

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
25-016654-NI
Hon. Kevin J. Cox

Court telephone no.: 313-224-5487

Plaintiff's name(s), address(es), and telephone no(s)
LEATH, YVONNE

v

Defendant's name(s), address(es), and telephone no(s).
CITY OF GROSSE POINTE WOODSPlaintiff's attorney, bar no., address, and telephone no
Samantha Eve Schanta 73952
1821 W Maple Rd
Birmingham, MI 48009-1546

RECEIVED

DEC 31 2025

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ Court, where it was given case number _____ and assigned to Judge _____.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 10/22/2025	Expiration date* 1/21/2026	Court clerk Jacqueline Ruff
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Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (3/23)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

YVONNE LEATH

Case No. 25-
Hon.

-NI

Plaintiff,

vs.

**POLICE OFFICER MARTIN JAMES MITCHELL,
CITY OF GROSSE POINTE WOODS, AND
STATE AUTO PROPERTY AND CASUALTY
INSURANCE COMPANY**

Defendants.

SAMANTHA E. SCHANTA P73952

DANIEL V. PADILLA P48634

PADILLA LAW GROUP

Attorneys for Plaintiff

1821 W. Maple Road

Birmingham, MI 48009

(248) 593-0300/F (248) 593-0301

sschanta@padillalegal.com

COMPLAINT

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in the complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in the complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

/s/ Samantha E. Schanta

SAMANTHA E. SCHANTA P73952

NOW COMES the Plaintiff, **YVONNE LEATH**, by and through her attorneys, **PADILLA LAW GROUP**, and in support of his Complaint against the Defendants, shows unto this Honorable Court as follows:

Jurisdiction and Venue

1. That Plaintiff, **YVONNE LEATH** is a resident of Clay Township, County of St. Clair, State of Michigan.

2. That the Defendant, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY** is a foreign insurance company licensed and operating pursuant to and under the laws of the State of Michigan, and doing business in Wayne County, Michigan. Its resident agent is: CSC-Lawyers Incorporating Service Company, 3410 Belle Chase Way, Ste. 600, Lansing, MI 48911.

3. Upon information and belief, the individually named Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL** is a citizen of the state of Michigan, and, at all times relevant to this lawsuit, was employed as a police officer at the Grosse Pointe Woods Police Department in the City of Grosse Pointe Woods, County of Wayne, State of Michigan.

4. Defendant, **CITY OF GROSSE POINTE WOODS**, is a Michigan Municipal Corporation located in the County of Wayne, State of Michigan.

5. That this case involves a motor vehicle accident which occurred on October 26, 2022, in the City of Grosse Pointe Woods, Wayne County, Michigan.

6. That the amount in controversy herein exceeds the sum of Twenty-five Thousand (\$25,000.00) Dollars, exclusive of interest, costs, and attorney fees.

ALLEGATIONS COMMON TO ALL COUNTS

7. Plaintiff herein reincorporates and re-allege paragraphs 1 through 6 of the General Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

8. On October 26, 2022, at approximately 10:30 a.m. Plaintiff, **YVONNE LEATH**, was the operator of a 2020 Honda CR-V with a Michigan plate number 6J9730 and was traveling southbound on Mack Ave. near the intersection of Oxford Road in the City of Grosse Pointe Woods, Wayne County, Michigan.

9. On October 26, 2022, at approximately 10:30 a.m. Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL** was the driver and Defendant, **CITY OF GROSSE POINTE WOODS** was the owner and/or lessee of a 2022 Ford Police Interceptor bearing license plate number 091X684 and was traveling westbound on Oxford Road near the intersection of Mack Ave. in the City of Grosse Pointe Woods, Wayne County, Michigan.

COUNT I

GROSS NEGLIGENCE OF DEFENDANT

POLICE OFFICER MARTIN JAMES MITCHELL

10. Plaintiff hereby adopts and incorporates by reference all of the allegations and statements set forth in paragraphs 1 through 9 of this Complaint as if set forth herein in full.

11. Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL**, was operating the aforesaid vehicle in obvious derogation of his duties and responsibilities as a motor vehicle operator and in disregard of the Michigan Vehicle Code prescribing careless and reckless driving. Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL**, struck Plaintiff's vehicle, with great force causing extensive damage, causing serious injuries to Plaintiff as set forth in detail below; further Defendant's vehicle struck Plaintiff's vehicle with great speed and without notice or warning and Plaintiff was unable to avoid this collision, though she made every effort to do so.

12. Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL** owed a duty to Plaintiff and all others using the highway to obey the traffic ordinances of the City of Grosse Pointe

Woods and the Motor Vehicle Code of the State of Michigan, being 1949 P.A. 300 as amended MCLA 257.1 et.seq.; MSA 9.1801 et. seq., to use due care and caution in the operation and control of a motor vehicle as a reasonably prudent person would under the common law of the State of Michigan and to drive with that care and circumspection required to reasonably protect the safety, health, lives and property of all others entitled to use the highways:

13. Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL**, was grossly negligent in that he:

- a. disregarded traffic signals, posted signs, and did otherwise fail to observe and obey applicable traffic control devices in the immediate area of the collision, all in violation of MCLA 257.611, MCLA 257.612(c);
- b. failed to drive his vehicle at a careful and prudent speed not greater nor less than was reasonable and proper with due regard to the traffic, surface and width of the roadway and other relevant conditions then and there existing in a manner in which would enable him to stop in the assured safe and clear distance ahead, all in violation of MCLA 257.627;
- c. failed to drive his automobile in a careful and prudent manner in violation of MCLA 257.626(b);
- d. failed to maintain a proper lookout, keep proper observation, to maintain control of his vehicle and otherwise failed to comply with his common law duty to use reasonable and ordinary care under the circumstances then and there existing in the operation of a motor vehicle;
- e. drove his vehicle upon a public highway recklessly, heedlessly in willful and wanton disregard of the rights and safety of persons and property, without caution or circumspection and at a rate of speed and in a manner so as to endanger other persons lawfully upon the highway all in violation of MCLA 257.626(c);
- f. failed to drive the vehicle such that he was able to keep an assured, clear and safe distance ahead and behind him; and
- g. failed to keep the vehicle he was operating under control at all times;

14. Each of the above acts of gross negligence was a proximate cause of Plaintiff's injuries and damages pursuant to MCL §691.1407.

WHEREFORE, Plaintiff prays for a Judgment against Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL**, of actual and consequential damages in whatever amounts in excess of Twenty-Five Thousand Dollars (\$25,000.00) she is deemed to be entitled by this Honorable Court and/or jury, together with costs, interest and attorney fees.

**COUNTS II AND III – GROSS NEGLIGENCE AND
NEGLIGENCE OF DEFENDANT
CITY OF GROSSE POINTE WOODS**

15. Plaintiff hereby adopts and incorporates by reference all of the allegations and statements set forth in paragraphs 1 through 14 of this Complaint as if set forth herein in full.

16. Defendant, **CITY OF GROSSE POINTE WOODS** was the owner of a 2022 Ford Police Interceptor, plate number 091X684 and entrusted to Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL** for purpose of personal use.

17. Defendant, **CITY OF GROSSE POINTE WOODS** as owner, negligently entrusted the above motor vehicle and its operation to Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL** the latter being a person incompetent, and unfit to drive a motor vehicle on the highway in the State of Michigan, by reason of his inability, inexperience, and consistently negligent, driving, all of which were known in the exercise of reasonable care and caution by the Defendant owner; and the Defendant owner is guilty of negligence and gross negligence independently to this Plaintiff for the negligent entrustment of this vehicle to the Defendant driver.

18. Defendant, **CITY OF GROSSE POINTE WOODS** breached their duty to entrust their vehicle to persons competent and fit to drive a motor vehicle, to persons with such experience and consistent driving habits such that the exercise of reasonable care and caution would ordinarily be followed.

