



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: March 7, 2023

To: Honorable Mayor and Troy City Council Members

From: Lori Grigg Bluhm, City Attorney
Nicole MacMillan, Assistant City Attorney

Subject: Angela Blanchard v. City of Troy et. al



The City has been served with the attached lawsuit filed by Plaintiff, Angela Blanchard. The lawsuit stems from an accident that occurred on February 26, 2021 at about 11:30 pm. On that date, a Troy Police Officer was driving southbound on Rochester Road, when he observed a driver on the northbound side of Rochester speeding at a rate of approximately 80 MPH. The Troy Police Officer used the turnaround just south of Big Beaver, in an attempt to catch the speeding vehicle. As the Troy Police Officer approached Big Beaver, he activated his overhead lights in order to proceed through the red light at the intersection. He made it halfway through the intersection at a speed of approximately 10 MPH, but as he passed through the second half of the intersection, he was struck by Plaintiff's vehicle.

At the time, Plaintiff did not complain of any injuries, nor did she request an ambulance or other medical attention. Nearly two years later, this lawsuit was filed, and Plaintiff alleges that she suffered head, neck and back injuries as a result of the accident. This lawsuit is filed against the Officer, who is alleged to have been negligent or grossly negligent, as well as the City, as the owner of the vehicle.

Plaintiff alleges that her damages exceed \$25,000, which is the threshold for filing a case in the Oakland County Circuit Court. It has been assigned to Judge Jeffery S. Matis. The proposed resolution authorizes our office to represent the City and Troy Police Officer in this case, and approves necessary expenditures required for the defense of the case.

Please let us know if you have any questions about this new lawsuit.

This case has been designated as an eFiling case, for more information please visit www.oakgov.com/efiling.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ANGELA BLANCHARD,

Plaintiff,

Case No. 23- -NI
Hon.

2023-198760-NI
JUDGE JEFFERY S. MATIS

vs.

CITY OF TROY
and;
DAVID HUGHSON, an employee of the city of
Troy Police Department

Defendants,

_____/
ROMANO LAW, PLLC
DANIEL G. ROMANO (P49117)
Attorneys for Plaintiff
30300 Telegraph Rd. Suite 125
Bingham Farms, MI 48025
(248) 750-0270
_____/

*There is no other pending or resolved civil action arising out of the transaction or occurrence
alleged in this Complaint.*

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, ANGELA BLANCHARD, (hereinafter: "BLANCHARD") by and
through her attorneys, ROMANO LAW, PLLC, and complaining against the above-named
Defendants, their agents, servants, and/or employees, either real or ostensible, respectfully represent
unto this Honorable Court as follows:

FILED Received for Filing Oakland County Clerk 2/10/2023 1:16 PM

LAW OFFICES
ROMANO LAW, PLLC
30300 Telegraph Road, Suite 125, Bingham Farms, Michigan 48025

GENERAL ALLEGATIONS

1. That Plaintiff BLANCHARD is a resident of the County of Oakland, State of Michigan.
2. That the accident giving rise to this matter occurred on February 26, 2021, in the city of Troy, County of Oakland, State of Michigan.
3. That at all times pertinent hereto, the Defendant, CITY OF TROY (hereinafter referred to as "TROY") is a Municipal Corporation that conducts business in the County of Oakland and is otherwise doing business and/or established in the County of Oakland, State of Michigan.
4. That on said dates and at all times material herein, the Defendant, DAVID HUGHSON, (hereinafter: "HUGHSON") was at all times material hereto an employee of Defendant TROY.
5. February 26, 2021, Plaintiff was involved in an automobile accident in which Defendant HUGHSON disregarded traffic control and collided with Plaintiff's vehicle, causing numerous severe and permanent injuries and damages to Plaintiff and Defendants, HUGHSON and TROY, are liable to her for their negligence that caused severe bodily injuries.
6. Plaintiff sustained personal injuries as a direct and proximate result of the motor vehicle accident.

