE TO APPEAR as to Calvin Turner, Sentencing rescheduled to 7/15/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 01/05/2016)
02/02/2016	78	TRANSCRIPT of Final Pretrial Conference held on 11/09/2015 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 24) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 2/23/2016. Redacted Transcript Deadline set for 3/4/2016. Release of Transcript Restriction set for 5/2/2016. Transcript may be viewed at the

		court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 02/02/2016)
02/10/2016	79	FIRST SUPERSEDING INDICTMENT as to David Hansberry (1) count(s) 1s, 2s, 3s-8s, 9s, 10s, Bryan Watson (2) count(s) 1s, 2s, 3s-5s, 7s-8s, 9s, 10s, Kevlin Omar Brown (3) count(s) 6s. (ATee) (Entered: 02/10/2016)
02/12/2016	80	STIPULATED ORDER to Redact Transcript as to Bryan Watson. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 02/12/2016)
02/12/2016	81	Redacted Version of 78 TRANSCRIPT of Final Pretrial Conference held on 11/09/2015 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. Release of Transcript Restriction set for 5/2/2016. (Cavanagh, Linda) (Entered: 02/12/2016)
02/29/2016		Minute Entry for proceedings before Magistrate Judge Anthony P. Patti: Arraignment as to David Hansberry (1) Count 1s,2s,3s-8s,9s,10s held on 2/29/2016. Disposition: Not Guilty plea entered. Bond Continued.(Court Reporter: Digitally Recorded) (Defendant Attorney: Michael J. Harrison) (AUSA: Steve Hiyama) (MWil) (Entered: 02/29/2016)
02/29/2016		Minute Entry for proceedings before Magistrate Judge Anthony P. Patti: Arraignment as to Bryan Watson (2) Count 1s,2s,3s-5s,7s-8s,9s,10s held on 2/29/2016 Disposition: Not Guilty plea entered. Bond Continued.(Court Reporter: Digitally Recorded) (Defendant Attorney: Steven Fishman) (AUSA: Steve Hiyama) (MWil) (Entered: 02/29/2016)
02/29/2016		Minute Entry for proceedings before Magistrate Judge Anthony P. Patti: Arraignment as to Kevlin Omar Brown (3) Count 6s held on 2/29/2016. Disposition: Not Guilty plea entered. Bond Continued. (Court Reporter: Digitally Recorded) (Defendant Attorney: Kenneth Sasse) (AUSA: Steve Hiyama) (MWil) (Entered: 02/29/2016)
02/29/2016	82	 Audio File of Arraignment on First Superseding Indictment as to David Hansberry held on 02/29/2016 before Magistrate Judge Anthony P. Patti. AUDIO FILE SIZE (1.3 MB) (SOso) (Entered: 02/29/2016)
02/29/2016	83	 Audio File of Arraignment on First Superseding Indictment as to Bryan Watson held on 02/29/2016 before Magistrate Judge Anthony P. Patti. AUDIO FILE SIZE (1.2 MB) (SOso) (Entered: 02/29/2016)
02/29/2016	84	 Audio File of Arraignment on First Superseding Indictment as to Kevlin Omar Brown held on 02/29/2016 before Magistrate Judge Anthony P. Patti. AUDIO FILE SIZE (1.7 MB) (SOso) (Entered: 02/29/2016)
02/29/2016	85	ACKNOWLEDGMENT of First Superseding Indictment by David Hansberry. (SOso) (Entered: 03/01/2016)
02/29/2016	86	ACKNOWLEDGMENT of First Superseding Indictment by Bryan Watson. (SOso) (Entered: 03/01/2016)
02/29/2016	87	ACKNOWLEDGMENT of First Superseding Indictment by Kevlin Omar Brown. (SOso) (Entered: 03/01/2016)

03/08/2016	88	NOTICE TO APPEAR as to Arthur Leavells, Sentencing rescheduled to 7/29/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 03/08/2016)
04/15/2016	89	STIPULATION AND ORDER Granting Permission to Travel out of state as to Calvin Turner Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 04/15/2016)
04/27/2016	90	MOTION rescind or modify protective order by Kevlin Omar Brown. (Sasse, Kenneth) (Entered: 04/27/2016)
04/28/2016	91	Ex Parte MOTION for Order <i>Permitting Certain Firearms to be Brought Into Courthouse for Use as Trial Exhibits and Brief</i> by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Buckley, J.) (Entered: 04/28/2016)
05/03/2016	92	NOTICE OF ATTORNEY APPEARANCE: Robert S. Harrison appearing for David Hansberry (Harrison, Robert) (Entered: 05/03/2016)
05/03/2016	93	NOTICE OF ATTORNEY APPEARANCE: James J. Hunter appearing for David Hansberry (Hunter, James) (Entered: 05/03/2016)
05/04/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Final Pretrial Conference as to David Hansberry, Bryan Watson, Kevlin Omar Brown held on 5/4/2016(Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Steven Fishman/Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 05/05/2016)
05/06/2016	94	MOTION <i>for Limited Attorney Voir Dire</i> by Bryan Watson. (Fishman, Steven) (Entered: 05/06/2016)
05/10/2016	95	RESPONSE by United States of America as to Bryan Watson re 94 MOTION <i>for Limited Attorney Voir Dire</i> (Buckley, J.) (Entered: 05/10/2016)
05/27/2016	103	Proposed Voir Dire by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown (Light, Sheldon) (Entered: 05/27/2016)
05/27/2016	104	TRIAL BRIEF by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown (Light, Sheldon) (Entered: 05/27/2016)
05/27/2016	105	MOTION Preliminary Jury Instructions on Elements and Definitions by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Light, Sheldon) (Entered: 05/27/2016)
05/28/2016	106	Proposed Voir Dire by Kevlin Omar Brown (Sasse, Kenneth) (Entered: 05/28/2016)
05/29/2016	107	Proposed Voir Dire by Bryan Watson (Fishman, Steven) (Entered: 05/29/2016)
05/29/2016	108	TRIAL BRIEF by Bryan Watson (Fishman, Steven) (Entered: 05/29/2016)
05/31/2016	109	Proposed Voir Dire by David Hansberry (Harrison, Michael) (Entered: 05/31/2016)
05/31/2016	110	TRIAL BRIEF by David Hansberry (Harrison, Michael) (Entered: 05/31/2016)

06/07/2016	112	STIPULATION <i>Regarding Preliminary Jury Instructions</i> by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Light, Sheldon) (Entered: 06/07/2016)
06/07/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Voir Dire Held and Concluded and Jury Impaneled on 6/7/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown Jury Trial set for 6/8/2016 09:00 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 06/08/2016)
06/08/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/8/2016. Jury Trial set for 6/9/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison/Steve Fishman/Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 06/09/2016)
06/09/2016		Set/Reset Deadlines/Hearings as to David Hansberry, Bryan Watson, Kevlin Omar Brown: Jury Trial set for 6/9/2016 08:30 AM before District Judge Stephen J. Murphy III Jury Trial set for 6/10/2016 08:30 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 06/09/2016)
06/09/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/9/2016. Jury Trial set for 6/10/2016 08:30 AM before District Judge Stephen J. Murphy III. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison/Steve Fishman/Kenneth Sasse) (AUSA: Michael Buckley/Sheldon Light) (SBur) (Entered: 11/02/2016)
06/10/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/10/2016. Jury Trial set for 6/13/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison/Steve Fishman/Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 06/10/2016)
06/10/2016		Set/Reset Deadlines as to David Hansberry, Bryan Watson, Kevlin Omar Brown: Jury Trial set for 6/13/2016 08:30 AM - 6/17/2016 8:30 a.m. before District Judge Stephen J. Murphy III <b (CCoh) (Entered: 06/10/2016)
06/13/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/13/2016. Jury Trial set for 6/14/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Michael Buckley/Sheldon Light) (CCoh) (Entered: 07/01/2016)

06/14/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/14/2016. Jury Trial set for 6/15/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/15/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/15/2016. Jury Trial set for 6/16/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/16/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/16/2016. Jury Trial set for 6/20/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/20/2016	113	TRANSCRIPT of Jury Trial: Volume 2 (Excerpt - opening statements) held on 06/08/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 73) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 7/11/2016. Redacted Transcript Deadline set for 7/21/2016. Release of Transcript Restriction set for 9/19/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 06/20/2016)
06/20/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/20/2016. Jury Trial set for 6/21/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/21/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/21/2016. Jury Trial set for 6/22/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman,

		Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/22/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/22/2016. Jury Trial set for 6/23/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/23/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/23/2016. Jury Trial set for 6/27/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/27/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/27/2016. Jury Trial set for 6/28/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/28/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/28/2016. Jury Trial set for 6/29/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) Modified on 11/2/2016 [CORRECTED DATE OF TRIAL](SBur). (Entered: 07/01/2016)
06/29/2016	114	MOTION <i>for Mistrial</i> by Bryan Watson. (Fishman, Steven) (Entered: 06/29/2016)
06/29/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/29/2016. Jury Trial set for 6/30/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
06/30/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Motion Hearing as to Bryan Watson held on 6/30/2016 re 114 MOTION <i>for Mistrial</i> Disposition: Motion denied. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)

06/30/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 6/30/2016. Jury Trial set for 7/1/2016 09:00 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
07/01/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 7/1/2016. All defts. moved for judgment of acquittal under FRCRP 29. The Government opposed the oral motions. Taken under advisement at a later date. Jury Trial set for 7/5/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/01/2016)
07/04/2016	115	MOTION in Limine to Restrict Defense Character Testimony by United States of America as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Light, Sheldon) (Entered: 07/04/2016)
07/04/2016	116	RESPONSE by Bryan Watson as to David Hansberry, Bryan Watson re 115 MOTION in Limine to Restrict Defense Character Testimony (Fishman, Steven) (Entered: 07/04/2016)
07/05/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 7/5/2016. Jury Trial set for 7/6/2016 09:00 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steve Fishman, Kenneth Sasse) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 07/05/2016)
07/06/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Continued as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 7/6/2016. Jury Trial set for 7/7/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison/Steven Fishman/Kenneth Sasse) (AUSA: Michael Buckley/Sheldon Light) (CCoh) (Entered: 07/07/2016)
07/07/2016	117	ORDER for Jurors Luncheon, entered. Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 07/07/2016)
07/07/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 7/7/2016. Jury Deliberation also held. Deliberations to continue on 7/8/2016 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison/Steve Fishman/Kenneth Sasse) (AUSA: Michael Buckley/Sheldon Light) (CCoh) (Entered: 07/08/2016)

07/08/2016	118	NOTICE TO APPEAR as to Calvin Turner, Sentencing rescheduled to 9/30/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 07/08/2016)
07/08/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Deliberation Held All Day as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 7/8/2016. Jury Deliberations to continue on 7/11/2016 at 08:30 AM before District Judge Stephen J. Murphy III (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steven Fishman/Kenneth Sasse) (AUSA: Michael Buckley/Sheldon Light) (CCoh) (Entered: 07/15/2016)
07/11/2016	121	Jury Verdict Form as to David Hansberry, Bryan Watson, Kevlin Omar Brown (DPer) (Entered: 07/12/2016)
07/11/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Jury Trial Held and Completed as to David Hansberry, Bryan Watson, Kevlin Omar Brown on 7/11/2016. Jury Deliberation also held. JURY VERDICT as to David Hansberry (1) Guilty on Count 1s and Bryan Watson (2) Guilty on Count 1s David Hansberry (1) Not Guilty on Count 2s,3s-8s,9s,10s and Bryan Watson (2) Not Guilty on Count 2s,7s-8s,9s,10s and Kevlin Omar Brown (3) Not Guilty on Count 6s. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison/Robert Harrison, Steven Fishman, Kenneth Sasse) (AUSA: Michael Buckley/Sheldon Light) (CCoh) (Entered: 07/15/2016)
07/12/2016	119	NOTICE TO APPEAR as to David Hansberry, Sentencing set for 11/18/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 07/12/2016)
07/12/2016	120	NOTICE TO APPEAR as to Bryan Watson, Sentencing set for 11/18/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 07/12/2016)
07/12/2016	122	TRANSCRIPT of Jury Trial: Volume 11 (Excerpt - testimony of Peter Belcastro) held on 06/22/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 31) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/2/2016. Redacted Transcript Deadline set for 8/12/2016. Release of Transcript Restriction set for 10/11/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/12/2016)
07/12/2016	123	TRANSCRIPT of Jury Trial: Volume 18 (Excerpt - testimony of Ahmed Haidar) held on 07/05/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 53) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public

		without redaction after 90 days. Redaction Request due 8/2/2016. Redacted Transcript Deadline set for 8/12/2016. Release of Transcript Restriction set for 10/11/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/12/2016)
07/14/2016	124	ORDER Scheduling Rule 29 Briefing as to David Hansberry, Bryan Watson, Kevlin Omar Brown Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 07/14/2016)
07/19/2016	125	NOTICE TO APPEAR as to Arthur Leavells, Sentencing rescheduled to 12/9/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 07/19/2016)
07/20/2016	126	MOTION for Judgment of Acquittal by Bryan Watson. (Fishman, Steven) (Entered: 07/20/2016)
07/20/2016	127	TRANSCRIPT of Jury Trial: Volume 11 (Excerpt - Testimony of Kelven Pulley) held on 06/22/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 52) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/10/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/18/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/20/2016)
07/20/2016	128	TRANSCRIPT of Jury Trial: Volume 12 (Excerpt - Testimony of Lamont Calhoun) held on 06/23/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 144) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/10/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/18/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/20/2016)
07/20/2016	129	TRANSCRIPT of Jury Trial: Volume 15 held on 06/29/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 206) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/10/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/18/2016. Transcript may be viewed

		at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/20/2016)
07/21/2016	131	MOTION <i>for Judgment of Acquittal</i> by David Hansberry. (Harrison, Michael) (Entered: 07/21/2016)
07/22/2016	132	TRANSCRIPT of Jury Trial: Volume 13 held on 06/27/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 130) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/12/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/20/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/22/2016)
07/22/2016	133	TRANSCRIPT of Jury Trial: Volume 14 held on 06/28/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 156) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/12/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/20/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/22/2016)
07/22/2016	134	TRANSCRIPT of Jury Trial: Volume 21 held on 07/08/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 9) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/12/2016. Redacted Transcript Deadline set for 8/22/2016. Release of Transcript Restriction set for 10/20/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 07/22/2016)
07/28/2016	135	RESPONSE by United States of America as to David Hansberry, Bryan Watson re 131 MOTION <i>for Judgment of Acquittal</i> , 126 MOTION for Judgment of Acquittal <i>with Incorporated Brief</i> (Buckley, J.) (Entered: 07/28/2016)

07/29/2016	136	NOTICE of hearing re: 131 MOTION <i>for Judgment of Acquittal</i> , 126 MOTION for Judgment of Acquittal as to David Hansberry, Bryan Watson. Motion Hearing set for 8/9/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 07/29/2016)
08/02/2016	137	Re-NOTICE of hearing re 131 MOTION <i>for Judgment of Acquittal</i> , 126 MOTION for Judgment of Acquittal as to David Hansberry, Bryan Watson. Motion Hearing rescheduled to 8/11/2016 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 08/02/2016)
08/03/2016	138	TRANSCRIPT of Jury Trial: Volume 18 (Excerpt - Testimony of Stephanie Stager and Matthew Bray) held on 07/05/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 63) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/24/2016. Redacted Transcript Deadline set for 9/6/2016. Release of Transcript Restriction set for 11/1/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 08/03/2016)
08/11/2016		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Motion Hearing as to David Hansberry, Bryan Watson held on 8/11/2016 re 131 MOTION <i>for Judgment of Acquittal</i> , and 126 MOTION for Judgment of Acquittal Disposition: Motions taken under advisement. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison and Steven Fishman) (AUSA: Sheldon Light/J. Michael Buckley) (CCoh) (Entered: 08/11/2016)
08/16/2016	139	ORDER Denying 131 Motion for Acquittal as to David Hansberry (1); and Denying 126 Motion for Acquittal as to Bryan Watson (2). Signed by District Judge Stephen J. Murphy, III. (CCoh) (Entered: 08/16/2016)
08/18/2016	140	TRANSCRIPT of Jury Trial: Volume 16 Excerpt - Jury Instruction re: Testimony of Gary Jackson held on 06/30/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 6) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 9/8/2016. Redacted Transcript Deadline set for 9/19/2016. Release of Transcript Restriction set for 11/16/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 08/18/2016)
08/25/2016	141	TRANSCRIPT of Jury Trial: Volume 16 (Excerpt - Motion for Mistrial/Curative Jury Instruction re: Testimony of Gary Jackson) held on 06/30/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 24) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction

		Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 9/15/2016. Redacted Transcript Deadline set for 9/26/2016. Release of Transcript Restriction set for 11/23/2016. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 08/25/2016)
09/23/2016	142	MOTION to Reduce Sentence by United States of America as to Calvin Turner. (Buckley, J.) (Entered: 09/23/2016)
09/26/2016	143	NOTICE TO APPEAR as to Calvin Turner, Sentencing rescheduled to 11/14/2016 02:30 PM before District Judge Stephen J. Murphy III [ON WRONG DOCKET] (CCoh) Modified on 9/26/2016 (CCoh). (Entered: 09/26/2016)
09/27/2016	145	NOTICE TO APPEAR as to Calvin Turner, Sentencing rescheduled to 10/25/2016 02:00 PM before District Judge Stephen J. Murphy III (CCoh) (Entered: 09/27/2016)
09/27/2016	146	JUDGMENT of Acquittal as to Kevlin Omar Brown. Signed by District Judge Stephen J. Murphy, III. (DPer) (Entered: 09/27/2016)
10/03/2016		Attorney Sheldon N. Light is discontinued from receiving Notices of Electronic Filing. (Light, Sheldon) (Entered: 10/03/2016)
10/19/2016	147	NOTICE TO APPEAR as to Calvin Turner, Sentencing rescheduled to 2/24/2017 10:00 AM before District Judge Stephen J. Murphy III (CCoh) (Entered: 10/19/2016)
10/28/2016		TEXT-ONLY NOTICE: Sentencing on 11/18/2016 is Cancelled re 119 Notice to Appear; 120 Notice to Appear as to David Hansberry, Bryan Watson. (DPar) (Entered: 10/28/2016)
10/28/2016	148	NOTICE TO APPEAR as to David Hansberry, Bryan Watson, Sentencing Reset for 12/8/2016 02:00 PM before District Judge Stephen J. Murphy III (DPar) (Entered: 10/28/2016)
11/04/2016		Set/Reset Deadlines/Hearings as to Arthur Leavells: Sentencing Reset for 12/12/2016 10:00 AM before District Judge Stephen J. Murphy III. (DPar) (Entered: 11/04/2016)
11/04/2016	149	[DOCKETING ERROR - ENTRY MADE ON WRONG CASE] STIPULATION AND ORDER TO ADJOURN TRIAL as to David Hansberry, Bryan Watson, Kevlin Omar Brown, Arthur Leavells, Calvin Turner Time excluded from 11/10/2016 until 2/21/2017. Final Pretrial Conference Reset for 1/17/2017 10:00 AM before District Judge Stephen J. Murphy III, Plea due by 1/17/2017, Jury Trial Reset for 2/21/2017 09:00 AM before District Judge Stephen J. Murphy III. Signed by District Judge Stephen J. Murphy, III. (Main Document 149 replaced on 11/4/2016) (DPar) (Entered: 11/04/2016)
11/04/2016	150	

		NOTICE of Correction re 149 Stipulation and Order as to David Hansberry, Bryan Watson, Kevlin Omar Brown, Arthur Leavells, Calvin Turner. (DPar) (Entered: 11/04/2016)
11/09/2016	151	MOTION to Adjourn <i>Sentencing</i> by David Hansberry. (Harrison, Michael) (Entered: 11/09/2016)
11/10/2016		TEXT-ONLY ORDER Granting 151 Motion to Adjourn <i>Sentencing</i> as to David Hansberry, (Sentencing Reset for 1/27/2017 02:00 PM before District Judge Stephen J. Murphy III). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 11/10/2016)
11/10/2016		Set/Reset Deadlines/Hearings as to Bryan Watson: Sentencing Reset for 1/27/2017 02:00 PM before District Judge Stephen J. Murphy III . (DPar) (Entered: 11/10/2016)
11/18/2016	152	STIPULATED ORDER as to Arthur Leavells, (Sentencing Reset for 2/27/2017 10:00 AM before District Judge Stephen J. Murphy III). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 11/18/2016)
01/03/2017	153	TRANSCRIPT of Jury Trial: Volume 18 (Excerpt - testimony of Ralph Godbee) held on 07/05/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 39) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 1/24/2017. Redacted Transcript Deadline set for 2/3/2017. Release of Transcript Restriction set for 4/3/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 01/03/2017)
01/17/2017	154	MOTION to Adjourn <i>Sentencing</i> by David Hansberry. (Harrison, Michael) (Entered: 01/17/2017)
01/17/2017	155	NOTICE of Joinder/Concurrence in 154 MOTION to Adjourn <i>Sentencing</i> filed by David Hansberry by Bryan Watson as to David Hansberry (Fishman, Steven) (Entered: 01/17/2017)
01/18/2017	156	RESPONSE by United States of America as to David Hansberry, Bryan Watson re 154 MOTION to Adjourn <i>Sentencing with Incorporated Brief</i> (Buckley, J.) (Entered: 01/18/2017)
01/18/2017	157	RESPONSE by United States of America as to David Hansberry, Bryan Watson re 154 MOTION to Adjourn <i>Sentencing (Amended) with Incorporated Brief</i> (Buckley, J.) (Entered: 01/18/2017)
01/18/2017	158	ORDER to Submit Briefing as to David Hansberry, Bryan Watson re 154 MOTION to Adjourn <i>Sentencing</i> , 155 Notice of Joinder/Concurrence, (Response due by 1/20/2017). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 01/18/2017)
01/18/2017	159	

		REPLY TO RESPONSE by Bryan Watson as to David Hansberry, Bryan Watson re 154 MOTION to Adjourn <i>Sentencing</i> (Fishman, Steven) (Entered: 01/18/2017)
01/19/2017	160	ORDER Granting Defendant's 154 MOTION to Adjourn Sentencing as to David Hansberry, Bryan Watson (Sentencing Reset for 2/22/2017 10:00 AM before District Judge Stephen J. Murphy III). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 01/19/2017)
01/19/2017		Set/Reset Deadlines/Hearings as to Bryan Watson: Sentencing Reset for 2/22/2017 10:00 AM before District Judge Stephen J. Murphy III . (DPar) (Entered: 01/19/2017)
01/24/2017	161	STIPULATED ORDER to Adjourn Sentencing as to Arthur Leavells, (Sentencing Reset for 3/22/2017 10:00 AM before District Judge Stephen J. Murphy III). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 01/24/2017)
02/09/2017	162	STIPULATED ORDER to Adjourn Sentencing as to Calvin Turner, (Sentencing Reset for 3/15/2017 02:00 PM before District Judge Stephen J. Murphy III). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 02/09/2017)
02/10/2017		Set/Reset Deadlines/Hearings as to Calvin Turner: Sentencing Reset **TIME CHANGE ONLY** for 3/15/2017 09:30 AM before District Judge Stephen J. Murphy III . (DPar) (Entered: 02/10/2017)
02/13/2017	163	SENTENCING MEMORANDUM by Bryan Watson (Attachments: # 1 Exhibit 1 - Internal Affairs report) (Fishman, Steven) (Entered: 02/13/2017)
02/14/2017	164	SENTENCING MEMORANDUM by David Hansberry (Harrison, Michael) (Entered: 02/14/2017)
02/15/2017	165	SENTENCING MEMORANDUM by United States of America as to David Hansberry, Bryan Watson (Attachments: # 1 Index of Exhibits, # 2 Exh. A: Transcript of August 14, 2010 meeting involving David Hansberry, Bryan Watson, Arthur Leavells, Gary Jackson, Lavondria Herbert and Jackson's cousin, Sue LNU (recorded by Gary Jackson), # 3 Exh. B: Transcript of September 7, 2014 meeting involving David Hansberry and Arthur Leavells (recorded by Arthur Leavells), # 4 Exh. C: Transcript of September 11, 2014 meeting involving Bryan Watson and Arthur Leavells (recorded by Arthur Leavells), # 5 Exh. D: FBI report of Special Agent Michael FitzGerald, with transcript of May 6, 2014 recording of a telephone conversation between Gary Jackson and Fred Tucker) (Buckley, J.) (Entered: 02/15/2017)
02/17/2017	166	MEMORANDUM <i>Supplemental Sentencing Memorandum</i> by Bryan Watson. (Fishman, Steven) (Entered: 02/17/2017)
02/20/2017	167	RESPONSE to <i>Government's Sentencing Memorandum</i> by David Hansberry (Harrison, Michael) (Entered: 02/20/2017)
02/20/2017	168	MOTION for New Trial by David Hansberry. (Harrison, Michael) (Entered: 02/20/2017)

02/20/2017	169	NOTICE of Joinder by Bryan Watson (Fishman, Steven) (Entered: 02/20/2017)
02/22/2017		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Sentencing held as to David Hansberry. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Michael Harrison) (AUSA: J. Michael Buckley) (DPar) (Entered: 02/22/2017)
02/22/2017		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Sentencing held as to Bryan Watson. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Steven F. Fishman) (AUSA: J. Michael Buckley) (DPar) (Entered: 02/22/2017)
02/23/2017	170	NOTICE OF ATTORNEY APPEARANCE: Elizabeth L. Jacobs appearing for David Hansberry (Jacobs, Elizabeth) (Entered: 02/23/2017)
02/23/2017	171	NOTICE OF APPEAL by Bryan Watson. Fee Status: No Fee Paid. (Fishman, Steven) (Entered: 02/23/2017)
02/24/2017	172	Certificate of Service re 171 Notice of Appeal as to Bryan Watson. (SOso) (Entered: 02/24/2017)
02/24/2017	173	EXHIBIT A re 168 MOTION for New Trial by David Hansberry (Harrison, Michael) (Entered: 02/24/2017)
02/24/2017	174	CERTIFICATE OF SERVICE as to David Hansberry . (Harrison, Michael) (Entered: 02/24/2017)
02/24/2017	176	JUDGMENT as to David Hansberry. Signed by District Judge Stephen J. Murphy, III. (DPer) (Entered: 02/27/2017)
02/26/2017	175	MOTION for Withdrawal of Attorney Michael J. Harrison by David Hansberry. (Harrison, Michael) (Entered: 02/26/2017)
02/27/2017	177	MOTION for Withdrawal of Attorney Robert Harrison and James Hunter by David Hansberry. (Harrison, Robert) (Entered: 02/27/2017)
02/27/2017	178	TRANSCRIPT of Sentencing held on 02/22/2017 as to David Hansberry. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 84) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/20/2017. Redacted Transcript Deadline set for 3/30/2017. Release of Transcript Restriction set for 5/30/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 02/27/2017)
02/27/2017	179	TRANSCRIPT of Sentencing held on 02/22/2017 as to Bryan Watson. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 71) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days.

		Redaction Request due 3/20/2017. Redacted Transcript Deadline set for 3/30/2017. Release of Transcript Restriction set for 5/30/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 02/27/2017)
02/27/2017		Set/Reset Deadlines for Motion Hearing 168 MOTION for New Trial as to David Hansberry, (Motion Hearing set for 4/11/2017 10:00 AM before District Judge Stephen J. Murphy III). (DPar) (Entered: 02/27/2017)
02/28/2017		Set/Reset Deadlines Motion Hearing as to David Hansberry 168 MOTION for New Trial, Motion Hearing Reset **TIME CHANGE ONLY** for 4/11/2017 02:00 PM before District Judge Stephen J. Murphy III . (DPar) (Entered: 02/28/2017)
02/28/2017	180	RESPONSE by United States of America as to David Hansberry, Bryan Watson re 168 MOTION for New Trial (Attachments: # 1 Index of Exhibits, # 2 Exh. 1: Pertinent Gary Jackson trial testimony on June 29, 2016, # 3 Exh. 2: Rough transcript of May 6, 2014 recording of a telephone conversation between Gary Jackson and Fred Tucker, prepared by DEA agents) (Buckley, J.) (Entered: 02/28/2017)
02/28/2017	181	JUDGMENT as to Bryan Watson. Signed by District Judge Stephen J. Murphy, III. (SSch) (Entered: 03/01/2017)
03/01/2017	182	NOTICE OF APPEAL by David Hansberry re 176 Judgment. Fee Status: No Fee Paid. (Jacobs, Elizabeth) (Entered: 03/01/2017)
03/01/2017	183	Certificate of Service re 182 Notice of Appeal as to David Hansberry. (LHos) (Entered: 03/01/2017)
03/01/2017	184	AMENDED JUDGMENT as to Bryan Watson. Signed by District Judge Stephen J. Murphy, III. (SSch) (Entered: 03/01/2017)
03/04/2017	185	MOTION for Withdrawal of Attorney Steven Fishman by Bryan Watson. (Attachments: # 1 Exhibit 1 - financial affidavit) (Fishman, Steven) (Entered: 03/04/2017)
03/07/2017		Appeal Fee received for 182 Notice of Appeal filed by David Hansberry in the amount of \$ 505.00 - Receipt No. DET101650. (Huff, W.) (Entered: 03/07/2017)
03/08/2017	186	REPLY TO RESPONSE by David Hansberry re 168 MOTION for New Trial (Jacobs, Elizabeth) (Entered: 03/08/2017)
03/08/2017	187	NOTICE of Withdrawal of Motion to Withdraw as Counsel by Bryan Watson (Fishman, Steven) (Entered: 03/08/2017)
03/08/2017	188	SENTENCING MEMORANDUM by Calvin Turner (Feinberg, James) (Entered: 03/08/2017)
03/13/2017	189	MOTION to Reduce Sentence by United States of America as to Arthur Leavells. (Buckley, J.) Modified on 5/25/2017 (LHos). (Entered: 03/13/2017)

03/13/2017	190	TRANSCRIPT of Jury Trial: Volume 2 (Excerpt - Testimony of Michael Saraino Part 1) held on 06/08/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 44) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 4/3/2017. Redacted Transcript Deadline set for 4/13/2017. Release of Transcript Restriction set for 6/12/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/13/2017)
03/13/2017	191	TRANSCRIPT of Jury Trial: Volume 3 (Excerpt - Testimony of Michael Saraino Part 2) held on 06/09/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 38) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 4/3/2017. Redacted Transcript Deadline set for 4/13/2017. Release of Transcript Restriction set for 6/12/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/13/2017)
03/13/2017	192	TRANSCRIPT of Jury Trial: Volume 11 (Excerpt - Testimony of Steven Walton) held on 06/22/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 54) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 4/3/2017. Redacted Transcript Deadline set for 4/13/2017. Release of Transcript Restriction set for 6/12/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/13/2017)
03/15/2017		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Sentencing held as to Calvin Turner. Disposition: Rule 11 Plea Agreement accepted by the Court. (Court Reporter: Linda Cavanagh) (Defendant Attorney: James L. Feinberg) (AUSA: J. Michael Buckley) (DPar) (Entered: 03/15/2017)
03/15/2017	194	STIPULATED ORDER Adjourning Sentencing as to Arthur Leavells, (Sentencing Reset for 5/24/2017 10:00 AM before District Judge Stephen J. Murphy III). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 03/15/2017)
03/15/2017	195	JUDGMENT as to Calvin Turner. Signed by District Judge Stephen J. Murphy, III. (LHos) (Entered: 03/15/2017)

03/20/2017	196	TRANSCRIPT of Jury Trial: Volume 19 (Excerpt - closing statements) held on 07/06/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 176) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 4/10/2017. Redacted Transcript Deadline set for 4/20/2017. Release of Transcript Restriction set for 6/19/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/20/2017)
03/20/2017	197	STIPULATED ORDER Extending Report Date as to Bryan Watson. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 03/20/2017)
03/20/2017	198	STIPULATED ORDER Extending Report Date as to David Hansberry. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 03/20/2017)
03/20/2017	199	TRANSCRIPT of Jury Trial: Volume 9 (Excerpt - Testimony of Calvin Turner, Part 1) held on 06/20/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 102) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 4/10/2017. Redacted Transcript Deadline set for 4/20/2017. Release of Transcript Restriction set for 6/19/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/20/2017)
03/20/2017	200	TRANSCRIPT of Jury Trial: Volume 10 (Excerpt - Testimony of Calvin Turner, Part 2) held on 06/21/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 32) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 4/10/2017. Redacted Transcript Deadline set for 4/20/2017. Release of Transcript Restriction set for 6/19/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 03/20/2017)
03/24/2017		Appeal Fee received for 171 Notice of Appeal filed by Bryan Watson in the amount of \$ 505.00 - Receipt No. DET102223. (Huff, W.) (Entered: 03/24/2017)
03/24/2017	201	OPINION and ORDER Denying Defendant's 168 Motion for New Trial as to David Hansberry (1). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 03/24/2017)

03/28/2017	202	STIPULATION <i>Allowing Calvin Turner to Travel to Alabama</i> by Calvin Turner. (Feinberg, James) (Entered: 03/28/2017)
03/28/2017	203	ORDER Allowing Defendant to Travel to Alabama as to Calvin Turner re 202 Stipulation. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 03/28/2017)
03/28/2017		TEXT-ONLY NOTICE: Motion Hearing on 4/11/2017 is Cancelled re 168 MOTION for New Trial as to David Hansberry. (DPar) (Entered: 03/28/2017)
03/28/2017		TEXT-ONLY NOTICE: Motion Hearing on 4/11/2017 is Cancelled re 169 Notice (Other) as to Bryan Watson. (DPar) (Entered: 03/28/2017)
03/31/2017	204	NOTICE OF APPEAL by David Hansberry re 201 Order on Motion for New Trial. Fee Status: No Fee Paid. (Jacobs, Elizabeth) (Entered: 03/31/2017)
03/31/2017	205	Certificate of Service re 204 Notice of Appeal as to David Hansberry. (DWor) (Entered: 03/31/2017)
04/05/2017		Appeal Fee received for 204 Notice of Appeal filed by David Hansberry in the amount of \$ 505.00 - Receipt No. DET102654. (Huff, W.) (Entered: 04/05/2017)
04/06/2017	206	NOTICE OF APPEAL by Bryan Watson. Fee Status: No Fee Paid. (Fishman, Steven) (Entered: 04/06/2017)
04/06/2017	207	Certificate of Service re 206 Notice of Appeal as to Bryan Watson. (SOso) (Entered: 04/06/2017)
04/12/2017	208	STIPULATION <i>Extending Calvin Turner's Voluntary Surrender Date</i> by Calvin Turner. (Feinberg, James) (Entered: 04/12/2017)
04/12/2017	209	ORDER Extending Defendant's Voluntary Surrender Date as to Calvin Turner re 208 Stipulation. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 04/12/2017)
04/13/2017	210	NOTICE by David Hansberry of withdrawal of 177 MOTION for Withdrawal of Attorney Robert Harrison and James Hunter . (Harrison, Robert) (Entered: 04/13/2017)
04/20/2017	212	ORDER Granting Defendant's 175 MOTION for Withdrawal of Attorney as to David Hansberry; and Granting Defendant's 185 MOTION for Withdrawal of Attorney as to Bryan Watson. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 04/20/2017)
04/20/2017	213	STIPULATION and ORDER Directing the Withdrawal of Robert S. Harrison and James J. Hunter as Counsel as to David Hansberry. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 04/20/2017)
04/20/2017	214	TRANSCRIPT of Sentencing held on 03/15/2017 as to Calvin Turner. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 20) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/11/2017. Redacted Transcript Deadline set for

		5/22/2017. Release of Transcript Restriction set for 7/19/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 04/20/2017)
04/26/2017	215	ORDER from U.S. Court of Appeals - Sixth Circuit as to Bryan Watson re 206 Notice of Appeal, 171 Notice of Appeal [Appeal Case Number 17-1391] (Ahmed, N) (Entered: 04/27/2017)
04/28/2017		Attorney Thomas W. Jakuc is discontinued from receiving Notices of Electronic Filing. (Jakuc, Thomas) (Entered: 04/28/2017)
05/02/2017	216	SEALED VOIR DIRE TRANSCRIPT held on 06/07/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 197) (Appeal Purposes) Attorneys of record may purchase a copy of the transcript from the Court Reporter/Transcriber. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	217	TRANSCRIPT of Jury Trial: Volume 2 held on 06/08/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 161) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	218	TRANSCRIPT of Jury Trial: Volume 3 held on 06/09/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 238) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	219	TRANSCRIPT of Jury Trial: Volume 4 held on 06/10/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 250) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for

		6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	220	TRANSCRIPT of Jury Trial: Volume 5 held on 06/13/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 201) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	221	TRANSCRIPT of Jury Trial: Volume 6 held on 06/14/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 251) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	222	TRANSCRIPT of Jury Trial: Volume 7 held on 06/15/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 249) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	223	TRANSCRIPT of Jury Trial: Volume 8 held on 06/16/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 217) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days.

		Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	224	TRANSCRIPT of Jury Trial: Volume 9 held on 06/20/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 225) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	225	TRANSCRIPT of Jury Trial: Volume 10 held on 06/21/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 244) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	226	TRANSCRIPT of Jury Trial: Volume 11 held on 06/22/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 232) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	227	TRANSCRIPT of Jury Trial: Volume 12 held on 06/23/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 204) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made

		remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	228	TRANSCRIPT of Jury Trial: Volume 13 held on 06/27/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 130) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	229	TRANSCRIPT of Jury Trial: Volume 14 held on 06/28/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 156) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	230	TRANSCRIPT of Jury Trial: Volume 15 held on 06/29/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 206) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	231	TRANSCRIPT of Jury Trial: Volume 16 held on 06/30/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 199) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction

		Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	232	TRANSCRIPT of Jury Trial: Volume 17 held on 07/01/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 105) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	233	TRANSCRIPT of Jury Trial: Volume 18 held on 07/05/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 198) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	234	TRANSCRIPT of Jury Trial: Volume 19 held on 07/06/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 205) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	235	TRANSCRIPT of Jury Trial: Volume 20 held on 07/07/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 51) (Appeal Purposes) The parties

		have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	236	TRANSCRIPT of Jury Trial: Volume 21 held on 07/08/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 9) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	237	TRANSCRIPT of Jury Trial: Volume 22 held on 07/11/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 18) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	238	TRANSCRIPT of Final Pretrial Conference held on 05/04/2016 as to David Hansberry, Bryan Watson, Kevlin Omar Brown. (Court Reporter/Transcriber: Linda M. Cavanagh) (Number of Pages: 30) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/02/2017	239	TRANSCRIPT of Motion for Judgment of Acquittal held on 08/11/2016 as to David Hansberry, Bryan Watson. (Court Reporter/Transcriber: Linda M.

		Cavanagh) (Number of Pages: 35) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Cavanagh, Linda) (Entered: 05/02/2017)
05/09/2017	240	MOTION Motion to Amend Sentence by Calvin Turner. (Feinberg, James) (Entered: 05/09/2017)
05/09/2017	241	[STRICKEN] STIPULATION <i>Allowing Calvin Turner to Travel to Indiana</i> by Calvin Turner. (Feinberg, James) Modified on 5/10/2017 (DWor). (Entered: 05/09/2017)
05/10/2017	242	ORDER to Strike 241 Stipulation filed by Calvin Turner as to Calvin Turner. Signed by District Judge Stephen J. Murphy, III. (DWor) (Entered: 05/10/2017)
05/10/2017	243	[STRICKEN] STIPULATION <i>Allowing Calvin Turner to Travel to Indiana</i> by Calvin Turner. (Feinberg, James) Modified on 5/11/2017 (DWor). (Entered: 05/10/2017)
05/11/2017	244	ORDER to Strike 243 Stipulation filed by Calvin Turner as to Calvin Turner. Signed by District Judge Stephen J. Murphy, III. (DWor) (Entered: 05/11/2017)
05/11/2017	245	STIPULATION and ORDER Allowing Defendant to Travel to Purdue University in the State of Indiana as to Calvin Turner. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 05/11/2017)
05/24/2017		Minute Entry for proceedings before District Judge Stephen J. Murphy, III: Sentencing held as to Arthur Leavells. Disposition: Rule 11 Plea Agreement accepted by the Court. (Court Reporter: Linda Cavanagh) (Defendant Attorney: Miriam L. Siefer, Andrew N. Wise) (AUSA: J. Michael Buckley) (DPar) (Entered: 05/24/2017)
05/25/2017	246	JUDGMENT as to Arthur Leavells. Signed by District Judge Stephen J. Murphy, III. (DPer) (Entered: 05/25/2017)
05/30/2017	247	ORDER Granting Defendant's 189 Motion to Reduce Sentence as to Arthur Leavells (4). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 05/30/2017)
06/02/2017	248	ORDER Granting Defendant's 240 MOTION to Amend Sentence as to Calvin Turner (5). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 06/02/2017)
06/07/2017	249	AMENDED JUDGMENT as to Calvin Turner. Signed by District Judge Stephen J. Murphy, III. (DWor) (Entered: 06/07/2017)
08/17/2017	250	

		AMENDED JUDGMENT as to Arthur Leavells. Signed by District Judge Stephen J. Murphy, III. (DPer) (Entered: 08/17/2017)
10/05/2017	251	ORDER from U.S. Court of Appeals - Sixth Circuit as to David Hansberry re 204 Notice of Appeal, 182 Notice of Appeal [Appeal Case Number 17-1221/17-1383] (DWor) (Entered: 10/05/2017)
10/10/2017		Attorney Elizabeth L. Jacobs is discontinued from receiving Notices of Electronic Filing. Reason: new counsel substituted. (Fishman, Steven) (Entered: 10/10/2017)
12/06/2017	252	ORDER Instructing Probation Department to Correct Presentence Report as to Bryan Watson re 184 Amended Judgment. Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 12/06/2017)
12/17/2017	253	MOTION for Release from Custody <i>for Appeal Bond</i> by David Hansberry as to David Hansberry, Bryan Watson, Kevlin Omar Brown, Arthur Leavells, Calvin Turner. (Ragan, Philip)[AS TO DEFENDANT DAVID HANSBERRY ONLY; DOCUMENT NOT SIGNED] Modified on 12/18/2017 (DPer). (Entered: 12/17/2017)
12/21/2017	254	RESPONSE by United States of America as to David Hansberry re 253 MOTION for Release from Custody <i>for Appeal Bond</i> (Attachments: # 1 Exh. A: Pertinent provision of Government Trial Exhibit 807A, transcript of undercover recording of David Hansberry on September 7, 2014 in which he threatens to shoot and kill an informant and witness against him) (Buckley, J.) (Entered: 12/21/2017)
01/05/2018	255	[STRICKEN] REPLY TO RESPONSE by David Hansberry re 253 MOTION for Release from Custody <i>for Appeal Bond</i> (Ragan, Philip) Modified on 1/8/2018 (DWor). (Entered: 01/05/2018)
01/08/2018		NOTICE of Error directed to: Philip A. Ragan, Jr re 255 Reply to Response to Motion. Wrong or incomplete PDF image was uploaded. Document was stricken and must be refiled correctly. [No Image Associated with this docket entry] (DWor) (Entered: 01/08/2018)
01/08/2018	256	[STRICKEN] Second MOTION for Release from Custody by David Hansberry. (Ragan, Philip) Modified on 1/9/2018 (DWor). [DOCUMENT IS ENTITLED "RESPONSE TO MOTION IN OPPOSITION TO THE DEFENDANT'S MOTION FOR RELEASE PENDING APPEAL" - DOCUMENT IS INCOMPLETE] Modified on 1/9/2018 (DWor). (Entered: 01/08/2018)
01/09/2018		NOTICE of Error directed to: Philip A. Ragan, Jr re 256 Second MOTION for Release from Custody . Wrong or incomplete PDF image was uploaded. THE PDF IS INCOMPLETE. Document was stricken and must be refiled correctly. [No Image Associated with this docket entry] (DWor) (Entered: 01/09/2018)
01/12/2018	257	ORDER from U.S. Court of Appeals - Sixth Circuit as to Bryan Watson re 171 Notice of Appeal [Appeal Case Number 17-1205] (SKra) (Entered: 01/12/2018)
02/02/2018	258	

		[STRICKEN] Renewed MOTION for Bond by David Hansberry. (Ragan, Philip) Modified on 2/5/2018 (DWor). [DOCUMENT ENTITLED "RESPONSE TO GOVERNMENT'S MOTION IN OPPOSITION TO THE DEFENDANT'S MOTION FOR RELEASE PENDING APPEAL"] Modified on 2/5/2018 (DWor). (Entered: 02/02/2018)
02/05/2018		NOTICE of Error directed to: Philip A. Ragan, Jr re 258 Renewed MOTION for Bond . Wrong or incomplete PDF image was uploaded. Document presented is a Response to Motion. Document was stricken and must be refiled correctly. [No Image Associated with this docket entry] (DWor) (Entered: 02/05/2018)
04/18/2018	259	MOTION for Release from Custody by David Hansberry. (Ragan, Philip) Modified on 4/18/2018 (DWor). [DOCUMENT ENTITLED "RESPONSE TO GOVERNMENT'S OPPOSITION BRIEF TO THE DEFENDANT'S MOTION FOR RELEASE PENDING APPEAL"] (Entered: 04/18/2018)
05/09/2018	260	ORDER Denying 253 Motion for Release from Custody as to David Hansberry (1). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 05/09/2018)
10/01/2018	261	ORDER from U.S. Court of Appeals - Sixth Circuit as to David Hansberry re 204 Notice of Appeal, 182 Notice of Appeal [Appeal Case Number 17-1221/17-1383] (DWor) (Entered: 10/02/2018)
10/07/2018	262	NOTICE of Filing Exhibits for Purposes of Appeal by United States of America as to David Hansberry, Bryan Watson (Attachments: # 1 Exhibit 100-B - Search Warrant for 16500 North Park Drive, # 2 Exhibit 100-D - 24 Hour Information Sheet (Feb. 27, 2011), # 3 Exhibit 200-D - 24 Hour Information Sheet (April 19, 2011), # 4 Exhibit 200-G - Notice of Seizure and Intent to Forfeit, # 5 Exhibit 300-B - Detroit Police Department Report 1111150400.1 (Nov. 15, 2011), # 6 Exhibit 300-C - 24 Hour Information Sheet (Nov. 15, 2011), # 7 Exhibit 300-D - List of Evidence Seized (Nov. 15, 2011), # 8 Exhibit 401 - Picture of Search Warrant for 20426 Klinger, Detroit, Michigan (Jan. 3, 2012), # 9 Exhibit 500-A - Narcotics Activity Form (Sept. 6, 2012), # 10 Exhibit 500-B - Detroit Police Department Report 1209060388.1 (Sept. 6, 2012), # 11 Exhibit 500-C - 24 Hour Information Sheet (Sept. 6, 2012), # 12 Exhibit 500-D - List of Evidence Seized (Sept. 6, 2012), # 13 Exhibit 500-E - Request for Laboratory Service (Sept. 6, 2012), # 14 Exhibit 700-C - Detroit Police Department Report 1303020252.1 (March 2, 2013), # 15 Exhibit 700-D - 24 Hour Information Sheet (March 2, 2013), # 16 Exhibit 700-E - List of Evidence Seized (March 2, 2013), # 17 Exhibit 700-F - Request for Laboratory Service (March 2, 2013), # 18 Exhibit 711-B - Fake Search Warrant for 15747 Snowden, Detroit, Michigan (Dec. 21, 2012), # 19 Exhibit 722-A - Transcript of Meeting Between Gary Jackson, David Hansberry, Bryan Watson, Arthur Leavells, and others (Aug. 14, 2010), # 20 Exhibit 724-A - Picture of Money in Duffle Bags, # 21 Exhibit 724-B - Picture #2 of Money in Duffle Bags, # 22 Exhibit 724-C - Picture of Wrapped Money on Back of Car, # 23 Exhibit 724-D - Picture #2 of Wrapped Money on Back of Car, # 24 Exhibit 724-E - Picture #3 of Wrapped Money on Back of Car, # 25 Exhibit 724-F - Picture #4 of Wrapped Money on Back of Car, # 26 Exhibit 724-G -

		Picture #5 of Wrapped Money on Back of Car, # 27 Exhibit 724-H - Picture #6 of Wrapped Money on Back of Car, # 28 Exhibit 724-I - Picture #7 of Wrapped Money on Back of Car, # 29 Exhibit 806-A - Transcript of Meeting Between Arthur Leavells and Bryan Watson (Sept. 4, 2014), # 30 Exhibit 807-A - Transcript of Meeting Between Arthur Leavells and David Hansberry (Sept. 7, 2014), # 31 Exhibit 1000 - Financial Summary for David Hansberry 2010 2014, # 32 Exhibit 1002-A - Total Funds Deposited in David Hansberry Accounts 2010 2014, # 33 Exhibit 1002-B - Payroll Summary for David Hansberry 2010 2014, # 34 Exhibit 1002-C - Cash Deposits for David Hansberry 2010 2014, # 35 Exhibit 1005 - Vehicle Payments by David Hansberry 2010 2014, # 36 Exhibit 1007 - Total Expenditures by David Hansberry 2010 2014, # 37 Exhibit 1010 - Financial Summary for Bryan Watson 2010 2014, # 38 Exhibit 1012-B - Payroll Summary for Bryan Watson 2010 2014, # 39 Exhibit 1012-C - Cash Deposits for Bryan Watson 2010 2014, # 40 Exhibit 1017 - Total Expenditures by Bryan Watson 2010 2014) (Cralle, Shane) (Entered: 10/07/2018)
10/07/2018	263	NOTICE of Filing Exhibits for Purposes of Appeal by United States of America as to David Hansberry, Bryan Watson (Attachments: # 1 Exhibit 808-A - Transcript of Meeting Between Arthur Leavells and Bryan Watson (Sept. 11, 2014)) (Cralle, Shane) (Entered: 10/07/2018)
03/29/2019	264	MOTION/Letter by Bryan Watson. (NAhm) (Entered: 03/29/2019)
06/13/2019	265	OPINION from U.S. Court of Appeals - Sixth Circuit as to Bryan Watson re 206 Notice of Appeal, 171 Notice of Appeal [Appeal Case Number 17-1205/17-1221] (SKra) (Entered: 06/13/2019)
07/09/2019	266	MANDATE from U.S. Court of Appeals - Sixth Circuit as to Bryan Watson re 171 Notice of Appeal filed by Bryan Watson [Appeal Case Number 17-1205] (DWor) (Entered: 07/11/2019)
07/22/2019	267	ORDER Denying Defendant's 264 MOTION to Transfer to a Federal Prison Camp as to Bryan Watson (2). Signed by District Judge Stephen J. Murphy, III. (DPar) (Entered: 07/22/2019)
08/01/2019	268	MANDATE from U.S. Court of Appeals - Sixth Circuit as to David Hansberry re 204 Notice of Appeal filed by David Hansberry, 182 Notice of Appeal filed by David Hansberry [Appeal Case Number 17-1383/17-1221] (DWor) (Entered: 08/01/2019)

EXHIBIT D



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April 23, 2015

Via First Class Mail

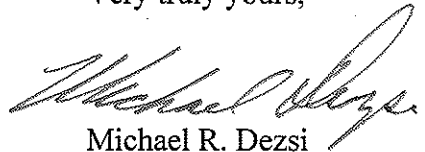
Mr. Calvert Bailey, Esq.
City of Detroit Law Department
2 Woodward Ave. Ste 500
Detroit, MI 48226

RE: Davis v. City of Detroit; Case No. 15-10547 (E.D. Mich.)

Dear Mr. Bailey;

I hope this letter finds you well. In follow up with our recent conversation, I have enclosed Plaintiffs' First Request to Produce Documents directed to Defendants. When we met, you raised the issue of whether Plaintiffs would engage in discussions to possibly resolve their claims. As I indicated to you, I now represent several individuals who allege they were subject to unlawful search and seizure by members of the Detroit Narcotics Unit. As such, I would kindly request that you produce the investigative reports, search warrants, etc. (as contained in Plaintiffs' Request to Produce Nos 1-3) as soon as practicable and/or as part of your initial disclosures. Review of these documents would allow both of us the opportunity to evaluate our claims and defenses for possible early resolution of the claims. Please let me know if you have any questions, and thank you kindly for your attention to this matter.

Very truly yours,



Michael R. Dezsi

/enclosures (Plaintiffs' First Request to Produce)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Timothy Davis and Hatema Davis,
Individually and on behalf of all other
similarly situated individuals,

Plaintiffs,

vs.

Case No.: 15-cv-10547
Hon.: Paul D. Borman

CITY OF DETROIT, et. al.,

Defendants.

PLAINTIFFS' FIRST REQUEST TO PRODUCE DOCUMENTS

NOW COMES the Plaintiffs, by and through her counsel, DETTMER & DEZSI, and hereby submit the following Requests for Production of Documents.

Pursuant to the federal court rules, Defendants' should produce information that the party can secure from its employees, agents, and/or legal counsel. The documents requested in the should be served on counsel for Plaintiffs within (30) days of service of this pleading to whom it is directed.


1. Produce any and all documents in the possession of, or available to Defendants, including search warrants, affidavits in support of search warrants, returns of search warrants, evidence tags, "SOI" interview reports, investigative reports, internal affairs files, and any and all other documents including e-mails, correspondences, memoranda, and similar documents relating, in any way, to the following addresses dated from January 1, 2012 to the present:

- a. 25354 Rubin Rd., Warren, Michigan 48079;
 - b. 1556 West Troy Street, Ferndale, Michigan;
 - c. 17744 Northrop Street, Detroit, Michigan 48219;
 - d. 8929 Wilow Ray Avenue, Shelby Township, Michigan 48317;
2. Produce any and all documents in the possession of, or available to Defendants, including search warrants, affidavits in support of search warrants, returns of search warrants, evidence tags, "SOI" interview reports, investigative reports, internal affairs files, and any and all other documents including e-mails, correspondences, memoranda, and similar documents relating, in any way, to the following individuals:
- a. Timothy Davis;
 - b. Debra Metris-Shamoon;
 - c. Howard Guardella;
 - d. Michael McShane;
 - e. Michael Valentino;
3. Produce any and all recorded video (including audio), in whatever format including digital, from dash-cams, law enforcement body cams (i.e., records) taken of the following addresses dated from January 1, 2012 to the present:
- e. 25354 Rubin Rd., Warren, Michigan 48079;
 - f. 1556 West Troy Street, Ferndale, Michigan;
 - g. 17744 Northrop Street, Detroit, Michigan 48219;
 - h. 8929 Wilow Ray Avenue, Shelby Township, Michigan 48317;

4. Produce any and all of Defendants' policies, memoranda, manuals, directives, or other similar documents relating in any way to Defendants' policies, customs, and/or practices of obtaining and/or executing search warrants by Defendants' agents, police officers, and/or employees.
5. Produce any and all of Defendants' policies, memoranda, manuals, directives, or other similar documents relating in any way to Defendants' policies, customs, and/or practices of collecting, tagging, logging, and preserving evidence gathered from the execution of search warrants by Defendants' agents, police officers, and/or employees.
6. Produce the complete City of Detroit Police Department file for Case No. 13-2878, relating to the execution of a search warrant at 25354 Rubin, Warren, Michigan, including any and all search warrants, affidavits in support of search warrants, returns of search warrants, evidence tags, "SOI" interview reports (unredacted), investigative reports, internal affairs files, and any and all other documents including e-mails, correspondences, memoranda, and similar documents.
7. Produce Defendant' complete internal affairs investigative file dated from May 2013 through the present and relating, in any way, to complaints of any kind, including, but not limited to, obtaining and/or execution of search warrants, unlawful searches and/or seizures, the collection and/or seizure of evidence by members of the Detroit Narcotics Unit including, but not limited to the following individuals:
 - a. David Hansberry;
 - b. Bryan Watson;
 - c. James Napier;

- d. James Flanigan;
- e. Arthur Leavells;
- f. Officer Geelhood

Respectfully submitted,



Michael R. Dezsi (P64530)
Attorney for Plaintiff
615 Griswold, Suite 1600
Detroit, MI 48226
313-281-8090

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2015, I served, via first class mail, the foregoing papers on Defendants via their counsel of record at his office address as it appears on the court docket.