19. As a proximate result of the negligent entrustment and breach of these duties by Defendant, **CITY OF GROSSE POINTE WOODS**, Plaintiff has suffered damages as set forth below.

20. Defendant, **CITY OF GROSSE POINTE WOODS** as owner of the motor vehicle remains liable for any injury occasioned by the negligent and grossly negligent operation of such motor vehicle whether the manner of operating the vehicle was a violation or a failure to observe ordinary care in the operation of a motor vehicle pursuant to MCLA 257.401 and MCL §691.405.

21. Each of the above acts of negligence and gross negligence was a proximate cause of Plaintiff's injuries pursuant to MCL §691.1407.

22. Defendant, **POLICE OFFICER MARTIN JAMES MITCHELL** was at all times operating and using the motor vehicle with the express and/or implied consent of Defendant, **CITY OF GROSSE POINTE WOODS**.

WHEREFORE, Plaintiff prays for Judgment against Defendant, **CITY OF GROSSE POINTE WOODS** of actual and consequential damages in whatever amounts in excess of Twenty-Five Thousand (\$25,000.00) Dollars he is deemed to be entitled by this Honorable Court and/or jury, together with costs, interest and attorney fees.

COUNT IV - UNDERINSURED MOTORIST BENEFITS

STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY

23. Plaintiff hereby adopts and incorporates by reference all of the allegations and statements set forth in paragraphs 1 through 22 of this Complaint as if set forth herein in full.

24. That on or about **October 26, 2022**, Plaintiff, **YVONNE LEATH**, was insured by the Defendant, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY**, which provided **Underinsured** Motorist benefits to Plaintiff.

25. That the Defendant was paid full premiums in consideration for said policies.

26. That on **October 26, 2022**, the aforesaid policies were in effect.

27. That Plaintiff has assessed timely claim for **underinsured** motorist benefits against Defendants, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY**.

28. That Defendant has, in violation of the contract, unreasonably denied Plaintiff's **underinsured** motorist claim and her demand for arbitration under the uninsured/underinsured motorist provisions of the applicable policy provision.

29. That the Defendant's policy, purchased by Plaintiff and/or for the benefit of Plaintiff, has **underinsured** limits which Defendant, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY** has failed to tender to Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendant, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY** of actual and consequential damages in whatever amount in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS to which this Plaintiff is found to be entitled plus costs, interest, and attorney fees and further requests the entry of a Declaratory Judgment in favor of Plaintiff and against Defendant determining that Plaintiff is entitled to Underinsured Motorist Benefits pursuant to Defendant's policy with Plaintiff.

AND I

COUNT V - UNINSURED MOTORIST BENEFITS

STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY

30. Plaintiff hereby adopts and incorporates by reference all of the allegations and statements set forth in paragraphs 1 through 29 of this Complaint as if set forth herein in full.

31. That at the time of the subject collision, more specifically described above, Defendant **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY** has a valid policy

of insurance including and/or providing uninsured motorist benefits coverage under contract with Plaintiff's vehicle, providing coverage for Plaintiff in the event Plaintiff is injured in a motor vehicle collision by an uninsured motorist.

32. That upon information and belief the driver that caused the collision of **October 26, 2022**, may have been uninsured.

33. That the offending driver was negligent and breached the duties owed to the Plaintiff, both statutory and common law as more specifically described above.

34. That in the happening of the aforesaid collision, Plaintiff was not negligent, but was at all times acting in a reasonable and prudent manner.

35. That as a direct and proximate result of the subject automobile collision, the Plaintiff was made to suffer serious and disabling injuries as described in the paragraphs below in this Complaint and are incorporated herein by reference.

36. That the aforesaid injuries and damages sustained by the Plaintiff constitutes serious impairments of a bodily function(s) and/or serious permanent disfigurements.

37. That pursuant to the subject insurance policy for Defendant **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY**, including claim number AU741631 and the Uninsured Motorist provisions contained therein, Plaintiff is entitled to Uninsured Motorist Benefits if the driver that caused the collision of **October 26, 2022**, was uninsured.