COUNT I: BODILY INJURY LIABILITY AGAINST THIRD PARTY DEFENDANT HUGHSON

7. Plaintiff re-alleges and incorporates by reference all preceding paragraph as though more fully set forth herein.

8. That on or about February 26, 2021, Defendant HUGHSON was the driver of a motor vehicle with the plate number 053X493 and he operated said vehicle in a negligent manner, with the owner's consent, causing a collision with Plaintiff's vehicle and thereby causing injuries to Plaintiff, constituting a serious impairment of a body function that affects her ability to live her normal life.
9. Upon information and belief, Defendant HUGHSON, was operating the aforementioned vehicle within the scope of his employment with Defendant TROY.
10. Upon information and belief, Defendant TROY, is the owner of the aforementioned vehicle, operated by Defendant HUGHSON.
11. Although governmental entities generally have immunity to tort actions, MCL 691.1405 provides an exception for bodily injury and property damage resulting from the negligent operation by any officer, agent, or employee of the governmental agency, of a motor vehicle of which the governmental agency is owner.
12. That as set forth below, Defendant HUGHSON, negligently operated a government owned vehicle causing bodily injury.
13. That on the date and time aforesaid, Defendant owed duties to Plaintiff to operate said motor vehicle with reasonable care and caution under the Motor Vehicle Code of the State of Michigan, being MSA 9.2101 et seq., and the common law in such case made and provided, but breached said duties in at least one or more of the following particulars, so far as it is presently known.

14. That among those Statutes Defendant HUGHSON violated include, but are not limited to the following:

M.C.L.	257.401	Owner liability;
M.C.L.	257.402	Vehicle struck from rear;
M.C.L.	257.626	Reckless driving;
M.C.L.	257.626(b)	Careless or negligent driving;
M.C.L.	257.627	General restrictions as to speed - assured clear distance ahead;
M.C.L.	257.628	Failure to observe a speed limit or traffic control sign or signal;
M.C.L.	257.637	Passing on right side of vehicle;
M.C.L.	257.643	Following too closely;
M.C.L.	257.705	Brakes;

15. That Plaintiff sustained personal injuries as a direct and proximate result of the negligent acts and or omissions as herein alleged.

16. That as a direct and proximate result of negligence of Defendant, their Agents, servants and/or employees either real or ostensible, as aforesaid, the Plaintiff:

- a. Sustained severe bodily injuries, which were painful, disabling, and necessitated medical care;
- b. Suffered shock and emotional damage;
- c. Sustained possible aggravation of pre-existing conditions and/or reactivation of dormant conditions;

- d. Was unable to attend to their usual affairs;
 - e. Was unable to render services as formerly;
 - f. Hampered said Plaintiff in the enjoyment of the normal pursuit of life as before;
 - g. Said injuries are permanent to the degree that Plaintiff suffered a loss in ability to earn money as before, and will have impaired earning capacity in the future; and,
 - h. Said Plaintiff will continue to have pain and suffering as well as permanency, all as a result of Defendant's negligence as hereinbefore alleged
17. Said injuries are permanent, to the degree that Plaintiff suffered a loss in ability to earn money as before, and will have impaired earning capacity in the future.
18. Plaintiff will continue to have pain and suffering as well as permanency, all as a result of the Defendant's negligence, as herein before alleged.
19. As a direct and proximate result of the negligence of Defendant and the resulting injuries to Plaintiff, the Plaintiff sustained a serious impairment of a bodily function as an objectively manifested impairment of an important body function that affects the Plaintiff's general ability to lead a normal life including but not limited to: back, neck, and head injuries with a concussion and ongoing pain, as well as aggravation of pre-existing conditions and/or reactivation of dormant conditions, and other serve injuries.
20. The amount in controversy herein exceeds the sum of Twenty-Five Thousand Dollars (\$25,000).

WHEREFORE, Plaintiff asks for damages in her favor and against the Defendant in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney's fees.