/s/ Michael R. Dezsi

EXHIBIT E

WHEREAS, Plaintiffs, Timothy and Hatema Davis (“Plaintiffs”) filed suit against City of Detroit (“City”), Charles Flanagan (“Flanagan”), _____ Novak (“Novak”), Vatasha Napier as personal representative of the Estate of Defendant James Napier (“Napier”), Stephen Geelhood (“Geelhood”), Arthur Leavells (“Leavells”), Steven Riley (“Riley”), Larry Barnett (“Barnett”) Reginald Beasley (“Beasley”), Matthew Bray (“Bray”), Amy Metallic (“Metallic”), and Brian Johnson (“Johnson”) (collectively City, Flanagan, Novak, Napier, Geelhood, Leavells, Riley, Barney, Beasley, Bray, Metallic, and Johnson shall be referred to as “Released Defendants”);

WHEREAS, Plaintiffs’ lawsuit was filed in the United States District Court Eastern District of Michigan (“the Court”) and assigned case number 2:15-cv-10547 (“the Litigation”);

WHEREAS, Plaintiffs sought appointment as lead plaintiffs on behalf of a putative class of other individuals including, but not limited to, Bernard Davis (“Davis”), Jacob Zeigler (“J. Zeigler”), Alex Zeigler (“A. Zeigler”), and Michael Chorazyczewski (“Chorazyczewski”) (Davis, J. Zeigler, A. Zeigler, and Chorazyczewski shall be referred to as “Releasing Occupants”);

WHEREAS the Court denied Plaintiffs’ motion to certify class and appoint them lead Plaintiffs;

WHEREAS Released Defendants, Releasing Occupants, and Plaintiffs shall hereinafter be collectively referred to as “the Parties”;

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

TIMOTHY DAVIS and HATEMA DAVIS,

Plaintiffs,

v.

CITY OF DETROIT, et al.,

Defendants.

Case No. 15-10547

Hon. Paul D. Borman

Magistrate Judge David R. Grand

DENNIS A. DETMER (P12708)
MICHAEL R. DEZSI (P64530)
Dettmer & Dezsi, PLLC
Attorneys for Plaintiffs
615 Griswold, Ste. 1600
Detroit, MI 48226
(313) 281-8090
ddettmeresq@yahoo.com
mdezsi@dezsilaw.com

JAMES P. ALLEN, SR. (P52885)
LINDSEY R. JOHNSON (P67081)
Allen Brothers, Attorneys &
Counselors, PLLC
Attorneys for Defendants, City of Detroit,
Flanagan, Napier, Geelhood, Matellic,
Barnett, Riley, Bray, Johnson and Beasley
400 Monroe, Ste. 620
Detroit, MI 48226
(313) 962-7777
jamesallen@allenbrotherspllc.com
ljohnson@allenbrotherspllc.com

CALVERT BAILEY (P42409)
JERRY L. ASHFORD (P47402)
Attorneys for Defendants, City of Detroit,
Flanagan, Napier, Geelhood, Matellic,
Barnett, Riley, Bray, Johnson, and Beasley
2 Woodward Ave., Ste. 500
Detroit, MI 48226
(313) 237-3004
bailc@detroitmi.gov
ashfj@detroitmi.gov

**GENERAL RELEASE, WAIVER AND
SETTLEMENT AGREEMENT**

WHEREAS, the Released Defendants deny any liability to Plaintiffs;

WHEREAS, the Parties, but no other members of the putative class, have agreed to resolve all open issues between them raised or which could have been raised in the Litigation;

WHEREAS, the Plaintiffs have agreed to provide the general release and waiver of claims contained in this general release, waiver and settlement agreement (“Agreement”) which sets forth the Parties’ entire understanding of the terms of settlement for the Litigation;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS OF THE PARTIES, the Parties agree as follows:

1. City shall pay to Plaintiffs, Releasing Occupants and their attorneys Michael Dezsi and Dennis Dettmer, Dettmer & Dezsi, PLLC (“the Firm”) (hereinafter collectively known as the “Payees,”) the aggregate amount of Three Hundred and Fifty Thousand U.S. Dollars (\$350,000.00) (“Settlement Consideration”) as full and final consideration for the General Release and Waiver set forth in Paragraph 2 below. The Settlement Consideration shall be paid as follows: Check for the full amount of the Settlement Consideration made payable to: Dettmer & Dezsi, PLLC. Each of the Payees agree to provide an IRS W-9 form upon request. In addition, the Payees, indemnify and hold payor, City, harmless from any and all actions between the Firm, Plaintiffs and Releasing Occupants, regarding the Firm’s distribution of the of the Settlement Consideration to Plaintiffs and/or Releasing Occupants.

2. The Plaintiffs and Releasing Occupants knowingly and voluntarily without threat or coercion, for themselves, their personal representatives, trustees, beneficiaries, attorneys, heirs, successors, predecessors, shareholders, owners, subsidiaries and assigns (“Releasing Parties”) fully and forever release and discharge Released Defendants, their personal representatives, trustees, attorneys, heirs, successors, predecessors, indemnitees, insurers, employees, employers, officers, directors, elected and appointed officials, and assigns (“Released Parties”) which shall include

individuals that currently or formerly held positions for which this release applies (e.g. retired/terminated employees not otherwise specifically released herein) from any and all claims, demands, actions, lawsuits, and causes of action of every kind, nature or description, whether known or unknown, which Releasing Parties may have had, may now have, or may hereafter arise before the date of this Agreement by reason of any matter, cause, act, or omission arising out of or in connection with their past dealings and contacts, including but not limited to all attorneys' fees of any kind or nature, charges and claims asserted, or which could have been asserted, in any Litigation that could have been filed from the beginning of time to the date of execution of this Agreement ("Released Claims"). **This Waiver and Release specifically requires, *inter alia*, the release by Releasing Parties of the City of Detroit, its current and former employees, agents, principles, attorneys, officers, indemnitees and elected/appointed officials, all in their individual and official capacities.**

3. The Released Defendants shall, upon payment of the Settlement Consideration, be dismissed with prejudice from the Litigation and the Releasing Parties shall be forever barred from asserting Released Claims. The Parties authorize their attorneys to execute a Stipulation for the dismissal of the Litigation as it relates to Plaintiffs and Releasing Occupants only. Said dismissal shall be with prejudice which Plaintiffs' counsel shall file upon receipt of the Settlement Consideration.

4. The Parties understand and agree that the terms of this Release cannot be confidential and that they are subject to disclosure under the Freedom of Information Act.

5. Releasing Parties agree that they will not file a lawsuit or claim of any type in any forum against Released Parties (whether in their individual or official capacities or whether current and/or former employees of City of Detroit) that arises out of the Litigation or relates, in any way, to the Released Claims. Releasing Parties warrant that, if they do file such a waived lawsuit or claim, the lawsuit or claim will be immediately dismissed; and, they will pay to the non-breaching party all of the costs, expenses, and attorney fees incurred by the non-breaching party in defending against such a lawsuit or claim.

6. The above commitments of the Parties are undertaken to avoid the inconvenience and costs of Litigation. The Parties accordingly acknowledge and agree that the Settlement Consideration stated above is made and accepted

in settlement and compromise of disputed claims and shall not be, and shall not be construed to be, an admission of liability by any party to the other.

7. The Parties further understand and acknowledge that the terms of this Agreement are contractual and not a mere recital and that there are no agreements, understandings, or representations made by the Parties except as expressly stated herein.

8. The Parties acknowledge that before signing this Agreement they have read it, fully understood its terms, content, and effect, have had the benefit of advice from an attorney of their own choosing, and have relied fully and completely on their own judgment and the advice of their respective attorneys in executing this Release.

9. It is understood and agreed by the Parties that all understandings and agreements heretofore had by the Parties with respect to matters covered by this Agreement are merged into this Agreement, which alone fully and completely expresses the Parties' agreement.

10. The Parties acknowledge that they may hereafter discover facts different from or in addition to those, which they know or believe to be true with respect to the released claims, and the Parties agree that this Agreement shall be and remain effective in all respects, including, but not limited to, the released claims, notwithstanding such different or additional facts or the discovery thereof.

11. This General Release shall be governed and construed in accordance with the Laws of the State of Michigan.

12. The Parties acknowledge that this Agreement may be executed in counterparts.

ON BEHALF OF RELEASING PARTIES

Elvira Nesini
Witness

Elvira Nesini
Witness

[Signature]
By: Timothy Davis

[Signature]
By: Hatema Davis

Elvira Nesimi

Witness

Bernard Davis

By: Bernard Davis

Witness

By: Jacob Ziegler

Witness

By: Alex Ziegler

Witness

By: Michael Chorazyczewski

Michael Dezzi (D De)

Michael Dezzi, Attorney for Plaintiffs

Dennis Dettmer

Dennis Dettmer, Attorney for Plaintiffs

ON BEHALF OF DEFENDANTS,

Witness

By:

James P. Allen, Sr., Attorney for
Released Defendants

Page 6 of 7

Witness

Witness

Witness

Witness

By: Bernard Davis

By: Jacob Ziegler

By: Alex Ziegler

By: Michael Chorazyczewski

Michael Dezsi, Attorney for Plaintiffs

Dennis Dettmer, Attorney for Plaintiffs

ON BEHALF OF DEFENDANTS,

Witness

By:

James P. Allen, Sr., Attorney for
Released Defendants

Page 6 of 7

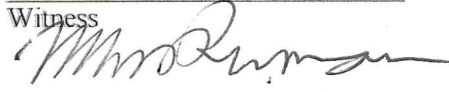
Witness

By: Bernard Davis

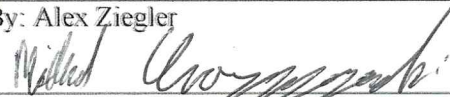
Witness

By: Jacob Ziegler

Witness



By: Alex Ziegler



Witness

By: Michael Chorazyewski

Michael Deysi, Attorney for Plaintiffs

Dennis Dettmer, Attorney for Plaintiffs

ON BEHALF OF DEFENDANTS,

Witness

By:

James P. Allen, Sr., Attorney for
Released Defendants

EXHIBIT F



DETROIT POLICE DEPARTMENT

Communications Operations

June 27, 2014

ADMINISTRATIVE MESSAGES

TELETYPE # 14 - 0730

ORGANIZATIONAL CHANGES WITHIN ORGANIZED CRIME

Effective July 14, 2014, Organized Crime will consist of the following department entities:

- Major Violators;
- Gang Intelligence;
- Task Force Administration; and
- Vice Enforcement

These organizational changes will result in the creation of positions and new opportunities for members of the Detroit Police Department who meet the required criteria.

MAJOR VIOLATORS

This command will perform, among other types of functions, narcotic enforcement. Members who have served a total of 5 years or more at Narcotics during their service with the Detroit Police Department shall not be considered for any position within Major Violators.

Positions at Major Violators will be limited to the following positions:

Lieutenant	1
Sergeants	3
Police Officers	20

TASK FORCE ADMINISTRATION

The duties of Task Force Administration will remain the same.

VICE ENFORCEMENT

The duties of Vice Enforcement will remain the same.

Geelhood
10/23/19
Ex
13

DPD000142



DETROIT POLICE DEPARTMENT

Communications Operations

June 27, 2014

ADMINISTRATIVE MESSAGES

TELETYPE # 14 - 0730

Continued

GANG INTELLIGENCE

The duties of Gang Intelligence will remain the same.

The above entities will be "limited-duration assignments"; assignment to any one of these entities will be limited to 3 years. Upon completion of 3 years, a one year extension may be requested from the Chief of Police or his designee.

Members assigned to patrol duties with no previous vice, gang, narcotic, or other specialized experience are encouraged to apply. The evaluation of candidates will include, but may not be limited to, the satisfactory completion of an interview process, as well as a comprehensive review of the member's work and disciplinary history. Members interested shall submit a **DPD568 Inter-Office Memorandum** to the Commanding Officer of Organized Crime no later than July 3, 2014.

JAMES E. WHITE
Assistant Chief, Administrative Operations

STEVEN G. DOLUNT
Assistant Chief, Enforcement Operations

DPD000143

INTER-OFFICE MEMORANDUM
ENFORCEMENT OPERATIONS

Attachment 3

Date

July 22, 2014

To: Chief of Police James E. Craig (Through Channels)
Subject: (REVISED) TRANSFER OF DEPARTMENT MEMBERS
From: Assistant Chief Steven Dolunt, Enforcement Operations

The following member(s) are transferred effective Monday, July 14, 2014:

MEMBER	FROM	TO
Lt. Donald Hollins	Sixth Precinct	Facilities
Lt. Shawn Wesley	Second Precinct	Communications Operations
Lt. Charles Clark	Third Precinct	Homicide
Lt. Tonya Golfin	Eighth Precinct	Gaming
Lt. James Moore	Third Precinct	Major Violators
Lt. Elaine Miles	Training	Neighborhood Policing Liaison
Lt. Thadarous White	TRU	Second Precinct
Lt. James Cashion	Ninth Precinct	Third Precinct
Lt. Sheri Meisel	Planning	Third Precinct
Lt. Douglas Gross	Twelfth Precinct	Ninth Precinct
Sgt. Lynn Carpenter	Twelfth Precinct	Homicide
Sgt. Columbus Sykes	Third Precinct	Communications Operations
Sgt. Patrick Neal	Seventh Precinct	Downtown Services
Sgt. Pamela Webster	Fourth Precinct	Gaming
Sgt. Terrance Grimes	Tenth Precinct	Gaming
Sgt. Dawn Engel	Investigative Operations	Tenth Precinct
Sgt. Raytheon Martin	Investigations	General Assignment Unit
Sgt. Tiffany Warren	Investigations	Force Investigation
Sgt. Michael Diccico	Fourth Precinct	Internal Affairs
Sgt. James Johnson	Fifth Precinct	Internal Affairs
Sgt. Terrance Sims	Homicide	Major Violators
Sgt. Gerry Johnson	Investigations	Task Force Administration
Sgt. Cregg Hughes	Investigations	Recruiting
Sgt. Diaz Graves	Sixth Precinct	Special Victims Unit
Sgt. Javier Chapa	GAU	Special Victims Unit
Sgt. Michael McGinnis	Homicide	Task Force Administration
Sgt. Cory Karssen	Narcotics	Traffic Enforcement Unit
Sgt. Travis Kostanko	Investigations	Tactical Response Unit
Sgt. Michael Ingles	Eighth Precinct	Training
Sgt. Eric Bucy	Investigations	Second Precinct
Sgt. Royd Coleman	Sixth Precinct	Second Precinct
Sgt. James Demps	Force Investigations	Second Precinct
Sgt. Nancy Headapohl	Seventh Precinct	Third Precinct
Sgt. Manny Gutierrez	Investigations	Fourth Precinct
Sgt. Jamal Hamood	Ninth Precinct	Fourth Precinct
Sgt. Roy Harris	Narcotics	Sixth Precinct

DPD000144

To: Chief of Police, James E. Craig (t.c.)

Subject: (REVISED) TRANSFER OF DEPARTMENT MEMBERS

From: Assistant Chief Steven Dolunt, Enforcement Operations

July 22, 2014

Page 2

Sgt. Michael Osman	Investigations	Sixth Precinct
Sgt. Nathan Duda	Investigations	Seventh Precinct
Sgt. William Jackson	Investigations	Seventh Precinct
Sgt. Steven Geelhood	Narcotics	Eighth Precinct
Sgt. Myron Weathers	Narcotics	Ninth Precinct
Sgt Courtney Anderson	Investigations	Ninth Precinct
Sgt. Beverly Rodgers	Homicide	Twelfth Precinct
P.O. John Shelton	Firearms Training	Air Support (Observer-TFO)
P.O. Tamara Tillerson	Fifth Precinct	Special Victims Unit
P.O. Emina Biogradlija	Ninth Precinct	Crime Control Strategies
P.O. Levar Green	Narcotics	Task Force Administration
P.O. Walter Atkins	Second Precinct	Vice Enforcement
P.O. Oghenerhuemu Wanagho	Tenth Precinct	Vice Enforcement
P.O. Arthur Matthews	Eleventh Precinct	Detroit Detention Center
P.O. Michael Saffold	Communications	Detroit Detention Center
P.O. Nicholas Perez	Crime Control Strategies	Homicide
P.O. Jennifer Moreno	Fourth Precinct	Public Info
P.O. Elaine Caldwell R/D	Third Precinct	Special Victims Unit
P.O. Larry Williams	Narcotics	Violent Crime Task Force
P.O. Sandra Chavez	Narcotics	Violent Crime Task Force
P.O. Nicole Moore	DDC	Third Precinct
P.O. James Kisselburg	Narcotics	Third Precinct
P.O. James Wiencek	Sixth Precinct	Fourth Precinct
P.O. Rigoberto Velazquez	Third Precinct	Fourth Precinct
P.O. Eric Smigielski	Sixth Precinct	Fourth Precinct
P.O. Marcus Cummings	Ninth Precinct	Fifth Precinct
P.O. Cheri Snow	DDC	Fifth Precinct
P.O. Joseph Castro	Narcotics	Fifth Precinct
P.O. Juan Davis	Narcotics	Fifth Precinct
P.O. Matthew Bray	Narcotics	Sixth Precinct
P.O. Arthur Leavells	Narcotics	Sixth Precinct
P.O. Philip Rodriguez	Narcotics	Sixth Precinct
P.O. Thomas Anton	Narcotics	Sixth Precinct
P.O. Vannice Ward	Narcotics	Sixth Precinct
P.O. Eshad Ali	Eleven Precinct	Seventh Precinct
P.O. William Morrison	Narcotics	Seventh Precinct
P.O. Cheryl Muhammad	Narcotics	Seventh Precinct
P.O. Amy Matelic	Narcotics	Seventh Precinct
P.O. Sha-Mar Woods	Tenth Precinct	Eighth Precinct
P.O. Jordan Hall	Ninth Precinct	Eighth Precinct
P.O. Jennier Tanquay	Narcotics	Eighth Precinct
P.O. Artez Baker	Narcotics	Eighth Precinct
P.O. Aaron Yopp	Narcotics	Eighth Precinct
P.O. Reginald Beasley	Narcotics	Eighth Precinct

DPD000145

To: Chief of Police, James E. Craig (t.c.)

July 22, 2014

Subject: (REVISED) TRANSFER OF DEPARTMENT MEMBERS

Page 3

From: Assistant Chief Steven Dolunt, Enforcement Operations

P.O. Adlone Morris	Narcotics	Ninth Precinct
P.O. Steven Riley	Narcotics	Ninth Precinct
P.O. Larry Barnett	Narcotics	Ninth Precinct
P.O. Brian Johnson	Narcotics	Ninth Precinct
P.O. Jeffrey Wawrzyniak	Narcotics	Ninth Precinct
P.O. Tondalaya Wilson	Narcotics	Ninth Precinct
P.O. Michael Bryant	Narcotics	Ninth Precinct
P.O. Jeffery Johnson	Police Reserves	Ninth Precinct
P.O. Kristopher Richardson	Conspiracy One	Tenth Precinct
P.O. Michael Panackia	Narcotics	Tenth Precinct
P.O. Leo Rhodes	Narcotics	Eleventh Precinct
P.O. Neil Gensler	Narcotics	Eleventh Precinct
P.O. Radames Benitez	Narcotics	Eleventh Precinct
P.O. Gregory Tourville	Narcotics	Eleventh Precinct
P.O. James Napier	Eleventh Precinct	Twelfth Precinct
P.O. Alvin Nelson	Third Precinct	Twelfth Precinct
P.O. Jose Martinez	Fourth Precinct	Twelfth Precinct
P.O. Joe Williams	Third Precinct	Twelfth Precinct
Sgt. Ian Severy	Narcotics	Major Violators
Sgt. David Meadows	Narcotics	Major Violators
P.O. Dennis Christie	Sixth Precinct	Major Violators
P.O. Robert Bolden	Narcotics	Major Violators
P.O. Brandolyn Johnson	Twelfth Precinct	Major Violators
P.O. Bashawn Gaines	Narcotics	Major Violators
P.O. Samuel Galloway	Narcotics	Major Violators
P.O. William Johnson	Narcotics	Major Violators
P.O. Tiffany McCrackin	Narcotics	Major Violators
P.O. Alanna Mitchell	Narcotics	Major Violators
P.O. Hameed Mohamed	Narcotics	Major Violators
P.O. Craig Stewart	Twelfth Precinct	Major Violators
P.O. Gary Rowan	Twelfth Precinct	Major Violators
P.O. Michael Mosley	Narcotics	Major Violators
P.O. Everett Richardson	Fifth Precinct	Major Violators
P.O. Carl Mack	Fifth Precinct	Major Violators
P.O. Melvin Allen	Eighth Precinct	Major Violators
P.O. Donte Jenkins	Twelfth Precinct	Major Violators
P.O. Joi Gary-Gaines	Seventh Precinct	Major Violators
P.O. Justin Sampson	Seventh Precinct	Major Violators
P.O. Calvin Lewis	Second Precinct	Police Reserves
P.O. John Hall	Force Investigation	Office of the Chief
P.O. Michael Saraino	Internal Affairs	Office of the Chief
Inv. Timothy Ewald	Internal Affairs	Office of the Chief

DPD000146

To: Chief of Police, James E. Craig (t.c.)
Subject: (REVISED) TRANSFER OF DEPARTMENT MEMBERS
From: Assistant Chief Steven Dolunt, Enforcement Operations

July 22, 2014
Page 4

SIGNATURE PAGE

JAMES E. CRAIG
Chief of Police

DPD000147

EXHIBIT G

DECLARATION OF ADAM SHAMOON

I, ADAM SHAMOON, state as follows:

1. I am competent to testify as to the contents of this declaration.
2. I am the son of Debra and Mukhlis Shamoan.
3. I was not home at my parents house, located in Shelby Township, Michigan, on the date of September 13, 2012, when narcotics officers from the City of Detroit raided by parents' home.
4. I learned after the raid that the officers took several of my firearms from my parents' home. In particular, they took 2 long guns and 2 handguns.
5. My mom, Debra, showed me a paper that was left behind by the officers entitled "Notice of Seizure and Intent to Forfeit" dated September 13, 2012, which lists Sgt. Joe Tucker as a "witness." (Attachment A).
6. In the days following the raid, I contacted Sgt. Joe Tucker demanding to know why my parents' house was raided and also about the status of my handguns. I spoke directly with Sgt. Tucker who told me that I would have to wait a couple weeks and call him back.
7. A couple weeks later, I contacted Sgt. Tucker per his instructions, and again I demanded to know what happened at my parents' house and also about my handguns. Sgt. Tucker again told me that I would have to wait longer before I could possibly retrieve my handguns.
8. A couple weeks later, I again contacted Sgt. Tucker who told me to contact another sergeant from the drug enforcement unit whose name I don't remember.
9. When I spoke with this other sergeant, I threatened to retain an attorney if necessary to straighten out the matter. This sergeant seemed agitated by my comment and responded with

something to the effect of, "I don't know why people always run out and get attorneys." He then told me to come down to the department to pick up my guns.

10. When I did go down to get my guns, nobody there seemed to know what I was talking about, though eventually I was given my guns without any paperwork and I didn't sign anything when I picked them up.

11. There was never any explanation or justification given to me by anyone about why they had raided my parents' house.

I declare under the penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Dated: 05-15-2022

A handwritten signature in black ink, appearing to be "Phu", written over a horizontal line.

NOTICE OF SEIZURE AND INTENT TO FORFEIT

Notice Served To: <u>Mukhlis Sharnoon</u>	
Address: <u>8929 Wilobay</u>	City: <u>Shelby Twp</u> State: <u>MI</u>
Date: <u>9/13/12</u>	Time: <u>1:40</u> Location Of Seizure: <u>8929 Wilobay</u>

NOTIFICATION

On, day/ 13 month/ 9 year/ 12 the Detroit Police Department determined that the property described below is subject to forfeiture pursuant to Michigan Law MCLA 333.7521, et. seq., and that the Department intends to seek forfeiture of this property.

If you desire to challenge the forfeiture of this property, you MUST DO ALL of the following within twenty (20) days of receiving this notice:

1. FILE A CLAIM WITH THE DETROIT POLICE DEPARTMENT FORFEITURE UNIT 2121 W. Fort, DETROIT, MI 48201, (313) 596.2630, DESCRIBING YOUR INTEREST IN THE PROPERTY.
2. POST A BOND THAT IS 10% OF THE VALUE OF THE PROPERTY CLAIMED (said BOND will be no less than \$250.00 and NO GREATER THAN \$5000.00).

After filing a written claim and posting the required BOND, the case will be referred to the Wayne County Prosecutor's Office for filing in the Wayne County Circuit Court. If the Court orders the property forfeited to the Detroit Police Department, you May be required to pay ALL costs incurred during the forfeiture proceedings.

Failure to file a claim and post BOND within TWENTY (20) days will result in your DEFAULT and your property will be declared forfeited to the Detroit Police Department.

THIS FORM MUST BE FAXED IMMEDIATELY TO FORFEITURE AT 596-2309

DESCRIPTION OF PROPERTY

Amount of Currency: \$ <u>315 -</u>		ET#: <u>E 40273504</u>	
Vehicle/yr.	Make:	Model:	Style:
Veh /Mileage:	License Plate #	Vin#	Color:
ET#		(loc veh stored)	
Other Property:			

ACKNOWLEDGEMENTS

Notice Received By: <u>Mukhlis Sharnoon</u>		Signature: <u>[Signature]</u>	
Notice Served By: <u>BRIANA JOHNSON</u>		Signature: <u>[Signature]</u>	
Rank: <u>PO</u>	Badge#: <u>5010</u>	Assignment: <u>NB</u>	
Date: <u>9/13/12</u>	Time: <u>1:40</u>	Location of Service: <u>8929 Wilobay</u>	
Witness: <u>Joe Tucker</u>		Signature: <u>[Signature]</u>	
Rank: <u>SGT</u>	Badge#: <u>S-95</u>	Assignment: <u>N/B</u>	

(Revised: 03.7.2005)

EXHIBIT H

DECLARATION OF DEBRA METRIS-SHAMOON

I, DEBRA METRIS-SHAMOON, state as follows:

1. I am competent to testify as to the contents of this declaration.
2. Along with my husband and parents, I was at my house located in Shelby Township, Michigan, on the date of September 13, 2012, when my house was raided by unknown agents.
3. I say "unknown" because none of the officers identified themselves, the officers were dressed in black, and none of them displayed badges. When I was able to look outside I did see that one of the cars was a Detroit Police vehicle.
4. At the time I thought my house was being robbed, though one of the officers later identified himself by the name "Tucker."
5. At no time during the raid did any of the officers show us a warrant.
6. The officers took my and my husband's medical marijuana plants, about \$315 of cash, and also took several registered firearms belonging to my son Adam.
7. We had no idea what was happening as we thought there must have been some kind of mix up with another house.
8. Neither I nor any of my family members were ever charged with any crimes arising from this raid.
9. In the weeks after the raid, I twice contacted the Detroit Police Department asking why they had raided our house and demanded to see a warrant. Both times I spoke with a woman who told me she couldn't find anything in the system under either my name or our home address.
10. My son Adam contacted one of the officers whose name was written down on a paper and my son asked what was going on and why did they raid our home. My son never got any

answers about what had happened, though in November or December of 2012 he was told to come down to the station to pick up his firearms.

11. It wasn't until February or March of 2015 that I saw media reports about another raid carried out by officers from the City of Detroit that I had any idea that the officers may have violated our rights.
12. After seeing these media reports, I contacted my current attorneys' office and inquired if they could help us sort out what happened to us in September 2012.
13. A couple months later, in or around April 2015, I learned through other media reports that federal agents had indicted several Detroit police officers for conducting unlawful searches and seizures in and around Detroit. It wasn't until then I firmly believed that my family's rights had also been violated by the raid on our house in September 2012.
14. At no time did the City ever send me or my family any kind of notice or paperwork about the City filing for bankruptcy, and I didn't know about the City's bankruptcy until my attorneys talked to me about it well after I contacted them in the Spring of 2015.

I declare under the penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Dated:

5-15-22

Albrahmetris Shamon

EXHIBIT I

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 15-20217

Hon. Stephen J. Murphy, III

D-1 DAVID HANSBERRY

D-2 BRYAN WATSON

D-3 KEVLIN OMAR BROWN,

Defendants.

JURY TRIAL: VOLUME 14

BEFORE THE HONORABLE STEPHEN J. MURPHY, III
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan 48226
Tuesday, June 28, 2016

APPEARANCES:

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24 To obtain a copy of this official transcript, contact:
25 Linda M. Cavanagh, Official Court Reporter
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EXHIBITS

<u>Identification</u>	<u>Offered</u>	<u>Received</u>
NONE		

1 Detroit, Michigan

2 Tuesday, June 28, 2016

3 — — —

4 (Proceedings commenced at 8:36 a.m., all parties
5 present)

6 (Whereupon the jury entered the courtroom at
7 8:36 a.m.)

8 THE LAW CLERK: United States District Court for the
9 Eastern District of Michigan is now in session, the Honorable
10 Stephen J. Murphy presiding.

11 The Court calls Case No. 15-20217, United States of
12 America versus David Hansberry and others.

13 THE COURT: Okay. Everybody's in place and let's all
14 be seated please. Morning to everybody.

15 THE JURORS: Good morning.

16 THE COURT: We're going to get back to work here in
17 just a few seconds. I -- at the end of the day yesterday, you
18 know, your mind is in a number of different places, but we're
19 going to go from now until 1:30, and what I'd like to do, if
20 possible, is, you know, stretch out the morning session. If we
21 don't have to take a break, we won't, and we'll go from now til
22 about 10:45 or 11:00, take our usual 25 or 30-minute break,
23 come back and then go from 11:30 roughly til 1:30. So that's
24 my idea. If it doesn't work out that way, it's fine. If any
25 of the parties or lawyers or the jury, of course, needs a break

1 prior to 11:00, just get Mr. Lepola's attention or whatever the
2 case may be and we'll take -- we'll take a quick comfort break.

3 But my idea that I didn't put very artfully yesterday
4 was that if we compress our -- our time, even though we're
5 knocking off a little early today, we might be able to get in
6 just as much testimony. Regardless of whether we do, we're
7 making very good progress, as I mentioned yesterday, and I
8 think we are -- we are right on schedule.

9 So continue to pay good attention. Thank you for
10 being on time. Keep your minds open.

11 And if you're ready to go, Mr. Light --

12 MR. LIGHT: Thank you, Your Honor.

13 THE COURT: -- we're ready to go as well. Yes, sir.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. LIGHT:

16 Q. Good morning, Mr. Leavells.

17 A. Good morning.

18 Q. When we finished yesterday, we had listened to a recording
19 that you made of your conversations with David Hansberry on
20 September 7, 2014, correct?

21 A. Correct.

22 Q. And in those conversations you talked about a number of
23 different topics, including your mutual interest in growing
24 marijuana?

25 A. Correct.

1 Q. Including the plan that purportedly came from Gary Jackson
2 to stage another rip-off like the ones that had occurred
3 before?

4 A. Correct.

5 Q. Including Mr. Watson's idea --

6 MR. HARRISON: Your Honor, I'm going to object --

7 Q. -- about how to manipulate that?

8 MR. HARRISON: -- I'm going to object again, Your
9 Honor, to the continued leading.

10 THE COURT: I think we're setting the stage for
11 further testimony, so I'll hold the objection in abeyance and
12 ask you to, when we're back into the testimony, go ahead and --

13 MR. LIGHT: I just have a couple more along those
14 lines.

15 THE COURT: Yeah. Sum -- sum up where we were and
16 then get out of the leading questions and we'll move forward.

17 Go right ahead.

18 BY MR. LIGHT:

19 Q. Did your discussions also include what Mr. Watson and you
20 had talked about about how to implement what Gary Jackson had
21 been talking about?

22 A. Yes.

23 Q. And finally, did you talk some about contacts between Mr.
24 Hansberry and the person he called "my man" in Kentucky?

25 A. Yes.

1 Q. Now, four days later did you meet again with Officer Bryan
2 Watson on September 11, 2014?

3 A. Yes.

4 Q. And did you record that conversation as well?

5 A. Yes.

6 MR. LIGHT: I'm going to ask the Court if we may play
7 and publish to the jury Government Exhibit 808.

8 THE COURT: Yes, sir. Go right ahead.

9 (Audio clip being played at 8:41 a.m.)

10 MR. LIGHT: Stop there.

11 BY MR. LIGHT:

12 Q. Where's this conversation taking place?

13 A. At his house.

14 Q. Where?

15 A. At his house.

16 Q. And where is that located?

17 A. In Novi.

18 Q. And you're outside?

19 A. Yes.

20 Q. Looking at a hornets nest or something like that?

21 A. Yes.

22 MR. LIGHT: Go ahead.

23 (Audio clip being played at 8:41 a.m.)

24 MR. LIGHT: Would you stop there?

25 BY MR. LIGHT:

1 Hansberry, you tell him the truck's en route, they take the
2 truck down, correct?

3 A. Correct.

4 Q. And lots of notification are made, correct?

5 A. Yes.

6 Q. Federal agents you told us were notified, right?

7 A. Correct.

8 Q. A Border Patrol agent with a dog was called, correct?

9 A. Correct.

10 Q. Other federal agents arrive, correct?

11 A. Correct.

12 Q. Your supervisors arrived, correct?

13 A. Yeah.

14 Q. In all, would it be fair to say that there were at least
15 20 or 30 law enforcement officers at that scene?

16 A. It was a lot.

17 Q. And you tell us that when you arrived on the scene, that
18 the semi was stopped, correct?

19 A. Correct.

20 Q. And that there were officers inside the cab, correct?

21 A. Correct.

22 Q. And that there was money that appeared to already be out
23 on the -- on the ground in duffle bags, correct?

24 A. It didn't appear to be but it was, laying right there on
25 the ground next to the car.

1 Q. Okay. And the officers -- what month was this?

2 A. This was in July.

3 Q. July 2010, right?

4 Officers are wearing their summer plainclothes
5 uniforms, correct?

6 A. Summer plainclothes uniforms?

7 Q. The officers on your crew are wearing polo shirts, right?

8 A. Officers on my crew? No.

9 Q. No?

10 A. Just two officers that had the raid gear on. The rest of
11 us was in plainclothes.

12 Q. And who were the officers in the raid gear?

13 A. Tourville and Napier.

14 Q. Tourville and Napier.

15 And explain to us what the raid gear is.

16 A. At that time it was polo shirts with "Police" on it,
17 narcotic patches on the side and BDU pants.

18 Q. So the raid gear would be polo shirts that say "Police"
19 and BDU -- like 511 BDU pants, right?

20 A. Correct.

21 Q. Okay. And you say that when Officer Napier exited the
22 truck cab, you tried to hug him, right?

23 A. Correct.

24 Q. And he kept you away, correct?

25 A. Pushed me away.

1 Q. Pushed you away.

2 And now in retrospect, you're inferring to the jury
3 that you believe that Officer Napier had stolen money and
4 didn't want to hug you because then you would have noticed the
5 money that he had on him, correct?

6 A. I say -- you could say that.

7 Q. That's your inference, right?

8 A. Mm-hmm.

9 Q. All right. And Gary Jackson told you and you believed
10 that there was \$3 million in that truck when it was stopped,
11 correct?

12 A. He said it before and he said it after and stayed to it.

13 Q. And what you all found was \$2.1 million, correct?

14 A. 2.1197.

15 Q. Okay. And so approximately \$900,000 was missing, right?

16 A. Correct.

17 MR. HARRISON: And can we take a look at 724-F?

18 BY MR. HARRISON:

19 Q. What do we see there?

20 A. What part?

21 Q. How much of the money do we see there?

22 A. That's the 2.1197.

23 Q. That's all of it, right?

24 A. Correct.

25 MR. HARRISON: Can we see G?

1 BY MR. HARRISON:

2 Q. Do these numbers mean anything to you, sir?

3 A. Yes.

4 Q. What do they mean?

5 A. The numbers to the left is the itemized number and then to
6 the right is how much is in that pack.

7 Q. Okay. And so the 20 would mean \$20,000, right?

8 A. Correct.

9 Q. So one of those packets that is labeled 20 would have --
10 would be \$20,000, right?

11 A. Correct.

12 Q. Okay. And, sir, would you agree with me that those
13 packets are approximately eight to ten inches long and
14 approximately six to eight inches across, does that sound about
15 accurate?

16 A. I don't -- I don't know.

17 Q. About the size of a legal pad, that'd be a fair estimate?

18 A. I don't know.

19 Q. You don't know.

20 And would you agree with me, sir, that they're about
21 four to five inches thick?

22 A. I don't know the dimensions of it.

23 Q. Okay. So what we see there is \$2.1 million, right?

24 A. 2.1197.

25 Q. Right. So you would agree with me that half of that would

1 be a little more than a million, right?

2 A. Somewhere around there.

3 Q. And you believe or you surmise that Officers Tourville and
4 Officers Napier were able to take half of that money and hide
5 it under their polo shirts and in their pants, and they were
6 able to do that before any of the other officers arrived,
7 that's what you're suggesting to us, correct?

8 A. That's not what I'm suggesting. I didn't say a million
9 dollars.

10 Q. \$900,000, right?

11 A. 2.1197, so that's more like seven to eight thousand,
12 800,000.

13 Q. Okay. Fair enough. I want to move you on to some of the
14 specific incidents that you talked about, other ones. You
15 talked -- you told us about an incident in South -- Southfield
16 involving a raid that you did with Sergeant Hansberry's crew
17 where a woman was in the bathroom asking you to shoot her,
18 right?

19 A. Asking officers to shoot her, yes.

20 Q. Asking officers to shoot her.

21 And you remember specifically her saying that, right,
22 "Please shoot me," something like that?

23 A. Something around -- like that.

24 Q. Okay. And you remember that there were officers from
25 another department there as well, correct?

1 A. Southfield.

2 Q. And you told us that your recollection was that somewhere
3 around \$40,000 was found, right?

4 A. It was on the table.

5 Q. It was on the table?

6 A. Correct.

7 Q. What was your role in that entry, that raid?

8 A. I didn't really have a role in that one. I was just in
9 the -- in the entry crew.

10 Q. So you were part of the entry crew?

11 A. Correct.

12 Q. Part of the crew that went in after the door was -- was --
13 was taken down, right?

14 A. Correct.

15 Q. Part of the crew that went around and searched and
16 secured, right?

17 A. Correct.

18 Q. And you don't remember specifically what you did, what
19 your role was?

20 A. No. I was just on the stack that I can remember.

21 Q. On the stack.

22 Can you explain to the jury what that means, to be on
23 the stack?

24 A. Just stacked up in the -- in the line.

25 Q. Okay. And you recall that after the money was secured,

1 THE COURT: Five minutes?

2 MR. BUCKLEY: Judge, I would agree with Mr. Fishman
3 as well.

4 THE COURT: All right. Let's take five minutes,
5 ladies and gentlemen. It's 10:25 and let's get back at 10:30.
6 Let's all rise for our jurors please.

7 (Whereupon the jury was excused at 10:25 a.m.)

8 THE COURT: Okay. Five-minute recess. You can step
9 down.

10 (Court in recess at 10:26 a.m.)

11 (Proceedings resumed at 10:36 a.m., all parties
12 present)

13 (Whereupon the jury entered the courtroom at
14 10:36 a.m.)

15 THE COURT: Okay.

16 MR. FISHMAN: We all feel a lot better now, Judge.

17 THE COURT: I know. Always ready to help.

18 MR. FISHMAN: Especially those of us who are a little
19 up in years, you know.

20 THE COURT: I was ready myself.

21 All right. Let's all be seated. Our jury's back.

22 Now, listen, Mr. Fishman, we -- maybe, you know,
23 when -- 35, 40 minutes, 11:00, 11:15, when you think it's a
24 good time for our break, you let us know --

25 MR. FISHMAN: I will.

1 THE COURT: -- and we'll take -- okay. Go right
2 ahead.

3 CROSS-EXAMINATION

4 BY MR. FISHMAN:

5 Q. Okay. So Mr. Levels [sic], you started -- or Leavells,
6 you started as a police officer in 1999, correct?

7 A. Correct.

8 Q. When you were asked at the grand jury why you wanted to
9 become a police officer, you said as follows, page 5: Answer,
10 "Well, I thought I could make a difference, you know, and
11 wanted to support my family." Do you remember that answer?

12 A. Correct.

13 Q. All right. So that was part of your intention, when you
14 said "make a difference," you meant do something good out for
15 the community, correct?

16 A. Correct.

17 Q. And then you told Mr. Harrison about an incident that
18 happened where you were trying to help Benny Doughrity, it's
19 D-O-U-G-H-R-I-T-Y, because he was some type of kin to Mr.
20 Jackson, am I right?

21 A. Correct.

22 Q. And Gary Jackson approached you and he asked you if you
23 could do something to help his kin, whatever he was to him,
24 right?

25 A. Correct.

1 Q. And you said you'd see what you could do, something like
2 that, correct?

3 A. Yes.

4 Q. And what you decided to do, according to what you were
5 telling us before the break, was you typed up a search warrant
6 affidavit, am I right?

7 A. Correct.

8 Q. And I'm not going to read through the same things that Mr.
9 Harrison read through, but you'd agree with me that it
10 contained all kinds of lies, right?

11 A. Some.

12 Q. Well, I don't want to go through all of them, but the ones
13 you agreed with Mr. Harrison were lies, you still agree those
14 were lies, right?

15 A. Correct.

16 Q. And you knew from your experience that you can't just type
17 up a search warrant affidavit, you have to actually swear to it
18 and sign it, am I right?

19 A. Correct.

20 Q. And you knew then as a police officer that swearing to an
21 affidavit was exactly the same as what you did yesterday when
22 Judge Murphy asked you if you're telling the truth, correct?

23 A. Correct.

24 Q. It's an oath, isn't it?

25 A. Correct.

1 Q. And what you did was you swore to something that you knew
2 contained a number of lies, am I right?

3 A. Correct.

4 Q. Can you tell us, sir, how did you decide which lies to
5 stick in there, for instance, the surveillances that you
6 claimed you observed narcotics transactions, how -- how did you
7 decide what lie you should stick in there?

8 A. It's just wording.

9 Q. Well, it's word -- how did you pick a black male,
10 heavysset, wearing a tan jacket, did you just pick that out of
11 the sky?

12 A. Yeah. It's not hard to do.

13 Q. It's not hard to do.

14 Had -- had you done that before?

15 A. Yeah, I've done it before.

16 Q. You've submitted false affidavits both to the Prosecutor's
17 Office and to judges before this?

18 A. Correct, just like your client did.

19 Q. Okay. Mr. Levels [sic], we're going to -- Leavells --
20 we're going to have a real -- I'm going to ask you questions
21 and you answer my question. If you want to make a speech, you
22 tell the Judge. If he lets you do it, you can speech, okay?
23 You got it? You got it?

24 A. I understand what you're saying.

25 Q. All right. So my question is are you telling the jury

1 that in addition to this false affidavit, you've submitted
2 other false affidavits, true?

3 A. I made others.

4 Q. And on each occasion you did the same thing in terms of
5 typing it up, swearing to it, eventually talking to a
6 prosecutor and then seeing a judge about it, am I right?

7 A. Correct.

8 Q. And in this instance, the one that we have here, was March
9 the 14th of 2013, correct?

10 A. Correct.

11 Q. And based on your testimony, you said you went to the FBI
12 task force in October of 12, am I right?

13 A. Yeah, late October, 12.

14 Q. Halloween I think you said, true?

15 A. During Halloween.

16 Q. And then you stayed about six or seven months, correct?

17 A. Up until May, June -- I mean April, May.

18 Q. April, May of 2013, right?

19 A. Correct.

20 Q. Which means that on March the 14th of 2013 when you
21 submitted this false affidavit, you were working for the FBI?

22 A. I was working for Detroit Police Department.

23 Q. Okay. Let me use a different preposition. You were
24 working with the FBI at the time you did this?

25 A. I was on the joint task force, yes.

1 Q. And did you tell any of your superiors, either Sergeant
2 Weathers or maybe one of the FBI agents, say, "Guess what,
3 fellas? I've got to help this guy out so I'm going to go
4 submit a false affidavit to a prosecutor and a judge." Did you
5 tell anybody that?

6 A. No.

7 Q. Because you knew if you told them, number one, you'd be
8 booted off the task force in 15 minutes, right?

9 A. I don't know that.

10 Q. You don't.

11 Well, you figure they would say, "Hey, we're going to
12 give you one of those commendations for doing this." Is that
13 what you figured would happen?

14 A. Never thought of it.

15 Q. Okay. You -- you certainly thought of the notion if you
16 told the FBI or other officers that you were about to submit a
17 false affidavit, you knew something bad would happen to you,
18 didn't you? I'm sorry?

19 A. Well, you didn't give me a chance to answer.

20 Q. Go ahead. Somebody coughed. I thought you did.

21 A. Oh. I didn't -- can you repeat the question now?

22 Q. Yeah. My question is you knew, did you not, that if you
23 told the FBI or anybody on your task force, "I'm about to
24 submit a false affidavit to a judge and to a prosecutor," that
25 something bad would happen to you, right?

1 A. I don't know what will happen.

2 Q. How well did you know Assistant Prosecutor Sarah DeYoung
3 as of March 24th of 2013?

4 A. I knew her.

5 Q. And you knew she was a narcotics prosecutor over there,
6 correct?

7 A. Correct.

8 Q. And from what you saw, first she appeared to be a good
9 lawyer, true?

10 A. True.

11 Q. And she appeared to be a straightforward,
12 straight-shooting, honest person, true?

13 A. True.

14 Q. Did it bother you in the least when you were reading this
15 affidavit over the phone to her that you were telling her a
16 bunch of lies, did that bother you?

17 A. I was reading what was on there.

18 Q. I know that, but my question is, sir, did it bother your
19 conscience, did it bother your mind, did it bother you at all
20 to be reading a pack of lies to somebody like Sarah DeYoung
21 who's a narcotics prosecutor at the Wayne County Prosecutor's
22 Office?

23 A. I didn't know my state of mind at that time so I can't
24 tell you something from not -- from back then.

25 Q. What you do know though about your state of mind was you

1 were certainly trying to help Gary Jackson, that's for sure?

2 A. Correct.

3 Q. And if it required you to lie on the phone to the
4 prosecutor, whatever your state of mind was, it wasn't enough
5 to keep you from doing it, agreed?

6 A. I did what I did.

7 Q. All right. And after you lied to Sarah DeYoung, you had
8 to go in front of some judge or magistrate with your affidavit
9 and have a brief conversation with that judge or magistrate,
10 true?

11 A. True.

12 Q. And you've done that countless occasions, true?

13 A. Correct.

14 Q. And the judge or magistrate, whether they happen to be
15 sitting on the bench at the time or they're in chambers or
16 they're somewhere, they do the same thing that Judge Murphy did
17 that we talked about earlier: You put your hand in the air,
18 you tell that judge or that magistrate everything in here is
19 true, right?

20 A. Correct.

21 Q. So when you stuck your hand in the air on March
22 the 24th -- I'm sorry, March the 14th of 2013 and you were
23 asked is everything true, did it bother you to lie outright to
24 the judge or magistrate, did it bother you?

25 A. I don't know my state of mind at that time so I don't

1 know.

2 Q. Okay. You told Mr. Harrison that you know nothing of
3 whether or not -- strike that. Let me start over.

4 Whether it was in person, on the phone, on e-mail or
5 by carrier pigeon, did you ever say to Sarah DeYoung after this
6 raid where you got the phony stuff, did you inform Sarah
7 DeYoung that you wanted her to give a break to Benny Doughrity?

8 A. After?

9 Q. After you had the phony raid with the phony warrant and
10 whatever the phony stuff you found in there, did you
11 communicate in any way with Sarah DeYoung that you wanted her
12 to give a break to Benny Doughrity on his case?

13 A. After?

14 Q. At any time.

15 A. I asked her what was needed to make that case go away.

16 Q. And you asked her that before the phony affidavit?

17 A. I asked her what was needed.

18 Q. Right. My question is did you ask her that before you
19 read that phony affidavit to her or after?

20 A. I had to ask her before.

21 Q. All right. So you talked to her before and you asked her
22 what was needed, and her answer was?

23 A. Some drugs and a gun.

24 Q. So that gave you the brilliant idea to look -- to create a
25 search warrant affidavit looking for drugs and a gun, right?

1 A. Correct.

2 Q. And after you found whatever you found, did you then
3 contact Sarah DeYoung and say, "Hey, we went in, he was my
4 source and we found drugs and guns, what are you going to do
5 for him?" or something like that?

6 A. No. I just let her know what we got and that was it.

7 Q. You never then -- I'm asking you this for the last time.
8 This is your last chance. You never said to Sarah DeYoung,
9 "Look, we found this stuff and I want you to do something, I'm
10 asking you to do something for Doughrity on his criminal case."

11 A. Once again, I called her and let her know what we got.

12 Q. Okay. The whole purpose of the exercise, including the
13 phony affidavit, was to try to help Mr. Jackson's kin, Benny
14 Doughrity, correct?

15 A. Correct.

16 Q. Do you know, sir, where Mr. Doughrity is today?

17 A. No.

18 Q. Do you know, do you have any information whatsoever that
19 tells you that he's sitting in the penitentiary today on that
20 case?

21 MR. LIGHT: Objection, Your Honor. He's already said
22 he doesn't know.

23 THE COURT: I'll overrule. You can answer that.

24 Go ahead.

25 BY MR. FISHMAN:

1 Q. Do you know that he's in the penitentiary today on the
2 case you were supposedly trying to help him on?

3 A. No, I don't know.

4 Q. Okay. Did Sarah DeYoung ever say to you at any time,
5 either before or after, did she ever say to you, "Hey, don't
6 worry about it, I'll take care of that case, nothing will
7 happen to him"?

8 A. I don't recall.

9 Q. Okay. All right. You started your police career at the
10 Third Precinct, correct?

11 A. Correct.

12 Q. You worked Special Operations, correct?

13 A. Correct.

14 Q. You went to Narcotics, correct?

15 A. Correct.

16 Q. And then you went to the FBI task force around 2012,
17 around Halloween as you've told us, right?

18 A. Correct.

19 Q. When you got to the FBI task force, did you tell anybody
20 there, "Hey, there's a lot of crookery going on in Detroit
21 Police Narcotics; in fact, I'm one of them." Did you tell them
22 that?

23 A. No.

24 Q. But by then, according to you, there was all kinds of
25 crookery going on in the Detroit Police Narcotics Section,

1 right?

2 A. It was things going on.

3 Q. Right. Including money seizure and some of the other
4 things you've told us about, correct?

5 A. Correct.

6 Q. But just so we're clear, you never said to anybody at the
7 FBI or anybody at the task force, you know, "You don't want me,
8 I've been a crook, and I know some other guys and I can tell on
9 them." You didn't do that, did you?

10 A. Nope.

11 Q. So by January of 2014 you were in Narcotics again and you
12 were working on Sergeant Geelhood's crew, is that correct?

13 A. In January, yes.

14 Q. And did you have some suspicions about Sergeant Geelhood?

15 A. What do you mean?

16 Q. Well, I mean did you think Sergeant Geelhood was a crook?

17 A. I don't know if he was a crook.

18 Q. Did you have any suspicions about him at all?

19 A. That's a wide open question. I mean --

20 Q. You're right.

21 A. -- be specific.

22 Q. No, that's my question. The answer is easy, yes or no?

23 A. I can't answer that question.

24 Q. Okay. Did Sergeant Geelhood before he was a sergeant work
25 on Sergeant Hansberry's crew with you, Hansberry, Watson and

1 the other people you've named?

2 A. I wasn't on there when he was there.

3 Q. Did you know him to have worked on Sergeant Hansberry's
4 crew?

5 A. Yes.

6 Q. And your answer is, when I asked you were you -- did you
7 have any suspicions, you don't know? Is that your answer?

8 A. You have to specify what you're talking about. Other than
9 that, I can't answer the question.

10 Q. Okay. When you were on Sergeant Geelhood's crew in
11 January of 2014, were you still selling marijuana to Calvin
12 Turner?

13 A. Yes.

14 Q. And tell the jury again how -- how many times you figure
15 you gave weed to Calvin Turner.

16 A. Several.

17 Q. Well, does several mean four or five, 10 or 12, what does
18 that mean?

19 A. I don't know, sir.

20 Q. More than 10?

21 A. Several.

22 Q. Okay. And what kind of quantities were you giving him?

23 A. Pounds.

24 Q. And how were you dividing up the money, splitting it?

25 A. Yes.

1 Q. And that was while you were -- continued while you were
2 working on Geelhood's crew, correct?

3 A. Correct.

4 Q. You were also running a grow house, right, or being
5 involved in a grow house, correct?

6 A. Correct.

7 Q. And was the marijuana that was being grown in the house
8 being sold?

9 A. It still hadn't been sold.

10 Q. I'm sorry?

11 A. It wasn't sold.

12 Q. It was just in the process of being grown?

13 A. Yeah.

14 Q. Did you tell Sergeant Geelhood, "Hey, I hope you don't
15 mind, but I've got a grow house and I'm giving weed to Calvin
16 Turner. Is it okay if I stay on the crew?" Did you have a
17 conversation like that with him?

18 A. No.

19 Q. Were you guys also ripping off marijuana when you'd go for
20 raids while you were working with Sergeant Geelhood's crew?