38. That Plaintiff has notified the Defendant, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY** of her claim for Uninsured Motorist Benefits, has demanded Arbitration and has appointed her Plaintiff's Arbitrator, however, the Defendant has

refused, ignored and/or failed to acknowledge Plaintiff's claim for Uninsured Motorist Benefits and demand for Arbitration and has not appointed a defense arbitrator.

39. That Defendant has refused and/or failed to pay any benefits to Plaintiff as of this date.

WHEREFORE, Plaintiff prays for judgment against the Defendant, **STATE AUTO PROPERTY AND CASUALTY INSURANCE COMPANY** of actual and consequential damages in whatever amount in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS to which this Plaintiff is found to be entitled plus costs, interest, and attorney fees and further requests the entry of a Declaratory Judgment in favor of Plaintiff and against Defendants determining that Plaintiff is entitled to Uninsured Motorist Benefits pursuant to Defendant's policy with Plaintiff.

DAMAGES OF PLAINTIFF

40. As a proximate result of the aforementioned collision, proximately caused by the negligence of the Defendants, **POLICE OFFICER MARTIN JAMES MITCHELL AND CITY OF GROSSE POINTE WOODS**, the Plaintiff has suffered serious impairment of her body functions and/or serious, permanent disfigurement, to wit: injuries to her left arm, right wrist, right dorsum, left side of hand, left hip, neck, and ecchymosis with radiating numbness to her extremities, including, but not limited to injury to the bones, muscles, nerves, ligaments and other soft tissues of the spine including dizziness and headaches. Plaintiff has suffered a severe shock to the nervous system, has suffered and will continue to suffer great physical pain, mental anguish, humiliation, embarrassment, anxiety and depression, pain and suffering all past, present and lasting indefinitely into the future. Plaintiff is undergoing extensive physical therapy and rehabilitation in an effort to be cured of her accident-related injuries. Plaintiff has and will continue to suffer a loss of normal activities and pleasures of life endeavoring to be cured of his injuries and disabilities. Plaintiff has

expended and will continue to expend into the indefinite future, large sums of money for medical, rehabilitation and physical therapy. Plaintiff has suffered and will suffer indefinitely into the future loss of wages and loss of earning capacity in excess of the amounts recoverable under the Michigan No-fault Laws.

WHEREFORE, Plaintiff prays for judgment against the Defendants, **POLICE OFFICER MARTIN JAMES MITCHELL AND CITY OF GROSSE POINTE WOODS** in an amount in excess of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS to which this Plaintiff is found to be entitled plus costs, interest, and attorney fees.

Respectfully submitted,

PADILLA LAW GROUP

/s/Samantha E. Schanta

SAMANTHA E. SCHANTA P73952

Attorney for Plaintiff

1821 W. Maple Road

Birmingham, MI 48009

(248) 593-0300

Dated: October 22, 2025

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

YVONNE LEATH

Case No. 25-
Hon.

-NI

Plaintiff,

vs.

**POLICE OFFICER MARTIN JAMES MITCHELL,
CITY OF GROSSE POINTE WOODS, AND
STATE AUTO PROPERTY AND CASUALTY
INSURANCE COMPANY**

Defendants.

SAMANTHA E. SCHANTA P73952
DANIEL V. PADILLA P48634
PADILLA LAW GROUP
Attorneys for Plaintiff
1821 W. Maple Road
Birmingham, MI 48009
(248) 593-0300/F (248) 593-0301
sschanta@padillalegal.com

JURY DEMAND

Plaintiff demands a Trial by jury in this matter.

Respectfully Submitted,

PADILLA LAW GROUP

/s/ Samantha E. Schanta
SAMANTHA E. SCHANTA P73952
Attorney for Plaintiff
1821 W. Maple Road
Birmingham, MI 48009
(248) 593-0300

Dated: October 22, 2025