

STATE OF MICHIGAN
COURT OF APPEALS

KEVIN ABRAMCZYK, GERALD NORTON,
and DANIEL WLODKOWSKI,

UNPUBLISHED
April 9, 2002

Plaintiffs-Appellants/Cross-
Appellees,

and

ERIC BLAZ, MICHAEL BOYD, PAUL
DIEDRICH, PATRICK KAKOS, SEAN
LAFOUNTAIN, CHARLES PRATHER,
GERALD SCHULZ, and RICHARD SCHULZ,¹

Plaintiffs,

v

THE CITY OF SOUTHGATE, a Michigan
Municipal Corporation,

Defendant-Appellee/Cross-
Appellant,

and

STEPHEN AHLES, in an individual and official
capacity,

Defendant-Appellee,

and

NORMA WURMLINGER, in an individual and
official capacity,

Defendant.

No. 224222
Wayne Circuit Court
LC No. 96-640658-NO

¹ By stipulation of the parties, this Court entered an order on March 1, 2002 dismissing plaintiffs from this appeal with prejudice and without costs.

KEVIN ABRAMCZYK, GERALD NORTON,
and DANIEL WLODKOWSKI,

Plaintiffs-Appellees/Cross-
Appellants,

and

ERIC BLAZ, MICHAEL BOYD, PAUL
DIEDRICH, PATRICK KAKOS, SEAN
LAFOUNTAINE, CHARLES PRATHER,
GERALD SCHULZ, and RICHARD SCHULZ,²

Plaintiffs,

v

No. 224223
Wayne Circuit Court
LC No. 96-640658-NO

THE CITY OF SOUTHGATE,

Defendant-Appellant/Cross-
Appellee,

and

STEPHEN AHLES, in an individual and official
capacity, and NORMA WURMLINGER, in an
individual and official capacity,

Defendants.

KEVIN ABRAMCZYK, GERALD NORTON,
and DANIEL WLODKOWSKI,

Plaintiffs-Appellees/Cross
Appellants,

and

ERIC BLAZ, MICHAEL BOYD, PAUL

² See footnote 1.

DIEDRICH, PATRICK KAKOS, SEAN
LAFOUNTAIN, CHARLES PRATHER,
GERALD SCHULZ, and RICHARD SCHULZ,³

Plaintiffs,

v

STEPHEN AHLES, in an individual and official
capacity,

Defendant-Appellant/Cross-
Appellee,

and

THE CITY OF SOUTHGATE, a Michigan
Municipal Corporation, and NORMA
WURMLINGER, in an individual and official
capacity,

Defendants.

Before: O'Connell, P.J., and White and Cooper, JJ.

WHITE, J. (*concurring in part and dissenting in part*).

I concur in all respects with the majority opinion, except section D, addressing the public policy claim against defendant City. On that claim, I agree that the trial court properly vacated the award of punitive damages against defendant City, but on the basis that the jury's award of such damages was contrary to the jury instructions, and contrary to the jury's findings that defendant City did not violate the eavesdropping statutes.

I would affirm the trial court's determination not to disturb the jury's award of compensatory damages against defendant City on the public policy claim. The jury was permitted to make nuanced distinctions between defendant City directly violating the eavesdropping statutes, and defendant City permitting, at the highest level of City government, a violation of the eavesdropping statutes. I conclude that the evidence was such that the issues of policy and proximate cause discussed by the majority were properly left to the jury.

/s/ Helene N. White

(...continued)

³ See footnote 1.