21 A. Sometimes.

22 Q. And was the sergeant in the middle of that, was he either
23 taking it himself or watching you guys?

24 A. He pretty much knew.

25 Q. He pretty much knew. Okay.

1 And the crew was what, five, six, seven, eight
2 people?

3 A. It all depends.

4 Q. Were Beasley and Bray still on the crew?

5 A. Yes.

6 Q. And you've testified on numerous occasions Beasley and
7 Bray were not crooks, correct?

8 A. Correct.

9 Q. And you're saying they knew and looked the other way, or
10 are you saying they didn't know and they got nothing out of it?

11 A. You have to ask them.

12 Q. No, I'm asking you, sir, from what you observed and what
13 you heard.

14 A. I mean I don't know if they knew anything.

15 Q. Okay. You'd -- you'd agree with me that -- that in most
16 raids, at some point in time, everybody is inside the location
17 at some point in time, true?

18 A. Pretty much.

19 Q. And you'd agree with me the evidence has to be catalogued
20 and listed, correct?

21 A. Correct.

22 Q. And you'd agree with me that oftentimes that evidence
23 includes controlled substances, it may also include personal
24 property like jewelry and it may also include cash, correct?

25 A. Rarely jewelry, but...

1 Q. Okay. Let's say cash and drugs. Yes?

2 A. And guns, yeah.

3 Q. And guns, right? Okay.

4 The incident occurs where you have the raid and
5 there's some equipment that's taken, the one that you've been
6 talking about to both the government and Mr. Harrison, correct?

7 A. Correct.

8 Q. You didn't think ahead of time that maybe this crook who's
9 growing marijuana is slick enough that he might have some
10 surveillance inside, did you?

11 A. I don't know.

12 Q. Well, did it cross your mind, hey, maybe we shouldn't
13 steal this stuff because maybe the guy's got surveillance
14 equipment?

15 A. A lot of places have surveillance.

16 Q. That's not my question though. I'm talking about this
17 incident, did it occur to you that it might not be a good idea
18 to participate in stealing because he might have surveillance
19 equipment?

20 A. I don't know.

21 Q. Did anybody say while the stealing was going on or before
22 the stealing or after the stealing, "Hey, fellas, we could get
23 caught, maybe the guy's got surveillance equipment." Anybody
24 say that?

25 A. Not that I remember.

1 Q. But you -- you'd agree, as you've just said, these days a
2 lot of people do have surveillance equipment; houses,
3 buildings, parking lots, right?

4 A. Courtrooms.

5 Q. Courtrooms.

6 A. Mm-hmm.

7 Q. Okay. So when you got suspended, tell us again what's the
8 month and year?

9 A. It was 2014 in July.

10 Q. July.

11 That meant when you were suspended, there's two ways
12 of being suspended in the police department, with pay and
13 without pay. Which way were you suspended?

14 A. With pay.

15 Q. All right. So you were still getting your pay, correct?

16 A. Correct.

17 Q. And your understanding was that the -- there'd be an
18 investigation generally by Internal Affairs, is that true?

19 A. Correct.

20 Q. And at some point in time there'd be some recommendation
21 and maybe you'd have a trial board or maybe not and you'd get
22 some kind of a punishment or not, correct?

23 A. I don't know what would happen.

24 Q. You were not concerned then, though, that you were going
25 to get fired as a result of the stealing from the weed house,

1 were you?

2 A. I didn't get fired.

3 Q. Sir, I'm asking you, were you concerned at the time when
4 you were suspended and you were still getting paid, were you
5 concerned that you were going to be fired or did you figure
6 you'll get 30 days off or something?

7 A. I knew I wasn't going to get fired.

8 Q. Okay. So you were still getting a check from the police
9 department every two weeks, correct?

10 A. Correct.

11 Q. And in April of 2014 you started having a marijuana
12 connection with this fellow Timothy Davis, am I right?

13 A. Correct.

14 Q. Did I hear you correctly, did you tell Mr. Harrison you
15 didn't know Timothy Davis was working with the government until
16 he mentioned it to you today?

17 A. No, that isn't what he said.

18 Q. All right. You -- you -- you've -- you've learned that he
19 was -- he was an informant for the government, right, you knew
20 that before you came in here today, didn't you?

21 A. Right.

22 Q. You knew that those deliveries you were making of weed and
23 hash and cannabis oil and whatever the other stuff was, you
24 knew that he was working for the government when you gave those
25 things to him, right?

1 A. No.

2 Q. You -- you -- you know that now though, don't you?

3 A. Yeah, now, afterwards.

4 Q. And you learned afterwards, you learned that the money
5 that you got came from the FBI?

6 A. Correct.

7 Q. Okay. So now you didn't learn that until after you were
8 busted in the phony rip set up by Gary Jackson correct?

9 A. Correct.

10 Q. All right. So nobody, the FBI or the government, for
11 whatever reasons, they didn't grab you when you took the money
12 from Timothy Davis, right?

13 A. Correct.

14 Q. They didn't grab you when you provided them with whatever
15 you provided them, right?

16 A. Yes.

17 Q. They left you out there, right?

18 A. I guess.

19 Q. Under suspension from the police department, true?

20 A. No.

21 Q. Working as a police officer?

22 A. Which time?

23 Q. Timothy Davis. We're talking about April of 2014.

24 A. I was off, sir.

25 Q. All right. And then the suspension came what -- when

1 again?

2 A. In July.

3 Q. And was it early July?

4 A. It was in July.

5 Q. All right. And again, you were still getting paid, right?

6 A. Correct.

7 Q. So when Gary Jackson came to you and proposed this robbery
8 where y'all could split \$40,000, it wasn't like you weren't
9 getting a paycheck from the City of Detroit, right?

10 A. I wasn't getting the same paycheck that I was getting
11 before.

12 Q. And so the jury understands, you mean because you weren't
13 getting court time, right?

14 A. Court time, overtime, things like that.

15 Q. And as a narcotics officer, you spend a lot of time
16 testifying in court, right?

17 A. Correct.

18 Q. Which you've done a zillion times, right?

19 A. Yes.

20 Q. And you get paid extra if you work overtime and you get
21 paid what's called court time, particularly if you're not
22 working that day, right?

23 A. Correct.

24 Q. So your check, even though it was still coming from the
25 citizens, was smaller than it was before?

1 A. Whole lot smaller.

2 Q. A whole lot smaller, right?

3 A. Correct.

4 Q. Are you telling the jury that's why you agreed to get
5 involved in trying to steal the 40,000 along with Gary Jackson,
6 was it 'cuz you weren't getting enough dough from the city?

7 A. No, I made a bad judgment.

8 Q. All right. That didn't enter into it though. It wasn't
9 the fact that you weren't getting enough money from the city
10 that caused you to say, you know, "I'm going to go in and
11 participate in a robbery," it wasn't that?

12 A. Made a mistake.

13 Q. Okay. But -- but it was greed, wasn't it? I mean, to be
14 blunt, wasn't it just greed?

15 A. How was it greed?

16 Q. I'm asking you. Didn't it seem like it's -- "I can get
17 \$20,000 or \$19,000, I can do it easy" and you were greedy,
18 isn't that right?

19 A. That's not greedy.

20 Q. Okay. It is stealing though, you would agree with that,
21 yes?

22 A. It's taking money.

23 Q. Okay. And do -- would -- would you agree that when Mr.
24 Jackson called you and proposed this idea, that one of the
25 things you were thinking about was, "Boy, what's in it for

1 Q. But you hope, do you not, that it will be as low as
2 possible, right?

3 A. Correct.

4 Q. Okay. So --

5 MR. FISHMAN: Thank you, Ms. Koch.

6 BY MR. FISHMAN:

7 Q. It's your testimony that everybody that you worked with in
8 Narcotics, particularly on Sergeant Hansberry's crew except for
9 Beasley and Bray, were all dirty cops, am I right?

10 A. I don't know about Amy Metalic.

11 Q. Okay. Barnett, he's dirty for sure, right?

12 A. I don't know.

13 Q. Well, didn't you -- didn't you tell us yesterday you saw
14 Officer Barnett take an ounce of cocaine and stick it in his
15 pocket and walk out with it?

16 A. Yeah, I seen him do that.

17 Q. Don't you think that kind of meets the definition of a
18 dirty cop, or is that something that's -- what -- what you're
19 supposed to do?

20 A. I mean I just knew he wasn't right.

21 Q. Okay. Officer Napier?

22 A. Right.

23 Q. Officer Tourville?

24 A. Right.

25 Q. Officer Riley?

1 A. Right.

2 Q. What about Officer Whitten, W-H-I-T-T-E-N, did she work on
3 your crew?

4 A. Yeah, she did.

5 Q. Is she a crook?

6 A. Not that I know of.

7 Q. Okay. So she's no, Beasley's no, Bray's no, Metalic,
8 question mark?

9 A. Yeah, I don't know.

10 Q. And Geelhood?

11 A. Yeah

12 Q. Yes. Okay.

13 And the people, whoever their names are that you
14 recognize as the code names that were given to you, do you say
15 they're crooked or no? Sting, Seal, Lobo, Dragon.

16 A. I have no idea.

17 Q. Okay.

18 A. Dragon, no.

19 Q. When you saw Officer Barnett take the cocaine during a
20 raid, can you tell the jury approximately when that was?

21 A. I don't know exactly.

22 Q. Was it before or after the large money seizure that we're
23 going to talk about in a second?

24 A. After.

25 Q. Okay. And you said that you -- you talked to Sergeant

1 Hansberry and Officer Watson about it, correct?

2 A. Correct.

3 Q. Did you -- did you have lieutenants still in those days?

4 A. Did I have who?

5 Q. Were there lieutenants in the Narcotics Section?

6 A. Correct.

7 Q. And over the lieutenant is what, the inspector, used to
8 be, now the captain?

9 A. Right.

10 Q. And then there are commanders, correct?

11 A. Correct.

12 Q. And then there's the Chief of Police. Deputy chiefs and
13 then the Chief of Police, correct?

14 A. Inspectors and... yeah.

15 Q. All right. So you -- you told us you talked to Hansberry
16 and Watson and they asked you what did you want to do about it,
17 right?

18 A. Correct.

19 Q. And you didn't want to do anything about it, did you?

20 A. I told them whatever they wanted to do.

21 Q. Because if you wanted to do something about it, whatever
22 these two said, you could have gone to the lieutenant, the
23 inspector, all the way up to the Chief of Police and say, "Hey,
24 I just saw crookery in a search warrant execution," right?

25 A. I mean I went to my immediate supervisor.

1 Q. I know that. But my question is, sir, if your immediate
2 supervisor didn't do anything, there was nothing keeping you
3 from going way higher than him in the police department and
4 reporting what you say you saw, right?

5 A. Yeah, wasn't nothing stopping me.

6 Q. You told the jury, in response to Mr. Light's question at
7 the end of your direct testimony, if you would have stayed in
8 southwest Detroit, you wouldn't be here right now, correct?

9 A. Correct.

10 Q. So are you blaming other people for the fact that you lied
11 on search warrant affidavits, gave weed to Calvin Turner and
12 all the other things that you've talked about, is that somebody
13 else's fault?

14 A. Did I say that?

15 Q. I'm asking you.

16 A. I didn't say that. I said that if I'd a stayed there, I'd
17 a been okay.

18 Q. And my question is are you blaming that on other people or
19 are you taking responsibility for it yourself?

20 A. I'm a man. I take responsibility for myself.

21 Q. You -- you'd agree, had you gone to some superior officer
22 higher than your sergeant about Officer Barnett, you could have
23 put a stop to whatever was going on right then, couldn't you?

24 A. No.

25 Q. Okay. You told us you knew Calvin Turner from childhood,

1 A. They got people out the house.

2 Q. Did you learn that somebody was arrested?

3 A. Yes.

4 Q. Did you learn that that person's name was Dante Mitchell?

5 A. I don't recall the name, sir.

6 Q. Did you learn that that person wound up being charged in
7 court, in Recorder's Court in Frank Murphy?

8 A. I have no idea.

9 Q. Did you talk to Gary Jackson about what kind of story that
10 guy should tell to the police or to the prosecutors?

11 A. What story?

12 Q. Did you talk to Gary Jackson about what kind of story the
13 person who was being held hostage -- and let's assume his name
14 is Fred Tucker -- did you talk to Gary Jackson about what that
15 guy ought to tell the police and prosecutors about the whole
16 incident?

17 A. I don't know exactly. I don't know.

18 Q. Do you know today that during May of 2014 there was a
19 federal wiretap on Mr. Jackson that picked up his phone calls?

20 A. How would I know that?

21 Q. I don't know. That's why I'm just -- you didn't know and
22 you don't know it now?

23 A. You're telling me.

24 MR. FISHMAN: Okay. That's all.

25 THE COURT: Thank you. Anything from you, Mr. Sasse?

1 MR. SASSE: No. Thank you, Your Honor.

2 THE COURT: Mr. Light, you want to ask some
3 questions?

4 MR. LIGHT: I have just a few, Your Honor.

5 Could I see that report from Glynn Court, sir --

6 MR. FISHMAN: Sure.

7 MR. LIGHT: -- that you asked about, sir?

8 MR. FISHMAN: Yes, sir.

9 REDIRECT EXAMINATION

10 BY MR. LIGHT:

11 Q. Just -- just one area I want to try to clarify a little
12 bit with you, Mr. Leavells. That seizure from the cab of the
13 truck, of the semi truck, was a lot of money, correct, sir?

14 A. Correct.

15 Q. The final count of what was brought downtown to DBT -- DPD
16 headquarters was about \$2.197 million, is that right?

17 A. Correct.

18 Q. Now, Gary Jackson insisted that there was more money than
19 that in that -- in that cab, correct?

20 A. Correct.

21 Q. How much did he insist was there?

22 A. It was a range, but he kept saying 3 million.

23 Q. And Little, Gary Jackson's nephew, you talked with him
24 about that as well?

25 A. Correct.

1 Q. And he insisted what amount of money was present in that
2 cab, as he understood it?

3 A. Three million, and kept showing me pictures.

4 Q. Now, there's a difference of about \$800,000 there,
5 correct?

6 A. Correct.

7 Q. If that \$800,000 went walkabout away from that cab during
8 the execution of -- of -- of that street enforcement, do you
9 know how it walked away, how it got away?

10 A. No.

11 Q. You're not saying that somebody stuffed it all in the
12 cargo pockets of the cargo pants that Napier and Tourville had
13 on, you're not saying that, are you, sir?

14 A. Nope.

15 Q. You just don't know if or how that money was stolen,
16 correct?

17 A. Correct.

18 Q. Mr. Fishman asked you some questions about your grand jury
19 testimony. Do you recall that?

20 A. Yes.

21 Q. And he asked you a question and your answers from pages 30
22 to 31 of your grand jury testimony, right?

23 A. Right.

24 Q. That wasn't all your grand jury testimony on this subject,
25 was it, sir?

1 A. No.

2 Q. On page 36, starting at line 12, were these -- was this
3 question asked and did you give this answer: Question, "After
4 the fact, were there discussions involving Gary Jackson about
5 how much money was in the cab?" Answer, "Correct. What the
6 final tally was that we came up with was 2.197. The number
7 that Gary Jackson told us was 3 million. We didn't give him
8 any money out of this. We paid him through city funds which
9 was \$250,000 cash."

10 A. Correct.

11 Q. Was that your testimony before the grand jury as well?

12 A. Yes.

13 MR. LIGHT: No further questions.

14 THE COURT: Okay. Well, now hold on just a sec. Do
15 you want to respond to any of that, Mr. Harrison?

16 MR. HARRISON: One question.

17 RECROSS-EXAMINATION

18 BY MR. HARRISON:

19 Q. I just want to make sure I heard what I heard just now
20 right. With regard to the southwest Detroit big money seizure
21 that Mr. Light just asked -- asked you about, you agreed with
22 his question, you don't know if or how that money was stolen,
23 right?

24 A. Correct. It wasn't southwest either.

25 MR. FISHMAN: Yeah, it's east -- east side.

1 communicate electronically about it, and keep your minds open.
2 We'll see you tomorrow morning and we'll get through this,
3 okay?

4 All right. Let's all rise for our jurors please.

5 (Whereupon the jury was excused at 12:41 p.m.)

6 THE COURT: Okay. Everybody may be seated. We're
7 going to be in recess. Thank you all very much.

8 MR. LIGHT: Thank you, Your Honor.

9 MR. BUCKLEY: Thank you, Your Honor.

10 (Court in recess at 12:42 p.m.)

11 (Whereupon proceedings in the above-entitled matter
12 were adjourned to Wednesday, June 29, 2016)

13 — — —

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C E R T I F I C A T I O N

I, Linda M. Cavanagh, Official Court Reporter of the United States District Court, Eastern District of Michigan, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing pages 1 through 155 comprise a full, true and correct transcript of the proceedings held in the matter of United States of America vs. David Hansberry, Bryan Watson and Kevlin Omar Brown, Case No. 15-20217, on Tuesday, June 28, 2016.

s/Linda M. Cavanagh
Linda M. Cavanagh, CSR-131, RPR, RMR, CRR
Federal Official Court Reporter
United States District Court
Eastern District of Michigan

Date: May 1, 2017
Detroit, Michigan

EXHIBIT J

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBRA METRIS-SHAMOON,
MUKHLIS SHAMOON,
CARL VERES, PAUL METRIS,
JULIA METRIS,
Plaintiffs,

vs.

Case #18-cv-13683

CITY OF DETROIT, and HON. ARTHUR J. TARNOW
SGT. JOE TUCKER, SGT. CANDACE
MATSCHIKOWSKI, in their Individual
and Official Capacities; SGT. STEPHEN
GEELHOOD, JUAN DAVIS, and BRIAN JOHNSON,
In their Individual Capacities;
jointly and severally,
Defendants.

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The Virtual deposition of CHIEF JAMES CRAIG,
Taken Via Hanson Remote
Commencing at 11:00 a.m.
Thursday, May 21, 2020
Before Kelley Whitaker, CSR 0977.



Court reporter, attorneys & witness appearing remotely.

APPEARANCES:

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ALSO PRESENT: DEBRA METRIS-SHAMOON

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3 EXHIBIT 1 10
4 Notice of Deposition
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1 Virtual Deposition
2 May 27, 2020
3 About 11:00 a.m.
4 - - -
5 COURT REPORTER: My name is Kelley
6 Whitaker, CSR-0977, a Michigan State Notary Public and
7 Certified Shorthand Reporter, and this deposition is
8 being held via videoconferencing equipment and
9 telecommunication.
10 The counsel, witness, and reporter are not in
11 the same room. The witness will be sworn in remotely,
12 pursuant to stipulation and agreement of all parties.
13 Will the parties please stipulate on the
14 record that they consent and waive any objections to
15 this manner of conducting the deposition and the
16 attorneys participating in this deposition acknowledge
17 that I am not physically present in the deposition room
18 and that I will be reporting this deposition remotely.
19 Please indicate your agreement by stating your name
20 and your agreement on the record.
21 MR. DETTMER: Dennis Dettmer, on behalf of the
22 plaintiffs. And I agree to this remote deposition
23 taking and have no objection whatsoever.
24 MR. SUROWIEC: James Surowiec, on behalf of
25 City of Detroit, defendants, and I agree to the

1 deposition being taken remotely in the manner that you
2 just described.
3 - - -

4 CHIEF JAMES CRAIG,
5 having first been duly sworn, was examined and testified
6 on his oath as follows:

7 MR. DETTMER: Chief Craig, I'm Dennis Dettmer,
8 and it's a pleasure to meet you.

9 THE WITNESS: Nice meeting you, too.

10 EXAMINATION BY MR. DETTMER:

11 Q. I'd like to ask you a series of questions. And starting
12 off, we have given four Notices of Deposition to your
13 counsel and his firm. And I am wondering if you've seen
14 any one of those, because they have attached a subpoena
15 duces tecum to the City of Detroit asking for certain
16 documents.

17 Have you seen that -- any one of those four
18 deposition notices?

19 A. I don't recall seeing any of the notices. I was made
20 aware that there was a disposition (sic) by an attorney
21 that works at my office, or how or could have been, but
22 personally I have not seen it. But I was advised that
23 there was a deposition.

24
25



1 EXHIBIT 1
2 Notice of Deposition
3 WAS MARKED FOR IDENTIFICATION
4 EXHIBIT 2
5 May 13, 2020, Email
6 WAS MARKED FOR IDENTIFICATION

7 BY MR. DETTMER:

8 Q. Okay. The Notice of Deposition is Exhibit 1 to your
9 deposition today. I have as a Notice, also, a second
10 exhibit, Number 2, which is an email dated May 13th,
11 2020, from counsel for the defendant -- Lindsey Johnson
12 for the defendants.

13 And she indicates -- I'll read it into the
14 record. Thank you for your Notice of Deposition which
15 we will have our clients appear remotely. However,
16 Defendant City will not respond to the duces tecum
17 portion of the deposition since discovery has already
18 closed in this matter May 7th.

19 Also, this Deposition Notice requests
20 documents that have already been provided to you by the
21 Defendant City in response to client's numerous prior
22 Discovery Requests.

23 I would suggest that that mission is totally
24 improper. We initially sent our First Notice of
25 Deposition on October 30th, 2019. We Re-Noticed it on



1 December 9th, 2019, February 25, 2020, May 13th, 2020,
2 and May 18th, 2020. And I'll reference Court Order that
3 was entered on December 20th, 2019, by Judge Whalen that
4 ordered that we could take your deposition today.

5 And the point I'm making, the subpoena and the
6 Exhibit A attached to that subpoena directed to the
7 City, all were duplicative and all really started to
8 originate on October 30th, 2019. And the assertion that
9 it's not timely, since Discovery is cut off, as
10 indicated by what I am saying, that is not a
11 well-founded objection at all.

12 We will proceed accordingly --

13 MR. SUROWIEC: I would like to --

14 MR. DETTMER: -- with the Court. Now I would
15 like --

16 MR. SUROWIEC: I would like to respond to that
17 just briefly.

18 We have provided all of the records requested
19 in the subpoena duces tecum, and the form of that, I
20 believe, is improper. Chief Craig doesn't have those
21 records. We provided them, all of them, to Plaintiffs
22 on numerous occasions. We filed objections to that --
23 to that subpoena. To the extent that -- to the extent
24 that the discovery is closed, that's not really the
25 issue.

1 The issue is, this information has been
2 provided. Chief Craig is not going to show up at this
3 deposition with a bunch of papers, which you yourself
4 and Mr. Dezsi have already agreed this is very
5 cumbersome. We are remote; he is remote. What good is
6 it going to do? So that's our objection.

7 MR. DETTMER: That's not a proper reason not
8 to produce the records that I requested in that
9 subpoena.

10 MR. SUROWIEC: We object.

11 MR. DETTMER: The documents have been
12 subpoenaed and you have not produced the records that I
13 requested --

14 MR. SUROWIEC: We are a party.

15 MR. DETTMER: But let me go on.

16 (Multiple speakers)

17 MR. SUROWIEC: Go ahead.

18 We are a party to the subpoena.

19 MR. DETTMER: Chief Craig, have you seen any
20 of the exhibits?

21 THE WITNESS: The only predeposition -- I have
22 seen some exhibits. I couldn't tell you which ones or
23 what was contained. As it was already referenced, I
24 don't have anything in my possession right now.

25

1 BY MR. DETTMER:
2 Q. All right. I am going to run through some of these
3 fairly quickly. I'll make a reference to them. Your
4 counsel has them. If you want to take a look at them,
5 we can bring them up on the screen. Okay?
6 So if you have any question about any single
7 exhibit as we are discussing it, please indicate that
8 and we'll put it on the screen so you can see it in
9 detail. Okay?
10 A. Okay.
11 MR. SUROWIEC: Dennis, can I ask a quick
12 question? Are you referring to the exhibits that were
13 sent by Beth yesterday?
14 MR. DETTMER: Yes.
15 MR. SUROWIEC: Okay. So she indicated
16 1 through 10 and then 12 through 22 or 23. We didn't
17 get 1 through 10. Are there about 23 exhibits we're
18 talking about?
19 MR. DETTMER: There are actually more than 23
20 because some had subparts. If you looked at them, you
21 would have seen that. I've looked at the same email
22 chain that you did -- that you got, and I had all my --
23 all of the exhibits. But I don't want to argue about
24 that. You made that point. I don't agree with it.
25 MR. SUROWIEC: Dennis --



1 MR. DETTMER: It's a brief history. Rather
2 than going through it with you in any detail, Exhibit 4
3 kind of gives your biographical background.
4 THE WITNESS: Yes, this would be one that I
5 hadn't seen. I notice that there is some reference made
6 to US Representative Rashida Tlaib, so I haven't
7 personally seen this page.
8 MR. DETTMER: I would ask that, if you have
9 any questions about it, Mr. Surowiec will provide you
10 the -- Exhibit 4 and you can raise that -- an issue with
11 me and through him about --
12 MR. SUROWIEC: I don't have the exhibit.
13 MR. DETTMER: But it's a general statement
14 about your background.
15 THE WITNESS: I understand.
16 BY MR. DETTMER:
17 Q. Captain prepared you well and you're off and running.
18 A. Yes, he did.
19 Q. The next exhibit -- I have 5 and 5A. These are excerpts
20 from the Detroit Board of Police Commissioners.
21 EXHIBIT 5
22 Excerpt from Board
23 WAS MARKED FOR IDENTIFICATION
24
25

1 MR. DETTMER: You should have gotten them,
2 should have looked at the end of that chain, the first
3 email, and they were there.
4 MR. SUROWIEC: Dennis, I am just telling you,
5 for the record, we didn't get 1 through 10, so we'll
6 look at what you have, but I'm just telling you, I've
7 made my record and I asked Lindsey, did you get them.
8 We have what we have, which you sent last night.
9 That's fine. Go ahead.
10 MR. DETTMER: The email chain will show what
11 you got. And if you somehow overlooked it, that's it.
12 MR. SUROWIEC: Okay.
13 EXHIBIT 4
14 Wikipedia History of Craig
15 WAS MARKED FOR IDENTIFICATION
16 MR. DETTMER: Our Exhibit 4 is a Wikipedia
17 page, and it's about you. And it gives a history of
18 your starting in the police department in Detroit after
19 you graduated high school here from Cass Tech.
20 And have you seen this document?
21 THE WITNESS: I don't know if I've seen this
22 specific document. I have seen my name on Wikipedia,
23 and I know those things get updated, so this particular
24 page, I'm not certain. I'm skimming through it as you
25 move up.



1 EXHIBIT 5A
2 Excerpt from Board
3 WAS MARKED FOR IDENTIFICATION
4 BY MR. DETTMER:
5 Q. This is related to your appointment. Okay?
6 What was the relationship between the Detroit
7 Board of Police Commissioners and the Detroit Police
8 Department?
9 A. They provide oversight to the police department;
10 however, when I was appointed as police chief in 2013,
11 it was not on the approval -- there was some
12 conversation, as I recall, between the Police Commission
13 and representation of the emergency manager who was in
14 place when I was appointed, and so as is reflected, and
15 I am relying on my memory, Executive Order Number 11,
16 that I was not under the supervisory oversight of the
17 police commission at that time.
18 Q. Once the bankruptcy was completed, did the relationship
19 you and the Detroit Board of Police Commissioners
20 change?
21 A. At some point. I don't know how soon after -- the
22 relationship basically was that they were the
23 supervising or oversight entity as it's reflected in the
24 City Charter of the Detroit Police Department.
25 Q. You were appointed by then emergency manager, Kevin Orr,

1 on -- effective on July 1, 2013?

2 A. July 1, 2013, yes.

3 Q. Then the Exhibit 5A is another emergency manager City of

4 Detroit Order Number 42, which really just deals with

5 powers of the Board of Police Commissioners being

6 reinstated effective immediately, and this is dated

7 September 25, 2014.

8 On that date, through the Order Number 42, how

9 did your relationship change with the board, if at all?

10 A. The way I describe it, I don't think there was much

11 change. The order was explicit as to the commission

12 being reinstated in their role, but even prior to the

13 reinstatement, the department was responsive to the

14 police commission, even though by an earlier order

15 before the reinstatement, I didn't have to but we did it

16 because we just felt it was the right thing to do.

17 EXHIBIT 6

18 Organizational Charts

19 WAS MARKED FOR IDENTIFICATION

20 BY MR. DETIMER:

21 Q. Exhibit 6 is a collection of organizational charts of

22 the Detroit Police Department that were provided to us

23 through discovery. I wanted to ask you some general

24 questions about the organization and basically to

25 recognize the chain of command. Right?



1 out with police officers now in the current

2 organizational structure, corporals, neighborhood police

3 officers, detective, sergeant, and lieutenant. And

4 within the rank of sergeant, there's a master sergeant

5 that has more rank or more authority than that of a

6 sergeant.

7 Q. Of what level in the chain of command in the City of

8 Detroit is our supervisory responsibilities played?

9 A. What level in the department?

10 Q. Yes. For example, do -- under the current chain of

11 command, are corporals supervisors?

12 A. They are not. But depending on their role, they could

13 perform the role of field training officer, and as a

14 field training officer, they are responsible for

15 providing training to probationary police officers;

16 however, they would not be considered supervisors in the

17 rank structure. But they are --

18 Q. I'm sorry.

19 A. And detectives are not supervisors, either.

20 Q. So the first level of supervision within the Detroit

21 Police Department is a sergeant, correct?

22 A. That's correct.

23 Q. And is that true back to 2010, January 1st, 2010, from

24 your general knowledge of the operation of the police

25 department?

1 There is a chain of command in any police

2 department, and there is one, obviously, in Detroit;

3 correct?

4 A. Yes, it is.

5 Q. And you are, in effect, the chief executive officer as

6 the chief of police, correct?

7 A. That's correct.

8 Q. You have a number of assistant chiefs?

9 A. I do.

10 Q. And you have -- I'm not sure how many, maybe more than

11 one deputy chiefs?

12 A. Yes. Several deputy chiefs.

13 Q. And then the next level of the chain of command would

14 involve commanders or captains, correct?

15 A. That's correct.

16 Q. Captains and commanders are basically equivalent

17 positions? It's a matter of terminology, right?

18 A. They're not equivalent. They're referred to as command

19 officers. Commander outranks the Captain; the Captain

20 replaces the former rank of inspector.

21 Q. Thank you for that.

22 Then in the chain of command -- if I can just

23 briefly say this -- lieutenants and sergeants and then

24 police officers, that is right, in that sequence?

25 A. No. The sequence in terms of chain of command starts



1 A. As you know, I didn't start here until July of 2013.

2 But I would suppose, based on, as you reference, general

3 knowledge, that the sergeant would be the first line of

4 supervision.

5 Q. Okay. Generally, the chain of command -- a sergeant

6 reports up the line to a lieutenant, correct? And at

7 that point the communication is basically in that chain,

8 starting with you, going down to the assistant chiefs to

9 the deputy chiefs and down through the line, and

10 reporting back up is pretty much the same.

11 So if somebody -- if a police officer, for

12 example, makes a mistake, the sergeant is the person

13 that supervises that and deals with that initially,

14 correct?

15 A. Generally speaking, yes.

16 Q. If there is a problem, ongoing problem, he reports that

17 up the line to the lieutenant and the discipline

18 process, and the chain of command and communication

19 follows that up.

20 You don't always hear about what's going on at

21 the top of this chain of command, what a

22 sergeant's doing, unless it's a matter that comes up

23 through the chain, correct?

24 A. I do not always know. However, to your point, you made

25 some reference into the relationship between sergeant

1 and lieutenant. I believe there are times that the
2 lieutenant may not always know when a sergeant is
3 administering corrective action.
4 It could be counseling. Generally, if it's a
5 written counseling session, I believe the lieutenant
6 would be involved in that at some point through the
7 chain of command. But it's not so rigid, and I can't
8 speak to what occurred in 2010. I can talk about what
9 happens now.
10 There are times where a Captain or a commander
11 of the station may have direct contact with a police
12 officer relative to conduct, and it could be something
13 as simple as advising that police officer to wear a seat
14 belt when operating a motor vehicle, as an example.
15 Q. In the -- you're familiar, obviously, with the different
16 units within the Detroit Police Department, correct?
17 A. Yes.
18 Q. You became the Chief of Police in the day-to-day
19 operation. You've learned quite a bit, I assume, about
20 the day-to-day operations about a lot of these different
21 units.
22 A. Basically, yes.
23 Q. If there's a Narcotics raid, there's usually a sergeant
24 that heads that up, correct?
25 A. I would expect.

1 Q. Are you suggesting that your Detroit Police Department,
2 in its organizational structure, didn't have a
3 supervisor in a narcotics raid? That is the sergeant
4 that headed up the crew and oversaw its activities?
5 A. That is the expectation, but I can't tell you on every
6 single search warrant execution that a supervisor was
7 present. The expectation is that a sergeant at minimum
8 should be.
9 Now, since we've opened up, which I am sure
10 you'll get into, the task force that we're now working
11 on, certainly the expectation is greater. At minimum a
12 lieutenant shall be present when a raid is initiated by
13 a Narcotics Unit. But I've also teetered on even the
14 rank of captain being present.
15 Right now, as it stands today, the direction
16 is that a lieutenant shall be present on every execution
17 of a Narcotics search warrant.
18 Q. Chief, when did that policy become established?
19 A. That was during this iteration of the investigative work
20 that we are currently involved in. As we began and
21 started --
22 Q. Going back to August 7th, 2019, correct, when you first
23 started.
24 A. When we started our task force operation -- I don't have
25 the date in front of me -- current task force.

1 Q. He has a crew?
2 A. At what period of time are you talking about?
3 Q. Let's go back. I mean -- you're looking -- at least the
4 scope of the current review goes back to 2010, although
5 I understand you're not back to 2010 yet.
6 But going back to prior to your -- the
7 effective date of the reorganization of the Narcotics
8 units in July 2014, you understood that the workings, I
9 assume, of the Narcotics Unit. And you understood that
10 there were sergeants and there were -- and they
11 supervised the police officers that worked under them
12 and their crew, right?
13 A. That's correct.
14 Q. And as far as you know, that goes back to 2010. You
15 don't have any information to the contrary?
16 A. I suppose. I can't say. I mean, you bring up an
17 example of saying an execution of a search warrant, and
18 I can't tell you definitively if, on every execution of
19 the search warrant in 2010, if the sergeant was present.
20 I wouldn't know that.
21 In fact, I can't tell you even after my
22 appointment if that was a consistent practice. An
23 expectation, yes. But to say that I know in every
24 single execution of a search warrant a sergeant was
25 present, I can't make that statement.

1 During that inquiry, there were some things we
2 learned about how the Narcotics Unit functions, and one
3 thing that we learned is that, generally speaking,
4 sergeants would be present. That would be the highest
5 rank present at Narcotics search warrant executions, as
6 you refer to as raids.
7 I've mandated that the rank of lieutenant, a
8 lieutenant shall be present at all executions of search
9 warrants by Narcotics.
10 Q. The purpose, if I may ask you, of having the lieutenant
11 present would be to elevate the level of supervision
12 because of the terms about sergeants and how they
13 operate?
14 A. Yes. In terms of accountability, some things that we
15 have learned during this most recent task force that we
16 have, that we now just named Operation Clean Sweep,
17 what we have learned is that in some instances sergeants
18 may have been involved, directly involved, in the
19 alleged misconduct that we were investigating.
20 And the extent of their involvement could be
21 nothing more than being complicit and not taking
22 appropriate supervisory action when necessary.
23 Q. Well, from what you say, prior to direct policy that
24 you've initiated, the policy was really one of inaction,
25 which is correctly in these raids that were undertaken

1 (Inaudible) affidavit, correct?
2 COURT REPORTER: Can you repeat -- can you
3 repeat the question?
4 THE WITNESS: I'm sorry; the affidavits were
5 not what?
6 BY MR. DETIMER:
7 Q. The search warrant and affidavits initiated the raids --
8 do you want me to call it search warrant executions?
9 You know, when, previously, prior to what you just
10 described, the sergeants were generally the supervisors
11 on the scene of an execution and search warrant, right?
12 A. Generally, it is my belief that they were. And I'm
13 talking about from 2013 going forward. I can't speak to
14 what was going on prior to that.
15 Q. And it was your decision that, to reduce any possibility
16 or reduce the problems within the Narcotics Unit, you
17 were looking at having a greater level of supervision,
18 if I understand you correctly. Is that right?
19 A. A greater level of supervisor for purposes of managerial
20 oversight. Lieutenants -- the rank of lieutenant is
21 considered a mid-manager underneath the rank of captain.
22 So at this point where we are in our probe, I feel
23 comfortable that a middle manager or a manager and
24 captain or commander rank should be present at search
25 warrant executions, primarily what we now call the Major



1 What we didn't get is information
2 concerning -- any allegations concerning administrative
3 violations. Again, administrative violations could
4 result in not only discipline but dismissal.
5 Q. I'll get into a little more detail about that further
6 into the deposition, if I may.
7 But you would acknowledge, prior to your
8 taking your current position in July of 2013 -- 5/1/2013
9 (sic), there was criminal activity by members of the
10 Narcotics Unit?
11 A. I only know that because the Federal Bureau of
12 Investigation, I'm told, launched a probe into the
13 Detroit Police Department's Narcotics section in 2010.
14 That investigation was a four-year investigation. It
15 culminated in 2014, I guess, roughly a year and a half
16 into my tenure. Narcotics was not on the radar.
17 There were other issues concerning the
18 department relative to accountability. It had to do
19 with the Federal Consent Decree that we were under. But
20 nowhere under the Consent Decree was there any reference
21 or review of the operations of the Narcotics section.
22 Again, the FBI's probe was confidential, and
23 because it was confidential, I believe in 2010 most
24 likely the executive levels of this department did not
25 know that there was an FBI probe.

1 Violators section.
2 Again, those -- when we started an earlier --
3 and you've heard me reference in newspapers that the FBI
4 started a probe into the Detroit Police Department's
5 Narcotic section in 2010. That investigation culminated
6 in 2014.
7 What didn't work out at the conclusion of the
8 FBI's work -- it wasn't a seamless transition of that
9 investigated -- that investigation into the Detroit
10 Police Department.
11 So, in other words, so I'm making myself
12 clear, there were a lot of things that we didn't know
13 that we now know because it was a federal investigation
14 that involved federal crimes. And so they were the lead
15 agency investigating those crimes, and so there was no
16 review of any administrative violations.
17 Now, administrative investigations at times
18 does and do involve criminal allegations; however, they
19 also address any administrative concerns that could
20 result in discipline leading up to termination.
21 So I hope I'm making myself clear, that at the
22 conclusion of the FBI's investigation in 2014, I, along
23 with select members of our executive team were brought
24 into the findings and that it would be several
25 individuals indicted and/or charged.



1 Q. Well, you would agree, at some point, and I believe
2 Lieutenant Hansberry was indicted by a filing in federal
3 court on April 8th, 2015.
4 At that point there was some knowledge that
5 there was criminal activity, at least it was alleged at
6 that point in the Narcotics -- then Narcotics -- well, I
7 shouldn't say that -- Major Violators Unit, previously
8 the Narcotics Unit, Hansberry, correct? That indictment
9 ended it?
10 A. I was aware, as I've already testified to, that I was
11 made aware that the FBI was planning to indict and in
12 one instance charge members of the department's
13 Narcotics Unit. That's when I became aware that there
14 was allegations of criminality not reflective of the
15 entire Narcotics Unit.
16 As I've already testified, I believe, as my
17 memory serves me, that two were indicted, one was
18 charged. There was an additional member that committed
19 suicide, I was told, but more than likely would have
20 been indicted. So you are talking about a total of
21 maybe four out of the entire Narcotics Unit.
22 Now if your question is, do I believe that
23 there were others involved in misconduct, I can only say
24 it's based on a belief and based on what I know today
25 and what I didn't know at the conclusion of the FBI's

1 investigation that I do believe that there were other
2 criminal and administrative violations occurring; not
3 necessarily reflective of every member of the Narcotics
4 Unit.
5 Q. We're talking about -- actually, there were a number of
6 indictments at the same time. Hansberry, who was then,
7 I believe, a lieutenant, but he had come out of the
8 Narcotics Unit as a sergeant, and Police Officer Watson,
9 who was in that same Hansberry crew, and Arthur
10 Leavells, and Officer Napier. And Napier,
11 unfortunately, committed suicide in his family's side
12 drive, as you will recall, in January of 2018.
13 But I think I saw some, and I'll discuss this
14 with you later. We need to get rolling here. There
15 were some feelings that the Hansberry crew, which fell
16 into Geelhood's crew, members of those two crews,
17 originating with Hansberry, were involved in criminal
18 activity. Is that fair to say?
19 A. There was certainly speculation. None of these other
20 members were charged, as you know. Again, I'll repeat,
21 that at the conclusion of the FBI's investigation, the
22 focus was on the folks that were indicted and the one
23 that was charged.
24 The remaining members who were more than
25 likely being investigated by the FBI, they were never

1 And what I'm really getting to, was someone
2 assigned from the Detroit Police Department, whether
3 Internal Affairs or some investigative level, how the
4 events of that trial and evaluate the testimony and
5 consider Internal Affairs investigations of, for
6 example, Napier and others -- I guess, Napier's dead by
7 that time -- but by other members of that crew?
8 MR. SUROWIEC: Objection; form, foundation,
9 compound question.
10 Go ahead.
11 THE WITNESS: I can answer the question?
12 MR. SUROWIEC: Yes, Chief.
13 THE WITNESS: Factually there were two members
14 of the Detroit Police Department that were part of the
15 Public Corruption Task Force. These two members -- I
16 can't think of the second member's name. But Tim Ewald,
17 which I suggested to counsel, had intimacy for years
18 relative to the narcotics investigation that was
19 conducted by the FBI.
20 When I talk about the seamless transition,
21 where I felt it was a failure on the part of the
22 department, is that there was no handoff. That these
23 are the folks that got charged federally, these are the
24 people that we have concerns with administratively, and
25 we should launch an investigation.

1 charged. However, it doesn't mean that those additional
2 members were not involved in some other kind of
3 misconduct, maybe some of what they were involved in
4 would be construed as criminal. However, this attorney
5 did not charge them. The problem --
6 Q. Let me ask you this.
7 A. I'm trying to finish a point.
8 Q. Yes.
9 A. The problem with the conclusion is it wasn't a seamless
10 transition from criminality to the possibility of
11 administrative work, and I am not faulting the FBI for
12 that because that's not what they do.
13 The Detroit Police Department investigates
14 misconduct. And if misconduct is made aware, you
15 investigate and, again, as I have already testified to,
16 sometimes that misconduct amounts to discipline, which
17 could mean suspension days leading up to and including
18 dismissal.
19 Q. Let me -- I was going to get into this later, but since
20 you are raising it.
21 During the trial of Hansberry and Watson,
22 Leavells testified, and a Source of Information, Gary
23 Jackson, testified. And I would represent to you that
24 testimony was more inclusive of criminal conduct by
25 other members of Hansberry's crew.

1 These two members of the department primarily
2 didn't do the heavy lifting, as you will, of
3 investigative work. They were trusted members of the
4 FBI's investigative team, although they were part of the
5 Detroit Police Department.
6 BY MR. DETTMER:
7 Q. I'm sorry. If -- I don't mean to interrupt you. But
8 Ewald and who was the other one?
9 A. I can't think of the second name right now. He has
10 since returned. He is working in the City in IT. It
11 will come to me, but right now Tim Ewald had been part
12 of the FBI's task force on public corruption, so he was
13 very intimate relative to what was going on with the
14 investigation, and I would imagine he would opine that
15 there were others that were not criminally charged but
16 certainly were engaged in acts of misconduct.
17 Q. Well, in Leavells' testimony during the trial of
18 Hansberry, it was very clear that other members of
19 Hansberry's were clearly involved in criminal activity
20 and, either inside the court, a hearing, trial, or
21 review of transcripts would have clearly shown that.
22 To your knowledge that didn't happen, correct?
23 A. There were no --
24 MR. SUROWIEC: Objection, form, foundation to
25 the question.

Chief, I apologize. Go ahead and answer, if you can.

THE WITNESS: Yes, I -- you know, as I've already testified to, and I made the statement several times, there certainly was no seamless transition at the conclusion of the criminality -- criminal case to moving into the administrative.

Again, there were a lot of things that I and my executive team were unaware of. We knew that there was some problems, and in terms of -- there were other members of Narcotics that may have been involved in criminal activity, however, they weren't charged criminally.

BY MR. DETTMER:

Q. Let me ask you -- let me ask you it this way. Did Ewald prepare any memoranda or writing, that you're aware of, that described the testimony of Leavells at the trial?

A. I am not aware of that memo.

Q. Did any -- are you aware of whether the Detroit Police Department acquired the transcripts of Leavells and Gary Jackson, the SOI?

A. I am not aware of it.

Q. Are you aware of any memoranda or writing that Ewald prepared describing the testimony and the indication of other individuals involved in any criminal activity?



MR. SUROWIEC: Can we have a time frame, Chief, from when that happened?

THE WITNESS: It would be --

MR. DETTMER: Let me ask you this way. Let me ask you this way.

BY MR. DETTMER:

Q. The raid on the three locations where there were Narcotic Unit's records was on August 22, 2019. How long prior to that when what is now called Clean Sweep originate and the investigation undertaken?

A. When we raided our own Narcotics Unit, seized all of its records, it was strategically done, based on we knew that former Officer Mosley was going to face charges.

So I made a decision based on Mosley being charged and fearful that, if we didn't act by seizing all of our records, that the records could be destroyed. That was one issue.

The second issue, I believe that, based on the allegation against Officer Mosley, that that was not his first time engaging in this kind of criminal misconduct.

So based on those two factors and the third factor, ironically around the same time period there was a source who provided information about what was going on in Narcotics as to some of the alleged misconduct.

Those three things put me in a good position

A. I cannot recall any memorandum prepared by Tim Ewald. My -- I have had conversations. Tim Ewald was very different from the Hansberry case that concluded in 2014 to where we are today, without going into details because it's a confidential part of the investigative work that we are doing.

We have very specific information that we got from a source. It was very descriptive of the type of alleged conduct that was going on. Based on that information and the case that was later brought by the one who was recently charged or indicted, Mosley, we now had a clear picture of what was going on allegedly in the Narcotics Unit.

And that is why, based on information that we got from a source, through the FBI, and I can't go into that because it's still very much part of the investigation, we have created a task force operation. And that task force operation has been very surgical, very thorough in looking at everything.

As I had testified to earlier, that operation is called Operation Clean Sweep, and so as we have gone on, based on the information that we got from the source, we are getting a lot of information now. And so information that we did not have at the conclusion of Hansberry.



to, one, go in, seize all of our records, and it was from that point that we started a task force. We didn't have a name for it. We started off relatively small.

At the present time we have 17 members. We also -- it's a DPD-led task force. Of the 17 members, 5 are the FBI, 3 are part-time, and 2 FBI full-time.

Q. Let me ask you about that, Director Graveline filing a declaration filed with federal court on May 19 of this year.

One of the things he's talking about is the sequence of investigation starting most currently and going back historically. And he raised this question about the concern about the Statute of Limitations. I'm wondering what you perceive, in any meetings or discussions about this, that the longest Statute of Limitations that may apply as potential criminal conduct by members of the nar- -- the Major Violators or the Narcotics Units. What do you think? Three years? Six years?

MR. SUROWIEC: Objection to form.

Chief, one second.

Objection; form, foundation. That's a multiparted question. I'm not sure what the question is, it's somewhat loaded.

If you can answer it, Chief, go ahead.

1 THE WITNESS: I think I can. I'll try my
2 best.
3 So there are two things at work here. One,
4 the criminal statute probably, as was articulated by
5 Chris Graveline, would probably be out. However, since
6 my tenure I've also initiated what I call a Statute of
7 Limitations for administrative misconduct.
8 So how that works is that, once the department
9 becomes aware of misconduct from any source, it could be
10 from a civil lawsuit like this. If we become aware of
11 allegations of misconduct, the clock starts. We have
12 one year from the time we're made aware to complete and
13 adjudicate that allegation. So that's the
14 administrative statute.
15 Now, you should note that this has not been
16 something that has been agreed to by both the department
17 and the unions. It's, for the most part, a handshake.
18 At some point in the near future, we will
19 codify and we will develop a memorandum of understanding
20 to solidify the administrative Statute of Limitations.
21 And the reason why that came about, one of the things
22 that was problematic in the Detroit Police Department
23 for years, I was told, is that a lot of cases that were
24 being brought to the arbitrator, and those
25 administrative matters were being dismissed. And the



1 find criminally, if it meets the US Attorney standard --
2 certainly, this task force is a dual task force. It's
3 addressing allegations of criminality and it's also
4 addressing administration violations. So it's a twofold
5 task force.
6 FBI certainly is interested in the work. This
7 is why they had dedicated staff to Operation Clean
8 Sweep. The belief is there may be some allegations that
9 can be brought forth criminally, even though some of
10 them are dated. I don't know what the statute of
11 limitation, like, for example, color of law, or whatever
12 that -- there may be some of those. I don't know if
13 statute of those goes much longer, as Attorney Graveline
14 may have articulated. When we seized our records, we
15 are going back ten years. And so right now where we are
16 in this probe, we have gone back to the year of 2017.
17 So we haven't quite gone back ten years.
18 Q. Yes. I am aware of that and in some of the articles
19 that we will introduce as we get going, you've made that
20 clear.
21 The point that I am making with you is if I
22 were sitting at the table with the task force as a
23 member, I would say we need to start looking at
24 documents that are relevant to the Statute of
25 Limitations period expiring.

1 reasons for the dismissals were because of the lack of
2 timeliness.
3 So based on the lack of timeliness, I felt it
4 was important for both the community and the concerned
5 accused officer that there would be a timely
6 adjudication to all allegations of misconduct.
7 BY MR. DETTMER:
8 Q. I'm --
9 A. I am --
10 Q. Go ahead.
11 A. So in terms of the criminal statutes relative to some of
12 the officers that were never investigated criminally or
13 were investigated criminally -- and I can't testify as
14 to why, let's say, the FBI did not opt to pursue
15 charges. Maybe it was a US Attorney said we don't think
16 that there's enough to charge them with whatever the
17 criminal charge was. I don't know.
18 Q. The point --
19 A. However --
20 Q. The point I'm making, there must be some criminal
21 statutes that are under consideration by the task force,
22 and the question is, do you know what periods of time
23 we're talking?
24 A. Since we are working with both Federal Bureau of
25 Investigation, US Attorney's Office, anything that we



1 For example, if we have a six-year statute, we
2 should be looking at 2014 and start our investigation in
3 2014 and come forward to the current time. I don't
4 understand it starting in 2020 or '19 and going
5 backward, because the Statute of Limitations is a key
6 element here. It sounds like a major mistake on the
7 part of whoever is heading this task force not to
8 analyze that as a key issue.
9 A. I rely strongly on my legal advisers. There was a
10 method. You're not a part of the task force, and it's
11 okay to criticize me. But what I feel good about is
12 finally for the first time -- it may be the books will
13 say -- and the first time we have an opportunity to
14 totally eradicate criminal misconduct from the Narcotics
15 department.
16 Q. This is an administrative issue you are talking about?
17 A. Administrative and criminal. It's no doubt to me. I
18 can speculate that there are probably many allegations
19 of criminality that have gone untouched for whatever
20 reason.
21 I've talked to members in this organization as
22 recent as a couple of days ago. And during that meeting
23 with my command staff, I gave a brief update on the task
24 force's work. In my brief remarks, I indicated that it
25 is our mission and goal to totally for the first time

1 eradicate misconduct from the Narcotics Unit.
2 Q. I support that, Chief. But --
3 A. But, so, like I said, to many of you who have been on
4 the department for in excess of, let's say, 10, 15,
5 20 years, you've heard the stories -- I wasn't here
6 then -- that there was a strong belief that there were
7 members in the Narcotics Unit engaging in misconduct.
8 Q. Well, would you agree with the point I made a few
9 minutes ago, that really the investigation should have
10 started more timely with the expiration of the Statute
11 of Limitations? Would you agree to that?
12 A. I'm not going to agree for this one reason. I
13 understand where you're going. Let me tell you why we
14 started where we started.
15 Initially, we didn't know what we were dealing
16 with. As I pointed out, there were a couple of things
17 in play. We had another dirty officer that got
18 charged -- Officer Mosley, who got charged and I had a
19 strong belief that Officer Mosley was involved in other
20 criminal misconduct. I believed it.
21 So part of the reason for this surgical look,
22 it was to go back and look at Mosley, look at the
23 team -- he was a team leader. And we wanted to know if
24 the involvement even was beyond him. So we started
25 there because we knew that that was timely.



1 properly reported.
2 Secondly, your discussion so far indicates,
3 you know, substantially the same thing. But first of
4 all, Exhibit 7...
5 MR. SUROWIEC: Dennis, can I interrupt real
6 quick? We, honestly, didn't get Exhibits 1 through 10.
7 We did forward the ones we got last night to the Chief,
8 but could Michael put this up on the screen?
9 MR. DETTMER: Yes, he can put it up.
10 Michael?
11 BY MR. DETTMER:
12 Q. This is an article from the -- August 22, 2019 -- from
13 the Detroit News, and we marked it as your Deposition
14 Exhibit 7.
15 And it starts off, a team of Detroit
16 investigators seized records of computer data from three
17 of the department's own facilities Thursday, as part of
18 an ongoing internal probe into the allegations of
19 corruption into the department's drug operations, Chief
20 James Craig said.
21 Is that a fair statement? Is that accurate?
22 A. It is.
23 Q. And then it goes on: The investigation, the latest in a
24 series of probes in the former Narcotics section, which
25 were closed in 2014 because of rampant corruption,

1 No doubt in my mind that there are going to be
2 cases that as we continue this task force that are not
3 going to meet the criminal statute.
4 However, we've been in consultation with the
5 US Attorney's Office, the FBI, certainly, if there's
6 color of law violations -- as another part that I didn't
7 get into, we have also been meeting regularly with Wayne
8 County Prosecutor's office, primarily the Innocence
9 Project, and we are also looking at -- I'm going
10 to pause for just a minute. The mayor is calling me
11 so...
12 MR. DETTMER: We are pausing at 12:05; is that
13 correct?
14 THE WITNESS: Yes, if we could just pause and
15 I'll be short.
16 (Off the record at 12:02
17 Back on at 12:05 p.m.)
18 EXHIBIT 7
19 Detroit News Article
20 WAS MARKED FOR IDENTIFICATION
21 BY MR. DETTMER:
22 Q. I'd like to go through articles, and starting with 7.
23 Exhibit 7, and it goes to 7D, and these are basically
24 the comments that you made to newspapers, and I just
25 want to confirm that what you said to the newspapers is



1 kicked off about four months ago after a large shipment
2 of drugs had been seized in Detroit was switched for
3 another substance by the time it got to Chicago for a
4 court hearing, Craig said. Is that accurate? The
5 statement, just generally?
6 A. Yes, that was an investigation -- we got information
7 that -- from the DEA and FBI about an allegation which I
8 can tell you didn't come to fruition.
9 Q. It did not?
10 A. Did not. However, without going into detail, because it
11 directly concerns what we are doing now, it was
12 beneficial in the investigative work we're doing now.
13 I'll just leave it there.
14 Q. Let me ask you this. In terms of the switch out of the
15 drugs on the -- from Detroit to Chicago, was the
16 Narcotics Unit involved in any way in --
17 A. There was no indication that what came to us occurred.
18 It would have been -- it could have been our Narcotics
19 Unit. It could have been -- I mean, allegedly it could
20 have been Narcotics. It could have been the place where
21 the narcotics were being held.
22 Again, it was an allegation only, but in terms
23 of the work that we were proceeding with, and, again, I
24 cannot and will not go into details, but it helped us
25 with the work that we are doing even though that issue

1 was unfounded.
2 Q. Chief, let me ask you this, then.
3 Was that acquisition of those drugs --
4 A. Can you hold one second? The gentleman -- I've got a
5 gentleman in my office that -- the other name -- he just
6 happens to be in the office.
7 (Chief having a discussion
8 off the record.)
9 THE WITNESS: Saraino. His name is Saraino.
10 BY MR. DETTMER:
11 Q. Ewald's partner, in effect?
12 A. Yes, that's correct.
13 Q. Do you know how to spell that?
14 THE WITNESS: How is Saraino's name spelled?
15 Saraino, S A R A I N O. That's his last name.
16 First name?
17 BY MR. DETTMER:
18 Q. S, as in "Sam," right?
19 A. Yes, first name, Michael.
20 Q. Thank you.
21 THE WITNESS: You're not in trouble, Mike.
22 Okay. Anyway.
23 BY MR. DETTMER:
24 Q. Well, what I am asking you, did the Major Violator's
25 Unit exercise a search warrant and acquire those drugs?



