

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS D'ANGELO,

Plaintiff,

CASE No. 2:10-cv-12195

HONORABLE LAWRENCE P. ZATKOFF

MAGISTRATE MONA E. MAJZOUB

v.

PAUL PARENT, CLINTON TOWNSHIP,
a municipal entity, **NICHOLAS DYKAS,**
JASON FIGURSKI and **KEITH WATSON,**
in their official and individual capacities,
jointly and severally,

Defendants.

AMOS E. WILLIAMS (P39118)
THOMAS E. KUHN (P37924)
AMOS E. WILLIAMS, P.C.
Attorneys for Plaintiff
615 Griswold St., Suite 1115
Detroit, Michigan 48226
(313) 963-5222

PETER W. PEACOCK (P37201)
PLUNKETT COONEY
Attorneys for Defendants Clinton
Township Dykas, Figurski and Watson
10 S. Main Street, Suite 400
Mt. Clemens, Michigan 48043
(586) 466-7605

CASE SUMMARY

1. Plaintiff's Statement of Claims

Plaintiff claims that Defendant police violated his rights when they arrested him without probable cause, fabricated evidence to try to create probable cause, and used excessive force against him during the arrest. Plaintiff brought claims under 42 USC 1983, and various state torts. The Defendants removed the case to federal court, and the court remanded Plaintiff's state law claims to Macomb Circuit Court.

2. Defendants' Statement of Claims/Defenses

Defendants were responding to a radio run where a complaint of indecent exposure was made by a patron at the Clinton Township Library. At all times relevant hereto these Defendants complied with all duties applicable under Michigan and Federal Law. Additionally, these Defendants are entitled to governmental immunity in addition to other affirmative defenses asserted in the Defendants Answer to Complaint. The Defendants removed this case to Federal Court, and the Court remanded Plaintiff's state law claims to the Macomb County Circuit Court.

3. Actual Damages

Plaintiff had damages incurred through the cost of legal defense against the wrongfully brought criminal charges. He also had emotional damages. In addition, Plaintiff may be entitled to attorney fees and costs, as well as punitive damages under 42 USC 1988.

The Defendants are unaware of any actual damages sustained by Plaintiff.

4. Expected Witnesses

Plaintiff expects the following witnesses: Plaintiff; Defendants; Jean Francois, 2437 Terova, Troy, Michigan 48007; Donna Davidson, 17463 Breckenridge, Clinton Township, Michigan 48083; Pam Lindsey, 17330 Moors, Fraser, Michigan 48026; Karen Bazner, 50629 Oakview, Chesterfield, Michigan 48047; Librarian. Discovery is on-going, and other individuals may be identified.

Defendants expect to the following witnesses: The Defendants herein, employee of the Clinton Township Library, Debra Bodner and Andy Nordin, 40900 Romeo Plank, Clinton Township, MI , and Paul Raymond Parent, 42573 Green Valley, Apt. 309, Clinton Township, MI.

5. Expected Expert Witnesses

Plaintiff will have a computer expert, as well as a psychological expert, likely to be Dr. Gerald Shiener.

Defendants will retain the services of a computer expert, in addition to Andy Nordin, and will be likely to retain the services of a psychologist/psychiatrist.

6. Discovery

Plaintiff does not expect to need much time for discovery— certainly no more than 90 additional days. Both parties have submitted discovery requests and gotten responses. Documentary evidence to show custom, policy and practice has been objected to by Defendants and is currently set for hearing by the Court.

Defendant would request that they be given 180 days of discovery. Depositions of the Plaintiff, Defendants and witness will be necessary. Further, examination and depositions of experts will be necessary.

7. Anticipated Depositions

Other than the Plaintiff, Defendants and witnesses at the library, no other depositions are expected by Plaintiff.

The Defendants expect the depositions to be taken of the Plaintiff, Defendants, library witnesses and employees, expert witnesses.

8. Relationship to other Cases

Plaintiff has state claims related to this case presently in Macomb Circuit Court.

Defendant concurs that Plaintiff has state claims related to the case presently before the Macomb County Circuit Court.

9. Additional Pleadings

At this time, Plaintiff is not aware of any additional pleadings or parties.

At this time, Defendants are not aware of any additional pleadings or parties.

10. Anticipated Motions

Plaintiff has filed a Motion to Compel Discovery. Plaintiff anticipates bringing no other type of motion in this case.

Defendants anticipate filing a Motion for Summary Judgment at the conclusion of discovery in this matter.

11. Anticipated Cost

Plaintiff has signed a contingency fee arrangement with his attorneys. As for expended costs by Plaintiff's counsel, the cost of a limited number of depositions, and trial exhibits and experts, probably won't exceed \$8,000.

Defendants anticipate that this matter, should it proceed through trial, would have costs in the approximate range of \$35,000 to \$50,000.

12. Case Evaluation

The parties will be required to do case evaluation on the state claims, and Plaintiff will not agree to do a second case evaluation.

The Defendants agree that the parties be required to do case evaluation on the state claims. Defendants suggest that the parties stipulated to have the federal claims also case evaluated at the same time the state claims are.

/s/Thomas E. Kuhn
Thomas E. Kuhn (P37924)
Amos E. Williams (P39118)
Attorneys for Plaintiff

/s/Peter W. Peacock {w/consent}
Peter W. Peacock (P37201)
Attorney for Defendants

Dated: October 8, 2010

PROOF OF SERVICE

Leslie Johnson, being duly sworn, deposes and says that on October 8, 2010, she served a copy of the ***Case Summary and Proof of Service*** upon all counsel of record by depositing same in the U.S. mail at Detroit, Michigan.

/s/Leslie Johnson
Leslie Johnson