

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

M. AMELIA (NEAL) JERMANO,

Plaintiff,

vs.

Case No. 11-10739

OFFICER TROY TAYLOR, et al,

HON. AVERN COHN

Defendants.

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**ORDER**

**ADOPTING REPORTS AND RECOMMENDATIONS (Docs. 112, 113)**

**AND**

**GRANTING MOTION FOR JUDGMENT ON THE PLEADINGS BY YWCA DETROIT,  
PAMELA McCORMICK, SANDRA JONES-KARIM, AND CURTIS FRANCE (Doc. 96)**

**AND**

**GRANTING MOTION TO DISMISS OR FOR SUMMARY JUDGEMENT BY TROY  
TAYLOR, RACHEL MEYERS, ERIC ZARFL, MICHAEL PINKERTON, ANTHONY  
CARIGNAN, SHAWN TETLER, JOHN STANSON, KEITH HERMANS, "OFFICER  
SK," JIM ROURKE, CHRIS MARTINELLI, ROB WICKHAM, JAMES HOCK, AND THE  
CITY OF OAK PARK POLICE DEPARTMENT (Doc. 82)**

**AND**

**DISMISSING REMAINING DEFENDANTS FOR LACK OF PROSECUTION**

I.

This is a civil rights case. Plaintiff filed a pro se civil complaint on February 23, 2011, naming 48 defendants in 25 counts, including members of the Oak Park and Troy, Michigan police departments. The second amended complaint pertains to the alleged actions by various police officers and agencies, and a state criminal action against her for violating a PPO and aggravated stalking. Plaintiff makes claims for violations of her constitutional rights under 42 U.S.C. §§ 1983, 1985 and 1986, violations of various federal criminal statutes and a number of state law claims.

The matter was referred to a magistrate judge for pretrial proceedings. As will be explained, several defendants filed dispositive motions and some defendants have already been dismissed based on those motions.<sup>1</sup> Currently before the Court are the following motions:

- YWCA of Metropolitan Detroit, Pamela McCormick, Sandra Jones-Karim and Curtis France's Motion for Judgment on the Pleadings (Doc. 96)

and

- = Troy Taylor, Rachel Meyers, Eric Zarfl, Michael Pinkerton, Anthony Carignan, Shawn Tetier, John Stanson, Keith Hermans, "Officer Sk," Jim Rourke, Chris Martinelli, Rob Wickham, James Hock, and City of Oak Park Police Department's Motion to Dismiss or for Summary Judgment (Doc. 82)

On February 28, 2013, the magistrate judge issued a report and recommendation (MJRR) the YMCA, et. al's motion, recommending that the motion be granted. (Doc. 112). On March 4, 2013, the magistrate judge issue an MJRR on Troy Taylor, et. al's

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<sup>1</sup>The City of Troy Police Department, Troy Police Officers Scott La Mitza, Edwin Julian, and Timothy Garcher and City of Troy Civil Service Commission member David Cannon filed a motion to dismiss or for summary judgment. (Doc. 24). The magistrate judge issued a MJRR), recommending that the motion be granted. (Doc. 67) Plaintiff objected (Doc. 73). Then, plaintiff's court-appointed attorney in state court, Michael McCarthy filed a motion to dismiss (Doc. 30). Finally, plaintiff's other court-appointed attorneys in state court, Martin Krohner and Dean Eldon, (Doc. 33) also filed a motion to dismiss. The magistrate judge issued a MJRR recommending that both motions be granted. (Doc. 67). Plaintiff objected. (Doc. 75).

The Court overruled plaintiff's objections, adopted both MJRRs, granted the defendants' summary judgment motions, and dismissed those defendants from the case. (Doc. 79). Thereafter, Christopher Jahnke and the Royal Oak Police Department filed a Motion for Judgment on the Pleadings (Doc. 49), Jessica Cooper, Joanne Pray, Oakland County Jail, and Michael Bouchard filed a Motion to Dismiss or for Summary Judgment (Doc. 58), and Common Ground, Shawn Force, and Melissa Felice filed a Motion for Judgment on the Pleadings (Doc. 64).

On July 30 and 31, the magistrate judge issued separate reports and recommendations (MJRR) on each motion, recommending that each motion be granted. (Docs. 99, 100, 101). Neither party objected to the MJRRs. The Court adopted the MJRRs and granted the motions. (Doc. 107).

motion, recommending that the motion be granted. (Doc. 113). Neither party has objected to the MJRRs and the time for filing objections has passed.

## II.

A failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRRs and agrees with the magistrate judge. As explained in the MJRRs, plaintiff has not made out a viable claim against any of the moving defendants.

## III.

Accordingly, the MJRRs are ADOPTED as the findings and conclusions of the Court. The YWCA of Metropolitan Detroit, Pamela McCormick, Sandra Jones-Karim and Curtis France's Motion for Judgment on the Pleadings (Doc. 96) is GRANTED. Troy Taylor, Rachel Meyers, Eric Zarfl, Michael Pinkerton, Anthony Carignan, Shawn Tetier, John Stanson, Keith Hermans, "Officer Sk," Jim Rourke, Chris Martinelli, Rob Wickham, James Hock, and the City of Oak Park Police Department's Motion to Dismiss for Summary Judgment (Doc. 82) is GRANTED. Plaintiff's claims against these defendants are DISMISSED WITH PREJUDICE.

According to the docket sheet, the following defendants are still in the case: Kevin D'Angelo, John Doe, Duncan, Julie Growe, Danielle Krauthofer, and Anna Kellog Magner. Given the length of time that the case has been pending, the fact that plaintiff

has failed to respond to any of the recent MJRRs, and plaintiff's failure to take any action whatsoever as to these defendants, they are DISMISSED WITHOUT PREJUDICE for failure to prosecute. See Fed. R .Civ. P. 41(b).

This order closes the case.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: March 29, 2013

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 29, 2013, by electronic and/or ordinary mail.

S/Sakne Chami  
Case Manager, (313) 234-5160