**COUNT II - OWNER LIABILITY AGAINST THIRD
PARTY DEFENDANT CITY OF TROY**

21. Plaintiff incorporates by reference paragraphs 1 through 20 as though fully stated herein.
22. That on or about February 26, 2021, Defendant TROY was the owner of a motor vehicle with the plate number 053X493 and with Defendant TROY'S express and implied consent, Defendant HUGHSON operated said motor vehicle negligently, thereby causing injuries to Plaintiff, constituting a serious impairment of a body function that affects her ability to live her normal life.
23. Pursuant to the Civil Liability Act, MCL 691.1405, Defendant TROY, as owner, is liable for the negligent operation of the motor vehicle by Defendant, HUGHSON, and the damages suffered by Plaintiff as detailed elsewhere in this complaint and incorporated herein, pursuant to the motor vehicle exception to governmental immunity.
24. That Plaintiff, BLANCHARD, sustained personal injuries as a direct and proximate result of the negligent acts and or omissions as herein alleged.
25. That as a direct and proximate result of negligence of Defendant, their Agents, servants and/or employees either real or ostensible, as aforesaid, the Plaintiff:
 - a. Sustained severe bodily injuries, which were painful, disabling, and necessitated medical care;
 - b. Suffered shock and emotional damage;

- c. Sustained possible aggravation of pre-existing conditions and/or reactivation of dormant conditions;
- d. Was unable to attend to their usual affairs;
- e. Was unable to render services as formerly;
- f. Hampered said Plaintiff in the enjoyment of the normal pursuit of life as before;
- g. Said injuries are permanent to the degree that Plaintiff suffered a loss in ability to earn money as before, and will have impaired earning capacity in the future; and,
- h. Said Plaintiff will continue to have pain and suffering as well as permanency, all as a result of Defendant's negligence as hereinbefore alleged

26. As a direct and proximate result of the negligence of Defendant STERLING HEIGHTS and the resulting injuries to Plaintiff, the Plaintiff sustained a serious impairment of a bodily function as an objectively manifested impairment of an important body function that affects the Plaintiff's general ability to lead a normal life including but not limited to: neck, back, and head injuries with ongoing pain, as well as aggravation of pre-existing conditions and/or reactivation of dormant conditions, and other serve injuries.

**COUNT III: RESPONDEAT SUPERIOR LIABILITY AGAINST
THIRD PARTY DEFENDANT CITY OF TROY**

27. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though more fully set forth herein.

28. That CITY OF TROY employed or constructively employed HUGHSON on February 26, 2021.
29. That HUGHSON was in the course and scope of his employment or authority on February 26, 2021.
30. That during the course and scope of his employment or authority defendant, HUGHSON, operated the motor vehicle in a negligent manner by making an abrupt turn causing a collision with Plaintiff's vehicle, which caused the Plaintiff to be severely injured.
31. As a direct and proximate result of the negligence of Defendant and the resulting injuries to Plaintiff, the Plaintiff sustained a serious impairment of a bodily function as an objectively manifested impairment of an important body function that affects the Plaintiff's general ability to lead a normal life.

COUNT IV AND V:
MOTOR VEHICLE EXCEPTION TO GOVERNMENTAL IMMUNITY
AND GROSS NEGLIGENCE AGAINST DEFENDANT DRIVER HUGHSON

32. Plaintiff reincorporates all the allegations, as though fully stated herein.
33. On the date February 26, 2021, Defendants breached their duties to Plaintiff. Defendant TROY breached its duty by allowing the negligent operation of the motor vehicle (Police vehicle) under the Motor Vehicle Code, (and Defendant HUGHSON breached his duties by gross and negligent operation of the Police Vehicle) being MSA 9.2101 *et seq.*, Ordinances of the City of Sterling Heights, and the laws of the State of Michigan including the Exceptions

to Government Immunity at MCLA 691.1401 et seq, specifically the Motor Vehicle Exception (691.1405), and the common law in at least one or more of the following ways:

