

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

DANIEL BRYIS,

Plaintiff,

vs.

Case No: 22- -NO

CITY OF GROSSE POINTE WOODS,
a municipal corporation,

Defendant.

JULES B. OLSMAN (P28958)
RANDY J. WALLACE (P57556)
Olsman, MacKenzie, Peacock & Wallace, P.C.
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*There is no other pending or resolved civil action arising out
of the same transaction or occurrence as alleged in this complaint.*

/s/ Randy J. Wallace
RANDY J. WALLACE (P57556)

COMPLAINT

NOW COMES the Plaintiff, DANIEL BRYIS, by and through his attorneys, Olsman,
MacKenzie, Peacock & Wallace, P.C., and for his Complaint against the Defendant,

CITY OF GROSSE POINTE WOODS, states as follows:

1. That Plaintiff is a resident of the city of Grosse Pointe Woods, County of Wayne,
State of Michigan.

2. That Defendant City of Grosse Pointe Woods (hereinafter Grosse Pointe Woods) is a municipal corporation located in the County of Wayne, State of Michigan.

3. That the jurisdiction of this Court is founded upon the parties hereto and the amount in controversy which exceeds \$25,000.00. Venue is proper as the original injury occurred in Wayne County, Defendant is located in Wayne County, and Plaintiff resides in Wayne County.

4. That, on or about June 7, 2020, Plaintiff Daniel Brys was riding his bicycle on the northbound lane of Morningside Drive, just north of Coventry Lane, in Grosse Pointe Woods, when he road over defects in the highway, consisting of unreasonably dangerous holes in the roadway, that caused him to lose control, fall off his bicycle, and suffer serious injuries.

5. The above referenced defects were located on the roadway adjacent to the house that bore the address of 584 Coventry Lane, as depicted in the photographs attached as Exhibit 1. The house located at 584 Coventry Lane sat on the corner of Morningside Drive and Coventry Lane, with the front of the house facing Coventry Lane and the side of the house facing Morningside Drive. The defect was located on the roadway adjacent to the side of the house (on Morningside Drive) as depicted in the photographs in Exhibit 1.

6. That the above referenced roadway was defective, was not kept in reasonable repair, and it was not in a condition that was reasonably safe and fit for public travel.

7. That the holes in the roadway constituted a dangerous and defective condition on the roadway, which was not kept in reasonable repair and was not in a condition reasonably safe and fit for public travel.

8. That, at all times relevant hereto, Defendant Grosse Pointe Woods had possession and control of the above described roadway.

9. That, at all times relevant, the above described roadway was open to the public.

10. That at least thirty days before the occurrence of Plaintiff's injury, the defendant knew or, in the exercise of reasonable diligence, should have known of the existence of defects in the roadway.

11. That Defendant had both active and constructive notice of the defects in the roadway more than thirty days before Plaintiff's injury occurred.

12. That pursuant to MCL 691.1402, MCL 691.1403 and MCL 691.1404, Defendant had a statutory obligation to keep the roadway in reasonable repair and in a condition reasonably safe and fit for public travel.

13. That, notwithstanding its statutory duties as hereinbefore narrated, Defendant was guilty of one or more of the following negligent acts and/or omissions:

- (a) Negligently failing to maintain the highway from dangerous defects, including, but not limited to, dangerous holes in the roadway;
- (b) Negligently allowing a dangerous condition to exist on the highway;
- (c) Negligently failing to correct a dangerous condition despite notice that the highway was damaged and dangerous;
- (d) Negligently failing to keep the highway in reasonable repair and in a condition reasonably safe and fit for travel.

14. That the defendant's failure to remedy the defective holes in the roadway when it knew, or should have known that it could injure persons such as Plaintiff, constituted gross negligence.

15. That, as a direct and proximate result of the negligence and/or gross negligence of the Defendant as described above and the failure of the Defendant to keep the highway in

reasonable repair and in a condition reasonably safe and fit for travel as described above, the Plaintiff was caused to fall to the ground and sustain serious injuries to his person including, but not limited to, a broken clavicle, a partially torn pectoral muscle, a head injury, and the resulting sequelae.

16. That, as a direct and proximate result of the negligence and/or gross negligence of the Defendant as described above and the failure of the Defendant to keep the highway in reasonable repair and in a condition reasonably safe and fit for travel as described above, Plaintiff has undergone extensive medical treatment and will be required to do so in the future; that Plaintiff has been caused to suffer severe physical pain and suffering as well as mental and emotional distress which will continue in the future; that Plaintiff was further rendered disabled from attending to his normal and usual daily affairs and will sustain such periods of disability in the future; that Plaintiff has been further caused to expend large sums of money for medical treatment, and may incur such expenses in the future.