1 appearance and maybe more testimony from you. But right
2 now I want to go through this quickly.
3 Then you go on in the next paragraph, or the
4 article goes on, part of the corruption Craig referred
5 to involved former drug cops Hansberry, Watson, and
6 Leavells, who were convicted in federal court of
7 offenses that include ripping off drug dealers and
8 stealing and buying drugs that had been seized.
9 Basically, you acknowledge that in your
10 testimony so far today, correct?
11 A. That's correct.
12 Q. And then at the very bottom of the second page in
13 Exhibit 7, it says, he, referring to you, said
14 allegations made against Hansberry, Watson, and other
15 cops, the federal lawsuit also played a part in the
16 ongoing investigation which is the latest in a string of
17 probes into the department's narcotics operation.
18 Is that a fair statement --
19 A. Yes.
20 Q. -- that represented that?
21 A. Yes.
22 Q. And -- well, I'll come back to that. But I'm wondering
23 why Hansberry and Watson, you know, are the -- well,
24 seeming to leading into this. Why did that -- the
25 allegations made against them play a role in the ongoing

1 A. I don't recall the circumstances involved in the drugs,
2 but based on the DEA, FBI, it was unfounded and so -- in
3 fact, I know the DEA was doing an investigation relative
4 to the DEA's role, and I just don't know the outcome of
5 their role.
6 Q. All right. The next page of this article, I saw, Craig
7 said, he initiated the seizure of records and computer
8 files because of concerns about, and they quote, "a
9 residual effect of corruption", and he said has long
10 been part of Narcotics operation, which the chief
11 renamed the Major Violators section five years ago.
12 Is that a proper quote of a residual effect?
13 A. I could say yes. I think it was residual. A lot of it
14 was speculative on my part. But I made the statement
15 and, again, there were things I didn't -- as I have
16 already testified to in this session, there were things
17 I didn't know about the Hansberry matter, that as we
18 launched this probe, there is a direct nexus to it.
19 Q. We will get into that in more detail, but...
20 A. I'm not going to get into a lot of detail because, as I
21 indicated, I am in the middle of a corruption probe, and
22 some of what we are doing is very confidential.
23 Q. Well, we are under a Protective Order in this
24 proceeding. And I think the assertion of a privilege
25 we'll deal with, might require a motion and a court



1 investigation?
2 A. Because as we are doing the work that we're doing now,
3 we're finding certain patterns that have continued, that
4 preexisted the FBI's investigation. We believe that
5 continued even after their indictment.
6 Q. Going on to the next page of Exhibit 7, page 3. It
7 states at the very top, Craig disbanded the drug unit in
8 July 2014 because what he said was systemic problems
9 uncovered during the Internal Affairs investigation that
10 includes how drugs and evidence were handled.
11 "Systemic problems," by that do you mean
12 there's an activity according to a fixed plan, a
13 methodical operation within the drug unit?
14 A. I think it probably would have been better articulated
15 as trying to build in enhanced accountability. Did I
16 believe that there were other problems inside of the
17 drug unit that we couldn't identify?
18 But one thing that was missing from the
19 conclusion of that investigation and where we are now,
20 we didn't have anyone inside giving us information as to
21 some of the alleged conduct. However, basically
22 disbanning the Narcotics section and renaming it to
23 Major Violators was done to incorporate some best
24 practices that would tend to build in more
25 accountability.

1 One thing that I recall, and it didn't really
2 work as well as I thought, was to put a time limit of
3 how long officers assigned to Narcotics would work. So
4 what some did to do a workaround on the rule -- it was
5 like a five-year rule; that if you worked Narcotics for
6 five years, you had to leave. That's a best practice.
7 And what ultimately happened, individuals
8 would be moved out of Narcotics, not that anybody was
9 accused of any wrongdoing. It was just a best practice.
10 They were moved out, more cases than not, into
11 precinct-level Special Op Units to do the drug
12 investigations and some -- and I don't know the
13 number -- some ended up returning to the drug unit. So
14 there was an interruption in their time. So...
15 Q. I will get to that issue. I have an exhibit, the
16 administrative message making -- effective July 14th,
17 2014, the formation of Major Violators, and I'll get to
18 that.
19 EXHIBIT 7A
20 Detroit News Report
21 WAS MARKED FOR IDENTIFICATION
22 BY MR. DETTMER:
23 Q. But I'd like to go on, and there's a December 11th,
24 2019, Exhibit 7A of a Detroit News report and it's
25 titled Detroit Police Probe Yields Allegations of



1 "allegations". We haven't really --
2 Q. It goes on, since -- the next paragraph.
3 Since the August 22nd raid in which dozens of
4 files and computers were seized and analyzed, Chief
5 James Craig has reassigned everyone in the unit with
6 five or more years' experience, correct?
7 Is that a correct statement?
8 A. That is.
9 Q. Then you go on, I am extremely concerned there may be a
10 pattern of practice of criminal misconduct in the
11 Narcotics Unit. Sadly, as we continue our probe, we
12 think it's going to grow in terms of magnitude.
13 Is that a correct quote from you?
14 A. That's correct.
15 Q. And then down lower on the first page, after Director
16 Graveline's picture. It goes on: Craig said, he
17 enlisted from FBI, Michigan State Police, US Attorney's
18 Office after materials seized in the raid, he enlisted
19 help -- I'm sorry -- revealed more problems than
20 anticipated. Is that correct? Or were they involved
21 prior to?
22 A. No, I think the FBI came. We initiated the probe, and
23 the FBI made a commitment. They gave us two
24 permanent -- and as I indicated earlier, there were
25 three part-time and I think one of the FBI was also part

1 Widespread Corruption on Drug Unit.
2 Would you agree with the lead-in to this
3 article?
4 MR. SUROWIEC: Object to form, foundation.
5 Go ahead, Chief, and answer the question.
6 THE WITNESS: Are you talking about the title
7 of the article?
8 BY MR. DETTMER:
9 Q. Yes. Right. Do you see it there?
10 A. Yes, I'd say there was widespread, given what we were
11 starting to uncover. But I want to pause for a moment
12 and make it abundantly clear that it didn't mean that
13 everybody working the drug unit was involved in
14 criminality.
15 Q. In the first paragraph, the indication -- if I just read
16 it into the record. Four months after Detroit Police
17 and Internal Affairs officers raided their own
18 department Narcotics Unit, investigators have uncovered
19 alleged corruption that includes drug cops planting
20 evidence, lying to prosecutors in search warrants,
21 robbing dope dealers, and embezzling funds, Police
22 Commission said.
23 You don't disagree with that, I assume?
24 A. I don't disagree that those were allegations that we
25 were looking at. I'm putting emphasis on



1 of the Public Corruption Task Force who is a Michigan
2 State Police. I'm not certain if he's still involved in
3 that, but he was at the time.
4 Q. You go on after -- by adding people. Now we are on to
5 17. And you recorded this saying, this is a major
6 corruption investigation, but I want to caution that
7 these are just allegations at this point. That's what
8 you've said a number of times, correct?
9 A. That's correct.
10 Q. On the second page of Exhibit 7A, in the first full
11 paragraph, it says, one of the investigation's
12 findings -- and I want to skip down -- the second bullet
13 point, false affidavits alleging were presented to --
14 allegedly were presented to prosecutor to get search
15 warrants.
16 And you are then quoted, it's alleged that the
17 probable cause against the warrants was fabricated,
18 Surveillance that was supposedly conducted to get the
19 warrants wasn't done. Is that correct? Is that proper?
20 A. That's correct.
21 Q. And you indicated there were identified eight instances
22 where this may have occurred, correct?
23 A. At that time, yes.
24 Q. And in the next -- the next bullet point, drug suspects
25 were designated as confidential informants without

1 permission. Only a prosecutor either from the Wayne
2 County Prosecutor's Office or the US Attorney's Office
3 can authorize a member of the department to turn a
4 suspect in to an informant. You said that, correct?
5 A. I did.
6 Q. And then it goes on, based on our investigation so far,
7 we found 11 instances where officers improperly made
8 suspects into informants. Based on our investigation so
9 far we -- I'm sorry -- we found 11 of these.
10 Now, let me ask you, how is it recorded that a
11 confidential informant really should be a Source of
12 Information, right -- or Confidential Informant has been
13 authorized by either US Attorney's Office or the Wayne
14 County Prosecutor's Office to act as an informant.
15 How is that done? What is the trail?
16 A. I can't tell you what the paperwork is. But simply put,
17 if an arrest is made, narcotics are seized, then the
18 police officer cannot unilaterally release that person.
19 You're going to work this case off, and you'll work it
20 off. We're not going to take you into custody, but
21 you'll work it off giving us additional information.
22 Only a prosecutor -- the point is, only a
23 prosecutor can make that decision to say, okay, you've
24 got this person with large amounts of, let's say,
25 cocaine, and we think the information that he or she has



1 probing.
2 Q. On the last page, Exhibit 7A. You attribute -- I'll
3 read it.
4 You attribute the problem "basic greed", and I
5 assume your basic greed of officers and supervisors in
6 the Narcotics Unit, and including, obviously, the Major
7 Violators Unit, correct?
8 A. That's correct.
9 Q. 7B, this is a newspaper article in Detroit News,
10 December 12th, 2019. And you're quoted a number of
11 times and I --
12 MR. DETTMER: Michael, can you bring that up?
13 BY MR. DETTMER:
14 Q. Start off, selling drugs in any city is dangerous as
15 dealers risk being killed or robbed by rivals, but in
16 Detroit, pushers for years also have known they could be
17 ripped off by cops, Police Chief James Craig said.
18 Is that accurate?
19 A. Yes, if I would have -- if I said it that way. But I
20 guess that's the essence of it -- yes, I don't know if I
21 would have said it just like that.
22 Q. That's the point you want to make?
23 A. Yes, but I might have said it differently.
24 Q. Then it goes on, the next paragraph, the culture here
25 has been such that drug traffickers figure that it was

1 is invaluable in getting someone, say, higher up.
2 In the drug trade, that prosecutor could make
3 that decision, not a police officer. I can't make that
4 decision as a police chief. I certainly -- it can be
5 recommended -- a recommendation that we pursue as -- a
6 word that they use in Narcotics, it's called flipping a
7 source, who they got drugs on. We found -- as it was
8 indicated, we found that that happened a number of
9 times, and that is improper.
10 Q. Now, going on the second page in A, down a little bit,
11 you indicate, we're also looking very closely at the
12 supervisors and managers in the Major Violators section.
13 What did they know and what did they do about it? The
14 investigation is looking very closely at the management
15 that oversaw Narcotics.
16 And so you were very concerned that the
17 Narcotic Units were not being properly supervised,
18 correct?
19 A. That's correct.
20 Q. And have you found anything where it's been established
21 that there was a deficiency in supervision?
22 A. As we continued our probe, based on the alleged conduct
23 or misconduct that supervisors either knew or didn't
24 know but should have known -- I guess that's the best
25 way to describe it -- that is something that we're still



1 just one of the costs of doing business. They knew I
2 could get killed, robbed by my competition or robbed by
3 cops. It's not like that in other cities that I have
4 worked.
5 Is that a proper quote from you?
6 A. That's correct.
7 Q. You go on on the next page, again, that -- the
8 investigation that's underway, has uncovered a pattern
9 and practice of alleged corruption. Is that fair to
10 say, in the drug unit?
11 A. That's correct.
12 And, again, I want to put emphasis on that
13 does not mean that every single member assigned to Major
14 Violators was engaged in this pattern and practice.
15 Q. I understand. You've made that point a number of times
16 in the articles being quoted. And I understand that.
17 I'm not suggesting that every officer that is or was
18 ever in the Narcotics Unit or Major Violators are
19 criminals, but there are some. That's clearly, I think,
20 the point, correct?
21 A. That's correct.
22 Q. You were quoted a number of other times. Do you want to
23 take a quick look through this? I don't know if you can
24 see it clearly.
25 A. Is there anything specific that you want me to see?

1 Q. For example, on the second page, those who are
2 trafficking in large amounts of drugs got passes based
3 on the decision of a police officer. They are not going
4 to come back knocking on my door, saying, Chief, we want
5 to make a complaint.
6 A. That's correct.
7 Q. That was the problem, right?
8 A. In essence.
9 I'm not saying with every arrest, but we have
10 seen that what -- you know, what drug dealer who's
11 getting a pass is going to come in and make a complaint.
12 Q. I understand that.
13 7C is an article titled Detroit Police
14 Officials Revamp Internal Affairs Probe Procedures.
15 This is dated April 27th, 2019, and it's a Detroit News
16 article.
17 Now, the Internal Affairs has what
18 responsibility?
19 A. To investigate both administrative and criminal
20 misconduct.
21 Q. And it's a check, in a way. It has some supervisory
22 responsibility, correct?
23 Well, let me ask you it a different way. Does
24 it play some role in supervising the police officers?
25 A. It can play a role in establishing policy, but the probe



1 Q. No. No, that's okay.
2 A. It's just that it was done, as I had testified already,
3 to address the lack of timeliness of investigations,
4 and, twofold, to address an accused officer. They
5 deserve to have a timely resolution to their
6 allegations. And also to the community that expects
7 that when they initiate allegations of misconduct, that
8 matter is addressed not four or five years later.
9 Q. Internal Affairs is a process in the discipline of
10 police officers, correct? In all levels of police
11 officers?
12 A. That is one -- Internal Affairs is one part. They
13 execute, initiate -- strike initiate.
14 But they execute the investigative work of
15 serious allegations of misconduct which in some
16 instances includes criminal misconduct.
17 Q. And it's significant in the process of keeping track of
18 what is occurring within the police department? If it's
19 not running efficiently, you're not staying on top of
20 the supervision that's needed?
21 A. Well, there are other -- I disagree with the question.
22 We have audit functions inside the police
23 department that monitor compliance with rules and
24 directives. Internal Affairs investigates allegations
25 of misconduct.

1 is separate from IA. It was birthed out of --
2 Q. Well, earlier in your testimony today, you indicated
3 that one of the things you changed was the Internal
4 Affairs. Can you put a time period on investigations
5 from inception to conclusion of one year? And you
6 indicated some --
7 A. That was involving -- that was involving allegations of
8 misconduct, and that change had nothing to do with this
9 probe. That was overall --
10 Q. Internal Affairs' probes can turn up criminal conduct,
11 correct?
12 A. That's correct.
13 Q. So if these things languished and then were not being,
14 if you will, aggressively addressed and putting a cap on
15 the time period made it more efficient, I assume, and
16 more analytical and more factual based, you know, you
17 can't -- four years after the fact, getting the facts
18 established is hard, agreed? The purpose of --
19 MR. SUROWIEC: Object to the form and
20 foundation of the question.
21 BY MR. DETTMER:
22 Q. The purpose of this was to really elevate, in some ways,
23 the effectiveness of the supervision, correct?
24 A. I don't like your question.
25 I mean, I don't mean to be smug, or...



1 Q. The practice is that it be done timely. That's a
2 supervision issue?
3 A. That's specific to allegations that come forth and,
4 again, as I've already testified to, because there was
5 no timely resolution and many of the cases going before
6 arbitrators that were appealed were being dismissed
7 because of the lack of timeliness.
8 So I felt strongly that Internal Affairs in
9 the department could be more efficient in responding to
10 the completion of internal investigations.
11 Q. I'd like to go on to 7E now. And it's an article dated
12 February 11th, of this year, 2020. And it's titled
13 Craig Defense Inhouse Probe of Police Narcotics Unit.
14 And in the second paragraph you are quoted, do
15 you see that? It is not -- I don't know if our -- can
16 you read that?
17 A. Frankly, we are best poised to do this investigation.
18 Q. Yes. You can read it to yourself. Is that an
19 accurate --
20 A. Yes.
21 Q. -- recital of your statement?
22 A. Yes.
23 Q. And then down below the pictures, the second paragraph,
24 that starts, "Craig said", could you read that?
25 A. Yes. It cuts off at a point because of the --

1 MR. DETTMER: Can you roll that up, Michael?
2 THE WITNESS: A little bit. Roll it up. Not
3 that way, the other way. Stop there.
4 BY MR. DETTMER:
5 Q. Is that a correct recitation?
6 A. That's correct.
7 Q. The second page, the paragraph that starts the second
8 page, the probe, Craig said, see that?
9 MR. DETTMER: Pick it up a little, Michael. A
10 little more.
11 THE WITNESS: I see it right there.
12 BY MR. DETTMER:
13 Q. Is that accurate?
14 A. That's correct.
15 Q. And then the next paragraph, is that accurate?
16 A. Meaning if there's a pattern of conduct?
17 Q. Yes, that's the one. Is that an accurate recitation?
18 A. I've already testified to this very same thing not even
19 two minutes ago.
20 Q. And then going on, you again indicate that the probe was
21 going back to 2010. That was something that you said a
22 number of times.
23 EXHIBIT 8
24 Police Commissioner Meeting
25 WAS MARKED FOR IDENTIFICATION



1 and you're referring to Commissioner Crawford's question
2 about finding a rotation in Narcotics.
3 You go on: I was adhering or adopting, but I
4 know that best practices and police departments that
5 have come under such judgments, they have put limited
6 duration on the tours of duty, high-risk assignments,
7 such as Narcotics, Vice, Gang Units. And the reason for
8 that is because those assignments have had lengthy tours
9 of duties is a greater likelihood of corruption.
10 You knew that and made that point to the
11 commission, correct?
12 A. I did.
13 Q. And you go on, starting at line 19 on a page 39, in
14 Detroit, what we've done in adhering to the best
15 practices, is that the tour of duty in those
16 assignments, Vice, Gangs, Narcotics, would be three
17 years, and the termination of the three-year assignment,
18 the concerned employee could request a one-year
19 extension.
20 Did you enforce that policy consistently?
21 A. I delegated enforcement down to assistant chief and
22 Deputy Chief Leavell and it candidly wasn't enforced in
23 the manner in which it was articulated.
24 I can say I felt there was some resistance,
25 even though not voiced, because it's always been the way

1 BY MR. DETTMER:
2 Q. Go on to Exhibit 8.
3 This is a July 17, 2014, meeting of the
4 Detroit Board of Police Commissioners which occurred on
5 Thursday, July 7th, 2014.
6 I have 2, 3, pages -- actually, a couple of
7 pages identifying who was there and the date again. But
8 going to page 37, you are discussing, and there's a
9 report in detail by Hanson no less, of what's said at
10 the meeting, correct?
11 And this report starting at line 12 on page 37
12 addressing -- I'm sorry, on line 15, a discussion about
13 the revamping of the Narcotics Unit, the Major
14 Violators.
15 Do you recall that discussion?
16 A. Not offhand. That was 2014. I've been to many --
17 Q. Basically, though, you described the revamping of the
18 Narcotics Unit into the Major Violators?
19 A. I'm sure I've had a number of conversations with the
20 Police Commission relative to the Narcotics Unit, and
21 I'm sure I would have briefed them on changes being
22 made.
23 Q. There's a question about the length of time an officer
24 can be a member of the Narcotics Unit, if you will. And
25 on page 39 you say: "I appreciate you bringing that up"



1 things were done in this department.
2 So if they move someone out, the person still
3 worked -- I have since learned -- worked in Narcotics
4 and sat at the precinct level. And then at some point
5 they were brought back. I'm not always aware who
6 left -- I mean, now it's different. We certainly have a
7 more rigor attacks.
8 The argument that those who have been in the
9 organization was that they felt lengthy experience was
10 important. Instead of this three-year and a one-year
11 extension, if necessary. It wasn't really well
12 received, at least that was my sense. Certainly now,
13 there's no pushback.
14 Q. Well, are you applying a three-year plus one possible,
15 max of four years?
16 A. If my memory --
17 Q. Is that being enforced?
18 A. If my -- well, since the start of our probe, we moved
19 anybody with five years or more out. So, yes, it has
20 been.
21 So based on what I know now, there's nobody
22 that has excess of five years, at least to my knowledge.
23 Q. But until the probe started, 2019, there were people
24 that had maybe as much as five or more years in --
25 A. Right, there were still some people --

1 Q. -- Major Violators and Narcotics, right?

2 A. That's correct. So we have --

3 Q. So the supervision wasn't adhering to the policy you

4 instituted --

5 (Indiscernible, multiple

6 speakers at the same time)?

7 THE WITNESS: I'm wondering, are you going to

8 let me answer the question or are you going to talk,

9 because I can't get a response out. I would like to get

10 a response out, if that's okay.

11 MR. DETTMER: I want you to respond.

12 THE WITNESS: Okay.

13 So the answer is yes, we found instances where

14 it wasn't adhered to. As I testified to earlier, that

15 in some instances they were moved out and then brought

16 back.

17 In other words, the clock stopped and it was

18 restarted. So if you are out of Narcotics, say, for a

19 couple of months and you were brought back, the clock is

20 starting all over again. That was a way to get around

21 an unpopular decision.

22 BY MR. DETTMER:

23 Q. Well, you, as the chief of police, as CEO of the Detroit

24 Police Department, had the final say on policy, correct?

25 And you expect your officers, including all of your



1 decision?

2 A. As I remember, it probably was the same time following

3 the conclusion of the Hansberry indictment. So we were

4 looking for a way to change the culture, move the

5 major -- I mean Narcotics in another direction, that

6 based on what we've learned in our probe, there were

7 things that we didn't know that had we known at that

8 point, that would have been included in the restructure.

9 We just didn't know it. There was a lot of things we

10 didn't know.

11 Q. Hansberry was indicted on April 8th, 2015. But there

12 was an ongoing investigation, correct, prior to that,

13 about Hansberry and his crew members? Correct?

14 A. Yes. I have already testified that the FBI initiated

15 and started the investigation in 2010 --

16 Q. Right.

17 A. -- and culminated in 2014.

18 Q. Now, in terms of the Detroit Police Department, were

19 files opened about this investigation that originated

20 with the investigation you described previously but were

21 giving some direction to the organizational features?

22 You didn't just wake up one day and dictate this five-

23 or six-page document, right?

24 Exhibit 9. You had some information provided

25 to you before, correct?

1 command officers, to follow policy that you oversee and

2 instituted, correct?

3 A. That's correct.

4 Q. And the failure to do so is a failure of vision but at

5 different levels, correct?

6 A. You can say that, yes.

7 EXHIBIT 9

8 Administrative Message

9 WAS MARKED FOR IDENTIFICATION

10 BY MR. DETTMER:

11 Q. I want to then go on to Exhibit 9. This is the

12 administrative message dated June 27th, 2014, where

13 there are organizational changes within organized crime.

14 BY MR. DETTMER:

15 Q. And organized crime is -- has under its umbrella a

16 number of different things. It had -- I can't -- it had

17 Narcotics Unit, gang intelligence, task force and vice

18 enforcement. And you changed the name of the Narcotics

19 Unit, and effective July 14, 2014, you named it Major

20 Violators and reduced the number and I think posted

21 other conditions, correct?

22 A. That's correct.

23 Q. Do you have something time wise that caused you to do

24 this in the summer of -- or in the period of

25 June 2014 -- or in 2014 that caused you to make this



1 A. As I've indicated and I've testified before, the changes

2 were made based on the Hansberry case and his other

3 crime partners. And it was our way of trying to move

4 the organization in another direction.

5 However, as I've already testified, and I've

6 probably have said this three times, there are a lot of

7 things that we didn't know in terms of practices until

8 the Mosley matter. And around the same time that Mosley

9 was charged, we had got information from a source who

10 was very familiar with the operations of narcotics and

11 the kind of things that some of the members were

12 allegedly involved in.

13 Q. Was that person a member of the Narcotics Unit or Major

14 Violators Unit?

15 A. As I indicated to you earlier in this conversation, we

16 are in the middle of a confidential -- and I'm not going

17 to disclose, unless compelled by a court the name of

18 that person. That person is a federal -- I guess it's

19 safe to say he is a federal informant, not a Detroit

20 Police Department informant.

21 Q. So then he's not -- I mean, that suggests to me he was

22 never part of the Detroit Police Department?

23 A. I am not -- as you know -- well, let me just stop there.

24 I'm not going to get into confidentiality of that part

25 of the investigation. I'm saying that we had a source

1 that was a federal source. The information was provided
2 to us, and I'll leave it at that.
3 Q. Looking at it, you -- well, first of all, the former
4 Narcotics Unit was made up of enforcement, and
5 Conspiracy Unit; is that correct?
6 A. To the best of my knowledge.
7 Q. And do you recall what the difference in the two were --
8 A. Not offhand.
9 Q. -- as far as conspiracy?
10 A. Not offhand, I don't. I'm sorry.
11 Q. Did the -- at least what I understand, based on prior
12 testimony, that enforcement basically was street level
13 and conspiracy was higher-level drug dealer enforcement
14 addressing higher-level drug.
15 Does that ring a bell with you at all?
16 A. Yes, that sounds pretty close to correct.
17 Q. And what was the role of Major Violators? Did they fill
18 in on the conspiracy side, major drug dealers, or did
19 they deal with enforcement?
20 A. The idea was to focus on -- as you articulated, the
21 conspiracy side. Street enforcement we felt could be
22 better focused by precincts as complaints were being
23 made to various complaints -- I mean precincts about
24 street level drug dealing.
25 It would be the station that would handle it

1 because the Major Violator section was smaller than the
2 former, and they were also a part of -- at least a
3 component was part of DEA task force. We felt that it
4 was better that they focus on Major Violators.
5 Q. Chief, you, obviously, correct -- let me ask you. You
6 didn't fully lay out, do all of the investigation and
7 assignments that are made and reflected in Exhibit 9,
8 correct? You set a policy and you put it in motion
9 based on what you were aware of that was of concerning
10 turnkey, correct?
11 A. That's correct.
12 Q. Who participated in putting this document together,
13 assignments, differentiating different components with
14 the meetings. What's the process of doing something
15 like this, which is a significant chain?
16 A. It would have probably involved -- I see the name at the
17 conclusion, a Steve Dolunt, a former assistant chief,
18 was the ranking member over operations that came under
19 his chain. Certainly James White, who was an assistant
20 chief, was involved in that administrative part.
21 So those two assistant chiefs and select staff
22 would be involved in the crafting of policy or
23 documentation.
24 Q. Are there documents that White and Dolunt were involved
25 in and people would report to them generated so that it

1 resulted that, if you will, in Exhibit 9, the
2 administrative message dated June 27th, 2014?
3 A. I'm not aware of any additional documents -- or at least
4 I don't recall any additional documents.
5 Q. Did White and Dolunt have to look at things and have
6 meetings with people related to the implementation of
7 policy change that you directed?
8 A. I am certain that they had meetings, but I wasn't part
9 of those meetings.
10 Q. Well, you're aware of the process, right? You've come
11 up through the ranks and overseeing the processes and
12 methodology.
13 How is something like this implemented if it's
14 not -- if there isn't a paper trail function?
15 A. As far as I know, this is the only -- there was a
16 conversation and the two assistant chiefs got together
17 and executed launching this change.
18 As to what that involved, I don't have
19 specific information. As I've testified, I did not sit
20 through that.
21 Q. Well, you see the enforcement operations? That's like
22 the third page.
23 A. Again, I did not participate in the actual planning. I
24 had discussions with the executive team, and during my
25 conversation, I didn't provide them any written

1 listed, one of them being James Moore. And he was in
2 the 3rd Precinct, and he was put into Major Violators.
3 Who made that decision? Why was he selected?
4 A. I don't know how the selection was made. I don't know
5 how the selection was made. They make recommendations.
6 Given that that was 2014, at the time, most of
7 these individuals I didn't personally know, so I relied
8 heavily on recommendations made by my executive team,
9 which was the assistant chiefs. So they felt that's who
10 they wanted in these concerned assignments. There was
11 nothing to say they couldn't go there, at least not that
12 I am aware of. Nothing was brought to my attention.
13 Q. Well, approximately at that point in time, there were
14 48 officers, a lieutenant, 6 sergeants, 41 police
15 officers in what was then the Narcotics Unit. And that
16 48 went down to basically 24, right in half.
17 You had no role in any of the decisions of the
18 appointments to be either lieutenant, the sergeants, or
19 the police officers, correct?
20 A. I relied on my executive team to make recommendations
21 and absent anything that was concerning, I supported
22 their decisions. Again, I had been in the department a
23 year. And probably most of these folks -- as I am
24 looking at -- I mean, I know most of them now that I
25 didn't know. So I didn't have any personal knowledge.

1 A. Amy Matelic was under investigation by Internal Affairs
2 and she was --
3 Q. She entered into a consent agreement, correct, and
4 left -- just to refresh your memory -- left the Detroit
5 Police Department?
6 A. She was under investigation involving allegations
7 concerning something that emanated out of a civil
8 lawsuit, and she opted to leave the department. And we
9 allowed her to do so. But it wasn't anything --
10 Q. She was charged with falsifying an affidavit for a
11 search warrant, and she basically, as I recall -- I'm
12 just trying to refresh your memory -- that Stephen
13 Geelhood provided her the information and she did --
14 A. I'm familiar with that case. She --
15 MR. SUROWIEC: Dennis, could you please let
16 the witness answer your questions.
17 BY MR. DETTMER:
18 Q. Go ahead.
19 A. No, it's getting a little old. I start to talk and I
20 get talked over. I mean, can we just let me get my
21 comment out. If that's not satisfactory then -- because
22 I'm feeling like every time I start talking, you over
23 talk me.
24 Q. I don't mean to be and I don't -- really, I'm not trying
25 to be rude to you. We're under a 3 1/2 hour limitation,

1 I didn't handpick myself. I relied on my executives to
2 make their decisions.
3 Q. Well, let me point something out, if I can.
4 Hansberry's crew, that involved Sergeant
5 Geelhood, eventually, nine of those people were in the
6 list of the July 22, 2014, list of people who were
7 removed from the Narcotics Unit, Geelhood, Bray,
8 Leavells, Matelic, Beasley, Riley, Barnett, Tourville,
9 and Napier, who committed suicide sometime after this in
10 January 2015.
11 Do you know if any of those officers I just
12 enumerated and the eight that are still alive are under
13 investigation?
14 A. There are some that are under investigation and one just
15 retired in --
16 Q. Some are currently under investigation?
17 A. Some are, yes. Yes.
18 Q. Do you know which ones?
19 A. Sergeant Geelhood is currently under investigation --
20 Internal has a case of an allegation that emanated out
21 of the Wayne County Prosecutor's office -- and we've
22 opened an investigation relative to him.
23 Q. Is that Sergeant Geelhood?
24 A. That is correct.
25 Q. Anybody else?

1 and I want to move ahead. Some of this stuff, as you
2 said, you repeated.
3 A. A lot of it I just read it -- can I share my
4 frustration?
5 A lot of what I'm saying is repeated, and you
6 want to talk about efficiency of time, why am I saying
7 the exact same thing? I'm not going to lie. I'm going
8 to tell the truth.
9 Q. No, no, no -- I know you're a truthful fellow.
10 A. Yes, sometimes so far I guess, but I would rather be
11 upfront. So relative to this, I'm familiar with Amy
12 Matelic. There was a lawsuit and she was facing
13 termination for false statements.
14 As you know, you articulated, given at the
15 trial, she opted -- in lieu of being terminated, she
16 resigned or retired under charges. I think that is it.
17 So we put under charges. So she has since left the
18 department. So that option is sometimes afforded. I
19 mean, because if a person wants to opt to retire, you
20 know, all we can do is put the reason for the retirement
21 or resignation, and if there's an open case like this
22 was, we put retired under charges. That's generally --
23 not in every case, but that's generally what we do.
24 Relative to Geelhood, that was something, as
25 I've already indicated, it came out of the -- I think

1 this was the Innocence Project case is what I was
2 briefed, so we have an open investigation relative to
3 him and we're not complete with that yet.
4 And I think there was a couple of other names
5 that you mentioned that I am not --
6 BY MR. DETIMER:
7 Q. Do you recognize any of them? I will go through them
8 again.
9 A. Outside of Geelhood and Matelic -- what were the other
10 names you mentioned?
11 Q. Bray.
12 A. I've heard Bray's name, but I'm unaware of any open
13 investigations unless he's part of our probe. There are
14 a lot of names that come up in our probe, that I can't
15 just off the top of my head tell you who they are.
16 Q. Those nine people I have listed were either in or became
17 under Hansberry and subsequently Geelhood, was in
18 Hansberry's -- and there were nine of them. And as you
19 know, Napier committed suicide, so there were eight
20 people, and I'll give you the names of other -- you
21 know, Leavells is out, obviously. But -- and Matelic's
22 out. But who are still in play are Geelhood, Bray,
23 Beasley, Riley, Barnett, and Tourville.
24 Any of those ring a bell?
25 A. Tourville comes to mind; I just can't recall what. It



1 seems as if -- we may have. I don't know. I think his
2 name -- again, some of these names are coming up in our
3 probe and we are moving forward.
4 In fact, there are several members, and I
5 don't know if it's Tourville, but we have several
6 members that have chief hearings pending that are
7 dismissal cases.
8 Q. You've indicated a number of times that you're looking
9 at a lot of Hansberry's crew?
10 A. Well, not just --
11 Q. I know, not just, but you are looking at them?
12 A. Yes, we are. But, again, to what you -- you've
13 indicated earlier, you think we're going around -- we're
14 doing this backwards. We should have started back in
15 fear of the statute.
16 And I will just be candid with you, if the US
17 Attorney wanted us to start at the back, like 2010, or
18 whatever date our files go back to, because of statute
19 issues. I am certain they would have raised that issue,
20 because, you know, Mr. Graveline was a former US
21 Attorney, very familiar with the statutes.
22 But, again, we opted -- because our initial
23 concern was Mosley, and me believing that Mosley was
24 involved in other allegations, which we have found that
25 he was involved in other allegations of criminality.



1 Q. I'd like to talk to you about the stop on July 6th,
2 2010, with Hansberry's crew. And I know you don't have
3 personal knowledge of that. But recognizing that
4 potentially this is an issue of review and should be --
5 for my valuation of it, I'd like to ask you some
6 questions.
7 Do you recall this is the stop where some
8 millions of dollars were on the way to a Mexican cartel
9 and on the east side near Gratiot and Outer Drive, I
10 believe there was a stop by Hansberry's crew. And
11 there's a good amount of dispute about the amount of
12 money. I've had maybe three different numbers, based on
13 various sources, testimony, and trial and things like
14 that.
15 But are you somewhat familiar with all of
16 that?
17 A. I've heard it. I'm not intimate with that case. I
18 can't offer you anything. You could probably brief me
19 out as to what you know, but I have heard -- and we
20 haven't gone back and did an exhaustive review of that.
21 I just heard just basically what you're saying now.
22 Q. There is a connection between Arthur Leavells and Gary
23 Jackson, a mutual friend. Right? And Gary Jackson was
24 a -- probably a high-level drug dealer. He owned a --
25 or leased a truck operation for cleaning trucks, in --

1 what really apparently was the issue there, trucks come
2 in and either drop drugs or pick up money, and the semis
3 head down to Mexico or whatever. That's basically the
4 argument of the US Attorney in the Hansberry trial.
5 But what I'm interested in and wanted to
6 discuss with you is the fact that there are three
7 different numbers, dollar numbers, that were significant
8 in this case. Gary Jackson testified there was -- he
9 delivered \$3 million to the drug runner who was driving
10 the truck to Mexico. And at the time he did that,
11 Leavells, Hansberry, and Watson and Hansberry's crew
12 were in on this deal. They were going to stop it and
13 get the money. It was all prearranged.
14 The second number was a tally sheet that was
15 with the money, and it -- it indicated that there was
16 \$2,370,000 on -- in the various bags that had the money
17 in it in the semi.
18 Then there was a dispute that went to Internal
19 Affairs, basically, over the counters -- a dispute over
20 like \$15,000. But what Comerica Bank established and
21 what was deposited in the Detroit Police Department's
22 account with Comerica was \$2,084,820. That's the
23 established amount that was there.
24 Basically, the testimony was that Tourville
25 and Napier grabbed money per an agreement, and they were

1 charged with that. The question is, was there
2 2,084,000, 2,370,000 or 3 million?
3 Now, clearly the evidence that was grabbed at
4 the time indicated in the tally sheet there was
5 2.3 million plus, and for some reason nobody used that
6 in any kind of investigation. It didn't trigger
7 anything. Because them talking about 2,084,000 being
8 deposited, there is a difference of somewhere in excess
9 of \$180,000 (sic) that disappeared, if the tally sheet
10 is correct.
11 Jackson is correct in his testimony in federal
12 court, and I'm sure, you know, he faced serious
13 consequences if he perjured himself, that there was
14 3 million.
15 There was no accounting in any form by
16 supervision of the Detroit Police Department on those
17 issues. I hope I'm making it clear to you the issue.
18 MR. SUROWIEC: Thousands of dollars.
19 BY MR. DETTMER:
20 Q. Hundreds of thousands of dollars disappeared and the
21 testimony of Leavells was that the crew grabbed that by
22 a prearranged agreement.
23 MR. SUROWIEC: I would object to form,
24 foundation. You are testifying. The question is not
25 even a question. It was literally about a three-minute



1 EXHIBIT 11A
2 Photo
3 WAS MARKED FOR IDENTIFICATION
4 EXHIBIT 11B
5 Photo
6 WAS MARKED FOR IDENTIFICATION.
7 BY MR. DETTMER:
8 Q. The highest level of the Detroit Police Department was
9 aware of this event and, in fact, after the money was
10 acquired -- that's Exhibit 11A -- that's the money on
11 the trunk of a car at the scene of the stop.
12 And 11B, unfortunately, is sideways, but --
13 there you go. And you'll recognize all of those
14 individuals, I am sure, Chief Godbee being in the
15 center, correct?
16 A. That's correct.
17 Q. There's the money.
18 A. Correct.
19 Q. And the point I'm making with you, there was a
20 subsequent investigation of how a money counter being
21 inaccurate over \$15,000. Really, we are talking about
22 900,000 or 280,000 disappeared, and the trial was about
23 how Hansberry and his crew grabbed that money.
24 You're not aware of any of that? We're not
25 making (inaudible) --

1 statement.
2 It's inaccurate to the extent that you would
3 say that Tourville and Napier were charged, and it calls
4 for speculation on the part of the chief, who wasn't
5 there.
6 But, Chief, if you can answer that, which I am
7 not sure what that was.
8 THE WITNESS: I can't. I wasn't here then.
9 In fact, I was a police chief in Portland, Maine, in
10 2010. I've heard some discussions about that limited --
11 as I indicated before you started your three-minute
12 narrative on what took place, I say you probably know
13 more about this than I do.
14 As it turns out, you have read testimony in
15 the federal case, which I have not. I don't know. As
16 we continue to do our probe and go back, I am certain
17 that this issue will resurrect. What will come out of
18 it, I don't know.
19 BY MR. DETTMER:
20 Q. I guess the point I'm making with you, this is an
21 opportunity for supervision, and I would indicate to you
22 that --
23 MR. DETTMER: If we can go to Chief Exhibit
24 11B, Michael.
25



1 A. No.
2 Q. Here is something with the highest level management of
3 the Detroit Police Department at the time and it wasn't
4 properly handled. Is that fair to say?
5 A. I can't say. Now, I guess --
6 Q. Assuming what I said is correct?
7 A. Well, here is a question I --
8 MR. SUROWIEC: He is not going to say --
9 THE WITNESS: I can't say how it was handled.
10 Now, at some point this allegation was made that money
11 was missing. Am I correct to say that?
12 MR. DETTMER: Yes, but it was -- it was
13 focused on a counter -- money counter issue, not on the
14 tally sheet.
15 THE WITNESS: So if it was a counter issue --
16 I mean, either we believe that money was stolen -- as
17 you referenced, the highest levels of the organization
18 were aware that there was some sort of nefarious act or
19 money was alleged to have not been accounted for, then
20 the only thing one could do was then initiate an
21 investigation into it. I don't know if the then Chief
22 Ralph Godbee became aware and initiated an internal
23 investigation. I'm unaware of that.
24 BY MR. DETTMER:
25 Q. Well, there is evidence to support, as you well know

1 probably --
2 A. But specific to your -- specific to your question, if
3 the chief became aware of an allegation of theft, the
4 chief would then be responsible to initiate an internal
5 investigation. I don't know because I wasn't here.
6 Maybe as part of the work that we'll be doing
7 in the coming months, however long it takes us to get to
8 that time period, maybe we'll have the answer. Maybe I
9 can find that answer out right now. I don't know.
10 Q. Chief, what I'm really asking you, though, there was a
11 tally sheet that indicated there was \$2,370,000 in that
12 truck.
13 A. Okay.
14 Q. That was evidence that the Detroit Police Department had
15 and it was totally ignored. And the point I am making
16 with you, that evidence was an indication that the
17 department should have known there was some problem here
18 and investigated it. They never investigated it.
19 A. You know --
20 MR. SUROWIEC: That's a mischaracterization of
21 the evidence, and you're painting it in an absolutely
22 false light.
23 But go ahead, Chief, if you can answer that.
24 THE WITNESS: I can't answer that. I mean,
25 the way the question's framed -- I know what I would do



1 Exhibit 10, DPD Bates 1643 -- is a bank deposit with the
2 Comerica Bank and it shows a deposit of \$2,084,830.
3 A. I understand.
4 Q. In Bates Number -- DPD Bates Number 1648 in Exhibit 10
5 there's a tally sheet, and there are a number of pages
6 listing each of the deposits that were made -- or the
7 money bags that were in the -- in the vault, and that
8 tally sheet shows 2,370,000. Whether it's accurate or
9 not, no way either you or I know this.
10 But the point is that it raised an issue, and
11 there's no investigation at all at any point about that
12 tally sheet and the discrepancy between the bank
13 deposit, and its significant. All I'm saying is --
14 A. To your point -- I'll just say, to your point,
15 absolutely it's significant. And if you had asked me
16 the question, if you were the chief and you were made
17 aware of a discrepancy, what would you have done.
18 Q. What would you have done?
19 A. That's the question.
20 Q. What would you have done?
21 A. If I were the chief in 2010 in Detroit and I became
22 aware of a discrepancy, I would have initiated an
23 investigation to find out was it just an error that
24 somebody -- on the bank slip make a mistake? What would
25 it have been? I don't know.

1 in a given situation. But to say a tally sheet
2 reflected one thing, I guess one could argue, if I'm
3 understanding your synopsis, that -- how do we know the
4 tally sheet was correct? I don't know. Who's making
5 the allegation that -- I just don't know.
6 And so what you are doing is -- you want me to
7 say that it wasn't handled properly. I don't know what
8 the chief knew at that time. If I had known that you
9 were going to ask me this question in 2020, I would have
10 called him on July the 27th, say, one day I'm going to
11 be chief in Detroit and this question's going to be
12 asked. Did you do anything with this money thing.
13 I mean, I'm being facetious, of course. But
14 I'm just saying, there's no way -- I don't know enough
15 about the facts, and the way you framed it, the tally
16 sheet tells me nothing.
17 BY MR. DETTMER:
18 Q. Well, here, let me make the point for the record. In
19 Exhibit 10, DPD Bates 1643 --
20 EXHIBIT 10
21 Comerica Bank Deposit
22 Tally Sheet
23 WAS MARKED FOR IDENTIFICATION
24 BY MR. DETTMER:
25 Q. Well, here, let me make the point for the record. In



1 I would have at least wanted to know because,
2 worst-case scenario, somebody stole the money. And then
3 it would have been involving interviews of people
4 involved. It would have been a number of things we
5 could have done.
6 With that kind of money, we would have gotten
7 search warrants to get into bank records of certain
8 department employees, to see if there was an unusual
9 amount of money deposited, which -- and in an
10 administrative case, even if, say, the US Attorney said,
11 well, it's not really enough. Or the Wayne County
12 prosecutor said it's not enough to prove theft, maybe.
13 Based upon a preponderance of evidence, it's enough to
14 support an allegation that a theft occurred. It just
15 doesn't meet a criminal standard. I mean, so that's
16 what I would have done. At least take a look. It
17 doesn't mean that I would have proven that the money was
18 stolen. I don't know. I really don't know.
19 Q. And the point I think is well taken. There was the
20 opportunity to actually know what occurred, and there
21 was a total lack of indifference to this, from what I
22 can see.
23 And the point I'm making is, Hansberry's crew
24 are basically the defendants in our cases that we have
25 and had they properly proceeded, had the Detroit

department supervision properly proceeded, it's -- these people wouldn't have been raided.

These are the people who are criminal cops, and they raided our clients' homes, and that's the point I'm making with you. They didn't -- as you are correct, it should have happened and it didn't.

MR. SUROWIEC: I would object to the narration -- the narrative there. And I would also object to the fact that you're -- you're giving false evidence because you know that there was an Internal Affairs investigation that was launched after the discrepancy was noted, and that would have been under Chief Godbee, so why are you saying there wasn't, Dennis?

MR. DETTMER: Here. Here. That investigation was over whether the money counters were properly operating. That was the issue, over \$15,000.

MR. SUROWIEC: They did Garrity. They did Garrity. They interviewed about 20 to 30 officers. They did --

MR. DETTMER: Here --

MR. SUROWIEC: It was done.

BY MR. DETTMER:

Q. They weren't interviewing them about the \$2,370,000 tally sheet. They weren't -- that number never came up at all anyplace.



commanding officer of IA at the time, Sergeant Dietrich Lever, who is now a lieutenant still working for DPD, don't you think either one or at least Lever who's still a department member -- in fact, Lever, a lieutenant, is a key member of our Operation Clean Sweep. I'm sure he can give you and articulate the investigation involved here. I can't.

Q. With all due respect, the only point I'm making was there was evidence that there was \$2,370,000 in those bags.

A. Understood.

Q. And it's not mentioned at all anyplace. Anyplace. And this is about 15 grand, I mean, come on. And had it occurred, there's a good chance that Hansberry's crew would have been operating that raided our clients' homes.

A. But I'm looking --

Q. That's the point I'm trying to make with you.

A. I know. But as I'm looking at this memo, I know we're putting a lot of time into this memo that I have no idea. But it does reflect -- the counter reflected 2,084,820 and a difference of what you call 15 grand, 15,370. I would have to go through the whole thing, but I think if this is a concern, why not have Dietrich Lever deposed? Why not?

A. Well, I've got to tell you something. I am a little dismayed because specifically I asked was there an investigation. And counsel is now articulating that there was an investigation. Maybe you don't like how the investigation was conducted.

But if people were Garrity'd -- I even took four to five minutes explaining that I would have people interviewed, and it sounds like this is the very same thing that happened anyway.

Q. No. No.

A. Just the outcome is different.

Q. Exhibit 13, that I have is the investigation.

EXHIBIT 13

Investigation money counter

WAS MARKED FOR IDENTIFICATION

THE WITNESS: Okay.

BY MR. DETTMER:

Q. And it was about the counter, the money counter discrepancy. That is what it was about. \$15,370.00. Exhibit 13 of the exhibits that we have. And that's it. It's not about the tally sheet.

A. So I'm curious -- I'm curious, as I'm looking at this memo, you got --

Q. You're looking at it. It's Exhibit 13, for the record.

A. Yes. Exhibit 13, Commander Brian Stair, who was the



Q. I missed what you're saying.

A. Why not have Lieutenant Lever deposed to find out what he would tell you about this? He's the investigator.

Q. My point is, it was there, it was -- and the evidence was there. The tally sheet. There's no mention of it anyplace. I mean --

A. Okay.

Q. -- if the head of Internal Affairs was aware of it, it surely isn't reflected in any way --

A. Okay.

Q. -- in any document that I am aware of, of an Internal Affairs investigation related to that.

Let's go on.

MR. SUROWIEC: I'm just going to pose an

objection. This is a 17-page document. Mr. Dezsai is literally on page 1, has not moved off of page 1. The witness is being cross-examined with zero (inaudible) to this. It's not proper.

(Multiple speakers

speaking at the same time.)

MR. DETTMER: Are you suggesting someplace in this document there's a tally sheet showing the \$2,370,000, in any way it's a part of this investigation?

MR. SUROWIEC: I'm suggesting that you -- you

1 initially started your question off by actually
2 testifying that there was no IA investigation. That's
3 what you said. Leaving the chief to believe that --
4 MR. DETTMER: There was no investigation about
5 the amount of money --
6 MR. SUROWIEC: You need to join the police
7 force because --
8 (Multiple speakers
9 speaking at the same time)
10 MR. DETTMER: -- the \$2,370,000. Are you
11 suggesting there was an investigation of the \$2,370,000
12 tally sheet, Jim? Come on.
13 MR. SUROWIEC: Dennis, you need to be a police
14 officer because you don't like the way they do their
15 job. But as the chief said, Lieutenant Lever's the guy
16 who knows. You know, you're looking at half the
17 information.
18 MR. DETTMER: Let's move on.
19 Exhibit 12.
20 EXHIBIT 12
21 Detroit News Article
22 11/03/2014
23 WAS MARKED FOR IDENTIFICATION
24 BY MR. DETTMER:
25 Q. Exhibit 12 is a November 3, 2014, Detroit News article.



1 I'm sorry. Let me go back to the first
2 paragraph. I'll read it. Detroit police officer,
3 according to two police sources, was being investigated
4 by the FBI and Detroit Internal Affairs narcotics
5 corruption died of a self-inflicted gunshot wound on
6 Thursday morning, January 22, 2015. It doesn't say that
7 that's the morning.
8 And the second paragraph -- I'll skip over the
9 first couple of lines. But it again says two sources --
10 last two lines. Two sources familiar with the
11 investigation into corruption of the former narcotics
12 section, that he was one of the officers being
13 investigated.
14 Do you know who was being investigated at that
15 time?
16 MR. SUROWIEC: Objection; hearsay to what you
17 just read, form, foundation.
18 Chief, go ahead and answer, if you know.
19 THE WITNESS: Well, I think you've named all
20 of them I think early on in my testimony. I feel like I
21 keep going over the same role. I talked about --
22 BY MR. DETTMER:
23 Q. The people I previously mentioned you're talking about?
24 A. Earlier on in this deposition, I referenced three people
25 that were charged -- no, two people charged -- I mean,

1 And it's about four Detroit police officers suspended
2 following a probe.
3 You are quoted in here a number of times. But
4 this really involves two different crews of the four
5 cops. There are two and two. It's not all four of them
6 related to one incident. But you go on. I'm looking at
7 Paragraph 1, 2, 3 -- it's the third paragraph. It's out
8 on the -- the first one out on the margin. Detroit
9 Police Chief Craig disbanded the drug unit.
10 Do you see that?
11 Again, they use systemic problems with
12 something you had previously said.
13 And what I am looking at is this relates to
14 Hansberry and others in his crew, correct?
15 A. Yes. I think I've already testified that even though
16 there were those who were part of the crew weren't
17 charged, I believe they still had limited knowledge that
18 they were involved in criminal and/or administrative
19 misconduct.
20 Q. You're quoted a number of times here, but I think that
21 the points that -- I need to go on. I want to get done
22 with some of this stuff. Let's skip 12A.
23 12B, this is recording (sic) the suicide of
24 James Napier, an article in the Detroit News,
25 January 22, 2015. And the second paragraph.



1 two people indicted, one charged, and one committed
2 suicide, and this would be that person. That's it.
3 That's what I know.
4 Q. Just for the record, I have as Exhibit 12C, this is the
5 indictment of Hansberry, Watson.
6 EXHIBIT 12C
7 Indictment, Hansberry/Watson
8 WAS MARKED FOR IDENTIFICATION
9 BY MR. DETTMER:
10 Q. Also, Leavells was indicted but not part of --
11 A. He was charged. He was charged.
12 Q. Well, he pled.
13 A. Okay. Okay. That's fine.
14 Q. He really testified about the criminality, and it was a
15 plea deal.
16 A. Right.
17 Q. But the point I was just making with you, and I
18 mentioned this before, the indictment was on April 8th,
19 2015. That was the significance of that exhibit.
20 And I -- based on your testimony, I assume you
21 didn't really have much knowledge about the actual
22 trial, correct?
23 A. I did not.
24 Q. There's an article in this Exhibit 12D, the Free Press
25 on June 30th, 2016.