- a. Operated said vehicle without having it under constant control;
- b. Failed to make proper observation and failed to observe the presence of other users of the road and/or failed to take timely or proper action on such observation as was made in order to avoid a collision;
- c. Operated said vehicle in a careless and heedless manner, without due regard for the rights and safety of others, particularly the Plaintiff herein, and operated said vehicle without due care and circumspection and at a speed and in a manner so as to endanger or be likely to endanger persons and property in violation of MSA 9.2326;
- d. Failed to maintain the horn, brakes and other equipment of its motor vehicle in good working order as required by MSA 9.2405 and MSA 9.2406, and/or failed to sound the horn of her vehicle or to apply the brakes, when in sufficient time to take such action, she saw or should have seen that it was necessary to avoid a collision;
- f. Improperly breaking in the roadway;
- e. Operated said vehicle at a speed in excess of the legal rate of speed posted or otherwise provided;
- g. Operated said vehicle at a careless and imprudent rate of speed greater than was reasonable and proper, having due regard to the traffic, surface and width of said highway and of other conditions then existing, and operated the aforesaid vehicle at a speed greater than would permit it be brought to a stop within the assured clear distance ahead, and failed to bring the vehicle to a stop within the assured clear distance ahead, in violation of MSA 9.2327;

- h. Defendant owner is guilty of independent negligence to Plaintiff by carelessly entrusting the operation of said motor vehicle to a person who was unfit to operate a vehicle on the roadway of this state by reason of her inexperience and/or habitually negligent driving which was known to Defendant owner or in the exercise of reasonable care, should have been known to Defendant owner.
- 34. Defendant HUGHSON was driving the Police Vehicle owned by CITY OF TROY with the express and implied consent and knowledge of its owner, TROY, and Defendant, HUGHSON, was in the course and scope of his employment with TROY, said company being liable under the doctrine of Respondeat Superior and the Owners Liability Act when HUGHSON negligently operated TROYS Police Vehicle which led to Plaintiff's injuries.
- 35. Plaintiff, sustained injuries as a direct and proximate result of the Defendants' negligent and grossly negligent operation of a government owned vehicle, as herein alleged.
- 36. As a direct and proximate result of the gross negligence of Defendant HUGHSON and Defendant TROYS and pursuant to the Motor Vehicle Exception to Government Immunity, their agents, servants and/or employees either real or ostensible, as aforesaid, Plaintiff:
 - a. Sustained severe bodily injuries which were painful, disabling and necessitated medical care, including, but not limited to her neck, back, head and other parts of her body, as well as severe emotional distress;
 - b. Suffered shock and emotional damage;
 - c. Sustained possible aggravation of preexisting conditions and/or reactivation of dormant conditions;

- d. Was unable to attend to her usual affairs;
- e. Was unable to render services, as formerly;
- f. Hampered Plaintiff in the enjoyment of the normal pursuit of her life, as before;
- g. Said injuries are permanent, to the degree that Plaintiff suffered a loss in ability to earn money as before, and will have impaired earning capacity in the future;
- h. Plaintiff will continue to have pain and suffering as well as permanency, all as a result of Defendant's conduct, as herein before alleged;
- i. Plaintiff's injuries are to her neck, back, head, as well as to others body parts of her body to be revealed through discovery;

37. As a direct and proximate result of the negligence of Defendants, Plaintiff sustained a serious impairment of a body function including but not limited to her neck and back with head injuries as well as other body parts that affects her general ability to lead a normal life.

38. That the amount in controversy exceeds Twenty-Five Thousand Dollars (\$25,000.00), exclusive of interest, costs, and attorney fees, and is otherwise within the jurisdiction of this Court.

WHEREFORE, Plaintiff, ANGELA BLANCHARD, respectfully requests that this Honorable Court enter a Judgment against Defendants, CITY OF TROY, and HUGHSON, in such an amount as the trier of fact shall determine to be fair and just, but which sum will clearly exceed Twenty-Five Thousand Dollars (\$ 25,000.00), together with interest, costs, attorney fees, and such other relief as this Court may deem appropriate, in equity, fairness and good conscience.

Respectfully submitted,

ROMANO LAW, PLLC

By: Daniel G. Romano
DANIEL G. ROMANO (P49117)
ROMANO LAW, PLLC
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30300 Telegraph Rd Suite 125
Bingham Farms, MI 48025
(248) 750-0270

Dated: February 10, 2023

DEMAND FOR JURY

NOW COMES Plaintiff, ANGELA BLANCHARD, by and through her attorneys,
ROMANO LAW, PLLC, and hereby demands a trial by jury of the within cause.

Respectfully submitted,

ROMANO LAW, PLLC

By: Daniel G. Romano
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Dated: February 10, 2023