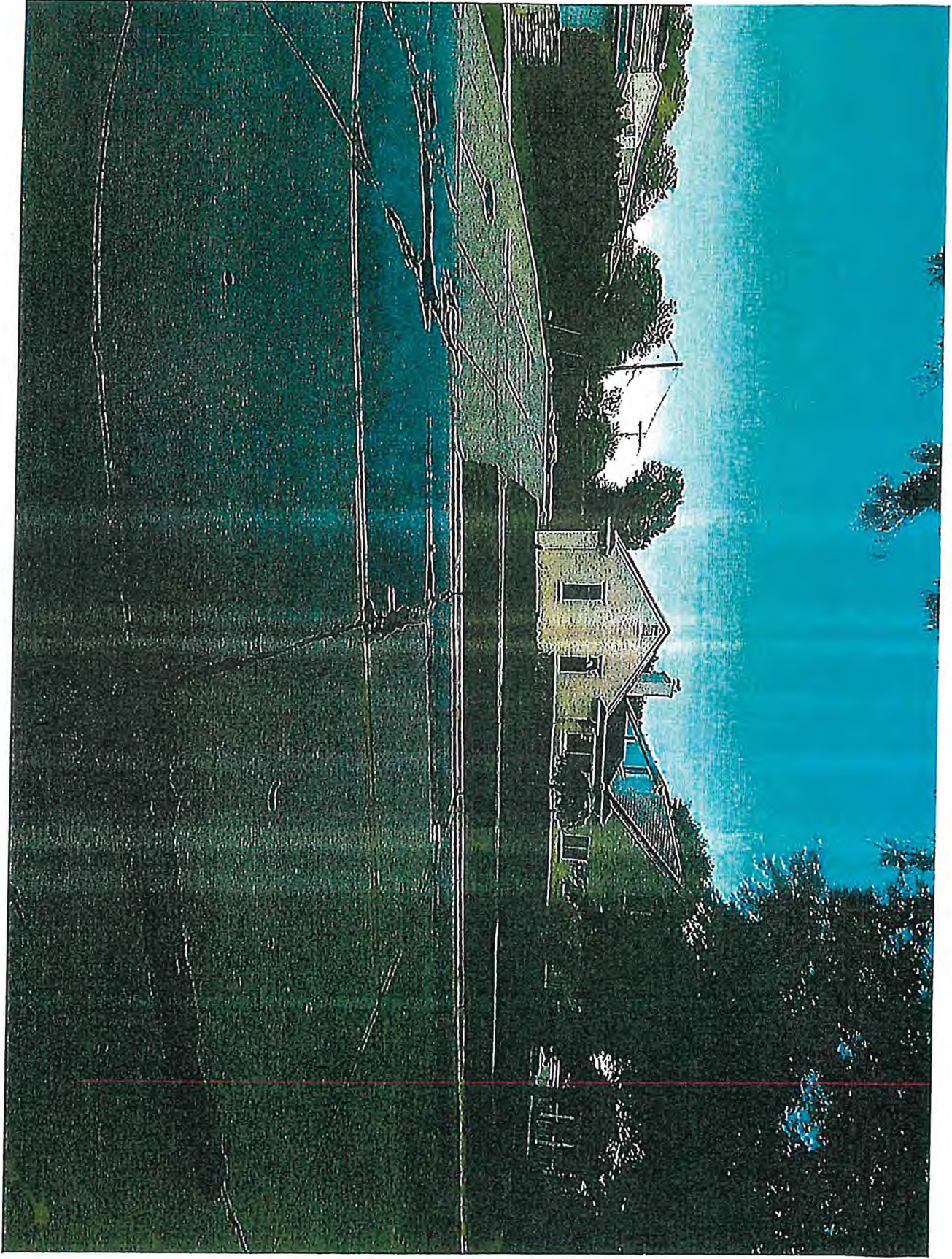
WHEREFORE, Plaintiff Daniel Brys prays for an award of damages against Defendant City of Grosse Pointe Woods in whatever amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) to which he is found to be entitled at the time of trial, exclusive of interest, costs, and attorneys' fees.

OLSMAN, MACKENZIE, PEACOCK & WALLACE, P.C.

/s/ Randy J. Wallace
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Dated: May 24, 2022

EXHIBIT 1



Document received by the ML Wayne 3rd Circuit Court.