1 EXHIBIT 12D
2 Free Press Article
3 6/30/16
4 WAS MARKED FOR IDENTIFICATION
5 BY MR. DETTNER:
6 Q. The trial's ongoing and the papers are reporting what's
7 occurring.
8 MR. DETTNER: And point to the bottom,
9 Michael.
10 BY MR. DETTNER:
11 Q. During the trial, which is in its fourth week,
12 prosecutors had portrayed Hansberry as a fast-talking
13 schemer and a big spender who was motivated by greed.
14 Thursday they cited his bank and tax records
15 that bolster that claim, showing jurors how Hansberry
16 spent his money while working for the Detroit Police
17 Department. I have writing over it; I'm sorry.
18 It goes on and explains about how much money
19 he had and what he was doing. He had an Aston Martin, a
20 Cadillac, a Cadillac ATS, Corvette, and a Mazda6.
21 And I've raised this about supervision. He
22 was at the Dexter base of the Narcotics Unit, and when I
23 was taking testimony of his crew members, I asked about
24 the cars. Yes, he brought those cars to the base. You
25 know, and the point that's being made in this article,



1 MR. DETTNER: And 12G is Gary Jackson's
2 testimony.
3 EXHIBIT 12G
4 Jackson Testimony
5 WAS MARKED FOR IDENTIFICATION
6 BY MR. DETTNER:
7 Q. Gary Jackson clearly indicates there was \$3 million.
8 I'm sure his testimony was thoroughly vetted by the FBI,
9 and he ran a risk of being -- to have no deal based on
10 perjury.
11 I would also indicate to you that Godbee
12 testified at the trial for the defense. He came on and
13 he claimed a meeting that's in dispute that Gary Jackson
14 never mentioned that there was \$3 million being shipped
15 on July 26th, 2010, and -- well, that matter is in
16 dispute.
17 But the point is he, Gary Jackson, testified
18 that there was 3 million and he told Chief Godbee that
19 and he just testified that Godbee said, I knew it.
20 Suggesting that he knew there was some crime going on.
21 Have you talked to anybody about that aspect
22 of Gary Jackson's testimony?
23 Were you aware of it?
24 MR. SUROWIEC: Objection; form, foundation,
25 hearsay, completely improper question.

1 on the next page --
2 A. Is there a question?
3 Q. -- the FBI made the point that his earnings were covered
4 by cash -- I'm sorry; his earnings and purchases and
5 spendings, the difference, a shortage, earnings of his
6 salary as a Detroit police officer, was made up by cash
7 deposits and substantial, you know, cash deposits.
8 And the question is, the supervisors at the
9 base, the narcotics base on Dexter, never raised with
10 you, sir, or do you have any knowledge that Hansberry
11 seems to be living pretty high considering his earnings?
12 Anybody ever raise that with you?
13 A. They did not.
14 MR. SUROWIEC: Objection; form, foundation.
15 Time frame.
16 This is talking about 2010, Dennis.
17 MR. DETTNER: I have a number of the
18 transcripts from the trial of Hansberry, two of them
19 were Leavells testimony, and that's Exhibits 12E and F.
20 EXHIBIT 12E
21 Leavells Testimony
22 WAS MARKED FOR IDENTIFICATION
23 EXHIBIT 12F
24 Leavells Testimony
25 WAS MARKED FOR IDENTIFICATION



1 But, Chief, go ahead, answer it, if you can.
2 Have you talked to anyone?
3 THE WITNESS: I have heard some loose
4 conversation about it. I'll reiterate for purposes of
5 the record. I was not here when that meeting took
6 place. I've had conversations with Chris Graveline as
7 part of our probe, and this is something that was talked
8 about. I'm just not understanding what I can add to
9 that meeting.
10 BY MR. DETTNER:
11 Q. Okay. When you meet with somebody that brings you
12 serious information about wrongdoing, do you generate
13 any paper? Do you do a memo? On such and such a date,
14 I spoke with so and so, and he said A, B, C?
15 A. I do not. I called Chris Graveline, and if it's a
16 serious matter, I'll call in the commander, and I say, I
17 need you to open an investigation into X, Y, and Z.
18 Q. It appears to be your testimony that Graveline, Director
19 Graveline, is familiar with the testimony at the trial,
20 correct?
21 A. I don't know if he was familiar. It was a discussion we
22 had as part of this probe, and certainly he talked about
23 a -- some testimony provided by former Chief Godbee
24 relative to that and the exact specific statements you
25 made about I thought so.

1 Like you, when I heard that, I had -- I asked
2 Graveline the same question. I said, if he thought
3 that, did he do anything about it? That's what I asked
4 Graveline. I said, do we know in our investigation if
5 he did anything about it? Because if you think
6 somebody's involved in criminal behavior, what, if
7 anything, did you do as the chief executive?

8 And so at this point, I don't have an answer
9 for you because we haven't gotten -- I was concerned
10 enough that I said, well, maybe as part of our
11 investigative work, I know that he testified in the
12 civil matter. Maybe we need to call him in as part of
13 our probe to find out, what, if anything, was done.

14 That was the conversation that Chris Graveline
15 and I had.

16 Q. Thank you. We've already discussed the Exhibit 13,
17 which is the interoffice memo about the money counter
18 here.

19 EXHIBIT 13
20 Money Counter Memo
21 WAS MARKED FOR IDENTIFICATION

22 BY MR. DETTMER:

23 Q. 12I is out of order. (Inaudible) 12I is a
24 Warrendale/Detroit -- and I only raise this, and I'm
25 sure you haven't seen this. But that there was public



1 this is your discussion about that with the media.
2 Okay? Exhibit 14.

3 Then I'd like to go on. There's a stipulated
4 Protective Order that we marked as Exhibit 14A.

5 EXHIBIT 14A
6 Protective Order
7 WAS MARKED FOR IDENTIFICATION

8 EXHIBIT 14B
9 Confidentiality of SOI
10 WAS MARKED FOR IDENTIFICATION

11 EXHIBIT 14C
12 Confidentiality of SOI
13 WAS MARKED FOR IDENTIFICATION

14 BY MR. DETTMER:

15 Q. That relates to the confidentiality of the SOI documents
16 that I have that were produced to us, and it's
17 Exhibit 14B and C. So subject to Protective Order, and
18 this actually was in the Reid versus City of Detroit.
19 But we all recognize that this is confidentiality.

20 One of them is an individual named Ken
21 Jackson, and he's SOI 2499, and the other one is Gary
22 Jackson, SOI 2449.

23 Gary Jackson is the one that had provided the
24 information about the transfer -- the money on July 27,
25 2010. And if we can go to that.

1 knowledge, as of July 26th, 2010, that there was
2 suggested \$2.3 million that was, in fact, seized, a
3 little less than the tally sheet of 2.370.

4 But this is the only specific time I've seen a
5 document that says -- that suggests the amount was more
6 than \$2,080,000 -- 85,000. But the point I'm making
7 with you, Chief, this issue was in the public media, and
8 I don't know where the source of this is, but it's out
9 there and it's probably the most accurate thing about
10 the tally sheet that I saw.

11 Going on, 12J is the conviction of Hansberry,
12 and it's dated February 22nd, 2017. That's when he was
13 convicted by the jury.

14 EXHIBIT 12J
15 Hansberry Conviction
16 WAS MARKED FOR IDENTIFICATION
17 EXHIBIT 14
18 Use of Paid Informants
19 WAS MARKED FOR IDENTIFICATION

20 BY MR. DETTMER:

21 Q. Exhibit 14 is reigning in the use of paid informants.
22 We talked about that a little bit. I'd like to just
23 point out maybe one or two things.

24 You had a very serious concern about
25 informants, the reliability and the use of them. And



1 Unfortunately these aren't Bates marked. But
2 I'd like to indicate the stop was on July 26, 2010.
3 Arthur Leavells signs up Gary Jackson as SOI 2449 on
4 July 27, 2010, the day after the raid.

5 Is that proper procedure? He's already used
6 him as the Source of Information. Signs him up the next
7 day after the stop of 2 million plus is --

8 A. I can't speak to what -- gee, I don't know. I don't
9 know what...

10 MR. DETTMER: Well, look at the next page,
11 Michael, I think it is, looking at the record of payment
12 to informant.

13 BY MR. DETTMER:

14 Q. Now, the -- apparently, Leavells worked very hard at
15 getting Jackson a reward for the stop on the 26th, and
16 on August 14, 2010, a little more than two weeks after
17 the stop, Leavells, it appears with some advisory DPD
18 people and \$250,000 in cash, and he signs --

19 MR. DETTMER: Michael, can you move it a
20 little bit to the left?

21 BY MR. DETTMER:

22 Q. Well, you can see the \$250,000, and he got -- he, Gary
23 Jackson, received \$250,000 from the Detroit Police
24 Department as a result of that stop on July.

25 Were you aware of that?

1 A. It's signed 8/14. I mean, I've seen documents -- that
2 document, I believe I saw doing predep, but I wasn't
3 aware of it in 2010, no.
4 Q. Were you aware of it prior to the last couple of weeks
5 of deposition, unrelated to dep preparation?
6 A. I mean, I may have been. I don't recall specifically.
7 If you have a direct question and I was signed off on
8 anything, I can verify that. But I don't --
9 Q. You don't have any information, that's what I'm asking
10 you, prior to that?
11 A. I don't have any knowledge of -- of that.
12 Q. Is this consistent with Detroit Police Department
13 policy, once you came on board in 2013? The day after
14 the stop, the acquisition of the money, the SOI had
15 signed off --
16 A. I can't tell what was happening seven years ago. In
17 fact, to be candid, Narcotics was not on my radar until
18 the FBI advised me as to what they were planning on
19 doing.
20 We had a 12-year Consent Judgment, and the key
21 issues concerning the department accountability were
22 outlined in the Consent Judgment, but narcotics was not
23 one of them.
24 Q. You notice on -- well, you can't see it.
25 MR. DETTMER: But, Michael, can you run it up



1 certainly that causes me concern. But I don't have
2 any -- I think I signed off on that in September of
3 2013, two months after I was here. I just don't recall
4 it.
5 EXHIBIT 15
6 Internal Affairs Investigation
7 WAS MARKED FOR IDENTIFICATION
8 BY MR. DETTMER:
9 Q. Next, Exhibit 15. This is an Internal Affairs
10 investigation following a raid by a spinoff of
11 Hansberry's crew. You can see who it included.
12 Geelhood, Barnett, Riley, Matelic, Leavells, and
13 Tourville.
14 A. Right.
15 Q. These officers, including Sergeant Geelhood who was a
16 supervisor of his crew, were suspended for a year.
17 Are you aware of that?
18 A. Suspended for a year?
19 Q. Yes. Suspended with pay for a year.
20 A. I don't independently recall that. It wouldn't surprise
21 me. A lot of times we -- the police commission, and
22 this would have been pre them getting their authority
23 back, so I don't recall them being suspended for a year
24 with pay.
25 Q. They always make it very clear to me when you ask them

1 or down?
2 BY MR. DETTMER:
3 Q. This is Informant's Code 2499, which is not Gary Jackson
4 SOI number, he's 2449. And Leavells has used these
5 numbers kind of interchangeable in cases we have. And
6 you will see that -- there's another payment, and this
7 one is again to 2499 of \$5,000 to -- Leavells to,
8 apparently, for Jackson, Gary Jackson, and it's listed
9 as a bonus payment.
10 Are you aware of the DPD paying bonus
11 payments?
12 A. I don't have specific -- I reviewed that document within
13 a couple of months after I got here. I was briefed. I
14 don't have any independent recall. I did make my
15 signature at some point, so it's mine. I know that. I
16 just don't have any independent recall.
17 And I don't know who was working, which AC
18 briefed me. I don't recall, really, having to approve
19 informant payments. I know we have done them, but,
20 again, a lot of what I've discussed today has to do with
21 this unilateral flipping and, as you indicated, the
22 transposing informant numbers.
23 I'm learning some of this as we go through the
24 probe. And given the name of the officer who is listed
25 here, who's been implicated for criminal misconduct,



1 about it, well, we were suspended but with pay.
2 A. Well, that's a fact. I mean, that's kind of been the
3 process. I don't understand it. But in order to take
4 pay away, pre the adjudication of this matter, it would
5 have to go before the police commission.
6 So that was a standing practice. I have since
7 changed that on case-by-case. So this happened -- like
8 I have two former narcotic officers off right now
9 suspended with pay.
10 And ordinarily if they were pending criminal
11 charges, I would give it to the police commission, but
12 I've opted to move forward with the disciplinary
13 hearing, and it is my anticipation that that's a
14 termination case.
15 Q. Exhibit 16 -- I want to go on. We're almost done.
16 EXHIBIT 16
17 Matelic File
18 WAS MARKED FOR IDENTIFICATION
19 BY MR. DETTMER:
20 Q. 16 is the file on Matelic that we previously talked
21 about just so you know.
22 A. Okay.
23 EXHIBIT 17
24 Geelhood Case
25 WAS MARKED FOR IDENTIFICATION

1 BY MR. DETTMER:
2 Q. 17 deals with a case involving Steven Geelhood, and this
3 is the matter that the director has raised to Geelhood
4 and an issue about a guy named by Michael Hathaway in
5 the criminal division of the Third Circuit, and then a
6 civil lawsuit following that that was initially assigned
7 to -- was assigned to --
8 A. I think that's the case that we are investigating
9 Sergeant Geelhood on now. I think -- I'm almost certain
10 that's the case.
11 Q. But this, again, goes back to an April 25, 2014, raid
12 where Geelhood is the affiant, okay? That's being
13 investigated.
14 And then finally 18 and 19.
15 EXHIBIT 18
16 Darell Chancellor Case
17 WAS MARKED FOR IDENTIFICATION
18 EXHIBIT 19
19 Darell Chancellor Case
20 WAS MARKED FOR IDENTIFICATION.
21 BY MR. DETTMER:
22 Q. Exhibits 18 and 19 involve a Darell Chancellor. I don't
23 know if you know about that. But the records provided
24 that and he actually initiated an investigation related
25 to this lawsuit.



1 transition from criminal to administrative relative to
2 the other members of the Hansberry crew.
3 We know that now looking back, so I think key
4 for where we are today is that we have information on
5 practices, illegal practices occurring in -- alleged
6 illegal practices occurring in Narcotics that we are
7 aggressively tackling.
8 The reason for the seizure of all of the
9 records, the person that provided information, the one I
10 told you I couldn't talk about that was a federal -- it
11 came from the federal side of the house, gave us
12 information. From that person, it kind of spelled it
13 out to specific alleged criminal actions.
14 So given that and the timing of Mosley, I felt
15 very strongly that what we didn't know at the conclusion
16 of Hansberry we know now. So now we have a template
17 where we can totally eradicate any type of corruption
18 involving Narcotics. There was so much we didn't have,
19 that we now do have.
20 Q. Well, Chief, you indicated --
21 A. And so my goal is just -- I'm sorry.
22 Q. What position was --
23 COURT REPORTER: I missed that question. Can
24 you repeat the question?
25 THE WITNESS: You were broken up.

1 And this involves a search warrant that goes
2 back -- well, Chancellor was convicted and sent to
3 prison, and he was still in prison until the Conviction
4 Integrity Unit release suggested to the Prosecutor
5 Worthy that he be released, and he was and the case was
6 dismissed.
7 A. And this is the case about Geelhood, yes?
8 Q. Yes, this is another case.
9 A. Yes, there's got to be a case -- I don't know -- you're
10 telling me that Chris Graveline provided. I know that
11 we opened a case against Geelhood based on an integrity.
12 I think I mentioned that earlier in my --
13 Q. Yes. Yes. Okay. That's this case. Okay.
14 A. Right.
15 MR. DETTMER: Let's take a moment.
16 (Off the record at 12:15 p.m.)
17 BY MR. DETTMER:
18 Q. Chief Craig, you would acknowledge that you're
19 attempting to change the culture of the Detroit Police
20 Department to the extent that there are some groups, for
21 example, the Hansberry and Geelhood crews that were
22 doing apparently dishonest acts, correct?
23 A. I made a full commitment. I think I spelled it out
24 early on in my deposition that we missed some things
25 with the Hansberry case. It wasn't a seamless



1 BY MR. DETTMER:
2 Q. What level of rank does Ted (sic) Ewald have?
3 A. He's an investigator. One of the original investigator
4 ranks. As I've testified to, Tim Ewald -- Tim Ewald has
5 been a long-time assigned investigator with the FBI's
6 public corruption unit. He is a DPD officer but
7 assigned to the FBI.
8 Q. Well --
9 A. And he was --
10 Q. Well, does he have a liaison relationship with the
11 Detroit Police Department where he reports to someone
12 about the investigations, ongoing investigations by the
13 FBI?
14 A. He does now. He does now. One of the problems that
15 I've discovered early on that it was technically a
16 liaison, but because he was -- I mean, this -- for
17 example, he is a DPD officer working with the FBI on the
18 Hansberry case, but, again, I didn't find out about the
19 Hansberry case until sometime in 2014.
20 So it is not like that the DPD liaison came
21 over and said, okay, here's a list of cases that the FBI
22 was investigating. It was a confidential investigation.
23 And many times the FBI will initiate and have ongoing
24 confidential investigations and will not tell the
25 department.

1 Q. Yes, but after --
2 A. Now, the DPD officer --
3 MR. DETTMER: We are losing you.
4 MR. SUROWIEC: Chief, hold on one second.
5 This is Jim Surowiec.
6 Whoever the IT person is, if they are on the
7 line or if anybody who can help, Chief is frozen. Chief
8 Craig, I'm not seeing you move at all. And, Dennis,
9 you're clipping in and out.
10 THE WITNESS: You can't see this?
11 MR. SUROWIEC: I'm wondering if there's
12 something we can do.
13 MR. DETTMER: It says bandwidth is low. It
14 says your bandwidth is low, Chief. That's what I'm
15 getting a report of.
16 THE WITNESS: Yes, I am in the office. I'm in
17 my office, so this should be a good bandwidth, you know.
18 MR. DETTMER: Yes, I would think so.
19 MR. SUROWIEC: Should we reconnect? Is there
20 an IT person? Michael?
21 THE REPORTER: The chief could go out and come
22 back in.
23 (Pause in proceedings
24 12:21 - 12:32 p.m.)
25 THE WITNESS: In the interest of addressing



1 deposition -- it wasn't until that information we got
2 from the source of the type of alleged conduct that was
3 going on in Narcotics that we were able to effectively
4 launch our own probe, which we've done.
5 It's a DPD-led tasks force and, again, the FBI
6 is part of that task force. There's a total of five
7 agents, three part-time, two permanent, and so now I
8 have a high level of confidence that the work that we're
9 doing now is the work that will finally make a
10 difference.
11 And finally eradicating, not describing
12 different points, a pattern of misconduct, and, again,
13 not by all, but just things that were allowed to happen
14 in Narcotics that weren't challenged.
15 BY MR. DETTMER:
16 Q. You would agree the conviction of Hansberry and Watson
17 in February of 2017 should have opened up a lot of
18 information through Ewald to the Internal Affairs
19 people, correct?
20 A. Absolutely. He was technically assigned to Internal
21 Affairs, but it wasn't -- and, again, I liked --
22 personally liked him, Ewald. I just think I
23 overestimated his capabilities, meaning that while he
24 had been attached to the FBI for a long time, clearly
25 working as an investigator in Internal Affairs is very

1 the transition between Han- -- can you hear me okay?
2 The transition of the Hansberry with the
3 Detroit staff that was embedded in the FBI was certainly
4 not something I was quite impressed with. In fact, I
5 can candidly say that I went through a number of
6 commanding officers over at Internal Affairs prior to
7 getting to the one before Chris Graveline. There was
8 someone named commander, who is now a Deputy Chief.
9 But the communication, seamless, didn't work
10 out in a manner that it should have, and at some point I
11 even moved Tim Ewald out of the FBI task force. He has
12 since been restored to that position. The communication
13 has changed dramatically.
14 My perception was that the DPD liaison role
15 was to work closely with the department executive team.
16 I recognize that there were some cases that the FBI were
17 investigating that they didn't necessarily want to brief
18 the department on.
19 However, because of the intimacy our DPD staff
20 had with the Hansberry case, I assumed or thought that
21 anything that wasn't addressed by the Feds could have
22 been easily been addressed by the department. That did
23 not happen.
24 So as a result of that, it wasn't until -- and
25 I think I have said this several times throughout this



1 different than being a task force officer in the FBI.
2 You're not actually writing up investigations
3 and doing the kind of investigative work that IA is
4 doing. The agents that worked there are on a much
5 different level.
6 I mean, for example, a lot of what the DPD
7 task force officers, Ewald would do, is they would
8 listen to wire conversations and make notes that would
9 then go off to the agents who were the ones who were
10 presenting the cases to the U.S. Attorney.
11 And so that was a piece of the transition that
12 didn't make a lot of sense. And very frustrating, to be
13 honest, because I knew then -- I felt we had a missed
14 opportunity on some of the others that worked Narcotics,
15 that while they didn't meet the threshold for federal
16 prosecution, they certainly could have met the threshold
17 of administrative prosecution, if you will.
18 And so -- that was then. But, again, the good
19 news was we were able to get very clear information on
20 the type of behaviors that were going on in Narcotics by
21 some.
22 Q. Well, Chief, you would agree you're trying to change the
23 culture. That's what you are talking about, correct?
24 A. That has been something I've been trying to do for --
25 and have been successful. I mean, we are in a 13-year

1 Consent Judgment.
2 The department was not compliant because there
3 was a culture of a lack of accountability by management.
4 That's a fact. I've said it publicly then and I'll say
5 it publicly now.

6 So once we got out from under Consent Judgment
7 and we start to build a new management, an executive
8 team, that's when change started to take place.

9 Q. We talked about -- I mentioned that Hansberry and
10 Watson, the conviction was in February of 2017. And
11 between that period and August of 2019, 2 1/2 years, is
12 reflective of kind of a historical lack of supervision
13 that's gone on, at least going back to 2010, correct?

14 A. I would say even before that. I think the culture was
15 such that -- and this is my opinion. It's not based on
16 fact. It's -- my opinion is that when there were
17 investigations like the FBI would come in, do their
18 investigation, whoever got convicted got convicted, and
19 it was done. It was over.

20 Mosley was different. Mosley popped up. He
21 got charged with the one incident. I believe had
22 business or status quo had -- we had allowed it to be
23 that way, he would have been charged and business would
24 have continued.

25 But instead, I'm going to say it now for the



1 investigated --
2 (Multiple speakers
3 speaking at the same time.)
4 A. I don't know if I -- I don't -- I can't agree with --
5 Q. -- that they had Ewald?
6 A. I am not going to agree with you. So -- I'm not going
7 to agree with you, and I'm going to tell you on this
8 reason.

9 Number one, I wasn't here in 2010. I don't
10 know about this tally sheet investigation.

11 You, on the record, said there was no
12 investigation. The City's attorney said there was an
13 investigation. And then you show that there was an
14 investigative report. So I'm troubled by that.

15 So when you make a statement that the
16 department basically ignored -- let me just say this to
17 you. I have never ignored anything in my tenure in this
18 police department. I respond to what I am aware of, and
19 sometimes, as we are going down this journey of change,
20 there were things I wasn't made aware of. So I can take
21 responsibility for that.

22 But if I had known what I know now, would I
23 have done things differently maybe at the conclusion of
24 Hansberry? Absolutely. I didn't know. I didn't know.
25 I would have launched the task force then.

1 fifth time, a couple of things worked out in our favor.
2 One, we had some information. Two, I had a hunch, if
3 you will, and the hunch was Mosley; this was not the
4 first time he engaged in this kind of criminal behavior.
5 There was no way for me to believe that.

6 So it was based on those two primary factors
7 that we launched the probe. The fact that I had now a
8 former US Attorney who understood the workings on the
9 other side certainly was a recipe for success.

10 So -- and while this is a lengthy undertaking,
11 we're in the process, as of now, adding additional
12 staff, task force operation, because we are going back,
13 and, as I think I indicated early in my deposition,
14 we're really only back to 2017.

15 Again, I recognize that counsel believes that
16 we should have started in reverse. It didn't work out
17 that way. I'm still comfortable that we started where
18 we started and we're doing what we're doing now.

19 Q. I'd like to raise two points. We talked about the
20 July 2010 stop and 2 million whatever, officers, and
21 we've talked about Hansberry and Watson being convicted
22 in February '17.

23 Those two events on the Detroit Police
24 Department had constructive notice that there was a
25 problem with the police department, correct? And they



1 BY MR. DETTMER:
2 Q. Chief, let me make the point about the tally sheet. The
3 point really I was making with you, was, there was never
4 an investigation of the tally sheet.

5 The investigation was solely related to the
6 money counters and the inefficiency there. And the real
7 issue was the tally sheet. Why wasn't that
8 investigated? We're talking about \$280,000, not \$15,000
9 because of a defective machine.

10 (Multiple speakers
11 speaking at the same time)?

12 THE WITNESS: How about in my -- how about in
13 my expert opinion? I don't think it's just about the
14 tally machine. If you've got a concern, I think the
15 concern is more about there was an inadequate
16 investigation.

17 There was an investigation. There wouldn't be
18 two separate investigations of the same issue. That's
19 not even logical. I've been doing this too long. I'm
20 suggesting that you could have confronted me with --
21 said, well, do you think that, based on the fact that
22 the tally sheet was not mentioned in the counter
23 investigation, that the investigation was inadequate?
24 And I probably would have said to you, I'd agree. If
25 the tally sheet was an issue, I would have wanted to

1 look at that if it wasn't mentioned. But I haven't even
2 read that investigation to even know if the tally sheet
3 was mentioned.
4 BY MR. DETTMER:
5 Q. I appreciate that. But, Chief, I wasn't trying to
6 mislead you. I actually had that, Internal Affairs
7 document as an exhibit. If you can look at it and get
8 all of the exhibits from Mr. Surowiec, but I was not
9 trying to mislead you.
10 The whole point is the issue of the tally
11 sheet was some indication of a serious problem, and as
12 events played out in the federal trial, it was the
13 essence of the criminality going back to 2010.
14 A. And I can't argue with you. I'm just saying that given
15 the way you described the investigation, because
16 initially you said there was no investigation. And I
17 know what you were saying now.
18 Q. No investigation of the tally sheet.
19 A. Of the tally. But why wouldn't the tally sheet and the
20 money counter have been all in one, because it's part of
21 the same issue. It's the same issue.
22 Q. And I agree with you. Why wasn't that picked up when
23 Internal Affairs looked at a \$15,000 discrepancy. Why
24 didn't they pick that up?
25 A. I don't know the answer to that.



1 A. I would guess it was in 2014 only because soon after the
2 FBI brought me in to advise me, Hansberry and crew were
3 indicted not long after that. So they had started --
4 they had an investigation that they started in 2010 that
5 was ongoing through 2013 up until the culmination time
6 of 2014.
7 Q. Okay. Were you ever informed at any point in time prior
8 to finding out in 2014 that the FBI was looking at
9 Hansberry and Watson and Leavells?
10 A. I did not, no. In fact --
11 Q. Okay.
12 A. What I wanted to say is in support of that. So
13 Hansberry was a lieutenant working at the 12th Precinct,
14 and we were getting ready to make captains. And so
15 right at the time that he came up as a potential
16 candidate, I learned about the investigation, so, of
17 course, it was confidential.
18 I said nothing, but that was in 2014. Up
19 until that point, he was -- at least by the team around
20 me, regarded him very favorably as a top candidate in
21 Detroit Police Department.
22 Q. So there was nothing that anybody had notice of up until
23 the point the FBI said, knock knock. He's getting
24 indicted, Watson is getting indicted, Leavells is going
25 down, that would have --

1 MR. SUROWIEC: And I'm going to just object.
2 I object to --
3 (Multiple speakers
4 speaking at the same time)
5 BY MR. DETTMER:
6 Q. And they should have had notice of that. Or if they did
7 have notice, they just ignored it.
8 MR. SUROWIEC: Dennis, can I just raise a
9 point here? I'd like to be able to ask him about five
10 minutes of cleanup questions. I would like -- we're at
11 the 2:27 mark, and you're going over old stuff.
12 MR. DETTMER: Go ahead.
13 Chief, nice talking to you. Enjoy the rest of
14 your day.
15 THE WITNESS: Say what now?
16 MR. SUROWIEC: Chief, this is Jim Surowiec. I
17 have about five minutes or less of cleanup questions I
18 just want to ask you. Okay?
19 EXAMINATION BY MR. SUROWIEC:
20 Q. You indicated you started here in 2013. When you
21 started, you came from Cincinnati; is that correct?
22 A. That's correct.
23 Q. Okay. When you found out about Hansberry, Watson, and
24 Leavells, you were informed by the FBI in 2014 that they
25 had been indicted and they were going to be charged?



1 A. Well, it wasn't that close. They gave me a little bit.
2 By that time the investigation was rock solid.
3 Q. Got you.
4 A. And, again, when they're doing a confidential
5 investigation, they're not necessarily going to alert
6 the department because they don't know who to trust.
7 Q. They could have been looking into you?
8 A. I doubt that they were looking into me, but --
9 Q. But they look at the highest levels. I'm just saying
10 they look at everybody.
11 A. I don't --
12 Q. No?
13 A. No. I'm not saying that. What I'm suggesting to you is
14 they do their investigation and they only bring in the
15 people who they feel they should, and the two task force
16 officers were already embedded.
17 So to my knowledge, they were the only two
18 that knew about those Narcotic officers being
19 investigated.
20 Q. In terms of 2010 when you weren't there, 2011, 2012,
21 2013, before you arrived, you have an opinion but you
22 don't have any evidence because your director has not
23 looked back that far, that there was a pattern or
24 culture of corruption, correct? You haven't gotten back
25 that far?

1 A. I have an opinion -- I have a strong opinion, yes.
2 Q. Okay. But it's not evidence based; is that fair?
3 A. It's not evidence based.
4 Q. It's based on your police -- you have police instincts
5 and gut and you're looking back and you're looking back
6 hard on and at everything?
7 A. And I follow my gut sometimes, and I did on Mosley and I
8 was absolutely correct. So, yes, I have a strong
9 opinion and instinct that's the result of almost
10 44 years of experience.
11 Q. So when they're talking about -- when they are talking
12 about the newspaper articles where you are being quoted
13 as saying there is a culture of corruption or pattern
14 and practice, you're referencing, and correct me if I'm
15 wrong, you just found out about Hansberry, Watson,
16 Leavells. There was also a civilian out of the
17 department by the name of Kenyal Brown, who was
18 indicted.
19 And then when you thought everything had been
20 shaken out and everybody had learned their lesson, in
21 2018 or '19, Mosley gets indicted.
22 Those are the individuals that we're talking
23 about in terms of being criminally charged, correct?
24 A. Mosley gets -- the difference with Mosley, we had
25 additional information that we started to look at. And



1 A. I think it was already asked and answered. I think
2 Dennis had an accurate account. Roughly 40-something,
3 down to maybe 24, almost in half. We focused on the
4 Major Violators, which was the old conspiracy, if you
5 will, and street enforcement, which is going to be left
6 with the precincts.
7 Q. So of 40 officers at the high point, we have -- in terms
8 of police officers, Hansberry, Watson, Leavells, and
9 Mosley who were convicted. No one else, correct?
10 A. As far as I know.
11 Q. Okay. Who has -- at the department, under your watch,
12 who has the final decisionmaking authority as to what
13 policies are enacted? Like the one that was enacted on
14 Major Violators and establishing the new way?
15 A. I initiate the policy, and I don't know the date that
16 the police commission came back into their authority,
17 but they have to approve policy enacted by the Detroit
18 Police Department.
19 Q. Okay. Does a police officer have the authority to enact
20 policy?
21 A. They do not.
22 Q. Does a sergeant have the power to enact a policy?
23 A. No. Carry out policy.
24 Q. Lieutenant, captain, commander, do any of those
25 individuals have the ability or authority to enact

1 looking at that additional information helped me form an
2 opinion that there is a pattern.
3 Q. Okay.
4 A. Based on what I learned -- I'm telling you there's a
5 pattern of criminality that we started to see among
6 some. Allegations.
7 Q. Okay.
8 A. And that we are investigating right now.
9 Q. And I know that we have -- we have talked in the past
10 and we discussed the concept of Monell, which is a
11 Monell claim, a constitutional claim against the City
12 for having an unconstitutional custom and practice and
13 policy.
14 When you say a pattern and practice, are you
15 saying it in legal terms or are you saying it in your
16 terms as a layman saying I see a pattern? I'm a police
17 officer --
18 A. Not legal. In lay terms as a police -- it's like when I
19 look at crime and I see that there's a cluster of
20 robberies in a certain location. I call it a pattern.
21 If I see a cluster or similar type of alleged
22 misconduct, I'll call that a pattern, too. Now, again,
23 we're talking about allegations.
24 Q. Okay. How many at high point did you say Narcotics had
25 in it before you cut the staff in half?



1 policy?
2 A. No.
3 Q. Let me take a quick look here.
4 A. I'm getting close. Help me out. Help me out.
5 Q. The last question I'll ask you is, so when you're making
6 these statements, because Mr. Dezsi showed you a lot of
7 news articles about widespread corruption, that is in
8 direct response to Hansberry, Leavells, Watson, and
9 Mosley; is that fair?
10 A. Mosley, but in the interest of fairness, because of the
11 probe -- the probe was just not for Mosley. We didn't
12 launch this probe just for Mosley.
13 Q. Right.
14 A. Okay?
15 Q. But I'm saying it wasn't in connection to 2010, '11,
16 '12, '13, '14 --
17 A. No, I didn't have any information then.
18 Q. Fair enough.
19 A. I might have had suspicions, but the 2010 matter that
20 was culminating in 2014, I did not have the information
21 that I now have.
22 Q. All right.
23 A. So if I'm saying there's a pattern, a widespread, given
24 what I now know, the allegations, and I've got to put
25 emphasis on alleged, because there's been no additional

1 people charged. There has been one that has been
2 retired or resigned in lieu of termination, which was
3 part of the alleged misconduct. She just didn't get
4 terminated. She resigned in lieu of.
5 Q. Here is my windup. The cases that we are now dealing
6 with, because one has been dismissed, one of the five
7 cases has been dismissed. So we've got this case, which
8 is Metris-Shamoon versus City of Detroit and all of the
9 individuals. Frontczak versus City of Detroit. Reid
10 versus City of Detroit, and Gardella -- I'm sorry,
11 that's --
12 A. You know, you're naming all of these cases. I don't
13 have them in front of me to know which, so...
14 Q. That was my question. There was one more there.
15 Lockard versus City of Detroit.
16 Do you know anything about those cases?
17 A. Not definitively, no. I mean --
18 Q. Okay.
19 A. If you named officers involved in the cases, the names
20 may --
21 Q. But in terms of the allegations that are involved in
22 those cases -- I mean, they're asking you questions
23 about a Monell claim and about policy in the City.
24 We're really here to talk about these cases.
25 Do you have any intimate knowledge of the



1 lawsuits?
2 A. Some of the lawsuits we have opened up and initiated
3 misconduct investigations, as I indicated during our
4 predeposition, as I've indicated here. Matelic came out
5 of a civil lawsuit. Geelhood came out of Wayne County
6 Prosecutor's Integrity Unit, if my memory serves me
7 correct. So I know for a fact, those two -- one for
8 sure came out of a lawsuit.
9 Q. Okay.
10 A. That's very different today. That if people are filing
11 lawsuits, and in the lawsuit they are alleging
12 misconduct, we will open up and initiate an Internal
13 Affairs investigation.
14 It happened early on because it wasn't a
15 seamless transition. A lot of times the Law Department
16 didn't notify the department of allegations. This has
17 been, fortunately, a recent change.
18 This is something that I gave Grant Ha, who
19 works on my staff, that anytime a lawsuit comes in
20 alleging misconduct, we have to be notified so that we
21 can open up a misconduct. That didn't happen before.
22 Q. Okay. Thank you, sir.
23 A. All right. Thank you.
24 MR. DETTMER: One quick question. Very quick.
25



1 RE-EXAMINATION BY MR. DETTMER:
2 Q. You're still looking at crew members of Hansberry and
3 Geelhood's crews, and I would suggest to you those crews
4 are members of the various grades of our four current
5 cases. You don't know any of the detail of that; fair
6 to say?
7 A. No, haven't gone that far back. As I indicated in my
8 earlier testimony, we are working from Mosley back.
9 Possibly when we get to 2010, 2011, or if -- or through
10 the course of lawsuits that are coming in, we'll
11 initiate investigations.
12 So I am certain that we're going to be looking
13 at individuals who are probably no longer members of my
14 department, and who have retired. There's some cases
15 that the Wayne County Prosecutor's office is also
16 interested in exonerating. Hey, folks, I've got to
17 really -- I mean, I'm actually ten minutes out. So...
18 MR. SUROWIEC: I am done.
19 MR. DETTMER: Good to you see you, Chief.
20 Thank you.
21 THE WITNESS: Thank you.
22 (Deposition concluded about 3:00 p.m.)
23
24
25

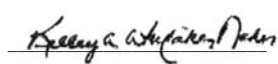
1 CERTIFICATE OF NOTARY.
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF ST. CLAIR)
5 I, Kelley Whitaker, Certified Shorthand Reporter, a
6 Notary Public in and for the above county and state, do
7 hereby certify that the above deposition was taken by
8 Virtual means; that the witness was by me first duly
9 sworn to testify to the truth, and nothing but the
10 truth, that the foregoing questions asked and answers
11 made by the witness were duly recorded by me
12 stenographically and reduced to computer transcription;
13 that this is a true, full and correct transcript of my
14 stenographic notes so taken; and that I am not related
15 to, nor of counsel to either party nor interested in the
16 event of this cause.
17
18
19 
20 Kelley A. Nader
21 RPR, CSR 0977 Notary Public,
22 St. Clair County, Michigan
23 My Commission expires: 1/27/2026
24
25

EXHIBIT K

Detroit police probe yields allegations of widespread corruption in drug unit

George Hunter, The Detroit News Published 11:23 p.m. ET Dec. 11, 2019 | Updated 10:05 a.m. ET Dec. 12, 2019

Detroit — Four months after Detroit police internal affairs officers [raided their own department's narcotics unit](https://www.detroitnews.com/story/news/local/detroit-city/2019/08/22/detroit-cops-seize-drug-records-amid-internal-probe/2084344001/), investigators have uncovered alleged corruption that includes drug cops planting evidence, lying to prosecutors in search warrant affidavits, robbing dope dealers and embezzling funds, police officials said.

Since the Aug. 22 raid, in which dozens of files and 50 computers were seized and analyzed, Chief James Craig has reassigned everyone in the unit with five or more years' experience.

"I'm extremely concerned there may be a pattern and practice of criminal misconduct in the narcotics unit," Craig said. "Sadly, as we continue our probe, we think it's going to grow in terms of magnitude."

The corruption is possibly so extensive that Chris Graveline, director of the department's Professional Standards Section and head of the ongoing investigation, set up a hotline this week, urging anyone with knowledge of misconduct by drug officers to call (313) 596-3190.



Chris Graveline, director of the Detroit police Professional Standards Section, addresses the media. (Photo: George Hunter)

Craig said he enlisted help from the FBI, Michigan State Police and U.S. Attorney's Office after the material seized in the raid revealed more problems than anticipated.

"This started with a small team of our own Professional Standards investigators, but as they starting seeing the scope of the issues we were dealing with, the team has since grown to 17, and we may ask for even more help," Craig said. "This is a major corruption investigation, but I want to caution that these are just allegations at this point.

"The files we seized in the raid go back as far as 10 years, so the focus of our probe is roughly 10 years," Craig said. "However, since the raid, we've only looked at the past year and a half. So there's a lot more material to go through.

"We're not just looking at documents and case files; so far, we've also interviewed more than 20 complainants who were involved in narcotics trafficking, who had search warrants executed on them but were never arrested," Craig said.

Among the investigation's findings:

- Six instances of narcotics officers stealing money from drug dealers, and two cases of officers planting drugs on suspects.
- False affidavits allegedly were presented to prosecutors to get search warrants. "It's alleged that the probable cause to get the warrants was fabricated," Craig said. "Surveillance that was supposedly conducted to get the warrants wasn't done; information (officers) said they got from confidential informants was erroneous; and information (officers) said they'd gleaned from (the Detroit police drug hotline) 224-DOPE was non-existent. So far, we've identified eight instances where that may have occurred."
- Drug suspects were designated as confidential informants without permission. "Only a prosecutor, either from the Wayne County Prosecutor's Office or U.S. Attorney's Office, can authorize a member of the department to turn a suspect into an informant," Craig said. "Based on our investigation, so far we've found 11 instances where officers improperly made suspects into informants."
- Funds meant to pay informants were embezzled. "We found 50 vouchers with thumb prints and signatures of informants, but no dollar amount listed," Graveline said. It's alleged officers told informants they'd be paid a certain amount for information; the officers allegedly submitted requests for more money and pocketed the difference. (Thumbprints are used on the vouchers to identify informants.)

The first leg of the investigation — the latest in a series of probes into the former Narcotics Section, which was closed in 2014 and reformed as the Major Violators Section because of rampant corruption — kicked off in April, after a large shipment of drugs that had been seized in Detroit was switched for another substance by the time it got to Chicago for a court hearing, Craig said.

Former Detroit narcotics officer Michael Mosley, who was indicted in federal court on charges related to allegations that he took a bribe from a drug dealer, is central to the investigation, Craig said.

Mosley, who was indicted the same day the drug unit was raided, is scheduled to stand trial March 3.

"I can tell you primarily we're looking at the crew (Mosley) was assigned to, which includes a supervisor and five officers," Craig said. All have been reassigned, the chief said.

"I strongly believe that Mosley's criminal activity didn't start with the one time he was caught by the FBI, which is one of the reasons I ordered this investigation," he said.

"We're also looking very closely at the supervisors and managers in the Major Violators Section; what did they know, and what did they do about it?" Craig said. "This investigation is looking very closely at management that oversaw narcotics."

Craig stressed that moving people with five years of experience doesn't necessarily mean they are under suspicion.

Mosley's attorney, Robert Morgan, declined to comment.

Craig said the probe also is focusing on the activities of officers who worked withex-Detroit narcotics cops David Hansberry, Bryan Watson and Arthur Leavells, who in 2017 were convicted in federal court ([/story/news/local/detroit-city/2017/02/22/ex-detroit-cops-face-sentencing-extortion/98245018/](https://www.detroitnews.com/story/news/local/detroit-city/2017/02/22/ex-detroit-cops-face-sentencing-extortion/98245018/))of offenses that included ripping off drug dealers and stealing money and drugs that had been seized in raids.

That investigation, which started in 2010, was focused solely on "the criminality of those who were indicted," Craig said. "(The current probe) is also taking a look at processes and other issues that could have contributed to the alleged problems we're uncovering."

Allegations of corruption in the Detroit police narcotics unit go back decades. In 1973, 22 Detroit cops from the 10th Precinct were indicted on charges of involvement in heroin trafficking; nine of the officers were convicted of various crimes.

In 1991, five current and former Detroit cops and a relative of then-Mayor Coleman Young were among a group that was charged with providing protection for FBI agents posing as drug traffickers. Five defendants pleaded guilty in federal court, while other officers were acquitted.

[Buy Photo](#)



From left, Detroit Police Chief James Craig and Lt. Charles Flanagan during a raid at 9432 Moross in Detroit on July 3, 2014. (Photo: David Coates, *The Detroit News*)

Charles Flanagan, a Detroit cop for 30 years before he retired in 2015, ran the former Narcotics Section from 2013-15. He said when he took over the unit, he found "problems that existed long before I got there."

Flanagan reported to Craig that he'd uncovered numerous issues, including a sergeant who had failed to turn in 32 pieces of drug evidence confiscated from hospitalized suspects, and another sergeant who made up false evidence tags for items seized during drug raids, including three flat-screen TVs, a laptop computer and an Xbox 360 video game system.

"I tried to correct some of the obvious issues when I got there," Flanagan said. "Most of the problems I encountered were things that were years old.

"One of the biggest problems in Narcotics historically has been that commanding officers were handcuffed because a lot of people would end up in those specialized units because of cronyism and nepotism," Flanagan said. "They'd have so-called mentors at the higher ranks in the department, and no matter how bad they were, their bosses were afraid to get rid of them."

Craig, who investigated corruption while he was a Los Angeles cop, blamed "basic greed" for many of the problems plaguing the drug unit.

"We thought that the indictment of the Hansberry team would have caused people to walk straight, but greed is the foundation for engaging in corruption," Craig said. "It comes down to basic greed.

"I'm not happy about what we've found in this investigation, but I think it's important to advise the public about what's going on," he said. "Some people might want to say this department is out of control, but I would remind them that this is a DPD-initiated investigation. We're not hiding from this."

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Detroit police chief: Longstanding culture of drug unit corruption

George Hunter, The Detroit News Published 4:19 p.m. ET Dec. 12, 2019 | Updated 4:49 p.m. ET Dec. 12, 2019

Detroit — Selling drugs in any city is dangerous, as dealers risk being killed or robbed by rivals — but in Detroit, pushers for years also have known they could be ripped off by cops, police chief James Craig said Thursday.

"The culture here has been such that drug traffickers figured that was just the cost of doing business," Craig said during a press conference at Public Safety Headquarters. "They knew 'I could get killed, robbed by my competition or robbed by cops.' It's not like that in other cities I've worked in."



Detroit police chief James Craig and Chris Graveline, director of the Professional Standards Section, address the media on Thursday. (Photo: George Hunter)

Craig's remarks followed a [Detroit News report](https://www.detroitnews.com/story/news/local/detroit-city/2019/12/11/detroit-police-probe-uncovers-widespread-alleged-corruption-drug-unit/4398321002/) (<https://www.detroitnews.com/story/news/local/detroit-city/2019/12/11/detroit-police-probe-uncovers-widespread-alleged-corruption-drug-unit/4398321002/>) about a four-month ongoing investigation that uncovered "a pattern and practice" of alleged corruption in the drug unit, called the Major Violators Section.

The allegations include drug cops planting evidence, lying to prosecutors in search warrant affidavits, robbing dope dealers and embezzling funds meant to pay informants.

The Detroit-initiated investigation started Aug. 22, when Detroit internal affairs officers raided their department's own drug unit, seizing and analyzing dozens of files and 50 computers.

Investigators also have interviewed more than 20 people whose drug houses were raided but were not arrested, and Craig said they told police it's no secret on the street that many Detroit drug cops were crooked.

In multiple instances, investigators found Detroit officers raided drug houses, seized money and drugs, and then told the dealers they could "work off the case" by giving police information about other drug houses.

After getting the information, Craig said the cops allegedly would "start the process all over again" when they raided the locations the dealers had told them about.

Officers would sometimes make confidential informants out of the people whose houses they'd raided without getting the required authorization from prosecutors, Craig said. Then, the officers allegedly embezzled the funds used to pay the informants, the chief said.

"Imagine you're a drug trafficker," Craig said. "A search warrant is executed at your home. Your next thought is, 'I'm going to be arrested.' Instead, you're getting paid, and that case is over.

"Those who are trafficking large amounts of drugs got a pass based on the decision of a police officer. They're not going to come knocking on my door saying, 'chief, we want to make a complaint.'"

Chris Graveline, a former assistant U.S. Attorney who heads the police department's Professional Standards Section, said the alleged corrupt cops could taint other cases in which they testified.

"The first thing you have to ask yourself is, what role did that witness play in my case?" Graveline said. "If it's a major role, then that's a big concern. Immediately, you're thinking 'I need to evaluate each of these cases, and how significant their testimony is in this case."

"This is going to require a lot of evaluation, not only by the Detroit Police Department but by prosecutors," Graveline said.

Wayne County Prosecutor Kym Worthy declined to comment, her spokeswoman, Maria Miller, said Thursday.

The alleged corruption is thought to be so rampant, police officials set up a 24-hour hotline at (313) 596-3190 to encourage people to call in tips about crooked drug cops.

"It's been up 24 hours, and we've already started to receive tips," Craig said. "One of the things we've learned from the complainants we've already interviewed was that they expect (corruption by narcotics officers)."

Craig stressed the alleged crooked officers make up only a small portion of the police department.

"How are you going to put on the badge ... and you're as much of a criminal as the people you're going after?" Craig said. "If you make the conscious decision to engage in criminal conduct, you're no longer a police officer. We're going to find you, and we're going to arrest you."

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EXHIBIT L

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

-----	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
-----	X	

**EIGHTH AMENDED PLAN FOR THE ADJUSTMENT OF DEBTS OF THE CITY OF DETROIT
(October 22, 2014)**

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6. taking any actions to interfere with the implementation or consummation of the Plan.

b. All Entities that have held, currently hold or may hold any Liabilities released pursuant to the Plan will be permanently enjoined from taking any of the following actions against the State, the State Related Entities, the officers, board of trustees/directors, attorneys, advisors and professionals of the RDPFFA or the DRCEA, and the Released Parties or any of their respective property on account of such released Liabilities: (i) commencing, conducting or continuing in any manner, directly or indirectly, any suit, action or other proceeding of any kind; (ii) enforcing, levying, attaching, collecting or otherwise recovering by any manner or means, directly or indirectly, any judgment, award, decree or order; (iii) creating, perfecting or otherwise enforcing in any manner, directly or indirectly, any lien; (iv) asserting any setoff, right of subrogation or recoupment of any kind, directly or indirectly, against any obligation due the State, a State Related Entity, the officers, board of trustees/directors, attorneys, advisors and professionals of the RDPFFA or the DRCEA, or a Released Party; and (v) commencing or continuing any action, in any manner, in any place that does not comply with or is inconsistent with the provisions of the Plan. Notwithstanding the foregoing and without limiting the injunctions in Section III.D.5.a, the Holders of Indirect 36th District Court Claims shall not be enjoined from taking any of the foregoing actions against the State or the State Related Entities with respect to Indirect 36th District Court Claims to the extent such Claims are not satisfied pursuant to the Plan.

6. Exculpation.

From and after the Effective Date, to the fullest extent permitted under applicable law and except as expressly set forth in this Section, neither the City, its Related Entities (including the members of the City Council, the Mayor and the Emergency Manager), to the extent a claim arises from actions taken by such Related Entity in its capacity as a Related Entity of the City, the State, the State Related Entities, the Exculpated Parties nor the Released Parties shall have or incur any liability to any person or Entity for any act or omission in connection with, relating to or arising out of the City's restructuring efforts and the Chapter 9 Case, including the authorization given to file the Chapter 9 Case, the formulation, preparation, negotiation, dissemination, consummation, implementation, confirmation or approval (as applicable) of the Plan, the property to be distributed under the Plan, the settlements implemented under the Plan, the Exhibits, the Disclosure Statement, any contract, instrument, release or other agreement or document provided for or contemplated in connection with the consummation of the transactions set forth in the Plan or the management or operation of the City; provided that the foregoing provisions shall apply to (a) the LTGO Exculpated Parties solely in connection with acts or omissions taken in connection with the LTGO Settlement Agreement or the Plan (as it relates to the LTGO Settlement Agreement), (b) the UTGO Exculpated Parties solely in connection with acts or omissions taken in connection with the UTGO Settlement Agreement or the Plan (as it relates to the UTGO Settlement Agreement), (c) the DWSD Exculpated Parties solely in connection with acts or omissions taken in connection with the DWSD Tender, DWSD Tender Motion or DWSD Tender Order, (d) the Syncora Exculpated Parties solely in connection with acts or omissions taken in connection with the Syncora Settlement Documents and any actions or litigation positions taken by the Syncora Exculpated Parties in the Chapter 9 Case, (e) the FGIC/COP Exculpated Parties solely in connection with acts or omissions taken in connection with the FGIC/COP Settlement Documents and any actions or litigation positions taken by the FGIC/COP Exculpated Parties in the Chapter 9 Case, (f) the RDPMA Exculpated Parties and (g) the COP Agent, solely in its capacity as such and solely in connection with any Distributions made pursuant to the terms of the Plan; provided, further, that the foregoing provisions in this Section III.D.6 shall not affect the liability of the City, its Related Entities, the State, the State Related Entities, the Released Parties and the Exculpated Parties that otherwise would result from any such act or omission to the extent that such act or omission is determined in a Final Order to have constituted gross negligence or willful misconduct or any act or omission occurring before the Petition Date. The City, its Related Entities (with respect to actions taken by such Related Entities in their capacities as Related Entities of the City), the State, the State Related Entities, the Released Parties and the Exculpated Parties shall be entitled to rely upon the advice of counsel and financial advisors with respect to their duties and responsibilities under, or in connection with, the Chapter 9 Case, the administration thereof and the Plan. This Section III.D.6 shall not affect any liability of (a) any of the COP Swap Exculpated Parties to the Syncora Exculpated Parties or FGIC or (b) the Syncora Exculpated Parties or FGIC/COP Exculpated Parties to any of the COP Swap Exculpated Parties.

7. Releases

Without limiting any other applicable provisions of, or releases contained in, the Plan or any contracts, instruments, releases, agreements or documents to be entered into or delivered in connection with the Plan, as of the Effective Date, in consideration for the obligations of the City under the Plan and the consideration and other contracts, instruments, releases, agreements or documents to be entered into or delivered in connection with the Plan (including the State Contribution Agreement):

- a. each holder of a Claim that votes in favor of the Plan, to the fullest extent permissible under law, will be deemed to forever release, waive and discharge (which release will be in addition to the release and discharge of Claims otherwise provided herein and under the Confirmation Order and the Bankruptcy Code):
 - i. all Liabilities in any way relating to the City, the Chapter 9 Case (including the authorization given to file the Chapter 9 Case), the Plan, the Exhibits or the Disclosure Statement, in each case that such holder has, had or may have against the City or its current and former officials, officers, directors, employees, managers, attorneys, advisors and professionals, each acting in such capacity (and, in addition to and without limiting the foregoing, in the case of any Emergency Manager, in such Emergency Manager's capacity as an appointee under PA 436); provided further, for the avoidance of doubt, that any person or entity designated to manage the Chapter 9 Case for the City after the Emergency Manager's term is terminated, whether such person or entity acts as an employee, advisor or contractor to the City or acts as an employee, agent, contractor or appointee of the State under any applicable state law, shall be treated the same as an employee of the City hereunder; and
 - ii. all Liabilities in any way relating to (A) Claims that are compromised, settled or discharged under or in connection with the Plan, (B) the Chapter 9 Case (including the authorization given to file the Chapter 9 Case), (C) the Plan, (D) the Exhibits, (E) the Disclosure Statement or (F) the DIA Settlement, in each case that such holder has, had or may have against the City's Related Entities, the State, the State Related Entities and the Released Parties; provided, however, that any such Liability of the Foundations, the DIA Funders and the CFSEM Supporting Organization and their Related Entities shall be released only to the extent that such Liability, if any, arises from any such entity's participation in the DIA Settlement;

provided, however, that the foregoing provisions shall not affect the liability of the City, its Related Entities and the Released Parties that otherwise would result from any act or omission to the extent that act or omission subsequently is determined in a Final Order to have constituted gross negligence or willful misconduct; and provided further, however, that if Classes 10 and 11 vote to accept the Plan, but any necessary conditions precedent to the receipt of the initial funding from the State (pursuant to the State Contribution Agreement) and the DIA Funding Parties that are such as of the commencement of the Confirmation Hearing (pursuant to the DIA Settlement) that can be satisfied or waived by the applicable funding party prior to the Confirmation Hearing (including, but not limited to, adoption of relevant legislation and appropriations by the State and execution of necessary and irrevocable agreements for their funding commitments by each of the DIA Funding Parties that are such as of the commencement of the Confirmation Hearing, which conditions may not be waived) are not satisfied or waived by the applicable funding party prior to the Confirmation Hearing, then Holders of Claims in Classes 10 and 11 that voted to accept the Plan shall be deemed to have voted to reject the Plan, and the voluntary release set forth in the first sentence of this Section III.D.7.a shall not apply to Holders of Claims in Classes 10 and 11; provided, further, that nothing in this Section III.D.7.a shall release (i) the City's obligations under the Plan or (ii) any defenses that any party may have against the City, its Related Entities, the State, the State Related Entities or the Released Parties; and

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Dated: October 22, 2014

Respectfully submitted,

The City of Detroit, Michigan

By: /s/ Kevyn D. Orr
Name: Kevyn D. Orr
Title: Emergency Manager for the City of Detroit, Michigan

EXHIBIT M



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Press Release
March 24 ,2020
Two Pages

For Immediate Release

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mmiller@waynecounty.com

WCPO to Dismiss Two Narcotics Cases

On March 24, 2020, the Wayne County Prosecutor's Office Conviction Integrity Unit (CIU) presented an order which was signed by Third Circuit Court Chief Judge Timothy Kenny dismissing the case against Darell Chancellor who was convicted on December 12, 2012, of Possession of 450 grams to 999 grams of Cocaine. He was sentenced to 14 years, three months to 30 years as a Habitual Fourth Offender.

On the same day, the Wayne County Prosecutor's Office Public Integrity Unit presented an order which was signed by to Chief Judge Timothy Kenny dismissing the case against Darrell Richmond, who was convicted on August 9, 2019, of Delivery/Manufacture Narcotics Less than 50 grams and Felony Firearm Second Degree. He was sentenced to three to 20 years on the drug charge and a five-year consecutive sentence on the felony firearm charge.

Both cases were dismissed by order and no court appearances were held due to the Covid-19 pandemic.

Statement of Prosecutor Kym Worthy

Prosecutor Worthy said, "The cases that we are announcing today are the result of the tireless work of investigators from the Detroit Police Department and the Federal Bureau of Investigations (Richmond), and the Wayne County Prosecutor's Office Conviction Integrity Unit (Chancellor). These are the first cases that deal directly with fraudulent search warrant affidavits and

other activities by highly unethical and compromised narcotics police officers. These cases take time to review, and we expect that there will be more. I will not hesitate to free other wrongfully convicted individuals if we find tainted or fraudulent evidence.”

-more-

Darell Chancellor CIU Recommendation*

The alleged evidence in the case about Mr. Chancellor cannot be corroborated and has been credibly refuted. It was based upon a fraudulent search warrant. Mr. Chancellor’s claim that he was wrongfully convicted is credible and his case will be dismissed by the Conviction Integrity Unit.

Darrell Richmond - Public Integrity Unit Recommendation *

The DPD and FBI investigation clearly shows that the information provided in the search warrant for Mr. Richmond’s home was based upon false and not-credible information. The conviction of Mr. Richmond will be dismissed by the WCPO Public Integrity Unit.

*Note: At this time limited information is being released BY WCPO due to the ongoing investigation of the Detroit Police Narcotics Unit by DPD and the FBI.

#####

EXHIBIT N



D.P.D. 568 (rev. 9/97)

INTER-OFFICE MEMORANDUM PROFESSIONAL STANDARDS BUREAU

Date

July 18, 2014

To: Chief of Police James E. Craig (Through Channels) *[Signature]*

Subject: **DUTY STATUS REPORT FOR THE FOLLOWING OFFICERS ASSIGNED TO NARCOTICS:**
SERGEANT STEPHEN GEELHOOD, BADGE S-501, PENSION #233448
POLICE OFFICER LARRY BARNETT, BADGE 2841, PENSION #233194
POLICE OFFICER STEVEN RILEY, BADGE 197, PENSION #235195
POLICE OFFICER AMY MATELIC, BADGE 2379, PENSION #234518
POLICE OFFICER ARTHUR LEAVELLS, BADGE 463, PENSION #235788
POLICE OFFICER GREGORY TOURVILLE, BADGE 682, PENSION #235981

From: Commander Johnny Thomas, Professional Standards Bureau

ISSUE:

On July 10, 2014, members of Internal Affairs suspended Sergeant Stephen Geelhood, badge S-501, and Police Officers Larry Barnett, badge 2841, Steven Riley, badge 197, Amy Matelic, badge 2379, Arthur Leavells, badge 463 and Gregory Tourville, badge 682, after it was discovered that during an investigation the officers were captured on video during a narcotic raid, putting at least five (5) small boxes, later identified as boxes of High Intensity Light bulbs, into a larger box as well as into bags. These items were not placed on evidence and are unaccounted for. The video also shows that at least four (4) officers are in this same room at one time while the light bulbs are being placed into the box and bag.

What should Sergeant Geelhood and Officers Barnett, Riley, Matelic, Leavells and Tourvilles duty status be?

DISCUSSION:

On June 19, 2014, Sergeant Juan Ayala, badge S-266, assigned to Internal Affairs, received a phone call from a Mr. Brent Rayis, W/M/30, of 3271 Edmunton, Rochester Hills, in which Mr. Rayis alleged that on February 13, 2014, at approximately 1:30 P.M., he was at 20103 W. Eight Mile Rd when it was raided by the Narcotics crew headed by Sergeant Geelhood.

Mr. Rayis stated that during the raid his Chase Debit card was taken and subsequently he discovered an unauthorized \$1000 charge was made against his card. Mr. Rayis stated that the Marijuana that was found was in 20105 W. Eight Mile Rd, which the crew did not have a warrant for. Mr. Rayis also stated that once the raid was over he was arrested and taken to another location where the crew conducted another raid before being conveyed to the Detroit Detention Center (DDC) for processing.

10. 07.2014 11:44

To: Chief of Police James E. Craig (Through Channels) July 18, 2014

Subject: **DUTY STATUS REPORT, MEMBERS ASSIGNED TO NARCOTICS** Page 2

From: Commander Johnny Thomas, Professional Standards Bureau

On June 20, 2014, Mr. Rayis presented himself at 1301 Third, Suite 319N, the Internal Affairs Office, to make a statement. Mr. Rayis also brought a disc that he claimed was from a hidden camera in 20103 W. Eight Mile Rd. The video was reviewed and it shows the officers' actions inside the location.

The video reveals the officers coming into the location, ordered Mr. Rayis to the ground, handcuffing him and then clearing the location. Once the location is cleared Mr. Rayis gets taken into 20101 W. Eight Mile Rd. The officers are then observed opening a closed door on the west side wall and entering another room. The officers are later seen coming out of that door with what appear to be Marijuana plants. The officers put the plants in bags and boxes, but they also put at least five (5) smaller boxes (Mr. Rayis later identified the smaller boxes as boxes of High Intensity Light bulbs) into the bags and boxes with the plants.

It should be noted that in the video, Officers Leavells, Barnett, Riley and Tourville are in view of each other and observed or participated in the destruction or concealing of property in the bags and boxes used to package the Marijuana Plants, with Sergeant Geelhood standing in the background in the same room. The officers listed the Marijuana as evidence on their arrest report; however, the property taken, other than the marijuana plants, was not listed as evidence and therefore is unaccounted for.

The video reveals that Officer Matelic entered the view of the camera on three separate occasions; however she was not in the room when the items were placed in the box that contained the Marijuana plants

The video also reveals that at least four (4) officers are in this same room at one time while the light bulbs are being placed into bags and boxes with the plants. The video reveals other unknown items are taken from the shelves as well as Officer Matelic with an object in her hand and then reacting as if she was shocked and threw the item to the ground.

Mr. Rayis also provided limited video from 20101 W. Eight Mile Rd that revealed five (5) officers that enter the location, followed by Sergeant Geelhood. The video shows the raid crew making entry into the T-shirt shop and walking toward the back. In the video a white male, later identified as Ibrahim Gharib, W/M/31, of 6160 N Slivery Ln, Dearborn Heights, is seen meeting the officers in the front part of the store with his hand up. Mr. Gharib is patted down and was placed in front of a display case with his hands on the glass.

To: Chief of Police James E. Craig (Through Channels)

Subject: **DUTY STATUS REPORT, MEMBERS ASSIGNED TO NARCOTICS**

From: Commander Johnny Thomas, Professional Standards Bureau

July 18, 2014

Page 3

The video reveals a black male, later identified as Grady Wicker III, B/M/29, of 29500 Franklin Rd, Southfield, also walked into the front of the store and also placed against the display case with his hands on the glass. The rest of the video reveals the officers' interaction with the detainees.

On the same date, Police Officer Michael Saraino, badge 247, assigned to Internal Affairs, and Sergeant Ayala conducted an audio recorded interview of Mr. Rayis. During the interview, Mr. Rayis' statement closely mirrored that of his phone call. Mr. Rayis also identified the things taken by the officers as high intensity light bulbs.

A review of CRISNET Report #1402130158.1, titled "08-48-2913-Execution of Search Warrant," completed by Police Officer Amy Matelic, and all of the attached Preliminary Complaint Reports, Investigator's Report and all other paperwork that pertained to the execution of the search warrant at 20103 W. Eight Mile Rd., revealed the only property listed taken was Marijuana Plants, loose Marijuana, currency, and Mr. Rayis' vehicle, a 2003 Acura. No other property was listed as taken.

On July 2, 2014, Investigator Timothy Ewald, badge I-1, assigned to Internal Affairs, and Officer Saraino, went to the Property Section and inspected the packages where the unaccounted merchandise was seen being placed into, and they were not found.

On July 10, 2014, Sergeant Ayala conducted an audio recorded interview with Mr. Wicker who stated he was in the backroom of his place of employment, 20101 W. Eight Mile Rd. Mr. Wicker stated that while at the location the police played with and broke gag shock pens that were at the location. Mr. Wicker also stated that the police took at least three (3) shock pens from the store and five (5) HPS light bulbs that belong to him, as they were leaving. After the police left Mr. Wicker checked his vehicle, since the police searched it, and found an I-Pod and a black pair of Rayban glasses were missing.

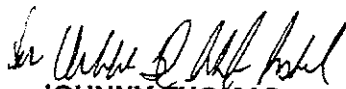
On July 10, 2014, Officer Saraino, and Sergeant Ayala, conducted an audio recorded interview of Mr. Gharib. Mr. Gharib stated that on February 13, 2014, at approximately 1:30 P.M., the police came into his work at 20101 W. Eight Mile, and searched the place. Mr. Gharib stated that he was detained in his shop and searched. During the search Mr. Gharib stated that the officers stole gag "shocking" items that he had for sale for \$5.00 each. He also stated that the female officer was tricked and shocked by a male officer and that she threw the pen to the floor and broke it (this fact was confirmed by the video viewed). Mr. Gharib also stated that his 2008 Jeep Liberty was searched and after the police left his Bulova watch was missing.

To: Chief of Police James E. Craig (Through Channels) July 18, 2014
Subject: **DUTY STATUS REPORT, MEMBERS ASSIGNED TO NARCOTICS** Page 4
From: Commander Johnny Thomas, Professional Standards Bureau

On July 10, 2014, at approximately 4:00 P.M., Lieutenant Kelly Fitzgerald, badge L-33, assigned to Internal Affairs, and Sergeant Ayala along with members assigned to Internal Affairs went to 14655 Dexter, Narcotics Base, and stood by as Captain Rodney Cox, Commanding Officer of Organized Crime, suspended the above listed officers and sergeant with pay.

It shall also be noted that a walk through was conducted of the location and none of the described items were located at this time.

RECOMMENDATION:



JOHNNY THOMAS
Commander
Professional Standards Bureau

EXHIBIT O

NOTICE OF SEIZURE AND INTENT TO FORFEIT

Notice Served To: <u>MUKHLIS SHAMOON</u>			
Address: <u>8929 Wilcox</u>		City: <u>Shelby Twp</u>	State: <u>MI</u>
Date: <u>9/13/12</u>	Time: <u>1:40</u>	Location Of Seizure: <u>8929 Wilcox</u>	

NOTIFICATION

On, day/ 13 month/ 9 year/ 12 the Detroit Police Department determined that the property described below is subject to forfeiture pursuant to Michigan Law MCLA 333.7521, et. seq., and that the Department intends to seek forfeiture of this property.

If you desire to challenge the forfeiture of this property, you MUST DO ALL of the following within twenty (20) days of receiving this notice:

1. FILE A CLAIM WITH THE DETROIT POLICE DEPARTMENT FORFEITURE UNIT 2121 W. Fort, DETROIT, MI 48201, (313) 596.2630, DESCRIBING YOUR INTEREST IN THE PROPERTY.
2. POST A BOND THAT IS 10% OF THE VALUE OF THE PROPERTY CLAIMED (said BOND will be no less than \$250.00 and NO GREATER THAN \$5000.00).

After filing a written claim and posting the required BOND, the case will be referred to the Wayne County Prosecutor's Office for filing in the Wayne County Circuit Court. If the Court orders the property forfeited to the Detroit Police Department, you May be required to pay ALL costs incurred during the forfeiture proceedings.

Failure to file a claim and post BOND within TWENTY (20) days will result in your DEFAULT and your property will be declared forfeited to the Detroit Police Department.

THIS FORM MUST BE FAXED IMMEDIATELY TO FORFEITURE AT 596-2309

DESCRIPTION OF PROPERTY

Amount of Currency: \$ <u>315 -</u>		ET#: <u>E 40273504</u>		
Vehicle/yr.	Make:	Model:	Style:	Color:
Veh /Mileage:	License Plate #		Vin#	
ET#		(loc veh stored)		
Other Property:				

ACKNOWLEDGEMENTS

Notice Received By: <u>MUKHLIS SHAMOON</u>		Signature: <u>[Signature]</u>	
Notice Served By: <u>BRIANA JOHNSON</u>		Signature: <u>[Signature]</u>	
Rank: <u>P.O.</u>	Badge#: <u>5010</u>	Assignment: <u>NB</u>	
Date: <u>9/13/12</u>	Time: <u>1:40</u>	Location of Service: <u>8929 Wilcox</u>	
Witness: <u>Joe Tucker</u>		Signature: <u>[Signature]</u>	
Rank: <u>SGT</u>	Badge#: <u>S-95</u>	Assignment: <u>N/B</u>	

(Revised: 03.7.2005)

000019

EXHIBIT P

Internal Affairs Database - Member History Report

Member Name TUCKER JR, JOE

Case Number 00i213 **Date Assigned** 12/5/2000 **Command** **Date Closed** 6/4/2001
Allegation PERJURY **Rank:** PO **Finding** NOT SUSTAINED
DPD Charges Miscellaneous **2nd** **3rd**

Notes On December 5, 2000, Internal Affairs received information regarding an allegation of Perjury involving Police Officer Joe Tucker Jr. Improper conduct

Case Number 04i280 **Date Assigned** 9/10/2004 **Command** 6TH PRECINCT **Date Closed** 5/9/2005
Allegation MISCONDUCT **Rank:** SGT **Finding** SUSTAINED
DPD Charges Miscellaneous **2nd** Truthfulness **3rd**

Notes SGT TUCKER SUBMITTED AN INJURED PO I&R WHICH STATED CIVILIANS WERE INTERVIEWED. THE CIVILIANS STATED THAT THEY WERE NEVER INTERVIEWED.

Case Number 11i167 **Date Assigned** 12/1/2011 **Command** ORGANIZED CRIME AN **Date Closed** 12/21/2011
Allegation FRAUD **Rank:** SGT **Finding**
DPD Charges **2nd** **3rd**

Notes On November 28, 2011, Internal Affairs received an Inter-Office Memo from Organized Crime alleging time fraud by some officers getting paid overtime that had not worked any. THIS CASE WAS ADMINISTRATIVELY CLOSED PER CO. STAIR ON DECEMBER 21, 2011.

Case Number 14i149 **Date Assigned** 12/9/2014 **Command** **Date Closed** 7/17/2015
Allegation FRAUD **Rank:** SGT **Finding** EXONERATED
DPD Charges Conduct Unprofessional **2nd** Authority Misuse **3rd** Miscellaneous

Notes Internal Affairs rec'd information from DC Fitzgerald that after conducting an audit of court appearances, it appears that Lt. Tucker and Sgt Graves may have submitted fraudulent court appearance notices.

EXONERATED ON FRAUD CHARGES.
 REFERRED TO DISCIPLINARY ON THE BELOW CHARGES FOR SGT TUCKER

RE: REQUEST THE DISCIPLINARY HISTORY

DISCIPLINARY ADMIN <[REDACTED]>

Fri 5/29/2020 11:27 AM

To: DEANNA WILSON 361 [REDACTED]

Good Morning,

Please see below:

CAPTAIN JOE TUCKER, JR.

It is to be noted that Captain Joe Tucker, Jr., was appointed to the Department on September 20, 1993 and appointed to his current rank on December 12, 2016. Disciplinary records reflect that he has the following contacts:

File No. 960180 - On June 17, 1996, Captain Joe Tucker, Jr., (then Police Officer) appeared for a Commander's Hearing and was found guilty of Neglect of Duty , (i.e., on November 28, 1995, appeared in Recorder's Court while off duty to attend a sentencing hearing without being notified and later turning in a court appearance slip). Officer Tucker received a one (1) day suspension.

SERGEANT STEPHEN GEELHOOD, BADGE S-501

It is to be noted that Sergeant Stephen Geelhood was appointed to the Department on November 28, 1994 and promoted to his current rank on November 22, 2013. Disciplinary records reflect that he has no prior contact.

Lieutenant Robert Torres

Detroit Police Department
Disciplinary Administration
1301 Third, Suite 746A
Professional Standards Bureau
Detroit, Michigan 48226

[REDACTED]

"The Detroit Police Department is a model of sustained policing excellence that places our neighborhoods and people first."

From: DEANNA WILSON 361

Sent: Friday, May 29, 2020 10:50 AM

To: DISCIPLINARY ADMIN [REDACTED]

Subject: REQUEST THE DISCIPLINARY HISTORY



DISCIPLINARY HISTORY

PENSION 233043

DATE UPDATED 1/16/2017

LAST NAME TUCKER

FIRST NAME JOE

CAPTAIN JOE TUCKER, JR.

It is to be noted that Captain Joe Tucker, Jr., was appointed to the Department on September 20, 1993 and appointed to his current rank on December 12, 2016. Disciplinary records reflect that he has the following contacts:

File No. 960180 - On June 17, 1996, Captain Joe Tucker, Jr., (then Police Officer) appeared for a Commander's Hearing and was found guilty for Neglect of Duty, (i.e., on November 28, 1995, appeared in Recorder's Court while off duty to attend a sentencing hearing without being notified and later turning in a court appearance slip). Officer Tucker received a one (1) day suspension. (jpc)

OLD RECORDS

File No. 050276 - On September 21, 2005, Sergeant Tucker was charged with 1) Neglect of Duty (i.e., On October 20, 2004, fail to provide a complete and accurate Summary Investigation and Report regarding an injured police officer and injured prisoner); 2) Willful Disobedience of Rules or Orders (i.e., on March 1, 2005, admitted during a Garrity Interview that he knew all Department reports are to be complete and accurate; however, he failed to interview all parties relevant to the Summary Investigation and Report that he had completed). The recommendation of the trial board was issuance of an Official Reprimand. On February 4, 2008, the Chief of Police approved the recommendation. (mlt)

File No. 080193A - On June 11, 2008, this file was reviewed by Attorney Letitia C. Jones, of the City of Detroit Law Department with the recommendation of Administrative Closure (cjb)

File No. 080730 - On January 22, 2009, this file was reviewed by Attorney Letitia C. Jones, of the City of Detroit Law Department with the recommendation of Administrative Closure. (cjb)

File No. 150133 - On July 13, 2015, Lieutenant Tucker was found not guilty for 1) Willful Disobedience of Rules or Orders, (i.e. October and November of 2014, fill out court slips with a start time of 8:00 a.m.), 2) Using Authority or Position for Financial Gain or for Obtaining Privileges or Favors (i.e. use his authority to gain entry to a closed courtroom. Dismissal of all charges and specification in this matter. (zv)

File No. 160022C - On March 2, 2016, a Notice of Discipline was prepared charging Captain (then Lieutenant) Tucker, Jr. with 1) Neglect of Duty (i.e., On April 29, 2015, at approximately 4:30p.m., Lt. Tucker, Jr., took control of an accident scene at Strathmoor and Margareta, where citizens were transported to the hospital, but failed to ensure that victims were interviewed). On June 14, 2016, Lt. Tucker was issued an Official Written Reprimand. (kj) (jdd)

EXHIBIT Q



May 28, 2001

INTERNAL AFFAIRS UNIT

To: Commanding Officer, Internal Controls Section (through channels)

Subject: **IAU CASE #00 213**
SERGEANT JOSEPH TUCKER JR., BADGE S-95
ASSIGNED: SIXTH PRECINCT
APPOINTED: SEPTEMBER 20, 1993
ALLEGATION: PERJURY

IAU INVESTIGATOR:

Sergeant Karen L. Fairley

INVESTIGATION:

On December 4, 2000, the Internal Affairs Unit received an investigative report prepared on April 12, 2000, by Investigator Sandra K. Mercer, assigned to the Office of the Chief Investigator. The report pertained to a complaint, Citizen Complaint Report (CCR) #29405, BPC #99-772, filed on October 5, 1999, at the Twelfth Precinct, by Ms. Paulette Crowder, B/F/47, of 20400 Wyoming. Information contained in the report revealed misconduct on the part of then Police Officer Joseph Tucker Jr., Badge 2373, then assigned to the Narcotics Division. Specifically, Officer Tucker swore to and signed a Search Warrant and Affidavit that contained false information.

The investigative report indicated that on October 4, 1999, Officer Tucker caused a Search Warrant and Affidavit (#004438) to be issued for the search of 20400 Wyoming, for narcotics. The Search Warrant and Affidavit also stated that the "seller," Mr. Clifford Crowder, B/M/30, was to be searched. However, Investigator Mercer's investigation supported Ms. Crowder's contention that her son, Mr. Clifford Crowder, was incarcerated on October 4, 1999, one of the dates Officer Tucker swore to have seen him at 20400 Wyoming selling drugs.

Investigator Mercer's investigation disclosed that on October 4, 1999, Sergeant Terence Randolph, Badge S-872, of the Narcotics Division, and his crew, including Officer Tucker, raided Ms. Crowder's residence looking for narcotics and her son, Clifford Crowder. However, information gathered by Investigator Mercer revealed that Mr. Crowder was picked up on September 29, 1999, by Wayne County Corrections officials on warrant #95-009989, for probation violation, and subsequently sentenced to twenty years in prison. He was held in the Wayne County Jail until his transfer to the Jackson Correctional Facility on October 4, 1999. (Document 7-1)

On May 16, 2000, Chief Investigator Lori Bobbitt Waddles prepared a memo addressed to the Chief of Police. The memo indicated that the Office of the Chief Investigator's investigation of the aforementioned CCR resulted in a finding of "Improper Conduct," and was being forwarded for appropriate action. (Document 7-2)

On September 16, 2000, a Charge Sheet was prepared by Lieutenant Steven Dolunt, Badge L-43, then assigned to the Disciplinary Administration Unit, recommending that Officer Tucker be charged with "Neglect of Duty." (Document 7-3)

On November 1, 2000, Lieutenant Dolunt addressed a memo to the Commanding Officer of the Narcotics Enforcement Section. The memo indicated that the Chief of Police waived jurisdiction in Officer Tucker's disciplinary matter and that it was to be handled at the command level. (Document 7-4)

On November 30, 2000, Inspector Patrick McCarthy, assigned to the Narcotics North-West Section, prepared a memo addressed to Inspector Donald Williams, of the Internal Controls Section. The memo stated he was forwarding a copy of Investigator Mercer's report for review and disposition. (Document 7-5)

On December 5, 2000, this matter was assigned to Sergeant Karen L. Fairley, Badge S-382, of the Internal Affairs Unit for investigation.

On January 22, 2001, Sergeant Tucker (promoted October 27, 2000) was interviewed by Sergeant Fairley after she advised him of his constitutional rights (Miranda). Sergeant Tucker acknowledged having a Search Warrant and Affidavit sworn in on October 4, 1999. He listed on the Search Warrant and Affidavit September 29, 1999, October 1, 1999, and October 4, 1999, as the dates on which he allegedly observed Mr. Crowder selling drugs from the side entrance of 20400 Wyoming. According to Sergeant Tucker, he set up surveillance per a complaint of narcotics activity at the Wyoming address. He was positioned approximately one and a half blocks from the home and using binoculars when he observed who he thought was Mr. Crowder conducting narcotics transactions from the side door.

Sergeant Tucker further stated that he later found out that the person he observed at the door was not Mr. Crowder, who was incarcerated. He went on to say that it is not common to swear out a warrant and be mistaken about the target, but he was certain that it was Mr. Crowder because he has dealt with him in the past. He also stated that the reason he named Mr. Crowder in the search warrant was because he wanted to be thorough.

Sergeant Tucker went on to say that on October 4, 1999, at approximately 9:30 A.M., he conducted a surveillance at 20400 Wyoming prior to swearing out the warrant in order to make sure nothing had changed since his last surveillance. At that time he was alone and observed who he thought was Mr. Crowder at the location. Sergeant Tucker described the person he observed as being a black male, approximately twenty-five years old, 5'6", with a dark complexion and "kinky" hair. That person's physical attributes were close to Mr. Crowder's physical attributes. This person was later identified as Mr. Aronde Ware, B/M/20, who was investigated and released at the scene when the search warrant was executed. On the other days in question narcotics buys

(controlled purchases) were made, and surveillance was conducted, and he was certain that the person selling was Mr. Crowder.

Sergeant Tucker added that he had seen Mr. Crowder prior to obtaining the warrant a few times. Once when he arrested him, and two or three times when he was being investigated. Lastly, Sergeant Tucker stated that it was approximately a six hour time lapse from the time he obtained the search warrant until the warrant was executed. (Tape)

On February 13, 2001, Sergeant Fairley presented an Investigator's Report to Wayne County Assistant Prosecuting Attorney Maria Miller for review.

On March 2, 2001, Ms. Miller denied the issuance of a warrant against Sergeant Tucker due to insufficient evidence. (Document 10-1)

On March 19, 2001, Sergeant Candace Kailimai, Badge S-501, and Investigator Lisa Collins, Badge-I-176, both assigned to the Internal Affairs Unit, interviewed Sergeant Tucker under the provisions of Garrity. He stated that the statement he made under Miranda was the same that he would make under Garrity, and that he had nothing more to add. (Tape)

CONCLUSION:



APPROVED
JUN 01 2001
Frederick S. McElwain
LIEUTENANT, INTERNAL AFFAIRS SECTION

Karen L. Fairley
KAREN L. FAIRLEY
Sergeant, S-382
Internal Affairs Unit

KLF/JW:kif
APPROVED
JUN 04 2001
James Weiss
JAMES WEISS
Sergeant, S-1014
Internal Affairs Unit
Tracy J. Webb
INTERNAL CONTROLS DIVISION

MISCONDUCT SUMMARY/IAU CASE #00 213
SERGEANT JOSEPH TUCKER JR., BADGE S-95
ASSIGNED: SIXTH PRECINCT

Charge: NEGLECT OF DUTY

SPECIFICATION: That he, Sergeant Joseph Tucker Jr., Badge S-95, assigned to the Sixth Precinct, did, on October 4, 1999, while holding the rank of police officer and assigned to the West-North Section, while on duty and in civilian attire at the 36th District Court, neglect his duty by swearing to and signing a Search Warrant and Affidavit that contained false information, specifically that he had observed an individual, namely Mr. Clifford Crowder, selling narcotics from 20400 Wyoming on September 29, 1999, October 1, 1999, and October 4, 1999, when in fact Mr. Crowder had been incarcerated since September 29, 1999; this being in violation of General Order 72-17, Section K, subsection 1.

EXHIBIT R

Sgt. Tucker

From: KELLY FITZGERALD

To: ROBINSON, KEVIN

BC: WELLES, PAUL; FITZGERALD, KELLY

Date: Friday - November 25, 2011 2:20 PM

Subject: Sgt. Tucker

Lieutenant, after we spoke this morning I still was uneasy about this situation. I've given this thing with Tucker a lot of thought and I have to get this off my chest and then I'll leave you to enjoy your Holiday weekend.

I've been at Narcotics for quite awhile. I was there in 1999 when they Arrested Delford Forte and Derrick Carpenae from Narcotics Conspiracy for stealing cash money out of dope houses. This was investigated and proven, they were caught in the act.

I was there in 2001 when Dogbite (Sgt. Raby) was charged and convicted with stealing money because he had a gambling problem. There were also many accusations against Lt. Art McNamara (Coyote) which were never founded but he retired anyway. I believe the rumors, whether true or not, somehow lessened all the good narcotics work he did as a cop because of the allegations.

Sgt. Kenny Jackson (Action) and crew were transferred for accusations of stealing that as far as I know were investigated but were unfounded. These officers also carry this around to this day.

I say all this to say that each one of these instances had different sets of circumstances. Some you could prove and did, some you know it was happening but never could prove and some that you had no idea if it did or did not and it was never proved and ruined some people's careers. Street cops have to deal with allegations all the time.

In this instance I believe (and this is just an opinion) the best case scenario is to transfer Sgt. Tucker out of Narcotics to remove him from the temptation and to re-assign each member of that crew to the other 5 crews under Narcotics. We can prove that he was supposed to be on surveillance and posted on a social network site to the contrary.

It may be hard to prove and circumstantial at best that he has lied on logs and OT sheets, but because one of his officers has come forward I believe removing Sgt. Tucker would not be unfair nor will it undermine the officers efforts from coming forward. Obviously he would be told that there were allegations of OT stealing and that a prelim investigation shows he did, and that's why he was removed.

I also believe that re-assigning the officers and removing Tucker would send a message to Narcotics as to just how serious we are about this. I will also go one step further and suggest that the crews all be re-aligned with the exception of the crew chiefs and maybe one or 2 officers to remove the sense of comfort or complacency amongst crews that could have led to this sort of thing in the first place.

Again, I am just throwing this out there. My intentions aren't to step on anyone's toes or go above ranks. If I were running Narcotics, this is the decision that I would make and feel it is the best conclusion given this specific incident.

Either way, we'll get past this.

This situation arose in November/December of 2011 when I, Lieutenant Kelly Fitzgerald, of the Detroit Police Department was assigned to the Narcotics Section as an Administrative Sergeant. My primary function was to process all paperwork for the Commanding Officer of Narcotics, Lieutenant Kevin Robinson and I was a direct report to Lieutenant Robinson (referred to as Robinson going forward). During the week of November 21, 2011, Police Officer (now Sergeant) Stephen Geelhood, called me and inquired about why he was not paid for overtime he worked on November 10, 2011. Officer Geelhood (referred to as Geelhood going forward) worked on a Narcotic Raid crew and reported to Sergeant (Now Lieutenant) Joe L. Tucker Jr. (referred to as Tucker going forward). I explained to Geelhood that I would check into the situation and get back to him. I inquired with Police Officer Jennifer Biggers, the timekeeping officer, why Geelhood had not been paid for the overtime (OT) he worked on November 10, 2011 and she wrote me a note and placed copies of four (4) separate OT requests for the case submitted by Tucker which listed Geelhood and other members of the crew. The note stated "Hey Kelly I talked to K-Rob (referring to Robinson) about these yesterday, and he approved the O.T. for 11/4, 11/8, and 11/13. He said he would take a look at the Nov 10th O.T. when he gets back. Thanks!! Crash". The name Crash is Officer Biggers nickname. Robinson eventually denied the OT for 11/10/11 and dated the denial stamp signed November 10, 2011.

Later the same day during the week of November 21, 2011, Geelhood came to see me for an answer as to why the OT was denied by Robinson. I showed him the note given to me and copies of the OT requests authored by Tucker along with copies of their daily Activity Logs for the OT worked and Geelhood became upset and told me he was tired of working all the OT and doing all the work and that Tucker did not actually work the OT but put his name on the OT, and that he (Geelhood) actually worked all the OT and now he is losing out on OT and Tucker is getting paid OT that he is not actually working. I was shocked by his admission and I asked if he had proof that Tucker did not work this OT. He said no and he doubts any of the other guys would tell the truth that Tucker did not work because they work as a "crew concept" and you do not "rat" on anyone like that. He said he had no physical proof that Tucker was not there during those dates (11/4, 11/10, 11/13, 11/18) but that Tucker is forever "tagging" himself on Facebook (FB) at places/locations around the city, suburbs and other states and he told me that he was sure there were specific dates that he (Tucker) actually put in for OT for working at the exact same time he "tagged" himself outside the city or at an specific location which was not the location his activity log listed that he was at that allowed him to get paid the OT. In other words, Tucker was falsifying OT requests and activity logs saying he worked OT that he did not work. He gave me examples of Tucker "tagging" himself on FB with his sick child at a hospital while he was getting paid OT to work at Narcotics, "tagging" himself on FB at a restaurant outside the city, while getting paid OT to work at Narcotics and "tagging" himself on FB from a child's concert downtown while getting paid to work at Narcotics.

I told Geelhood I would look into his allegations and he left my office, but he was very upset/mad that he was still not getting paid for the OT worked on 11/10/11. During that same week of November 21, 2011, after my meeting with Geelhood, I pulled up Tuckers FB page (we were FB friends at the time) and scrolled through the numerous postings and "taggings" Tucker documented on his FB page and was stunned to find similar "taggings" that Geelhood had spoken to me about. I printed those "tags" from a computer on November 22, 2011. I was unsure if there were more dates that Tucker may have posted on FB and could have possibly put in for OT at the exact same time so I printed several days of postings to bring back to the office to verify whether or not Tucker had actually put in for OT during the same time

as alleged. This allegation from Geelhood was of criminal fraud and is a very serious charge and I had to be sure that I was absolutely positive Tucker was committing fraud before I took the evidence and the allegation to the next level. I went through several weeks/months of Tuckers approved OT as well as his normal paid working time and discovered the following results:

- May 9, 2011 Tucker posted he was in Las Vegas at an airport at 8:32 PM but his time sheets says he was at work at Narcotics from 11AM-7PM
- On June 30, 2011, Tucker posted that he was at Providence Hospital with his sick son at 5:41 PM, yet Tucker was on a paid BV day and worked OT on "operation Party Stopper" at Narcotics from 5PM-12A
- On September 23, 2011, Tucker tagged himself and two others and a child in a picture at the Fox Theater at 3:33 PM with characters from a children's play, YoGabbaGabba Show, while he was paid to work his regular scheduled hours of 11A-7P for the day
- On October 22, 2011, Tucker tagged himself at J. Alexanders restaurant (suburb) at 4:03 PM, yet he was paid OT to be on narcotics surveillance from 1P-8P

There were a few other "tags" that stood out that he appeared to be at a certain location conducting various activities (Car Wash, Running at the gym, watching the Lions football game, in Washington DC at the Police Memorial) while he was being paid either OT or regular straight time working at Narcotics. I gathered all the documents and information I had at proceeded to report my findings to Robinson. Robinson seemed disinterested, and gave me the impression that my findings were no big deal. I cannot recall my exact conversation with Robinson but I was upset enough about his lack of concern and what seemed to be him (Robinson) blowing me off that I called Deputy Chief Paul Welles (referred to as Welles going forward), the DC over the Bureau that ran Narcotics and explained to him what I uncovered. Welles was angry, surprised and upset and told me to reduce my concern to writing and email it to Robinson. Welles stated that if Robinson had not brought the allegations and evidence forward by "Monday", that he would step in and get involved.

On Friday, November 25, 2011 at 2:20 PM I authored the following email to Robinson and CC'd Welles:

"Lieutenant, after we spoke this morning I still was uneasy about the situation. I've given this thing with Tucker a lot of thought and I have to get this off my chest and then I'll leave you to enjoy your Holiday weekend.

I've been at narcotics for quite awhile. I was there in 1999 when they Arrested Delford Forte and Derrick Carpenae from Narcotics Conspiracy for stealing cash money out of dope houses. This was investigated and proven, they were caught in the act.

I was there in 2001 when Dogbite (Sgt. Raby) was charged and convicted with stealing money because he had a gambling problem. There were also many accusations against Lt. Art McNamara (Coyote) which were never founded but he retired anyway. I believe the rumors, whether true or not, somehow lessened all the good narcotics work he did as a cop because of the allegations.

Sgt. Kenny Jackson (Action) and crew were transferred for accusations of stealing that as far as I know where investigated but were unfounded. These officers carry this around to this day.

I say all this to say that each one of these instances had different sets of circumstances. Some you could prove and did, some you know was happening but never could prove and some that you had no idea if it

did or did not and it was never proved and ruined some people's careers. Street cops have to deal with allegations all the time.

In this instance I believe (and this is just an opinion) the best case scenario is to transfer Sgt. Tucker out of Narcotics to remove him from the temptation and to re-assign each member of that crew to the other 5 crews under Narcotics. We can prove that he was supposed to be on surveillance and posted on a social network site to the contrary.

It may be hard to prove and circumstantial at best that he lied on logs and OT sheets, but because one of his officers has come forward I believe removing Sgt. Tucker would not be unfair nor will it undermine the officers efforts from coming forward. Obviously he would be told that there were allegations of OT stealing and that a prelim investigation shows he did, and that's why he was removed.

*I also believe that re-assigning the officers and removing Tucker would send a message to Narcotics as to just how serious we are about this. I will also go one step further and suggest that crews **all** be re-aligned with the exception of the crew chiefs and maybe one or 2 officers to remove the sense of comfort or complacency amongst crews that could have led to this sort of thing in the first place.*

Again, I am just throwing this out there. My intensions aren't to step on anyone's toes or go above ranks. If I were running Narcotics, this is the decision that I would make and feel it is the best conclusion given this specific incident.

Either way, we'll get past this."

Robinson never responded but the following Monday, November 28, 2011, Robinson called me into his office to show me a memo he authored addressed to Commander Shereece Fleming-Freeman, of Organized Crime, Robinson's direct boss. The memo read as follows:

"Request for Investigation of overtime worked by personnel assigned to Narcotics.

During the week of November 21, 2011, writer was advised by Sergeant Kelly Fitzgerald, badge S-308, assigned as the administrative Sergeant at Narcotics, that Police Officer Stephen Geelhood, badge 501, assigned to Narcotics Conspiracy Crew contacted her with information. Officer Geelhood stated that there was a discrepancy in overtime that was recently worked and approved during the November 4, 2011 through November 12, 2011 period. Officer Geelhood stated that crew members did not work all the approved overtime during this period and it was approved by crew Sergeant Joe Tucker, badge S-95.

Sergeant Fitzgerald advised writer who in turn advised Commander Fleming Freeman. This allegation implies false or incorrect overtime being paid to members of the crew.

This documentation as the attached are being provided to your office for review and prerogative."

Robinson included the overtime requests dated November 4, 8, 10 and 13, 2011 and he (Robinson) endorsed (signed) the memo. He showed me the memo and told me to hand deliver it to Fleming-Freeman. I explained to him that the memo was not completely accurate and that I had more information/evidence that should be added and attached to the memo and Robinson told me he was sticking to what Geelhood originally complained about (the false OT by Tucker that he could not prove but stated Tucker did not work). I was very upset with Robinson and felt as is this was being down played as some sort of clerical error. I drove to Fleming-Freemans office and delivered the memo and attachment to her. I recall her telling me that I did the right thing and this needed to be reported and she was forwarding the information to Internal Affairs (IA).

On December 7, 2011, members from IA, Sergeant Michelle Zberkot and Richard Firsdon came to Narcotics to speak to me about the incident. I gave them copies of all the information I had and told them of all the additional information I had gathered that was not reported in the memo from Robinson. It is my recollection that they left and came back the following day to retrieve additional timekeeping documents they needed for their investigation.

At some point on 12/7 or 12/8, 2011, they were in my office and Robinson called me and asked why ^{من} were in there with the door shut. When I explained to him that I was giving them additional documents, he became angry and told me that he was in charge and that they needed to talk to him. I went with them into his office while he explained to them that what Tucker was doing was not a crime and that it is done all the time at Narcotics. In front of Robinson ~~I provided~~ I provided Firsdon and Zberkot with three (3) recent OT requests signed and submitted by Tucker. The requests were for OT worked by Tucker and his crew members on November 28-30, 2011. They were complete with signed activity logs from Tucker and crew as well. I then provided them with a FB posting/tag that Tucker posted on November 28, 2011 at 12:31 PM near Paradise NV (Nevada) that was a picture of what appears to be a hotel room and window in the background and he posted "Breakfast overlooking the Vegas Strip, I WANNA STAY!!" Again on November 28, 2011 at 7:38 PM Tucker tagged from McCarran International Airport in Las Vegas Nevada, stating "Time to come home". Then again on November 29, 2011, at 12:53 AM, Tucker tagged himself from Detroit Metro Airport and posted " LUCY, I'm hooooome!!" (Appearing to reference an old I Love Lucy show.

I provided the unapproved OT and all the documents for the three (3) OT requests to Firsdon and Zberkot and they left. I could tell that Robinson was frustrated and he told me to give him the three OT request so he could look at them. The next morning Robinson handed me back the three requests for OT submitted by Tucker for the dates of November 28-30 and told me to fax IA the OT request for November 28th to show he "Denied" that OT. The date of the Denial stamp and signature from Robinson was December 7, 2011, the date that I gave the documents to Firsdon and Zberkot in his office. Robinson approved the other two dates (11/29-30) and it was my belief that he did that because I had no documents to show that Tucker was not at work and that he worked the OT on those dates. I followed his orders and faxed the info as requested, but I called Firsdon first to tell him what was happening.

Shortly after that date, Geelhood came back to my office and told me that Tucker found out that he came to me about the OT fraud and he was upset that I gave the information to IA. He expressed his fear of being transferred or retaliated against and told me who would not cooperate in the investigation and that he wanted me to call IA and tell them to forget about the whole thing. I expressed to him that I would not do that and I tried to assure him that this was being investigated and he would not be transferred or retaliated against. He was adamant that he was not going to cooperate and left my office. I went to Robinson and told him what happened and I asked if he had told anyone about this incident. He stated to me that he had told Police Officer Booker Toolles (buddah) and that was all. Time passed (a few weeks) and I never heard back from Firsdon and/or Zberkot. I was very frustrated because I felt that nothing changed in the office as far as Tucker and the crew. It was then that I decided to take all the notes I saved and all my correspondence and dates ^{and} reduced it to a timeline and documented dates and times and people involved so I would not forget if I was ever questioned formally. This never occurred and after a few months I expressed to DC Welles that I no longer wanted to work at Narcotics in that environment or for Robinson and that I wanted to transfer to another command because of what happened. I even sent emails to other Captains asking if they had openings in their commands so I could transfer out of Narcotics. In October of 2012 Welles transferred me out of Narcotics to the Criminal Investigations Bureau. I never heard another thing about this investigation from anyone including IA.

In November of 2013 I was promoted to the rank of Lieutenant (Tucker was also promoted to Lieutenant along with me) and I was assigned as the Commanding Officer of IA. I had occasion to ask Firsdon who was still at IA now working for me, what happened to the investigation and he told me he was told to turn over all the documents and that the case was "Administratively Closed" by his Lieutenant Whitney Walton and the Commander, Brian Stair. Working at IA for a year and a half I realized rather quickly that the investigation and the information I provided to IA was criminal in nature and should have been looked into by IA and a thorough and complete investigation was warranted. This did not happen.

At the very least, all members mentioned in the complaint should have been interviewed. The investigating OIC could have and should have requested phone records, FB records, financial records, payroll records, video records at Providence Hospital, Fox Theater, Metro Airport, McCann Airport, and any other records that may have provided evidence of fraud. To my knowledge, this did not happen.

At some point in early 2014, while I was in charge of IA, another fraud investigation was brought to the attention of Commander Sims, the Commanding Officer over myself and IA that involved Tucker (now a Lieutenant in charge of the Special Victims Unit, SVU). At the time Tucker was at SVU he reported through the chain of command to my husband, Deputy Chief Charles Fitzgerald, and it was DC Fitzgerald who requested in writing to Commander Sims that IA investigate not only Tucker but other members of SVU due to evidence of possible fraud that surfaced after an audit. Sims gave the information to me and directed me to open and assign an IA investigation on the documents provided, which I did and which was exactly what should have occurred in 2011 when the first complaint was lodged. During the investigation it was reported back to the Chief, during a briefing on the case with myself, the OIC Sergeant Juan Ayala, and Captain Brian Mounsey, the Commanding Officer of Internal Control, who is my direct supervisor, that there was evidence that Tucker at the very least violated several department policies, although the criminal investigation was still ongoing. Chief Craig transferred Tucker as well as his immediate supervisor, Commander Nichols Giaquinto, out of SVU. Tucker was transferred to the 12th Precinct Patrol.

Because of but not limited to, the above mentioned events, Tucker has brought a lawsuit against the City of Detroit naming me, among others as racially discriminating against him and it is sited that I am targeting Tucker because he is black. The suit also speaks of the incident from Narcotics in 2011, stating that I was targeting and investigating him on my own for no reason for fraud and that IA looked into the allegation that I brought forward and it was determined to be "Unfounded".

This was reported in the Detroit News on Friday, July 3, 2015 in an article authored by George Hunter. These accusations against me are completely false. When the allegation of fraud and the information to follow was brought to my attention from Geelhood in 2011, I did exactly what I was supposed to do and gather information and forwarded everything to my supervisors and IA. I took the information to my Lieutenant, my Commander, my Deputy Chief and eventually to IA, all of whom have swept the incident and the evidence I brought forward, under the rug, further leading to the terrible accusations that I am targeting Tucker.

I am respectfully requesting that your office (OIG) look into the following but not limited to:

- Why the initial complaint of criminal conduct that I sent to IA in November/December of 2011 was not investigated, and was closed "Administratively"?
- Why I was never formally interviewed regarding the complaint I sent to IA in November/December of 2011?

- Whether or not DC Welles, Commander Felmming-Freeman, Lieutenant Robinson, or Officer Geelhood were formally interviewed regarding the complaint I sent to IA in November/December of 2011?
- If not, why not?
- Due to the statute of limitations of criminal fraud being five (5) years and still within the scope of possible criminal charges against any member involved in criminal fraudulent activity, I am requesting that all documents that I have provided to IA and still retain copies of, be investigated for both criminal and departmental charges on anyone who violated such charges.

For fear of retaliation against myself and my husband, although I am willing to give my name and my personal information, provide a full statement as well as any and all evidence or supporting documents that I still retain, I am requesting to remain anonymous if and until such time that I must make a public statement.

Thank you for your consideration in this matter.

Kelly Fitzgerald, [REDACTED]
Kellyfitz308@yahoo.com

EXHIBIT S

**U.S. District Court
Eastern District of Michigan (Port Huron)
CIVIL DOCKET FOR CASE #: 3:18-cv-13683-RHC-EAS**

Metris-Shamoon et al v. City of Detroit et al
Assigned to: District Judge Robert H. Cleland
Referred to: Magistrate Judge Elizabeth A. Stafford
Cause: 28:1983 Civil Rights

Date Filed: 11/26/2018
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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V.

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TERMINATED: 03/21/2019

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ATTORNEY TO BE NOTICED

Defendant

Jane Doe
TERMINATED: 03/21/2019

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PRO SE

Lindsey R. Johnson
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TERMINATED: 12/07/2021
ATTORNEY TO BE NOTICED

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TERMINATED: 06/25/2021

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 12/07/2021
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James M. Surowiec
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Date Filed	#	Docket Text
11/26/2018	<u>1</u>	COMPLAINT filed by All Plaintiffs against All Defendants with Jury Demand. Plaintiff requests summons issued. Receipt No: 0645-7002575 - Fee: \$ 400. County of 1st Plaintiff: Macomb - County Where Action Arose: Macomb - County of 1st Defendant: Wayne. [Previously dismissed case: No] [Possible companion case(s): USDC EDMICH, 15-cv-10547, Judge Borman] (Dezsi, Michael) (Entered: 11/26/2018)
11/27/2018	<u>2</u>	SUMMONS Issued for *City of Detroit* (SKra) (Entered: 11/27/2018)
11/27/2018		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (SKra) (Entered: 11/27/2018)
11/29/2018	<u>3</u>	NOTICE of Appearance by Dennis A Dettmer on behalf of All Plaintiffs. (Dettmer, Dennis) (Entered: 11/29/2018)
12/12/2018	<u>4</u>	CERTIFICATE of Service/Summons Returned Executed. City of Detroit served on 12/12/2018, answer due 1/2/2019. (Dezsi, Michael) (Entered: 12/12/2018)
12/13/2018	<u>5</u>	NOTICE of Appearance by James P. Allen on behalf of City of Detroit. (Allen, James) (Entered: 12/13/2018)
12/13/2018	<u>6</u>	NOTICE of Appearance by Lindsey R. Johnson on behalf of City of Detroit. (Johnson, Lindsey) (Entered: 12/13/2018)
12/17/2018	<u>7</u>	STIPULATED ORDER Extending Time for Response to <u>1</u> Complaint. Response due by 1/31/2019. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/17/2018)
01/31/2019	<u>8</u>	ANSWER to Complaint with Affirmative Defenses with Jury Demand <i>Defendant City of Detroit's Answer to Complaint, Affirmative Defenses and Other Defenses and Reliance Upon Jury Demand and Certificate of Service</i> by City of Detroit. (Allen, James) (Entered: 01/31/2019)
02/15/2019	<u>9</u>	NOTICE TO APPEAR: Scheduling/Settlement Conference set for 3/7/2019 11:30 AM before District Judge Arthur J. Tarnow. (MLan) (Entered: 02/15/2019)
02/21/2019		TEXT-ONLY NOTICE: Scheduling/Settlement Conference ADJOURNED TO 3/14/2019 11:00 AM before District Judge Arthur J. Tarnow. (MLan) (Entered: 02/21/2019)
03/13/2019	<u>10</u>	ATTORNEY APPEARANCE: James M. Surowiec appearing on behalf of City of Detroit (Surowiec, James) (Entered: 03/13/2019)
03/14/2019		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Scheduling Conference held on 3/14/2019. (MLan) (Entered: 03/14/2019)
03/14/2019	<u>11</u>	SCHEDULING ORDER: Witnesses to be exchanged by 5/1/2019, Discovery Motions to be filed by 8/23/2019, Discovery due by 9/20/2019, Dispositive Motion Cut-off set for 10/28/2019, Joint Final Pretrial Order due 2/3/2020, Final Pretrial Conference set for 2/10/2020 02:30 PM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (Refer to image for additional dates) (MLan) (Entered: 03/14/2019)
03/21/2019	<u>12</u>	STIPULATED ORDER Allowing Plaintiffs to File First Amended Complaint. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 03/21/2019)
03/21/2019	<u>13</u>	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against All Defendants. NEW PARTIES ADDED. (Dezsi, Michael) (Entered: 03/21/2019)
03/21/2019		REQUEST for SUMMONS for Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Dezsi, Michael) (Entered: 03/21/2019)
03/22/2019	<u>14</u>	SUMMONS Issued for *Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker* (DPer) (Entered: 03/22/2019)
04/03/2019	<u>15</u>	STIPULATED ORDER Extending Time for Response to <u>13</u> Amended Complaint. Response due by 4/29/2019. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/03/2019)
04/10/2019	<u>16</u>	CERTIFICATE of Service/Summons Returned Executed. Stephen Geelhood served on 4/5/2019, answer due 4/26/2019. (Dezsi, Michael) (Entered: 04/10/2019)
04/18/2019	<u>17</u>	CERTIFICATE of Service/Summons Returned Executed. Brian A Johnson served on 4/17/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)
04/18/2019	<u>18</u>	CERTIFICATE of Service/Summons Returned Executed. Juan Davis served on 4/17/2019, answer due 5/8/2019. (Dezsi, Michael) (Entered: 04/18/2019)
04/18/2019	<u>19</u>	CERTIFICATE of Service/Summons Returned Executed. Joe Tucker served on 4/18/2019, answer due 5/9/2019. (Dezsi, Michael) (Entered: 04/18/2019)

04/29/2019	20	ATTORNEY APPEARANCE: James P. Allen appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Allen, James) (Entered: 04/29/2019)
04/29/2019	21	ATTORNEY APPEARANCE: James M. Surowiec appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Surowiec, James) (Entered: 04/29/2019)
04/29/2019	22	ATTORNEY APPEARANCE: Lindsey R. Johnson appearing on behalf of Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 04/29/2019)
04/29/2019	23	ANSWER to Amended Complaint with Affirmative Defenses <i>and Reliance Upon Jury Demand</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 04/29/2019)
05/01/2019	24	<i>Plaintiffs'</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 05/01/2019)
05/01/2019	25	<i>Defendants' Preliminary Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 05/01/2019)
05/13/2019	26	AMENDED ANSWER to Complaint 13 Amended Complaint with Affirmative Defenses <i>and Reliance Upon Jury Demand</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 05/13/2019)
08/08/2019	27	STIPULATED ORDER Allowing Defendants Leave to File Amended Affirmative Defenses. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/08/2019)
08/09/2019	28	AFFIRMATIVE DEFENSES by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 08/09/2019)
08/13/2019	29	ORDER REFERRING OTHER MATTERS to Magistrate Judge R. Steven Whalen: Discovery Conference. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/13/2019)
08/20/2019	30	NOTICE TO APPEAR: Discovery Conference set for 9/10/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 08/20/2019)
08/22/2019	31	MOTION Extend Scheduling Order by 120 days by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A) (Johnson, Lindsey) (Entered: 08/22/2019)
08/22/2019	32	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/22/2019)
08/26/2019	33	NOTICE OF HEARING on 31 Defendants' MOTION to Amend Scheduling Order Dates by 120 Days . Motion Hearing set for 9/10/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 08/26/2019)
09/04/2019	34	RESPONSE to 31 MOTION Extend Scheduling Order by 120 days filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Indictment, # 3 Exhibit B Jury Trial Transcript, # 4 Exhibit C Internal Affairs File, # 5 Exhibit D Affidavit and Search Warrant, # 6 Exhibit E Discovery Requests, # 7 Exhibit F Notices of Deposition) (Dezsi, Michael) (Entered: 09/04/2019)
09/06/2019	35	REPLY to Response re 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7) (Johnson, Lindsey) (Entered: 09/06/2019)
09/10/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Discovery Conference held on 9/10/2019 - (CCie) Modified on 9/10/2019 (CCie). (Entered: 09/10/2019)
09/10/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 9/10/2019 re 31 MOTION Extend Scheduling Order by 120 days filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood - Disposition: Motion granted. (Court Reporter: Digitally Recorded) (CCie) (Entered: 09/10/2019)
09/10/2019	36	ORDER GRANTING DEFENDANTS' 31 Motion to Amend Scheduling Order- Signed by Magistrate Judge R. Steven Whalen. ***PLEASE SEE DOCUMENT FOR IMPORTANT DATES*** (CCie) (Entered: 09/10/2019)
09/14/2019	37	MOTION for Reconsideration re 36 Order on Motion - Free by All Defendants. (Attachments: # 1 Exhibit May v. City of Detroit) (Surowiec, James) (Entered: 09/14/2019)
09/17/2019	38	ORDER STAYING 36 Order on Motion, Set Deadlines as to 37 MOTION for Reconsideration re 36 Order on Motion: (Plaintiff's Response due by 9/24/2019) - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 09/17/2019)
09/18/2019	39	RESPONSE to 37 MOTION for Reconsideration re 36 Order on Motion - Free filed by All Plaintiffs. (Dezsi, Michael) (Entered: 09/18/2019)
09/23/2019	40	ORDER DENYING DEFENDANTS' 37 Motion for Reconsideration - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 09/23/2019)
10/31/2019	41	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 11/13/2019 02:00 PM before District Judge Arthur J. Tarnow. (MLan) (Entered: 10/31/2019)
11/08/2019	42	MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Declaration, # 3 Exhibit B Redacted Declaration, # 4 Exhibit C Deposition Transcript, # 5 Exhibit D Affidavit & Warrant, # 6 Exhibit E Sealed) (Dezsi, Michael) (Entered: 11/08/2019)
11/08/2019	43	SEALED EXHIBIT <i>E Deposition Transcript</i> re 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free by All Plaintiffs. (Dezsi, Michael) (Entered: 11/08/2019)
11/12/2019	44	MOTION to Compel <i>Deposition Testimony</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit Article, # 3 Exhibit Notices of Depositions, # 4 Exhibit email, # 5 Exhibit Jackson trial testimony, # 6 Exhibit Leavells Plea Agreement, # 7 Exhibit Leavells trial testimony, # 8 Exhibit Indictment, # 9 Exhibit Memo Re Reorganization, # 10 Exhibit Objections to Discovery, # 11 Exhibit Sims Depo Trans excerpts) (Dezsi, Michael) (Entered: 11/12/2019)

11/13/2019		TEXT-ONLY NOTICE: Telephone Status Conference on 11/13/2019 is Cancelled. Issues resolved. (MLan) (Entered: 11/13/2019)
11/13/2019	45	ORDER REFERRING MOTIONS to Magistrate Judge R. Steven Whalen: 42 MOTION for Relief from the Magistrate Judge's Discovery Order re 36 Order filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 44 MOTION to Compel <i>Deposition Testimony</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/13/2019)
11/19/2019	46	NOTICE OF HEARING on 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt 36] and 44 MOTION to Compel <i>Deposition Testimony</i> . Resolved/Unresolved Issues due by 12/17/2019. Motion Hearings set for 12/19/2019 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 11/19/2019)
11/22/2019	47	RESPONSE to 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free <i>with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Plaintiffs' Concurrence Email, # 3 Exhibit 2- Plaintiffs' Emails agreeing to Protective Order, # 4 Exhibit 3- Plaintiffs' Statement of Unresolved Discovery Issues, # 5 Exhibit 4- Plaintiffs' Email Denying Concurrence, # 6 Exhibit 5- Email from Case Manager, # 7 Exhibit 6- Attorney's Eyes Only Discovery Production, # 8 Exhibit 7-Attorney's Eyes Only Geelhood Dep Transcript, # 9 Exhibit 8- Geelhood Transcript Pages Start-Finish Times) (Surowiec, James) (Entered: 11/22/2019)
11/22/2019	48	SEALED EXHIBIT re 47 Response to Motion,,, by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Exhibit 6-Attorney's Eyes Only Court Ordered Discovery Production, # 2 Exhibit 7- Attorney's Eyes Only Geelhood Deposition Transcript) (Surowiec, James) (Entered: 11/22/2019)
11/25/2019	49	REPLY to Response re 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/25/2019)
11/27/2019	50	RESPONSE to 44 MOTION to Compel <i>Deposition Testimony with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1-Search Warrant, # 3 Exhibit 2-Articles) (Surowiec, James) (Entered: 11/27/2019)
12/03/2019	51	REPLY to Response re 44 MOTION to Compel <i>Deposition Testimony</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/03/2019)
12/09/2019	52	MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 12/09/2019)
12/10/2019	53	INDEX of Exhibits re 52 MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Attachments: # 1 Exhibit 1- Proposed Protective Order, # 2 Exhibit 2- Search Warrant, # 3 Exhibit 3- Deposition Excerpts Metris-Shamoon, # 4 Exhibit 4- Chief Craig Declaration, # 5 Exhibit 5-Chief Godbee Declaration) (Surowiec, James) (Entered: 12/10/2019)
12/10/2019	54	INDEX of Exhibits re 52 MOTION for Protective Order <i>with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (<i>CORRECTED VERSION</i>) (Attachments: # 1 Exhibit 1- Proposed Protective Order, # 2 Exhibit 2- Search Warrant, # 3 Exhibit 3- Deposition Excerpts Metris-Shamoon, # 4 Exhibit 4- Chief Craig Declaration, # 5 Exhibit 5- Chief Godbee Declaration) (Surowiec, James) (Entered: 12/10/2019)
12/13/2019	55	EXHIBIT <i>Supplemental Exhibits</i> re 44 MOTION to Compel <i>Deposition Testimony</i> by All Plaintiffs (Attachments: # 1 Index of Exhibits, # 2 Exhibit news article, # 3 Exhibit news article) (Dezsi, Michael) (Entered: 12/13/2019)
12/16/2019	56	<i>First Amended Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 12/16/2019)
12/19/2019	57	<i>Second Amended Lay and Expert</i> WITNESS LIST by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Johnson, Lindsey) (Entered: 12/19/2019)
12/19/2019		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 12/19/2019 re 44 MOTION to Compel <i>Deposition Testimony</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 42 MOTION for Relief from the Magistrate Judge's Discovery Order [Dkt #36] re 36 Order on Motion - Free filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Disposition: Motion 42 and 44 granted. (Court Reporter: Digitally Recorded - DUTY) (CCie) (Entered: 12/20/2019)
12/20/2019	58	ORDER GRANTING PLAINTIFF'S 42 Motion for Relief from Magistrate Judge's Discovery Order - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 12/20/2019)
12/20/2019	59	ORDER GRANTING PLAINTIFF'S 44 Motion to Compel- Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 12/20/2019)
12/23/2019	60	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 52 MOTION for Protective Order filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/23/2019)
12/30/2019	61	MOTION to Compel <i>Production of Documents</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Detroit News Article, # 3 Exhibit B Plaintiffs' 2nd RTP, # 4 Exhibit C Defendants' Objections 2nd RTP, # 5 Exhibit D Detroit News Article, # 6 Exhibit E Detroit News Article, # 7 Exhibit F Jury Trial Transcript Gary Jackson, # 8 Exhibit G Jury Trial Transcript Arthur Leavells) (Dezsi, Michael) (Entered: 12/30/2019)
12/30/2019	62	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 61 MOTION to Compel <i>Production of Documents</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/30/2019)
12/30/2019	63	MOTION to Compel <i>Plaintiffs' Responses to Document Requests</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A- Plaintiffs' Responses to Roggs, # 3 Exhibit B- Plaintiffs' Doc Production, # 4 Exhibit C-Plaintiffs' Responses to RPD, # 5 Exhibit D-December 16th Email, # 6 Exhibit E - Dec 29 to 30th Email Correspondence) (Johnson, Lindsey) (Entered: 12/30/2019)
01/03/2020	64	ORDER DENYING DEFENDANTS' 52 Motion for Protective Order - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 01/03/2020)
01/03/2020	65	REQUEST for an Extension of Time in order to Object to Magistrate Judge's Opinion by City of Detroit, Juan Davis, Stephen Geelhood,

		Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Declaration of Surowiec and Email, # 3 Exhibit 2- Declaration of Holland, # 4 Exhibit 3- Email to Court Reporter) (Surowiec, James) (Entered: 01/03/2020)
01/03/2020	66	REQUEST (Corrected) for Extension of Time to File Objections to the Opinion and Order of the Magistrate Judge by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Declaration of Surowiec and Email, # 3 Exhibit 2- Declaration of Holland, # 4 Exhibit 3- Email to Court Reporter) (Surowiec, James) (Entered: 01/03/2020)
01/07/2020	67	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 63 MOTION to Compel Plaintiffs' Responses to Document Requests filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/07/2020)
01/07/2020	68	NOTICE OF HEARING on 61 MOTION to Compel Production of Documents and 63 MOTION to Compel Plaintiffs' Responses to Document Requests. Resolved/Unresolved Issues due by 2/4/2020. Motion Hearing set for 2/6/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen. (THac) (Entered: 01/07/2020)
01/07/2020		TEXT-ONLY ORDER GRANTING DEFENDANT'S 66 Request for An Extension of Time, filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood - Entered by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 01/07/2020)
01/09/2020	69	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 1/13/2020 03:00 PM before District Judge Arthur J. Tarnow. Counsel are directed to forward their phone numbers by email to mike_lang@mied.uscourts.gov prior to the conference. (MLan) (Entered: 01/09/2020)
01/13/2020		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Telephonic Status Conference held on 1/13/2020. (MLan) (Entered: 01/13/2020)
01/13/2020	70	RESPONSE to 61 MOTION to Compel Production of Documents and Brief in Support filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Hearing Transcript, # 3 Exhibit 2 - Search Warrant, # 4 Exhibit 3- Defendants Discovery Responses) (Johnson, Lindsey) (Entered: 01/13/2020)
01/14/2020	71	RESPONSE to 63 MOTION to Compel Plaintiffs' Responses to Document Requests filed by All Plaintiffs. (Dezsi, Michael) (Entered: 01/14/2020)
01/17/2020	72	NOTICE by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker re 64 Order on Motion for Protective Order, 59 Order on Motion to Compel of Objections to the Orders of the Magistrate Judge (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Hearing Transcript, Dec 19, 2019, # 3 Exhibit 2- Order Granting Plaintiffs' Motion to Compel Depositions, # 4 Exhibit 3- Order Denying Defendants' Motion for Protective Order) (Surowiec, James) (Entered: 01/17/2020)
01/20/2020	73	SUPPLEMENTAL BRIEF re 72 Notice (Other),, Response to Defendants Objections to Magistrate Judge's Orders filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit News Article 12/11/19, # 3 Exhibit News Article 12/12/19) (Dezsi, Michael) (Entered: 01/20/2020)
01/21/2020	74	REPLY to Response re 63 MOTION to Compel Plaintiffs' Responses to Document Requests filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit E, # 3 Exhibit F, # 4 Exhibit G, # 5 Exhibit H, # 6 Exhibit I) (Johnson, Lindsey) (Entered: 01/21/2020)
01/21/2020	75	REPLY to Response re 61 MOTION to Compel Production of Documents filed by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit H Transcript) (Dezsi, Michael) (Entered: 01/21/2020)
01/23/2020	76	SUPPLEMENTAL BRIEF re 74 Reply to Response to Motion, filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Johnson, Lindsey) (Entered: 01/23/2020)
01/27/2020	77	MOTION TO EXTEND Discovery 30 Days by All Plaintiffs. (Dezsi, Michael) (Entered: 01/27/2020)
01/29/2020	78	ORDER Sustaining in part and Overruling in part 72 Objections by Defendants re 64 Order on Motion for Protective Order, 59 Order on Motion to Compel. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/29/2020)
01/29/2020	79	ORDER REFERRING MOTIONS to Magistrate Judge R. Steven Whalen: 77 MOTION TO EXTEND Discovery 30 Days filed by Plaintiffs, 44 MOTION to Compel Deposition Testimony filed by Plaintiffs, 52 MOTION for Protective Order filed by Defendants. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 01/29/2020)
01/29/2020	80	SUPPLEMENTAL BRIEF re 78 Order, Order to Vacate filed by All Plaintiffs. (Dezsi, Michael) (Entered: 01/29/2020)
02/04/2020	81	NOTICE OF HEARING on 77 MOTION TO EXTEND Discovery 30 Days. Motion Hearing set for 2/6/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen - (CCie) (Entered: 02/04/2020)
02/04/2020	82	RESPONSE to 77 MOTION TO EXTEND Discovery 30 Days Opposing Any Extension filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Plaintiffs' 2nd Notice of Deposition for Chiefs, # 3 Exhibit 2- Email between Counsel, # 4 Exhibit 3- Hearing Transcript Excerpts (12/19/2019), # 5 Exhibit 4- Plaintiffs' 1st Notice of Deposition of Chiefs, # 6 Exhibit 5- US Atty Sentencing Memo, # 7 Exhibit 6- Police Report, # 8 Exhibit 7- Mukhlis Shamoon Deposition Excerpts, # 9 Exhibit 8- Preliminary Lab Tests, # 10 Exhibit 9- Chain of Custody Reports, # 11 Exhibit 10- Notice of Forfeiture, # 12 Exhibit 11- January Notices of Deps & Subpoenas, # 13 Exhibit 12- Plaintiffs' 5th RFP, # 14 Exhibit 13- Notice of Status Conference, # 15 Exhibit 14- Plaintiffs Email Insisting on Proceeding with Deps of Chiefs, # 16 Exhibit 15- Defs' email seeking compromise) (Surowiec, James) (Entered: 02/04/2020)
02/04/2020		TEXT-ONLY NOTICE: Final Pretrial Conference on 2/10/2020 is Cancelled. New date to be set following determination of pending motions. (MLan) (Entered: 02/04/2020)
02/06/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Motion Hearing held on 2/6/2020 re 63 MOTION to Compel Plaintiffs' Responses to Document Requests filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood, 77 MOTION TO EXTEND Discovery 30 Days filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, 61 MOTION to Compel Production of Documents filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Disposition: 61 Motion granted in part and denied in part; 63 Motion granted in part and denied in part; 77 Motion granted. (Court Reporter: Digitally Recorded) (CCie) (Entered: 02/06/2020)

02/07/2020	83	ORDER GRANTING PLAINTIFFS' 61 Motion to Compel- Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/07/2020)
02/07/2020	84	ORDER GRANTING DEFENDANTS' 63 Motion to Compel- Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/07/2020)
02/07/2020	85	ORDER GRANTING PLAINTIFFS' 77 MOTION TO EXTEND Discovery - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/07/2020)
02/07/2020		TEXT-ONLY ORDER AMENDING SCHEDULING ORDER: Discovery due by 5/7/2020, Dispositive Motion Cut-off set for 6/8/2020, Joint Final Pretrial Order due 9/21/2020, Final Pretrial Conference set for 9/28/2020 02:30 PM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/07/2020)
02/10/2020	86	SUPPLEMENTAL ORDER re 58 Order on Motion - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/10/2020)
02/10/2020	87	ORDER GRANTING PLAINTIFFS' 44 Motion to Compel AND DENYING DEFENDANTS' 52 Motion for Protective Order - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 02/10/2020)
03/09/2020	88	STIPULATED PROTECTIVE ORDER - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 03/09/2020)
04/03/2020	89	NOTICE by All Plaintiffs of <i>Motion to Consolidate Cases</i> (Dezsi, Michael) (Entered: 04/03/2020)
04/06/2020	90	MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Plaintiffs' Second Request to Produce, # 3 Exhibit B Detroit News Article 12/11/2019, # 4 Exhibit C Detroit News Article 12/12/2019, # 5 Exhibit D Defendants' Answers to Second Request to Produce, # 6 Exhibit E Article) (Dezsi, Michael) (Entered: 04/06/2020)
04/06/2020	91	MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Jury Trial Transcript, # 3 Exhibit B Detroit News Article 12/11/2019, # 4 Exhibit C Detroit News Article 12/12/2019) (Dezsi, Michael) (Entered: 04/06/2020)
04/14/2020	92	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 04/14/2020)
04/20/2020	93	RESPONSE to 91 MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6) (Johnson, Lindsey) (Entered: 04/20/2020)
04/21/2020	94	RESPONSE to 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> in opposition filed by All Defendants. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A - Declaration of Graveline, # 3 Exhibit B - Defendants doc production, # 4 Exhibit C - Email exchange re LR 71) (Johnson, Lindsey) (Entered: 04/21/2020)
04/21/2020	95	NOTICE OF HEARING BY TELEPHONE on 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> . Resolved/Unresolved Issues due by 5/15/2020. Motion Hearing set for 5/19/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen. CALL IN INFORMATION WILL BE PROVIDED PRIOR TO HEARING. (THac) (Entered: 04/21/2020)
04/24/2020	96	REPLY to Response re 91 MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker filed by All Plaintiffs. (Dezsi, Michael) (Entered: 04/24/2020)
04/27/2020	97	REPLY to Response re 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 04/27/2020)
05/04/2020	98	<i>Amended</i> WITNESS LIST by All Plaintiffs (Dezsi, Michael) (Entered: 05/04/2020)
05/19/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Telephonic Motion Hearing held on 5/19/2020 re 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Disposition: Motion taken under advisement (Court Reporter: Rene Twedt) (MarW) (Entered: 05/19/2020)
05/30/2020	99	STIPULATED ORDER EXTENDING SCHEDULING ORDER: Discovery due by 7/7/2020, Dispositive Motion Cut-off set for 8/8/2020, Final Pretrial Conference set for 11/23/2020 02:30 PM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (Refer to image for additional dates) (MLan) (Entered: 05/30/2020)
06/08/2020	100	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 6/9/2020 at 10:00 AM before Magistrate Judge R. Steven Whalen - ***PLEASE SEE NOTICE FOR ADDITIONAL IMPORTANT INFORMATION*** (CCie) (Entered: 06/08/2020)
06/09/2020	101	OPINION and ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' 90 MOTION for Order to Show Cause <i>and/or for Default Judgment for Defendants' Failure to Comply with this Court's Prior Discovery Order [Dkt #83]</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 06/09/2020)
06/09/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Telephonic Status Conference held on 6/9/2020 - (CCie) (Entered: 06/09/2020)
06/15/2020	102	NOTICE of Appearance by Patrick M. Cunningham on behalf of City of Detroit. (Cunningham, Patrick) (Entered: 06/15/2020)
06/15/2020	103	MOTION to Stay re 101 Memorandum Opinion & Order,, Terminate Motions, by City of Detroit. (Cunningham, Patrick) (Entered: 06/15/2020)
06/17/2020	104	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 103 MOTION to Stay re 101 Memorandum Opinion & Order filed by City of Detroit. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 06/17/2020)
06/19/2020	105	MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> by All Plaintiffs. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Appearance of Counsel Garcia, # 3 Exhibit B Excerpt of Deposition Transcript of Arthur Leavells, # 4 Exhibit C Leavells Plea Agreement,

		# 5 Exhibit D Excerpt of Jury Trial Transcript: Arthur Leavells, # 6 Exhibit E Correspondence from Garcia) (Dezsi, Michael) (Entered: 06/19/2020)
06/26/2020	106	RESPONSE to 103 MOTION to Stay re 101 Memorandum Opinion & Order,, Terminate Motions, filed by All Plaintiffs. (Dezsi, Michael) (Entered: 06/26/2020)
07/01/2020	107	ORDER REFERRING MOTION to Magistrate Judge R. Steven Whalen: 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by Plaintiffs. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 07/01/2020)
07/01/2020	108	NOTICE TO APPEAR BY TELEPHONE: Status Conference set for 7/2/2020 at 9:30 AM before Magistrate Judge R. Steven Whalen - ***PLAINTIFFS' COUNSEL, PLEASE EMAIL THE CASE MANAGER A CALL IN NUMBER FOR THE TELEPHONE CONFERENCE*** (CCie) (Entered: 07/01/2020)
07/01/2020	109	RESPONSE to 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by City of Detroit. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8) (Johnson, Lindsey) (Entered: 07/01/2020)
07/02/2020		Minute Entry for proceedings before Magistrate Judge R. Steven Whalen: Telephonic Status Conference held on 7/2/2020 - (CCie) (Entered: 07/02/2020)
07/02/2020	110	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' 103 Motion to Stay - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 07/02/2020)
07/07/2020	111	REPLY to Response re 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 07/07/2020)
07/16/2020	112	APPEAL OF MAGISTRATE JUDGE DECISION by City of Detroit re 110 Order on Motion to Stay. (Cunningham, Patrick) (Entered: 07/16/2020)
07/20/2020	113	RESPONSE to 112 Appeal of Magistrate Judge Decision <i>Denying Its Motion for Clarification or for a Sixty Day Stay of Enforcement</i> by All Plaintiffs. (Dezsi, Michael) (Entered: 07/20/2020)
07/23/2020	114	NOTICE TO APPEAR BY VIDEO CONFERENCE: Objection to R&R Hearing set for 8/5/2020 03:30 PM before District Judge Arthur J. Tarnow. [Zoom Webinar Information: https://zoom.us/j/99317086263?pwd=ZzUrTUNCNHlvaEJFckdqVQyYVBXQT09 Passcode: 235954 Or join by phone: Dial(for higher quality, dial a number based on your current location): US: +1 301 715 8592 or +1 312 626 6799 or +1 602 753 0140 or +1 213 338 8477 or +1 253 215 8782] (MLan) (Entered: 07/23/2020)
07/27/2020	115	RE-NOTICE TO APPEAR BY VIDEO CONFERENCE: Objection to R&R Hearing set for 8/5/2020 03:30 PM before District Judge Arthur J. Tarnow. THIS NOTICE CORRECTS THE ZOOM INVITATION INFORMATION. [Zoom Webinar Information: https://zoom.us/j/99317086263?pwd=ZzUrTUNCNHlvaEJFckdqVQyYVBXQT09 Passcode: 235954 Or iPhone one-tap : US: +13017158592,,99317086263#,,,,,0#,,235954# or +13126266799,,99317086263#,,,,,0#,,235954#] (MLan) (Entered: 07/27/2020)
08/05/2020		Minute Entry for proceedings before District Judge Arthur J. Tarnow: OBJECTION Hearing held on 8/5/2020. Disposition: Objection Resolved on the Record. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 08/06/2020)
08/11/2020	116	STIPULATED PROTECTIVE ORDER. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/11/2020)
08/11/2020	117	STIPULATED ORDER Extending Deadlines: Discovery due by 9/10/2020, Dispositive Motion Cut-off set for 10/23/2020. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 08/11/2020)
08/18/2020	118	NOTICE by All Plaintiffs of withdrawal of 91 MOTION for Voluntary Dismissal Without Prejudice Against Defendants Johnson, Matschikowski, and Tucker ; <i>Partial Withdrawal as to Defendant Tucker Only.</i> (Attachments: # 1 Index of Exhibits, # 2 Exhibit A Internal Affairs documents, # 3 Exhibit B Excerpt IA Case 00 213, # 4 Exhibit C Defendants' Answers & Objections to Plaintiffs' Third Request for Production of Documents, # 5 Exhibit D Correspondence, # 6 Exhibit E Excerpt IA Case 14 149) (Dezsi, Michael) (Entered: 08/18/2020)
08/26/2020	119	DOCUMENT IS NOT A NOTICE DOCUMENT TITLED: DEFENDANTS RESPONSE TO PLAINTIFFS NOTICE OF PARTIAL WITHDRAWAL OF MOTION FOR VOLUNTARY DISMISSAL NOTICE by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker re 118 Notice to Withdraw Motion,, (Surowiec, James) Modified on 8/28/2020 (LGra). (Entered: 08/26/2020)
08/27/2020	120	NOTICE by All Plaintiffs re 116 Protective Order <i>Dated August 11, 2020</i> (Dezsi, Michael) (Entered: 08/27/2020)
10/23/2020	121	MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c) with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Davis Complaint, # 3 Exhibit 2- Davis First Amended Complaint, # 4 Exhibit 3- Davis Motion to Certify, # 5 Exhibit 4- R&R Denying Class Cert, # 6 Exhibit 5-Order Denying Class Cert, # 7 Exhibit 6- Metris Shamoon Complaint, # 8 Exhibit 7- Metris Shamoon First Amended Complaint) (Surowiec, James) (Entered: 10/23/2020)
10/23/2020	122	MOTION for Summary Judgment <i>With Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 10/23/2020)
10/24/2020	123	MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1- Geelhood Deposition, # 3 Exhibit 2- Search Warrant, # 4 Exhibit 3- Declaration of Tucker, # 5 Exhibit 4- Declaration of Johnson, # 6 Exhibit 5- Declaration of J Davis, # 7 Exhibit 6- Declaration of Matschikowski, # 8 Exhibit 7- DPD Report, # 9 Exhibit 8-Prelim Lab Test, # 10 Exhibit 9-Firearm Reports, # 11 Exhibit 10- Notice of Forfeiture, # 12 Exhibit 11- Dixon Declaration, # 13 Exhibit 12-IBRSYS Property Reports, # 14 Exhibit 13-Mrs. Shamoon Dep, # 15 Exhibit 14- Mr. Shamoon Dep, # 16 Exhibit 15- Photos of Grow Op, # 17 Exhibit 16- Paul Metris Dep, # 18 Exhibit 17- Julia Metris Dep, # 19 Exhibit 18- Mr. Veres Dep) (Surowiec, James) (Entered: 10/24/2020)
11/10/2020	124	STIPULATED ORDER Extending Time for Responses as to 121 MOTION to Dismiss Pursuant to Fed R Civ P 12(c) and 123 CORRECTED MOTION for Summary Judgment: Responses due by 11/23/2020. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 11/10/2020)
11/18/2020		TEXT-ONLY NOTICE: Final Pretrial Conference on 11/23/2020 is Cancelled. New date to be set following determination of pending motions. (MLan) (Entered: 11/18/2020)

11/20/2020	125	RESPONSE to 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/20/2020)
11/20/2020	126	APPENDIX re: 125 Response to Motion filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. by All Plaintiffs <i>Combined Exhibits In Opposition to Defendants' Corrected Motion for Summary Judgment [Dkt#123] and Motion to Dismiss [Dkt #121]</i> (Attachments: # 1 Exhibit A Search Warrant & Affidavit, # 2 Exhibit B DPD Report (Shamoon), # 3 Exhibit C Deposition Transcript of Debra Metris-Shamoon, # 4 Exhibit D Order of Dismissal, # 5 Exhibit E Motion Hearing Transcript, # 6 Exhibit F Deposition Transcript of Matthew Bray, # 7 Exhibit G Motion Hearing Transcript, # 8 Exhibit H Defendants' Answers & Objections to Second Request to Admit, # 9 Exhibit I Defendants' Answers & Objections to Plaintiffs' 1st Interrogatories and Requests for Production, # 10 Exhibit I-2 Defendants' Answers & Objections to Plaintiffs' Fifth Request to Produce, # 11 Exhibit I-3 Defendant City's Responses & Objections to Schedule A, # 12 Exhibit J McGee Complaint, # 13 Exhibit K Defendants Response to Court Order Production, # 14 Exhibit K1 Audio Recording of Chuck Fitzgerald, # 15 Exhibit L Search Warrant & Affidavit (Matelic) McCallum, # 16 Exhibit M Final Conference Transcript; McCallum, # 17 Exhibit N WCPO Press Release, # 18 Exhibit O Order of Dismissal; People v Chancellor, # 19 Exhibit P Jury Trial Transcript Vol 14, # 20 Exhibit Q Defendants' Answers & Objections to Plaintiffs' 4th Interrogatories, # 21 Exhibit R DPD Communications, # 22 Exhibit S Detroit News Article 11-01-2014, # 23 Exhibit T Indictment of Watson & Hansberry, # 24 Exhibit U Hansberry Judgment, # 25 Exhibit V Watson Judgment, # 26 Exhibit W Jury Trial Transcript Vol 15, # 27 Exhibit X DPD Record, # 28 Exhibit Y Detroit News 12-11-2019, # 29 Exhibit Z Detroit News 12-12-2019, # 30 Exhibit AA DPD Report (Davis), # 31 Exhibit BB DPD Report (McShane), # 32 Exhibit CC DPD Report (Lockard), # 33 Exhibit DD DPD Report (Reid), # 34 Exhibit EE Deposition Transcript of Chief Craig, # 35 Exhibit FF Deposition Transcript of Stephen Geelhood 04-04-2016, # 36 Exhibit GG IA File (Rayis), # 37 Exhibit HH Chancellor Documents, # 38 Exhibit II Search Warrant & Affidavit (Geelhood); Chancellor, # 39 Exhibit JJ Order of Dismissal; People v. McCallum, # 40 Exhibit KK Search Warrant & Affidavit (Bray); Lockard, # 41 Exhibit LL Deposition Transcript of Matthew Bray 01-30-2020, # 42 Exhibit MM Defendants' Answers & Objections to Plaintiff's 4th Request to Produce; Frontczak, # 43 Exhibit NN 2012 Operating Procedures, # 44 Exhibit OO DPD Retention Policy, # 45 Exhibit PP Correspondence, # 46 Exhibit QQ Search Warrant & Affidavit (Bray) McShane, # 47 Exhibit RR Deposition Transcript of Stephen Geelhood 10-15-2019, # 48 Exhibit SS Declaration of Stephen Geelhood, # 49 Exhibit TT Declaration of Sgt. McCoy-O'Neill, # 50 Exhibit UU Deposition Transcript (2) of Stephen Geelhood 10-15-2019, # 51 Exhibit VV DPD Seizure, # 52 Exhibit WW Warrendale Blog, # 53 Exhibit XX Deposition Transcript of Chief Godbee, # 54 Exhibit YY IA Case documents, # 55 Exhibit ZZ Detroit News 01-22-2015, # 56 Exhibit AAA IA Correspondence, # 57 Exhibit BBB Notice of Discipline, # 58 Exhibit CCC Leavells Plea Agreement, # 59 Exhibit DDD Deposition Transcript of Mukhlis Shamoon, # 60 Exhibit EEE SOI Documents, # 61 Exhibit FFF Obituary, # 62 Exhibit GGG Declaration of Justin Reid, # 63 Exhibit HHH Search Warrant & Affidavit (Leavells) Reid, # 64 Exhibit III Search Warrant & Affidavit (Leavells) Davis, # 65 Exhibit JJJ Excerpt of Leavells Deposition Transcript, # 66 Exhibit KKK Photographs) (Dezsi, Michael) (Entered: 11/20/2020)
11/20/2020	127	Ex Parte MOTION for Leave to File <i>Exhibits in the Traditional Manner</i> by All Plaintiffs. (Dezsi, Michael) (Entered: 11/20/2020)
11/20/2020	128	RESPONSE to 121 MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c) with Brief in Support</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 11/20/2020)
11/30/2020	129	STIPULATION AND ORDER granting Plaintiffs' leave to file excess pages in plaintiffs' brief in opposition to Defendants' Motion for Summary Judgment 123 . Signed by District Judge Arthur J. Tarnow. (McColley, N) (Entered: 11/30/2020)
12/04/2020	130	REPLY to Response re 121 MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c) with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 8- McCallum Opinion (Excerpt), # 3 Exhibit 9-WCP-CIU Memo_Redacted, # 4 Exhibit 10- Deposition of APA Newman (Excerpt), # 5 Exhibit 11-Cover Page CIU-Memo Under Seal) (Surowiec, James) (Entered: 12/04/2020)
12/07/2020	131	MOTION for Leave to File <i>Sealed Exhibit (Ex. 11) re: 130 Reply Brief</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 12/07/2020)
12/07/2020	132	REPLY to Response re 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 19- Geelhood Dep Part II, # 3 Exhibit 20- Police Reports, # 4 Exhibit 21- CI Death Certificate, # 5 Exhibit 22- Detective Rutledge Declaration, # 6 Exhibit 23- CI Obituary, # 7 Exhibit 24- Geelhood Declaration, # 8 Exhibit 25- Verdict Form USA v. Hansberry, # 9 Exhibit 26- Deposition of Chief Godbee, # 10 Exhibit 27- Deposition of Chief Craig) (Surowiec, James) (Entered: 12/07/2020)
12/08/2020		TEXT-ONLY ORDER granting 127 Ex Parte MOTION for Leave to File <i>Exhibits in the Traditional Manner</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/08/2020)
12/10/2020	136	EXHIBIT K1 in support of 126 Appendix filed by plaintiffs (filed in the traditional manner) (DPer) (Entered: 12/28/2020)
12/11/2020	133	RESPONSE to 131 MOTION for Leave to File <i>Sealed Exhibit (Ex. 11) re: 130 Reply Brief</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/11/2020)
12/21/2020	134	STIPULATED ORDER Extending Time and Granting Excess Pages. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/21/2020)
12/22/2020	135	MOTION for Leave to File <i>Corrected (Signed) Declarations in Support of Defendants Motions for Summary Judgment</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Index of Exhibits A- with corrected exhibits 3, 4, 5, 6, and 11 attached) (Surowiec, James) (Entered: 12/22/2020)
12/29/2020	137	RESPONSE to 135 MOTION for Leave to File <i>Corrected (Signed) Declarations in Support of Defendants Motions for Summary Judgment</i> filed by All Plaintiffs. (Dezsi, Michael) (Entered: 12/29/2020)
01/04/2021	138	REPLY to Response re 135 MOTION for Leave to File <i>Corrected (Signed) Declarations in Support of Defendants Motions for Summary Judgment</i> filed by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Attachments: # 1 Exhibit A- Email of Defendants stipulating to Plaintiffs' requested relief) (Surowiec, James) (Entered: 01/04/2021)
01/22/2021	139	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 2/18/2021 11:00 AM before District Judge Arthur J. Tarnow. This conference is set to discuss recently filed motions (#131 and 135). Counsel will receive Zoom invitation by email. (MLan) (Entered: 01/22/2021)
02/18/2021		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Status Conference held on 2/18/2021. (MLan) (Entered: 02/18/2021)

02/23/2021	140	ORDER granting 131 Motion for Leave to File Sealed Exhibit; granting 135 Motion for Leave to File Corrected (Signed) Declarations. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 02/23/2021)
03/01/2021	141	EXHIBIT /REPLACEMENT DECLARATIONS (SIGNED) re 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker (Attachments: # 1 Index of Exhibits, # 2 Exhibit 3- Signed Declaration of Sgt. Tucker, # 3 Exhibit 4- Signed Declaration of PO B. Johnson, # 4 Exhibit 5- Signed Declaration of Juan Davis, # 5 Exhibit 6- Signed Declaration of Sgt. Matschikowski, # 6 Exhibit 11- Signed Declaration of Sgt. Dixon) (Surowiec, James) (Entered: 03/01/2021)
03/02/2021	142	SEALED EXHIBIT <i>II</i> re 130 Reply to Response to Motion, by City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski, Joe Tucker. (Surowiec, James) (Entered: 03/02/2021)
03/11/2021	143	NOTICE OF HEARING BY VIDEO CONFERENCE on 121 MOTION to Dismiss Pursuant to Fed R Civ P 12(c), 123 MOTION for Summary Judgment <i>CORRECTED with Brief in Support</i> . Motion Hearing set for 4/28/2021 02:30 PM before District Judge Arthur J. Tarnow. [Zoom Webinar Information: https://www.zoomgov.com/j/1618355148?pwd=MnRqMm1lZCtDd0hVNU9WWTZzVVJqdz09 Passcode: 436861 Or iPhone one-tap : US: +16692545252,,1618355148# or +16468287666,,1618355148#]. (MLan) (Entered: 03/11/2021)
03/16/2021	144	OPINION AND ORDER DENYING PLAINTIFFS' 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> , Motions terminated: 105 MOTION to Disqualify Counsel <i>City of Detroit Law Department</i> filed by Julia Metris, Paul Metris, Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres - Signed by Magistrate Judge R. Steven Whalen. (CCie) (Entered: 03/16/2021)
04/28/2021		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Motion Hearing held on 4/28/2021 re 123 MOTION for Summary Judgment <i>CORRECTED</i> filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood, 121 MOTION to Dismiss <i>Pursuant to Fed R Civ P 12(c)</i> filed by City of Detroit, Juan Davis, Candace Matschikowski, Brian A Johnson, Joe Tucker, Stephen Geelhood Disposition: Motions taken under advisement. (Court Reporter: Lawrence Przybysz) (MLan) (Entered: 04/29/2021)
06/25/2021	145	ORDER granting in part and denying in part 121 Motion to Dismiss; denying 123 Motion for Summary Judgment. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 06/25/2021)
07/08/2021	146	AMENDED COMPLAINT with Jury Demand filed by All Plaintiffs against City of Detroit, Stephen Geelhood. NO NEW PARTIES ADDED. (Dezsi, Michael) (Entered: 07/08/2021)
07/08/2021	147	NOTICE of Change of Address/Contact Information by Michael R. Dezsi on behalf of All Plaintiffs. (Dezsi, Michael) (Entered: 07/08/2021)
07/20/2021	148	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 8/2/2021 03:30 PM before District Judge Arthur J. Tarnow. Counsel will receive Zoom invitation by email. (MLan) (Entered: 07/20/2021)
07/22/2021	149	ANSWER to Amended Complaint with Affirmative Defenses by City of Detroit. (Surowiec, James) (Entered: 07/22/2021)
08/02/2021		Minute Entry for proceedings before District Judge Arthur J. Tarnow: Status Conference held on 8/2/2021 Joint Final Pretrial Order to be submitted by 1/18/2022, Final Pretrial Conference set for 1/25/2022 03:00 PM before District Judge Arthur J. Tarnow, Jury Trial set for 1/31/2022 09:30 AM before District Judge Arthur J. Tarnow. (MLan) (Entered: 08/02/2021)
09/27/2021	150	TRANSCRIPT of Motion Hearing held on April 28, 2021. (Court Reporter/Transcriber: Lawrence R. Przybysz) (Number of Pages: 40) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 10/18/2021. Redacted Transcript Deadline set for 10/28/2021. Release of Transcript Restriction set for 12/27/2021. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Przybysz, L) (Entered: 09/27/2021)
12/07/2021	151	STIPULATED ORDER of Substitution of Counsel - Attorney Crystal B Olmstead for City of Detroit, Juan Davis, Stephen Geelhood, Brian A Johnson, Candace Matschikowski and Joe Tucker added. Attorney James M. Surowiec; James P. Allen and Lindsey R. Johnson terminated. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/07/2021)
12/07/2021		Text-Only Order of reassignment from Magistrate Judge R. Steven Whalen to Magistrate Judge Elizabeth A. Stafford pursuant to Administrative Order 21-AO-013. (SSch) (Entered: 12/07/2021)
12/10/2021	152	STIPULATED ORDER of Adjournment of Trial: Joint Final Pretrial Order to be submitted by 5/9/2022, Final Pretrial Conference set for 5/16/2022 03:00 PM before District Judge Arthur J. Tarnow, Jury Trial set for 5/23/2022 09:30 AM before District Judge Arthur J. Tarnow. Signed by District Judge Arthur J. Tarnow. (MLan) (Entered: 12/10/2021)
02/16/2022		Text-Only Order of reassignment from District Judge Arthur J. Tarnow to District Judge Victoria A. Roberts pursuant to Administrative Order 22-AO-007. (SSch) (Entered: 02/16/2022)
02/17/2022	153	ORDER of RECUSAL and REASSIGNING CASE from District Judge Victoria A. Roberts in Detroit to District Judge Robert H. Cleland in Port Huron. (SSch) (Entered: 02/17/2022)
03/03/2022	154	ORDER Referring ALL Pretrial Matters to Magistrate Judge Elizabeth A. Stafford. Signed by District Judge Robert H. Cleland. (LWag) (Entered: 03/03/2022)
03/16/2022	155	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 4/7/2022 at 10:30 AM before Magistrate Judge Elizabeth A. Stafford. ***Parties are to file a joint factual and procedural summary of the case by 3/30/22. Parties to receive Zoom invitation in a separate email prior to conference.*** (MarW) (Entered: 03/16/2022)
03/30/2022	156	STATEMENT of Joint Factual and Procedural Summary by Debra Metris-Shamoon (Dezsi, Michael) (Entered: 03/30/2022)
04/07/2022		Minute Entry for virtual proceedings before Magistrate Judge Elizabeth A. Stafford: Status Conference held on 4/7/2022. (Court Reporter: None Present, Not on the Record) (MarW) (Entered: 04/07/2022)
04/07/2022	157	NOTICE TO APPEAR BY VIDEO CONFERENCE: Status Conference set for 5/10/2022 at 09:30 AM before Magistrate Judge Elizabeth A. Stafford. Parties are to be prepared to discuss the status of the bankruptcy motion, alternative dispute resolution, and the schedule for pretrial proceedings. Counsel to receive Zoom invitation in a separate email. (MarW) (Entered: 04/07/2022)

04/18/2022	158	AMENDED NOTICE TO APPEAR BY TELEPHONE: Status Conference reset for 6/16/2022 at 11:30 AM before Magistrate Judge Elizabeth A. Stafford. The Court shall initiate the conference call. (Status conference adjourned because of the pending motion before the bankruptcy court) (MarW) (Entered: 04/18/2022)
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PACER Service Center			
Transaction Receipt			
05/17/2022 10:20:01			
PACER Login:	md4293suite1600	Client Code:	
Description:	Docket Report	Search Criteria:	3:18-cv-13683-RHC-EAS
Billable Pages:	20	Cost:	2.00
Exempt flag:	Not Exempt	Exempt reason:	Not Exempt

**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

**REPLY BRIEF IN SUPPORT OF
CITY OF DETROIT’S MOTION FOR THE ENTRY OF AN ORDER
ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, MUKHLIS SHAMOON,
CARL VERES, PAUL METRIS AND JULIA METRIS**

In accordance with this Court’s orders,¹ the City of Detroit, Michigan (“City”) files this Reply Brief in support of its Motion,² respectfully stating as follows.

I. Introduction

Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris, and Julia Metris (collectively, the “Plaintiffs”) raise a number of arguments previously raised and rejected by this Court and others in their Response³ to the City’s Motion. These arguments did not avail prior respondents and should be rejected again now.

¹ Docket Numbers 13576 and 13585.

² *City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris* (Doc. No. 13532).

³ *Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris Response in Opposition to Debtor City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order* (Dkt #13532) (Doc. No. 13565).

The Plaintiffs make three arguments in trying to resist the City's Motion. First, they claim they were known creditors, and thus were entitled to service of notice of the City's bankruptcy case.⁴ Making a few calls to the police department does not suffice to put the City on notice that the Plaintiffs would allege a claim against the City, however. Nor does alleging that the City was generally aware of problems in its police department. The Plaintiffs' argument has been raised in similar circumstances and been rejected by two federal court judges in this District.

Plaintiffs next say that their claims were not within their "fair contemplation" pre-petition even though the facts that gave rise to them occurred in 2012. This argument also has been rejected by this Court and others. In fact, as the District Court observed in its Opinion regarding the Lawsuit,⁵ the Plaintiffs agree that the statute of limitations began to run on their claims on September 13, 2012. Thus, if they had any claims at all, September 13, 2012, is the date as of which they knew of or should have been able to discover them, had they exercised diligence. Moreover, it is contradictory for Plaintiffs to assert that *they* were unaware they had a claim, but in the same breath, argue that the *City* must have known that they did.

⁴ They also claim to somehow have been unaware that the City had filed for bankruptcy protection until 2015. *See, e.g.,* Response, Ex. H., *Declaration of Debra Metris-Shamoon*, ¶¶ 11, 14 (declaring under penalty of perjury that one of the Plaintiffs, despite being aware of media reports regarding the City's narcotics unit, was unaware that the City itself had filed for bankruptcy protection).

⁵ Capitalized but undefined terms have the meanings ascribed to them in the Motion.

Finally, the Plaintiffs argue that the City should be barred both by equitable estoppel and by laches from filing its Motion, but these arguments are unavailing. Regarding estoppel, the Plaintiffs do not (and cannot) point to any representation that the City made on which they could have relied. Indeed, the Plaintiffs only say that the City delayed in asserting its discharge as a defense. But, under binding Sixth Circuit case law, debtors are not obligated to raise discharge as a defense. Thus, delay in asserting discharge cannot qualify as a representation for estoppel purposes. Moreover, the Plaintiffs admit they were aware of the bankruptcy case when they filed their suit, so they cannot claim to be ignorant of the “true facts,” as required for estoppel to apply. For similar reasons, laches is also inapplicable.

For these reasons, the Court should grant the City’s Motion.

II. Argument

A. The Plaintiffs were unknown creditors. The publication notice City’s Plan provided them with constructive notice of the City’s bankruptcy case. They were not entitled to anything further.

1. Debtors are not required to make an exhaustive search for claims such as the ones the Plaintiffs now assert.

It takes more than a few phone calls to the police department to put a municipality on notice that there may be a claim against it. That is essentially all that the Plaintiffs say that they did. As a result, they were not “known creditors” and they received the notice they were due.

The *Monson* court recently summarized which creditors must receive actual notice of a bankruptcy case and which may receive notice by publication.

Bankruptcy law distinguishes between known and unknown creditors. Unknown creditors may be notified by publication; but known creditors are entitled to actual notice. Known creditors are those whose claims or identities are “readily ascertainable” by the debtor. Readily ascertainable means a debtor, through “reasonably diligent efforts” could discover a creditor’s claim. “Reasonably diligent efforts” does not require impracticable and extended searches in the name of due process. Rather, a debtor must home in on its own books and records. Typically, that means the debtor has something in its possession, either a demand for payment or some communication with a debtor concerning the existence of the creditor’s claim.

Monson v. City of Detroit, No. 18-10638, 2019 WL 1057306, at *9 (E.D. Mich. March 6, 2019) (citations and quotation marks omitted).

In *Monson*, a person was wrongly convicted and imprisoned pre-petition. *Id.*, at *1-6. He was released in 2017 and sued the City two years later. *Id.*, at *6. Just like the Plaintiffs, Monson alleged “that prior to the bankruptcy the City knew its police department had a pattern and practice of unconstitutional arrests and interrogations. And in its possession the police department had all the information it needed to conclude Monson was a victim of those unconstitutional patterns and practices.” *Id.*, at *9. He argued that the police had sufficient information for the City to conclude that he had a claim. *Id.* Monson thus insisted that the City should have known he was a creditor and provided him actual notice of its case. *Id.* He

argued that his claims were not discharged because the City did not provide him with this notice. *Id.*

The District Court disagreed. At the time of the City's bankruptcy filing, Monson's claim against the City was foreseeable, but remained contingent on him overturning his conviction. *Id.*, at *9-10. And "neither Monson nor his lawyers in the clinic ever provided anything to the City that amounted to a demand for payment or a communication concerning the existence of his future claim." *Id.*, at *9. Thus, Monson was an unknown creditor and publication notice sufficed. *Id.*, at *9-10.

Though issued only recently, the *Monson* court's analysis already has been followed by at least one other court. *Burton v. Sanders*, No. 20-11948, 2021 WL 168543, at *9 (E.D. Mich. Jan. 1, 2021).

2. The Plaintiffs' brief interactions with the Detroit Police Department fail to constitute sufficient indication that the City should have been aware of their alleged claim.

The Plaintiffs claim that a handful of telephone calls to the Detroit Police Department and the release of Adam Shamoons' firearms without having to sign papers should have put the City on notice that Plaintiffs had a claim against the City. Response, Ex. H (Decl. of Debra Metris Shamoons), Doc. No. 13565-15, ¶¶ 9-10; Ex. G (Decl. of Adam Shamoons), Doc. No. 13565-14, ¶ 6-10. They also argue for many pages in their Response that the City was aware of problems in its police department. Even if all of these statements are true (and the City does not concede that they are),

they are essentially the same allegations rejected in *Monson*. Indeed, the strongest allegation leveled by the Plaintiffs to put the City on notice of their alleged claims is that they “threatened to retain an attorney.” Response, Ex. G (Decl. of Adam Shamoon), Doc. No. 13565-14, ¶ 9. This does not rise to the level of “either a demand for payment or some communication with a debtor concerning the existence of the creditor’s claim.” *Monson*, 2019 WL 1057306, at *9. The Plaintiffs thus were unknown creditors at the time of the City’s bankruptcy filing.

This Court entered an order directing and approving the manner of publication for the notice of the claims bar date.⁶ The Plaintiffs do not suggest that the City failed in any way to comply with this order. Thus, as unknown creditors, the Plaintiffs received sufficient notice of the claims bar date.

B. Plaintiffs’ claims were within their fair contemplation as of 2012 and thus were pre-petition claims.

1. This Court uses the “fair contemplation” test to determine when a claim arose.

This Court has adopted the fair contemplation test to decide when a contingent or unmatured claim arises for bankruptcy purposes. Under the fair contemplation test, a claim arises pre-petition if the creditor “could have ascertained through the

⁶ 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, ¶ 26. The *Burton* court noted this order in its analysis. *Burton*, 2021 WL 168443, at *5.

exercise of reasonable due diligence that it had a claim” at the time the petition was filed. *In re City of Detroit*, 548 B.R. 748, 763 (Bankr. E.D. Mich. 2016) (quoting *Signature Combs, Inc. v. United States*, 253 F. Supp. 2d 1028, 1037 (W.D. Tenn. 2003)). A plaintiff need not know for certain that it has an actionable claim because “certainty is not the standard. The standard is whether the contingent claim was within [the plaintiff’s] fair contemplation.” *Id.* at 767. If events giving rise to an alleged claim occur pre-petition, and a claimant is aware of these events pre-petition, then the claim is within the claimant’s fair contemplation pre-petition, even if the claimant is not certain the claim is actionable until after the petition is filed. *Id.*

The Sixth Circuit recently stated that “[t]he statutory period [for a § 1983 claim] begins to run when the plaintiff knows or has reason to know that the act providing the basis of his or her injury has occurred.” *Garza v. Lansing Sch. Dist.*, 972 F.3d 853, 867 n.8 (6th Cir. 2020) (citation and internal quotation marks omitted, emphasis added). The accrual date for a section 1983 claim is thus the date as of which a party could ascertain that it had a claim by exercising reasonable due diligence.

Three courts in this district have considered situations where a plaintiff was aware it had a claim against the City pre-petition but did not file a section 1983 claim against the City until after the petition date. In each case, the court concluded that the claim was within the plaintiff’s fair contemplation pre-petition. *Burton*, 2021

WL 168543, at *4; *Monson*, 2019 WL 1057306, at *8-9; *Sanford v. City of Detroit*, No. 17-13062, 2018 WL 6331342, at *5-6 (E.D. Mich. Dec. 4, 2018).

2. The Plaintiffs’ allegations and the District Court’s Opinion show that their alleged claims were within their fair contemplation pre-petition.

Here, the Plaintiffs do not dispute that the event giving rise to their alleged claims occurred on September 13, 2012; they acknowledge that on the first page of their Response brief. They explain in some detail how they contacted the Detroit Police Department several times over the following weeks. They were not motivated to investigate whether they might have a claim based on this event until 2015, however, when they saw media reports of other claimants attempting to pursue claims against the City. *See* Response, p. 3. Thus, they did not “exercise reasonable due diligence” until 2015, and want to use their delay as an excuse for why they did not contemplate that they had a claim until after the claims bar date had passed. This is not how the “fair contemplation” test works, though.

In fact, the District Court determined in its Opinion, attached as Exhibit 2 to the Motion, that the Plaintiffs were aware of their claim pre-petition: “Here, although the parties agree that the statute of limitations began to run on September 13, 2012, the date Plaintiffs became aware of the alleged constitutional violations, they disagree as to if, and for how long, the statute of limitations tolled.” Opinion, p. 13 (Motion Ex. 6-2, Doc. No. 13532-2, p. 14 of 52) (emphasis added). As noted

previously, that means that September 13, 2012, is the date on which the Plaintiffs knew or had reason to know of their claims—i.e., the date as of which the claims were within the Plaintiffs’ fair contemplation. *Garza*, 972 F.3d at 867 n.8. The fact that they waited a few years before investigating their potential claim does not convert it to a post-petition claim. *City of Detroit*, 548 B.R. at 763-67. Their claims (to the extent they had any) were pre-petition claims and are now barred because the Plaintiffs did not file a proof of claim as required. *Burton*, 2021 WL 168543, at *4; *Monson*, 2019 WL 1057306, at *8-9; *Sanford*, 2018 WL 6331342, at *5-6.

C. The Plaintiffs’ discussion of equitable estoppel and laches are equally unavailing.

1. Equitable estoppel does not apply in this instance.

a. Equitable estoppel generally requires an affirmative assertion upon which a party relies to its detriment. It only applies to omissions where there is a duty to speak.

The doctrine of equitable estoppel requires:

1) conduct or language amounting to a representation of material facts; 2) the party to be estopped must be aware of the true facts; 3) the party to be estopped must intend that the representation be acted on or act such that the party asserting the estoppel has a right to believe it so intended; 4) the party asserting the estoppel must be unaware of the true facts; and 5) the party asserting the estoppel must detrimentally and justifiably rely on the representation.

Qassis v. Republic Bank (In re Luna Pier Land Dev., LLC), 325 B.R. 735, 739 (Bankr. E.D. Mich. 2005) (quoting *King v. Henderson*, 2000 WL 1478360, at *5 (6th Cir. Sept. 27, 2000)).

It is possible, though difficult, to make an estoppel argument based on a party's failure to speak, rather than on an affirmative representation, but only "where there exists a duty to make factual disclosures." *Louden v. Fed. Land Bank of Louisville (In re Louden)*, 106 B.R. 109, 112 (Bankr. E.D. Ky. 1989). As the Sixth Circuit explained,

[b]efore there can be an estoppel by mere silence, facts must be alleged and proved showing a duty and opportunity to speak; that the party to be estopped knew or had reason to believe, that the holder of the obligation would rely on the silence of the party to be estopped, and did rely on his silence, and was injured thereby.

C. I. T. Corp. v. Janis, 418 F.2d 960, 982–83 (6th Cir. 1969).

b. Under binding Sixth Circuit case law, debtors are not obligated to raise discharge as a defense.

Debtors have no duty to raise their discharge as a defense in any civil action, thanks to the Bankruptcy Code.

Section 524(a)(1) and (2) apply in chapter 9 bankruptcy cases. 11 U.S.C. § 901(a). Section 524(a)(2) states that a discharge "operates as an injunction against the commencement . . . of an action . . . to collect . . . any [debt discharged under section 944]" The Sixth Circuit has explained what this means.

The concern of the drafters of § 524 was that a creditor whose debt was discharged would bring suit "in a local court after the granting of the discharge, and if the debtor failed to plead the discharge affirmatively, the defense was deemed waived and an enforceable judgment could then be taken against him or her." To avoid such abuses:

[S]ection 524(a) declares that any judgment on a discharged debt in any forum other than the bankruptcy court is null and void as it affects the personal liability of the debtor.... Accordingly, if a creditor brings a collection suit after discharge, and obtains a judgment against the debtor, the judgment is rendered null and void by section 524(a). The purpose of the provision is to make it absolutely unnecessary for the debtor to do anything at all in the collection action.

Hamilton v. Herr (In re Hamilton), 540 F.3d 367, 372-73 (6th Cir. 2008) (quoting 4 COLLIER ON BANKRUPTCY ¶ 524.LH [1], at 524–61 (Sept.2005) (Lawrence P. King ed., 15th ed. rev.)). For this reason, “a debtor need not raise his discharge in bankruptcy as an affirmative defense, because thanks to § 524(a) ‘such an affirmative defense is unnecessary and has been since 1970.’” *Id.* at 373 (citation omitted).

In addition to section 524, the Plan includes a similar injunction, as discussed on pages 4 and 5 of the Motion. Plan, Art. III.D.5, pp. 50-51. Even if a creditor feels that a discharge injunction is erroneously entered as applied to it, it still must comply with the injunction until it seeks and obtains relief from the injunction. *See, e.g., Kravis, Gass & Weber, S.C. v. Michel (In re Crivello)*, 134 F.3d 831, 838 (7th Cir. 1998) (citing *United States v. United Mine Workers*, 330 U.S. 258, 293 (1947)). It cannot violate the injunction, then complain that the debtor failed to object to its violation of a court order. *See Hamilton*, 540 F.3d at 372-73.

- c. **The Plaintiffs point to no affirmative representation upon which to base their estoppel argument. Instead, they rely on the City’s delay in asserting its discharge as a defense. Under Sixth Circuit law, they cannot use that delay to justify their violation of both section 524 and the Plan injunction.**

The Plaintiffs identify no plausible basis for their estoppel claim. They do not identify any City representation upon which they could have relied. They also do not claim that they were unaware of the City’s bankruptcy case as of the date they filed their lawsuit. Response, Ex. H., *Declaration of Debra Metris-Shamoon*, ¶ 14. As such, they cannot claim that they were “unaware of the true facts.” *Luna Pier Land Dev.*, 325 B.R. at 739. Instead, they essentially argue that they have gotten away with violating the discharge injunction for a while, and thus should be permitted to continue getting away with it. But, the City was never obligated to raise discharge as a defense. *Hamilton*, 540 F.3d at 372-73. Thus, the City’s delay in doing so cannot constitute an “omission” for equitable estoppel, and the Plaintiff’s attempt to assert equitable estoppel fails. *C. I. T. Corp.*, 418 at 982–83.

2. **Because a debtor is never required to raise the discharge injunction as a defense, laches does not apply. But, even if laches were applicable, it would not help the Plaintiffs here.**

- a. **The first step in evaluating a laches is to determine whether it applies. It does not apply here.**

“Laches is the negligent and unintentional failure to protect one’s rights.” *Kehoe Component Sales, Inc. v. Best Lighting Prods., Inc.*, 796 F.3d 576, 584 (6th Cir. 2015) (quoting *Nartron Corp. v. STMicroelectronics, Inc.*, 305 F.3d 397, 408

(6th Cir. 2002)). Application of laches is often left to the discretion of the trial court, though there are circumstances in which it will not apply at all. *See Chirco v. Crosswinds Cmtys., Inc.*, 474 F.3d 227, 231 (6th Cir. 2007). For example, laches usually cannot circumvent a legislature’s judgment to shorten a statute of limitations. *Id.* at 231-33. Here, both the discharge injunction in the Plan and 11 U.S.C. § 524(a) prevent the invocation of laches because the City cannot be “late” in asserting a defense that it is not obligated to assert in the first instance. *Hamilton*, 540 F.3d at 372-73. In other words, because a debtor *never* needs to raise “discharge” as a defense, a debtor cannot “negligently” fail to protect its rights by not asserting its discharge.

By 2015, before they filed suit, the Plaintiffs were well aware of the City’s bankruptcy case. Response, Ex. H., *Declaration of Debra Metris-Shamoon*, ¶ 14. Knowing of the City’s bankruptcy, they sued anyway. The City was not obligated to raise discharge as a defense. *Hamilton*, 540 F.3d at 372-73. The Plaintiffs cannot now complain that they wasted their time and efforts pursuing the City in violation of the discharge injunction. Laches simply does not apply.

b. Even if laches could apply to a debtor’s failure to raise “discharge” as a defense, it would not avail the Plaintiffs here as their position is unchanged.

Even if laches were applicable, it requires more than delay. The delay must work some disadvantage to a party, such as the entry of (and reliance on) court orders

or reliance on the validity of a sale of property. *In re Ottoman*, 621 B.R. 768, 791-92 (Bankr. E.D. Mich. 2020). A delay that does not change the relative positions of the parties or convey an unfair advantage to a party will not support the application of laches. *NLRB v. Taylor Mach. Prods., Inc.*, 136 F.3d 507, 514 (6th Cir. 1998).

Here, the Plaintiffs do not and cannot point to any change in their relative position. They are still in the same position as they were before—barred from pursuing their claim by their failure to file a proof of claim and by the discharge injunction. The Plaintiffs’ only complaint is that they incurred expenses as they litigated their case in violation of the City’s discharge, which they should not have been doing in the first place. This is insufficient to invoke laches; if all it took was persistence and a debtor’s lapse to break through a discharge injunction, then a discharge injunction (and section 524) would be of little protection.

c. Laches does not help the Plaintiffs because the City’s delay in raising discharge was not unreasonable and the City pursued other valid arguments in the interim.

Further, as an equitable doctrine, laches requires a showing that a party failed to act diligently. If a party errs but corrects that error promptly, it argues against application of laches. *See Luna Pier Land Dev.*, 325 B.R. at 740. Likewise, if the party trying to assert laches acted itself improperly, it cannot seek to apply laches. *Id.* at 740-41.

Here, the City's previous counsel did not raise discharge as a defense even as it pursued other defenses to Plaintiffs' claims. When the City's previous counsel withdrew from this case in December of 2021,⁷ the City of Detroit's Law Department reviewed the matter and noticed that Plaintiff's claims arose prepetition. In her next filing, counsel rectified the error by raising the issue to the District Court and referring the matter to undersigned counsel,⁸ asking undersigned counsel to file the Motion. In contrast, the Plaintiffs sued the City post-petition, fully aware of the City's bankruptcy case, and in violation of both the Bankruptcy Code and the Plan discharge injunction. The City submits that, even were laches to apply (and the City contends it does not), then Plaintiffs have not shown that it should be applied under these circumstances. *Luna Pier Land Dev.*, 325 B.R. at 740-41.

⁷ See *Stipulated Order of Substitution of Counsel*, Case No. 18-13683, Doc. No. 151, entered Dec. 7, 2021 (substituting Crystal Olmstead of the City of Detroit Legal Department for Crystal B. Olmstead in replacement of attorneys James M. Surwiece, Lindsey R. Johnson, and James P. Allen, Sr.).

⁸ See *Joint Factual and Procedural Summary*, Case No. 18-13683, Doc. No. 156, filed Mar. 30, 2022, p. 6, stating

Defendant claims the Plaintiffs' claims are barred by bankruptcy. The incident that is the subject of this lawsuit occurred in 2012. The City of Detroit filed for bankruptcy in 2013. The Plaintiffs did not file a claim in bankruptcy court; as such their claims are barred. Further, even if their claims were not barred, the recovery is limited based on the bankruptcy order. The City has referred this matter to its bankruptcy counsel for review.

IV. Conclusion

For all of these reasons, the Court should grant the City's Motion and such further relief as it deems appropriate.

Dated: June 24, 2022

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

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

<p>In re: City of Detroit, Michigan, Debtor.</p>	<p>Bankruptcy Case No. 13-53846 Judge Thomas J. Tucker Chapter 9</p>
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 24, 2022, he served a copy of the foregoing *Reply Brief in Support of City of Detroit's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris* on counsel for Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris, in the manner described below and via the Court's ECF system which will provide notice to all registered parties:

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**OPINION REGARDING THE CITY OF DETROIT’S MOTION FOR THE ENTRY OF
AN ORDER ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, ET AL. (DOCKET # 13532)**

This case is before the Court on the motion by the City of Detroit (the “City”), entitled “City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris” (Docket # 13532, the “Motion”). As suggested by its title, the Motion seeks relief against the following individuals: Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (collectively, the “Respondents”). The City seeks injunctive and declaratory relief to prevent the Respondents from continuing to prosecute claims against the City that were discharged in this bankruptcy case.

The Respondents objected to the Motion, and argue that their claims were not discharged. The Court held a telephonic hearing on the Motion on August 24, 2022, then took the Motion under advisement. For the following reasons, the Court will grant the Motion.

The Court has reviewed and carefully considered all of the papers filed by the City and the Respondents concerning the Motion,¹ and all of the written and oral arguments of the parties. The Court finds and concludes as follows.

¹ Docket ## 13532, 13565, and 13588.

1. Each of the Respondents joined in filing and prosecuting claims against the City in the case of *Debra Metris-Shamoon, et al. v. City of Detroit, et al.*, Case No. 18-cv-13683 (United States District Court, E.D. Michigan) (the “District Court Case”), including the most recent statement of their claims, contained in their Second Amended Complaint filed on July 8, 2021 (the “Second Amended Complaint”).²

2. Each of the Respondents’ claims against the City arose several months before the City filed its petition commencing this Chapter 9 bankruptcy case on July 18, 2013. All of the events forming the basis of the Respondents’ claims occurred on September 13, 2012. The claims arose on that date, when officers of the Detroit Police Department conducted what the Respondents have called an “unlawful raid” on the home of two of the Respondents in Shelby Township, Michigan, and seized certain property.³ In their Second Amended Complaint, the Respondents alleged the following about the events of September 13, 2012:

9. In September 2012, Plaintiffs Deborah Metris-Shamoon and Mukhlis Shamoon were the lawful and licensed operator of a marijuana grow facility located at their residence in Shelby Township, Michigan.

10. On or about September 13, 2012, Defendants, acting under color of law and as officers of Defendant City of Detroit’s Narcotics Unit, conducted an unlawful raid of Plaintiffs’ home in Shelby Township, Michigan. The raid was supervised by, among others, Sgt. Joe Tucker⁴ of the Detroit Police Department.

11. Officers gained entry into Plaintiffs’ residence via forced entry

² A copy of the Second Amended Complaint appears as Exhibit 6-3 to the Motion (Docket # 13532-2).

³ See Respondents’ Br. (Docket # 13565) at pdf p. 3.

⁴ Sgt. Joe Tucker is no relation to the undersigned judge.

with at least one of the officers' weapons drawn.

12. The Officers purposefully concealed their identities during the raid and neither knocked or announced their presence before making a forced entry into Plaintiffs' home.

13. At no time during the raid did any of the officers show or present to Plaintiffs a lawfully issued search warrant.

14. During the raid, the officers destroyed Plaintiffs' home. Plaintiffs were unlawfully searched and seized within the meaning of the fourth amendment during the raid.

15. For an unknown duration of time, the officers extensively tore apart Plaintiffs' property and removed, without lawful authority, marijuana plants and other related legitimate and lawful by-products of Plaintiffs' business.

16. The officers had no probable cause to seize and/or arrest Plaintiffs nor were Plaintiffs ever shown a search or arrest warrant.

17. The officers also confiscated, without lawful authority, an Armsport 12-gauge shotgun, a BSA 9mm handgun, a Winchester Wildcat .22 Rifle, a BSR .45 Caliber Colt handgun, and money totaling \$315.00 from Plaintiffs' residence.

18. At no time were Plaintiffs ever given a copy of any search warrant or a list of items that were unlawfully seized from their property.

19. Plaintiffs were eventually released by Defendants and never charged with any violations of law.

20. During the raid, Plaintiff Mukhlis Shamoon was placed in handcuffs which the officers left on him after leaving the property such that Mukhlis was forced to wear the handcuffs for approximately ten hours.

21. Following the raid, Defendants produced a search warrant and affidavit sworn out by Defendant Geelhood in which Defendant falsely swore to facts in an attempt to manufacture probable cause.

22. In particular, Defendant Geelhood falsely swore to having

conducted surveillance of the Plaintiffs' home and having witnessed illegal drug transactions at Plaintiffs' residence.

23. Defendant Geelhood also falsely swore to having relied on a confidential informant to establish probable cause.⁵

3. Under what is known as the “fair contemplation” test, all of the Respondents’ claims against the City arose pre-petition — *i.e.*, before July 18, 2013 — because before that date, the Respondents “‘could have ascertained through the exercise of reasonable due diligence that [they] had a claim’” against the City, based on the events of September 13, 2012. *See In re City of Detroit, Michigan*, 548 B.R. 748, 763 (Bankr. E.D. Mich. 2016) (citation omitted).⁶

4. In addition, the Respondents each admitted and agreed, in the District Court Case, that their claims against the City, which are brought under 42 U.S.C. § 1983, accrued for statute of limitations purposes on September 13, 2012, because that is “the date [the Respondents] became aware of the alleged constitutional violations.”⁷

5. When the City filed its bankruptcy petition on July 18, 2013, and from that date until well after the December 10, 2014 Effective Date of the City’s confirmed plan of adjustment (the “Relevant Time”), each of the Respondents was an “unknown creditor” of the City, rather than a “known creditor,” as those concepts are defined in cases such as *Chemetron Corp. v. Jones*, 72

⁵ Second Amended Complaint at ¶¶ 9-23.

⁶ The “fair contemplation” test “looks at whether there was a pre-petition relationship between the debtor and the creditor, ‘such as contract, exposure, impact or privity,’ such that a possible claim is within the fair contemplation of the creditor at the time the petition is filed. . . . Under this test, a claim is considered to have arisen pre-petition if the creditor ‘could have ascertained through the exercise of reasonable due diligence that it had a claim’ at the time the petition is filed.” *Id.* (citations omitted).

⁷ *See* Ex. 6-2 to Respondents’ Resp. (Docket # 13532-2) at 13 (district court opinion, filed in the District Court Case on June 25, 2021).

F.3d 341, 345-46 (3d Cir. 1995) and *Monson v. City of Detroit*, Case No. 18-10638, 2019 WL 1057306, at *9-10 (E.D. Mich. Mar. 6, 2019). As unknown creditors, the Respondents validly could be, and were, given adequate notice of the City’s bankruptcy case by publication only.⁸ As a result, each of the Respondents had adequate notice of the City’s bankruptcy case, beginning shortly after it was filed on July 18, 2013.

6. The Respondents were “unknown creditors” of the City during the Relevant Time because during that time, the Respondents’ claims against the City were not “readily ascertainable” by the City. The Court agrees with the following statements of law by the court in *Monson*, including its statement of what “readily ascertainable” means in this context:

Bankruptcy law distinguishes between known and unknown creditors. Unknown creditors may be notified by publication; but known creditors are entitled to actual notice. Known creditors are those whose claims or identities are “readily ascertainable” by the debtor. Readily ascertainable means a debtor, through “reasonably diligent efforts” could discover a creditor’s claim. “Reasonably diligent efforts” does not require “impracticable and extended searches . . . in the name of due process.” Rather, a debtor must home in on its “own books and records.” Typically, that means the debtor has something in its possession, either a “demand for payment” or “some communication with a debtor concerning the existence of the creditor’s claim.”

Monson, 2019 WL 1057306, at *9 (citations omitted).

7. The Respondents have not presented or alleged any facts that could permit the Court to find that their claims against the City were “readily ascertainable” by the City during the

⁸ The Respondents do not dispute that the notices by publication in this bankruptcy case were adequate, as to unknown creditors.

Relevant Time. For example, there is no evidence that at any time before April 23, 2015,⁹ any of the Respondents communicated any demand for payment to the City or communicated to the City the existence of a claim against the City. None of the phone calls to the Detroit Police Department that allegedly were made by Respondent Debra Metris-Shamoon and her son, Adam Shamoon,¹⁰ described in their Declarations,¹¹ constituted a demand for payment on any claim or a communication of the existence of a claim against the City.¹² Nor is there any evidence that at any time before April 23, 2015, the City's books and records indicated that any of the Respondents had or alleged any claims against the City.

8. All of the Respondents' claims against the City were discharged, under the discharge provisions in the City's confirmed plan of adjustment, on that plan's Effective Date of December 10, 2014. *See* Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City

⁹ April 23, 2015 is the date of a letter mailed by the Respondents' attorney to the City's Legal Department, requesting documents for the putative class action of *Davis v. City of Detroit*, Case No. 15-10547 (E.D. Mich.). *See* Ex. D to Respondents' Resp. (Docket # 13565-11). During the hearing on the Motion, the Respondents' attorney identified the sending of this letter and its enclosure as the first time that the City was made aware that any of the Respondents were putative class members in the *Davis* case. (Ultimately, the *Davis* case was not certified as a class action, and was settled.) The Respondents filed their own action against the City and others — the District Court Case — on November 26, 2018.

¹⁰ Adam Shamoon is not one of the Respondents, and did not join as a plaintiff in the District Court Case. He was not present when the September 13, 2012 raid occurred. Four guns belonging to Adam Shamoon were seized in the raid, but they were later returned to him.

¹¹ Exs. G and H to the Respondents' Resp. (Docket ## 13565-14 and 13565-15).

¹² The allegations about these phone calls can fairly be summarized as follows. First, Adam Shamoon says that in the days and weeks soon after the raid, he called the police department three times, during which he asked why his parents' house was raided, and to seek the return of his four guns that had been seized. He was given no information or explanation about the raid, but he was permitted to pick up his guns. (*See* Ex. G to the Respondents' Resp. (Docket # 13565-14). Second, Debra Metris-Shamoon says that she called the police department twice, asking why the police had raided her home and demanding to see a warrant. She received no explanation. (*See* Ex. H to the Respondents' Resp. (Docket # 13565-15).

of Detroit, filed November 12, 2014 (Docket # 8272, the “OCP”) at 87-88; Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (Docket # 8045, copy attached to OCP at Docket # 8272 (App. I), the “Plan”) at 50, Article III.D.4.¹³

9. Under the injunction provisions in the OCP and in the confirmed Plan, all of the Respondents are barred and enjoined from pursuing any of their discharged claims against the City, in the District Court Case or otherwise. *See* OCP at 89-91; Plan at 50-51, Article III.D.5.

10. Under the Court’s November 21, 2013 Order, cited by the City’s Motion as the “Bar Date Order” (Docket # 1782), the deadline for filing a proof of claim in this bankruptcy case was February 21, 2014. It is undisputed that none of the Respondents ever filed a proof of claim in this bankruptcy case.

11. Under ¶ 22 of the Bar Date Order, the Respondents are barred from receiving any distributions in this bankruptcy case, and the Respondents are “forever barred, estopped and enjoined from . . . asserting any claim against the City or property of the City[.]” *See* Bar Date Order at 14-15, ¶ 22.

12. The Respondents argue that the doctrines of equitable estoppel and laches preclude the City from seeking the relief it now seeks. These arguments are based on the City’s delay in seeking the relief it now seeks, and the City’s delay in raising the bankruptcy discharge in any way as a defense in the District Court Case. While the City has not adequately explained the

¹³ Contrary to the Respondents’ argument, the “gross negligence or willful misconduct” exception to a certain release that is contained in the Plan, in Article III.D.7.a, at 52, does not apply to the Respondents’ claims. For one thing, and as the City correctly argued during the hearing, that release and its exception apply only to claims of “holder[s] of a Claim that vote[d] in favor of the Plan.” (Article III.D.7.a of Plan at 52). None of the Respondents voted in favor of the Plan, or voted on the Plan at all. Indeed, none of the Respondents ever filed a proof of claim in this bankruptcy case.

reason(s) for its delay, the Court cannot apply either equitable estoppel or laches to bar the City's relief. Neither of these doctrines can be used to deprive the City of the benefit of its bankruptcy discharge.

13. Even if the City had delayed raising the bankruptcy discharge until after suffering an adverse judgment on the Respondents' claims in the District Court Case, the City could not be deprived of the benefit of the bankruptcy discharge. Any such adverse judgment would be deemed "void ab initio" under binding case law in the Sixth Circuit. *See Hamilton v. Herr (In re Hamilton)*, 540 F.3d 367, 373-76 (6th Cir. 2008). Under *Hamilton*, a debtor who is faced with a lawsuit asserting a claim that was discharged in bankruptcy has no duty to do anything. Based on 11 U.S.C. §§ 524(a)(1) and 524(a)(2),¹⁴ the court in *Hamilton* held that it is "absolutely unnecessary for the debtor to do anything at all in [such an] action." *Id.* at 373 (quoting 4 Collier on Bankruptcy ¶ 524.LH[1] at 524-57 (Sept. 2005) (Lawrence P. King ed., 15th ed. rev.)). "[A]ny judgment on a discharged debt in any forum other than the bankruptcy court is . . . rendered null and void by section 524(a)." *Id.*

¹⁴ Sections 524(a)(1) and 524(a)(2) apply in Chapter 9 cases. *See* 11 U.S.C. § 901(a). Those provisions in § 524(a) state:

(a) A discharge in a case under this title—

(1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under section 727, 944, 1141, 1192, 1228, or 1328 of this title, whether or not discharge of such debt is waived; [and]

(2) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived[.]

14. It follows that the City's delay in seeking the relief it now seeks cannot be used to deny such relief, under equitable doctrines like equitable estoppel and laches, or otherwise.

For the reasons stated in this Opinion, the City's Motion must be granted. The Court will enter a separate Order granting the City the relief it seeks.

Signed on August 26, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**ORDER GRANTING THE CITY OF DETROIT'S MOTION FOR THE ENTRY OF AN
ORDER ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, ET AL. (DOCKET # 13532)**

This case is before the Court on the motion by the City of Detroit, entitled “City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris” (Docket # 13532, the “Motion”). Today the Court has filed a written opinion regarding the Motion (Docket # 13617). For the reasons stated in that Opinion,

IT IS ORDERED that:

A. The Motion is granted.

B. No later than September 2, 2022, the Respondents Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (the “Respondents”) must dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case of *Debra Metris-Shamoon, et al. v. City of Detroit, et al.*, Case No. 18-cv-13683 (United States District Court, E.D. Michigan) (the “District Court Case”).

C. Each of the Respondents is permanently barred, estopped and enjoined from asserting claims asserted in the District Court Case or claims arising from or related to the District Court Case against the City of Detroit or property of the City of Detroit.

D. Each of the Respondents is prohibited from sharing in any distribution in this bankruptcy case.

E. The Court will retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

Signed on August 26, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

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

In re:

Case No. 13-53846

City of Detroit, Michigan,

Judge Thomas J. Tucker

Debtor.

Chapter 9

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):
Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris & Julie Metris
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☒ Creditor - Plaintiffs
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Doc 13617 & 13618 Order & Opinion
2. State the date on which the judgment, order, or decree was entered: 08/26/2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: _____ Attorney: _____

2. Party: _____ Attorney: _____

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

s/Michael R. Dezsi
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: 09/06/2022

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):
Michael R. Dezsi (P64530)

1523 N. Main St.
Royal Oak, MI 48067
(313) 757-8112

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**ORDER GRANTING THE CITY OF DETROIT'S MOTION FOR THE ENTRY OF AN
ORDER ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, ET AL. (DOCKET # 13532)**

This case is before the Court on the motion by the City of Detroit, entitled "City of Detroit's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris" (Docket # 13532, the "Motion"). Today the Court has filed a written opinion regarding the Motion (Docket # 13617). For the reasons stated in that Opinion,

IT IS ORDERED that:

A. The Motion is granted.

B. No later than September 2, 2022, the Respondents Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (the "Respondents") must dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case of *Debra Metris-Shamoon, et al. v. City of Detroit, et al.*, Case No. 18-cv-13683 (United States District Court, E.D. Michigan) (the "District Court Case").

C. Each of the Respondents is permanently barred, estopped and enjoined from asserting claims asserted in the District Court Case or claims arising from or related to the District Court Case against the City of Detroit or property of the City of Detroit.

D. Each of the Respondents is prohibited from sharing in any distribution in this bankruptcy case.

E. The Court will retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

Signed on August 26, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**OPINION REGARDING THE CITY OF DETROIT’S MOTION FOR THE ENTRY OF
AN ORDER ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, ET AL. (DOCKET # 13532)**

This case is before the Court on the motion by the City of Detroit (the “City”), entitled “City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris” (Docket # 13532, the “Motion”). As suggested by its title, the Motion seeks relief against the following individuals: Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (collectively, the “Respondents”). The City seeks injunctive and declaratory relief to prevent the Respondents from continuing to prosecute claims against the City that were discharged in this bankruptcy case.

The Respondents objected to the Motion, and argue that their claims were not discharged. The Court held a telephonic hearing on the Motion on August 24, 2022, then took the Motion under advisement. For the following reasons, the Court will grant the Motion.

The Court has reviewed and carefully considered all of the papers filed by the City and the Respondents concerning the Motion,¹ and all of the written and oral arguments of the parties. The Court finds and concludes as follows.

¹ Docket ## 13532, 13565, and 13588.

1. Each of the Respondents joined in filing and prosecuting claims against the City in the case of *Debra Metris-Shamoon, et al. v. City of Detroit, et al.*, Case No. 18-cv-13683 (United States District Court, E.D. Michigan) (the “District Court Case”), including the most recent statement of their claims, contained in their Second Amended Complaint filed on July 8, 2021 (the “Second Amended Complaint”).²

2. Each of the Respondents’ claims against the City arose several months before the City filed its petition commencing this Chapter 9 bankruptcy case on July 18, 2013. All of the events forming the basis of the Respondents’ claims occurred on September 13, 2012. The claims arose on that date, when officers of the Detroit Police Department conducted what the Respondents have called an “unlawful raid” on the home of two of the Respondents in Shelby Township, Michigan, and seized certain property.³ In their Second Amended Complaint, the Respondents alleged the following about the events of September 13, 2012:

9. In September 2012, Plaintiffs Deborah Metris-Shamoon and Mukhlis Shamoon were the lawful and licensed operator of a marijuana grow facility located at their residence in Shelby Township, Michigan.

10. On or about September 13, 2012, Defendants, acting under color of law and as officers of Defendant City of Detroit’s Narcotics Unit, conducted an unlawful raid of Plaintiffs’ home in Shelby Township, Michigan. The raid was supervised by, among others, Sgt. Joe Tucker⁴ of the Detroit Police Department.

11. Officers gained entry into Plaintiffs’ residence via forced entry

² A copy of the Second Amended Complaint appears as Exhibit 6-3 to the Motion (Docket # 13532-2).

³ See Respondents’ Br. (Docket # 13565) at pdf p. 3.

⁴ Sgt. Joe Tucker is no relation to the undersigned judge.

with at least one of the officers' weapons drawn.

12. The Officers purposefully concealed their identities during the raid and neither knocked or announced their presence before making a forced entry into Plaintiffs' home.

13. At no time during the raid did any of the officers show or present to Plaintiffs a lawfully issued search warrant.

14. During the raid, the officers destroyed Plaintiffs' home. Plaintiffs were unlawfully searched and seized within the meaning of the fourth amendment during the raid.

15. For an unknown duration of time, the officers extensively tore apart Plaintiffs' property and removed, without lawful authority, marijuana plants and other related legitimate and lawful by-products of Plaintiffs' business.

16. The officers had no probable cause to seize and/or arrest Plaintiffs nor were Plaintiffs ever shown a search or arrest warrant.

17. The officers also confiscated, without lawful authority, an Armsport 12-gauge shotgun, a BSA 9mm handgun, a Winchester Wildcat .22 Rifle, a BSR .45 Caliber Colt handgun, and money totaling \$315.00 from Plaintiffs' residence.

18. At no time were Plaintiffs ever given a copy of any search warrant or a list of items that were unlawfully seized from their property.

19. Plaintiffs were eventually released by Defendants and never charged with any violations of law.

20. During the raid, Plaintiff Mukhlis Shamoon was placed in handcuffs which the officers left on him after leaving the property such that Mukhlis was forced to wear the handcuffs for approximately ten hours.

21. Following the raid, Defendants produced a search warrant and affidavit sworn out by Defendant Geelhood in which Defendant falsely swore to facts in an attempt to manufacture probable cause.

22. In particular, Defendant Geelhood falsely swore to having

conducted surveillance of the Plaintiffs' home and having witnessed illegal drug transactions at Plaintiffs' residence.

23. Defendant Geelhood also falsely swore to having relied on a confidential informant to establish probable cause.⁵

3. Under what is known as the “fair contemplation” test, all of the Respondents’ claims against the City arose pre-petition — *i.e.*, before July 18, 2013 — because before that date, the Respondents “‘could have ascertained through the exercise of reasonable due diligence that [they] had a claim’” against the City, based on the events of September 13, 2012. *See In re City of Detroit, Michigan*, 548 B.R. 748, 763 (Bankr. E.D. Mich. 2016) (citation omitted).⁶

4. In addition, the Respondents each admitted and agreed, in the District Court Case, that their claims against the City, which are brought under 42 U.S.C. § 1983, accrued for statute of limitations purposes on September 13, 2012, because that is “the date [the Respondents] became aware of the alleged constitutional violations.”⁷

5. When the City filed its bankruptcy petition on July 18, 2013, and from that date until well after the December 10, 2014 Effective Date of the City’s confirmed plan of adjustment (the “Relevant Time”), each of the Respondents was an “unknown creditor” of the City, rather than a “known creditor,” as those concepts are defined in cases such as *Chemetron Corp. v. Jones*, 72

⁵ Second Amended Complaint at ¶¶ 9-23.

⁶ The “fair contemplation” test “looks at whether there was a pre-petition relationship between the debtor and the creditor, ‘such as contract, exposure, impact or privity,’ such that a possible claim is within the fair contemplation of the creditor at the time the petition is filed. . . . Under this test, a claim is considered to have arisen pre-petition if the creditor ‘could have ascertained through the exercise of reasonable due diligence that it had a claim’ at the time the petition is filed.” *Id.* (citations omitted).

⁷ *See* Ex. 6-2 to Respondents’ Resp. (Docket # 13532-2) at 13 (district court opinion, filed in the District Court Case on June 25, 2021).

F.3d 341, 345-46 (3d Cir. 1995) and *Monson v. City of Detroit*, Case No. 18-10638, 2019 WL 1057306, at *9-10 (E.D. Mich. Mar. 6, 2019). As unknown creditors, the Respondents validly could be, and were, given adequate notice of the City’s bankruptcy case by publication only.⁸ As a result, each of the Respondents had adequate notice of the City’s bankruptcy case, beginning shortly after it was filed on July 18, 2013.

6. The Respondents were “unknown creditors” of the City during the Relevant Time because during that time, the Respondents’ claims against the City were not “readily ascertainable” by the City. The Court agrees with the following statements of law by the court in *Monson*, including its statement of what “readily ascertainable” means in this context:

Bankruptcy law distinguishes between known and unknown creditors. Unknown creditors may be notified by publication; but known creditors are entitled to actual notice. Known creditors are those whose claims or identities are “readily ascertainable” by the debtor. Readily ascertainable means a debtor, through “reasonably diligent efforts” could discover a creditor’s claim. “Reasonably diligent efforts” does not require “impracticable and extended searches . . . in the name of due process.” Rather, a debtor must home in on its “own books and records.” Typically, that means the debtor has something in its possession, either a “demand for payment” or “some communication with a debtor concerning the existence of the creditor’s claim.”

Monson, 2019 WL 1057306, at *9 (citations omitted).

7. The Respondents have not presented or alleged any facts that could permit the Court to find that their claims against the City were “readily ascertainable” by the City during the

⁸ The Respondents do not dispute that the notices by publication in this bankruptcy case were adequate, as to unknown creditors.

Relevant Time. For example, there is no evidence that at any time before April 23, 2015,⁹ any of the Respondents communicated any demand for payment to the City or communicated to the City the existence of a claim against the City. None of the phone calls to the Detroit Police Department that allegedly were made by Respondent Debra Metris-Shamoon and her son, Adam Shamoon,¹⁰ described in their Declarations,¹¹ constituted a demand for payment on any claim or a communication of the existence of a claim against the City.¹² Nor is there any evidence that at any time before April 23, 2015, the City's books and records indicated that any of the Respondents had or alleged any claims against the City.

8. All of the Respondents' claims against the City were discharged, under the discharge provisions in the City's confirmed plan of adjustment, on that plan's Effective Date of December 10, 2014. *See* Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City

⁹ April 23, 2015 is the date of a letter mailed by the Respondents' attorney to the City's Legal Department, requesting documents for the putative class action of *Davis v. City of Detroit*, Case No. 15-10547 (E.D. Mich.). *See* Ex. D to Respondents' Resp. (Docket # 13565-11). During the hearing on the Motion, the Respondents' attorney identified the sending of this letter and its enclosure as the first time that the City was made aware that any of the Respondents were putative class members in the *Davis* case. (Ultimately, the *Davis* case was not certified as a class action, and was settled.) The Respondents filed their own action against the City and others — the District Court Case — on November 26, 2018.

¹⁰ Adam Shamoon is not one of the Respondents, and did not join as a plaintiff in the District Court Case. He was not present when the September 13, 2012 raid occurred. Four guns belonging to Adam Shamoon were seized in the raid, but they were later returned to him.

¹¹ Exs. G and H to the Respondents' Resp. (Docket ## 13565-14 and 13565-15).

¹² The allegations about these phone calls can fairly be summarized as follows. First, Adam Shamoon says that in the days and weeks soon after the raid, he called the police department three times, during which he asked why his parents' house was raided, and to seek the return of his four guns that had been seized. He was given no information or explanation about the raid, but he was permitted to pick up his guns. (*See* Ex. G to the Respondents' Resp. (Docket # 13565-14). Second, Debra Metris-Shamoon says that she called the police department twice, asking why the police had raided her home and demanding to see a warrant. She received no explanation. (*See* Ex. H to the Respondents' Resp. (Docket # 13565-15).

of Detroit, filed November 12, 2014 (Docket # 8272, the “OCP”) at 87-88; Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (Docket # 8045, copy attached to OCP at Docket # 8272 (App. I), the “Plan”) at 50, Article III.D.4.¹³

9. Under the injunction provisions in the OCP and in the confirmed Plan, all of the Respondents are barred and enjoined from pursuing any of their discharged claims against the City, in the District Court Case or otherwise. *See* OCP at 89-91; Plan at 50-51, Article III.D.5.

10. Under the Court’s November 21, 2013 Order, cited by the City’s Motion as the “Bar Date Order” (Docket # 1782), the deadline for filing a proof of claim in this bankruptcy case was February 21, 2014. It is undisputed that none of the Respondents ever filed a proof of claim in this bankruptcy case.

11. Under ¶ 22 of the Bar Date Order, the Respondents are barred from receiving any distributions in this bankruptcy case, and the Respondents are “forever barred, estopped and enjoined from . . . asserting any claim against the City or property of the City[.]” *See* Bar Date Order at 14-15, ¶ 22.

12. The Respondents argue that the doctrines of equitable estoppel and laches preclude the City from seeking the relief it now seeks. These arguments are based on the City’s delay in seeking the relief it now seeks, and the City’s delay in raising the bankruptcy discharge in any way as a defense in the District Court Case. While the City has not adequately explained the

¹³ Contrary to the Respondents’ argument, the “gross negligence or willful misconduct” exception to a certain release that is contained in the Plan, in Article III.D.7.a, at 52, does not apply to the Respondents’ claims. For one thing, and as the City correctly argued during the hearing, that release and its exception apply only to claims of “holder[s] of a Claim that vote[d] in favor of the Plan.” (Article III.D.7.a of Plan at 52). None of the Respondents voted in favor of the Plan, or voted on the Plan at all. Indeed, none of the Respondents ever filed a proof of claim in this bankruptcy case.

reason(s) for its delay, the Court cannot apply either equitable estoppel or laches to bar the City's relief. Neither of these doctrines can be used to deprive the City of the benefit of its bankruptcy discharge.

13. Even if the City had delayed raising the bankruptcy discharge until after suffering an adverse judgment on the Respondents' claims in the District Court Case, the City could not be deprived of the benefit of the bankruptcy discharge. Any such adverse judgment would be deemed "void ab initio" under binding case law in the Sixth Circuit. *See Hamilton v. Herr (In re Hamilton)*, 540 F.3d 367, 373-76 (6th Cir. 2008). Under *Hamilton*, a debtor who is faced with a lawsuit asserting a claim that was discharged in bankruptcy has no duty to do anything. Based on 11 U.S.C. §§ 524(a)(1) and 524(a)(2),¹⁴ the court in *Hamilton* held that it is "absolutely unnecessary for the debtor to do anything at all in [such an] action." *Id.* at 373 (quoting 4 Collier on Bankruptcy ¶ 524.LH[1] at 524-57 (Sept. 2005) (Lawrence P. King ed., 15th ed. rev.)). "[A]ny judgment on a discharged debt in any forum other than the bankruptcy court is . . . rendered null and void by section 524(a)." *Id.*

¹⁴ Sections 524(a)(1) and 524(a)(2) apply in Chapter 9 cases. *See* 11 U.S.C. § 901(a). Those provisions in § 524(a) state:

(a) A discharge in a case under this title—

(1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under section 727, 944, 1141, 1192, 1228, or 1328 of this title, whether or not discharge of such debt is waived; [and]

(2) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived[.]

14. It follows that the City's delay in seeking the relief it now seeks cannot be used to deny such relief, under equitable doctrines like equitable estoppel and laches, or otherwise.

For the reasons stated in this Opinion, the City's Motion must be granted. The Court will enter a separate Order granting the City the relief it seeks.

Signed on August 26, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

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

In re:

Case No. 13-53846

City of Detroit, Michigan,

Judge Thomas J. Tucker

Debtor.

Chapter 9

Amended NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):
Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris & Julie Metris
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☒ Creditor - Plaintiffs
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Doc 13617 & 13618 Order & Opinion
2. State the date on which the judgment, order, or decree was entered: 08/26/2022

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Creditor-Plaintiffs/Appellants
Debra Metris-Shamoon
Mukhlis Shamoon
Julia and Paul Metris
Carl Veres
Attorney: Michael R. Dezsi (P64530)
c/o Dettmer & Dezsi, PLLC
1523 N. Main St.
Royal Oak, MI 48067
2. Party: Debtor-Appellee Attorney: Mark Swanson (P71149)
Miller, Canfield, Paddock, and Stone, PLC
150 W. Jefferson, Suite 2500
Detroit, MI 48226

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/Michael R. Dezsi
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: 09/08/2022

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):
Michael R. Dezsi (P64530)

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Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**ORDER GRANTING THE CITY OF DETROIT'S MOTION FOR THE ENTRY OF AN
ORDER ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, ET AL. (DOCKET # 13532)**

This case is before the Court on the motion by the City of Detroit, entitled "City of Detroit's Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris" (Docket # 13532, the "Motion"). Today the Court has filed a written opinion regarding the Motion (Docket # 13617). For the reasons stated in that Opinion,

IT IS ORDERED that:

A. The Motion is granted.

B. No later than September 2, 2022, the Respondents Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (the "Respondents") must dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case of *Debra Metris-Shamoon, et al. v. City of Detroit, et al.*, Case No. 18-cv-13683 (United States District Court, E.D. Michigan) (the "District Court Case").

C. Each of the Respondents is permanently barred, estopped and enjoined from asserting claims asserted in the District Court Case or claims arising from or related to the District Court Case against the City of Detroit or property of the City of Detroit.

D. Each of the Respondents is prohibited from sharing in any distribution in this bankruptcy case.

E. The Court will retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

Signed on August 26, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**OPINION REGARDING THE CITY OF DETROIT’S MOTION FOR THE ENTRY OF
AN ORDER ENFORCING THE BAR DATE ORDER AND CONFIRMATION ORDER
AGAINST DEBRA METRIS-SHAMOON, ET AL. (DOCKET # 13532)**

This case is before the Court on the motion by the City of Detroit (the “City”), entitled “City of Detroit’s Motion for the Entry of an Order Enforcing the Bar Date Order and Confirmation Order Against Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris” (Docket # 13532, the “Motion”). As suggested by its title, the Motion seeks relief against the following individuals: Debra Metris-Shamoon, Mukhlis Shamoon, Carl Veres, Paul Metris and Julia Metris (collectively, the “Respondents”). The City seeks injunctive and declaratory relief to prevent the Respondents from continuing to prosecute claims against the City that were discharged in this bankruptcy case.

The Respondents objected to the Motion, and argue that their claims were not discharged. The Court held a telephonic hearing on the Motion on August 24, 2022, then took the Motion under advisement. For the following reasons, the Court will grant the Motion.

The Court has reviewed and carefully considered all of the papers filed by the City and the Respondents concerning the Motion,¹ and all of the written and oral arguments of the parties. The Court finds and concludes as follows.

¹ Docket ## 13532, 13565, and 13588.

1. Each of the Respondents joined in filing and prosecuting claims against the City in the case of *Debra Metris-Shamoon, et al. v. City of Detroit, et al.*, Case No. 18-cv-13683 (United States District Court, E.D. Michigan) (the “District Court Case”), including the most recent statement of their claims, contained in their Second Amended Complaint filed on July 8, 2021 (the “Second Amended Complaint”).²

2. Each of the Respondents’ claims against the City arose several months before the City filed its petition commencing this Chapter 9 bankruptcy case on July 18, 2013. All of the events forming the basis of the Respondents’ claims occurred on September 13, 2012. The claims arose on that date, when officers of the Detroit Police Department conducted what the Respondents have called an “unlawful raid” on the home of two of the Respondents in Shelby Township, Michigan, and seized certain property.³ In their Second Amended Complaint, the Respondents alleged the following about the events of September 13, 2012:

9. In September 2012, Plaintiffs Deborah Metris-Shamoon and Mukhlis Shamoon were the lawful and licensed operator of a marijuana grow facility located at their residence in Shelby Township, Michigan.

10. On or about September 13, 2012, Defendants, acting under color of law and as officers of Defendant City of Detroit’s Narcotics Unit, conducted an unlawful raid of Plaintiffs’ home in Shelby Township, Michigan. The raid was supervised by, among others, Sgt. Joe Tucker⁴ of the Detroit Police Department.

11. Officers gained entry into Plaintiffs’ residence via forced entry

² A copy of the Second Amended Complaint appears as Exhibit 6-3 to the Motion (Docket # 13532-2).

³ See Respondents’ Br. (Docket # 13565) at pdf p. 3.

⁴ Sgt. Joe Tucker is no relation to the undersigned judge.

with at least one of the officers' weapons drawn.

12. The Officers purposefully concealed their identities during the raid and neither knocked or announced their presence before making a forced entry into Plaintiffs' home.

13. At no time during the raid did any of the officers show or present to Plaintiffs a lawfully issued search warrant.

14. During the raid, the officers destroyed Plaintiffs' home. Plaintiffs were unlawfully searched and seized within the meaning of the fourth amendment during the raid.

15. For an unknown duration of time, the officers extensively tore apart Plaintiffs' property and removed, without lawful authority, marijuana plants and other related legitimate and lawful by-products of Plaintiffs' business.

16. The officers had no probable cause to seize and/or arrest Plaintiffs nor were Plaintiffs ever shown a search or arrest warrant.

17. The officers also confiscated, without lawful authority, an Armsport 12-gauge shotgun, a BSA 9mm handgun, a Winchester Wildcat .22 Rifle, a BSR .45 Caliber Colt handgun, and money totaling \$315.00 from Plaintiffs' residence.

18. At no time were Plaintiffs ever given a copy of any search warrant or a list of items that were unlawfully seized from their property.

19. Plaintiffs were eventually released by Defendants and never charged with any violations of law.

20. During the raid, Plaintiff Mukhlis Shamoon was placed in handcuffs which the officers left on him after leaving the property such that Mukhlis was forced to wear the handcuffs for approximately ten hours.

21. Following the raid, Defendants produced a search warrant and affidavit sworn out by Defendant Geelhood in which Defendant falsely swore to facts in an attempt to manufacture probable cause.

22. In particular, Defendant Geelhood falsely swore to having

conducted surveillance of the Plaintiffs' home and having witnessed illegal drug transactions at Plaintiffs' residence.

23. Defendant Geelhood also falsely swore to having relied on a confidential informant to establish probable cause.⁵

3. Under what is known as the “fair contemplation” test, all of the Respondents’ claims against the City arose pre-petition — *i.e.*, before July 18, 2013 — because before that date, the Respondents “‘could have ascertained through the exercise of reasonable due diligence that [they] had a claim’” against the City, based on the events of September 13, 2012. *See In re City of Detroit, Michigan*, 548 B.R. 748, 763 (Bankr. E.D. Mich. 2016) (citation omitted).⁶

4. In addition, the Respondents each admitted and agreed, in the District Court Case, that their claims against the City, which are brought under 42 U.S.C. § 1983, accrued for statute of limitations purposes on September 13, 2012, because that is “the date [the Respondents] became aware of the alleged constitutional violations.”⁷

5. When the City filed its bankruptcy petition on July 18, 2013, and from that date until well after the December 10, 2014 Effective Date of the City’s confirmed plan of adjustment (the “Relevant Time”), each of the Respondents was an “unknown creditor” of the City, rather than a “known creditor,” as those concepts are defined in cases such as *Chemetron Corp. v. Jones*, 72

⁵ Second Amended Complaint at ¶¶ 9-23.

⁶ The “fair contemplation” test “looks at whether there was a pre-petition relationship between the debtor and the creditor, ‘such as contract, exposure, impact or privity,’ such that a possible claim is within the fair contemplation of the creditor at the time the petition is filed. . . . Under this test, a claim is considered to have arisen pre-petition if the creditor ‘could have ascertained through the exercise of reasonable due diligence that it had a claim’ at the time the petition is filed.” *Id.* (citations omitted).

⁷ *See* Ex. 6-2 to Respondents’ Resp. (Docket # 13532-2) at 13 (district court opinion, filed in the District Court Case on June 25, 2021).

F.3d 341, 345-46 (3d Cir. 1995) and *Monson v. City of Detroit*, Case No. 18-10638, 2019 WL 1057306, at *9-10 (E.D. Mich. Mar. 6, 2019). As unknown creditors, the Respondents validly could be, and were, given adequate notice of the City's bankruptcy case by publication only.⁸ As a result, each of the Respondents had adequate notice of the City's bankruptcy case, beginning shortly after it was filed on July 18, 2013.

6. The Respondents were "unknown creditors" of the City during the Relevant Time because during that time, the Respondents' claims against the City were not "readily ascertainable" by the City. The Court agrees with the following statements of law by the court in *Monson*, including its statement of what "readily ascertainable" means in this context:

Bankruptcy law distinguishes between known and unknown creditors. Unknown creditors may be notified by publication; but known creditors are entitled to actual notice. Known creditors are those whose claims or identities are "readily ascertainable" by the debtor. Readily ascertainable means a debtor, through "reasonably diligent efforts" could discover a creditor's claim. "Reasonably diligent efforts" does not require "impracticable and extended searches . . . in the name of due process." Rather, a debtor must home in on its "own books and records." Typically, that means the debtor has something in its possession, either a "demand for payment" or "some communication with a debtor concerning the existence of the creditor's claim."

Monson, 2019 WL 1057306, at *9 (citations omitted).

7. The Respondents have not presented or alleged any facts that could permit the Court to find that their claims against the City were "readily ascertainable" by the City during the

⁸ The Respondents do not dispute that the notices by publication in this bankruptcy case were adequate, as to unknown creditors.

Relevant Time. For example, there is no evidence that at any time before April 23, 2015,⁹ any of the Respondents communicated any demand for payment to the City or communicated to the City the existence of a claim against the City. None of the phone calls to the Detroit Police Department that allegedly were made by Respondent Debra Metris-Shamoon and her son, Adam Shamoon,¹⁰ described in their Declarations,¹¹ constituted a demand for payment on any claim or a communication of the existence of a claim against the City.¹² Nor is there any evidence that at any time before April 23, 2015, the City's books and records indicated that any of the Respondents had or alleged any claims against the City.

8. All of the Respondents' claims against the City were discharged, under the discharge provisions in the City's confirmed plan of adjustment, on that plan's Effective Date of December 10, 2014. *See* Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City

⁹ April 23, 2015 is the date of a letter mailed by the Respondents' attorney to the City's Legal Department, requesting documents for the putative class action of *Davis v. City of Detroit*, Case No. 15-10547 (E.D. Mich.). *See* Ex. D to Respondents' Resp. (Docket # 13565-11). During the hearing on the Motion, the Respondents' attorney identified the sending of this letter and its enclosure as the first time that the City was made aware that any of the Respondents were putative class members in the *Davis* case. (Ultimately, the *Davis* case was not certified as a class action, and was settled.) The Respondents filed their own action against the City and others — the District Court Case — on November 26, 2018.

¹⁰ Adam Shamoon is not one of the Respondents, and did not join as a plaintiff in the District Court Case. He was not present when the September 13, 2012 raid occurred. Four guns belonging to Adam Shamoon were seized in the raid, but they were later returned to him.

¹¹ Exs. G and H to the Respondents' Resp. (Docket ## 13565-14 and 13565-15).

¹² The allegations about these phone calls can fairly be summarized as follows. First, Adam Shamoon says that in the days and weeks soon after the raid, he called the police department three times, during which he asked why his parents' house was raided, and to seek the return of his four guns that had been seized. He was given no information or explanation about the raid, but he was permitted to pick up his guns. (*See* Ex. G to the Respondents' Resp. (Docket # 13565-14). Second, Debra Metris-Shamoon says that she called the police department twice, asking why the police had raided her home and demanding to see a warrant. She received no explanation. (*See* Ex. H to the Respondents' Resp. (Docket # 13565-15).

of Detroit, filed November 12, 2014 (Docket # 8272, the “OCP”) at 87-88; Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (Docket # 8045, copy attached to OCP at Docket # 8272 (App. I), the “Plan”) at 50, Article III.D.4.¹³

9. Under the injunction provisions in the OCP and in the confirmed Plan, all of the Respondents are barred and enjoined from pursuing any of their discharged claims against the City, in the District Court Case or otherwise. *See* OCP at 89-91; Plan at 50-51, Article III.D.5.

10. Under the Court’s November 21, 2013 Order, cited by the City’s Motion as the “Bar Date Order” (Docket # 1782), the deadline for filing a proof of claim in this bankruptcy case was February 21, 2014. It is undisputed that none of the Respondents ever filed a proof of claim in this bankruptcy case.

11. Under ¶ 22 of the Bar Date Order, the Respondents are barred from receiving any distributions in this bankruptcy case, and the Respondents are “forever barred, estopped and enjoined from . . . asserting any claim against the City or property of the City[.]” *See* Bar Date Order at 14-15, ¶ 22.

12. The Respondents argue that the doctrines of equitable estoppel and laches preclude the City from seeking the relief it now seeks. These arguments are based on the City’s delay in seeking the relief it now seeks, and the City’s delay in raising the bankruptcy discharge in any way as a defense in the District Court Case. While the City has not adequately explained the

¹³ Contrary to the Respondents’ argument, the “gross negligence or willful misconduct” exception to a certain release that is contained in the Plan, in Article III.D.7.a, at 52, does not apply to the Respondents’ claims. For one thing, and as the City correctly argued during the hearing, that release and its exception apply only to claims of “holder[s] of a Claim that vote[d] in favor of the Plan.” (Article III.D.7.a of Plan at 52). None of the Respondents voted in favor of the Plan, or voted on the Plan at all. Indeed, none of the Respondents ever filed a proof of claim in this bankruptcy case.

reason(s) for its delay, the Court cannot apply either equitable estoppel or laches to bar the City's relief. Neither of these doctrines can be used to deprive the City of the benefit of its bankruptcy discharge.

13. Even if the City had delayed raising the bankruptcy discharge until after suffering an adverse judgment on the Respondents' claims in the District Court Case, the City could not be deprived of the benefit of the bankruptcy discharge. Any such adverse judgment would be deemed "void ab initio" under binding case law in the Sixth Circuit. *See Hamilton v. Herr (In re Hamilton)*, 540 F.3d 367, 373-76 (6th Cir. 2008). Under *Hamilton*, a debtor who is faced with a lawsuit asserting a claim that was discharged in bankruptcy has no duty to do anything. Based on 11 U.S.C. §§ 524(a)(1) and 524(a)(2),¹⁴ the court in *Hamilton* held that it is "absolutely unnecessary for the debtor to do anything at all in [such an] action." *Id.* at 373 (quoting 4 Collier on Bankruptcy ¶ 524.LH[1] at 524-57 (Sept. 2005) (Lawrence P. King ed., 15th ed. rev.)). "[A]ny judgment on a discharged debt in any forum other than the bankruptcy court is . . . rendered null and void by section 524(a)." *Id.*

¹⁴ Sections 524(a)(1) and 524(a)(2) apply in Chapter 9 cases. *See* 11 U.S.C. § 901(a). Those provisions in § 524(a) state:

(a) A discharge in a case under this title—

(1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under section 727, 944, 1141, 1192, 1228, or 1328 of this title, whether or not discharge of such debt is waived; [and]

(2) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived[.]

14. It follows that the City's delay in seeking the relief it now seeks cannot be used to deny such relief, under equitable doctrines like equitable estoppel and laches, or otherwise.

For the reasons stated in this Opinion, the City's Motion must be granted. The Court will enter a separate Order granting the City the relief it seeks.

Signed on August 26, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

In re:

CITY OF DETROIT, MICHIGAN,

Case No.: 13-53846

Debtor.

Chapter 9

Judge Thomas T. Tucker

Debra Metris-Shamoon, Muhklis Shamoon,
Carl Veres, Julia and Paul Metris,

Adv. No.:

Appellant,

v.

City of Detroit, MI

Appellee.

CAUSE OF ACTION/NATURE OF SUIT: (This matter is referred to the district court for the following reasons)

<u> x </u>	[422] 28 U.S.C. 158	Bankruptcy Appeal
<u> </u>	[422] 28 U.S.C. 158	Motion for Leave to Appeal
<u> </u>	[423] 28 U.S.C. 157(d)	Motion for Withdrawal of Reference
<u> </u>	[423] 28 U.S.C. 157(c) (1)	Proposed Findings of Fact and Conclusions of Law
<u> </u>	[423] 28 U.S.C. 158 (c) (a)	Order of Contempt

Date: 09/08/2022

Name: /s/Michael R. Dezsi (P64530)

Respectfully submitted,

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--

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

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

Case No. 13-53846

Hon. Thomas J. Tucker

Chapter 9

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2022, I electronically filed and served a copy of the Notice of Appeal (Doc 13624), Amended Notice of Appeal and Statement of Election, Civil Cover Sheet and Proof of Service with the Clerk of the Court using the ECF system which will send notification to all interested parties and attorneys of record in this case. I further certify that on September 8, 2022, I served a copy of the Notice of Appeal (Doc 13624), Amended Notice of Appeal and Statement of Election, Civil Cover Sheet and Proof of Service upon counsel for the City of Detroit via email at:

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September 8, 2022

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