

LAW OFFICES OF
TODD J. STEARN, P.C.



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October 29, 2021

Via certified mail, return receipt requested

City of Grosse Pointe Woods
c/o City Attorney Lisa A. Anderson
Rosati Shultz Joppich & Amtsbuechler PC
27555 Executive Dr., Ste. 250
Farmington Hills, MI 48331

RE: Julie Nurse v City of Grosse Pointe Woods

3rd Judicial Circuit Case No.: 21-013877-NO

Dear Sir/Madam:

Enclosed, please find a Summons and Complaint filed in the 3rd Judicial Circuit Court, naming City of Grosse Pointe Woods as a defendant. Please process in your usual manner.

Thank you for your assistance.

Very truly yours,

LAW OFFICES OF TODD J. STEARN, P.C.

Alexandra Suttle
Records Administrator

/as
Enclosures

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS	CASE NO. 21-013877-NO Hon.Charles S. Hegarty
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Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-5487

Plaintiff's name(s), address(es), and telephone no(s) Nurse, Julie
Plaintiff's attorney, bar no., address, and telephone no Todd J. Stearn 51496 29829 Greenfield Rd Ste 101 Southfield, MI 48076-2201

v

Defendant's name(s), address(es), and telephone no(s). City of Grosse Pointe Woods c/o City Attorney Lisa A. Anderson Rosati Shultz Joppich & Amtsbuechler PC 27555 Executive Dr., Ste. 250 Farmington Hills, MI 48331
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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 10/12/2021	Expiration date* 1/11/2022	Court clerk Angila Mayfield
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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.



LAW OFFICES OF TODD J. STEARN, P.C.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JULIE NURSE,

Plaintiff,

Case No. 21-
HON.

NO

v

CITY OF GROSSE POINTE WOODS,

Defendant.

LAW OFFICES OF TODD J. STEARN, P.C.
Todd J. Stearn (P51496)
Attorney for Plaintiff
29829 Greenfield Road, Ste. 101
Southfield, MI 48076
(248) 744-5000/(248) 744-5002 Fax
Email todd@tjslawfirm.com

There is no other civil action between these parties arising out of the same transaction or occurrence alleged in this Complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

/s/ Todd J. Stearn
Todd J. Stearn (P51496)

COMPLAINT

NOW COMES the Plaintiff, JULIE NURSE, by and through her attorneys, LAW OFFICES OF TODD J. STEARN, P.C., and for her complaint against the above-named Defendant states unto this Honorable Court as follows:

COUNT I

1. The Plaintiff, JULIE NURSE, is a resident of the City of Grosse Pointe Woods, County of Wayne and State of Michigan.

2. For all relevant times, the above-named Defendant, CITY OF GROSSE POINTE WOODS, (GROSSE POINTE WOODS), was a duly incorporated municipality and had jurisdiction over and/or was the owner, manager and in control of the sidewalk in front of a residential home located at 1585 Brys Avenue in the City of Grosse Pointe Woods, County of Wayne and State of Michigan.

3. On June 24, 2021, while on the sidewalk in front of a residential home located at 1585 Brys Avenue in the City of Grosse Pointe Woods, County of Wayne and State of Michigan, the Plaintiff, JULIE NURSE, did trip and fall as a direct and proximate result of an elevate flag of concrete that was obscured by darkness.

4. The amount in controversy herein exceeds Twenty-Five Thousand Dollars (\$25,000.00), exclusive of costs, interest or attorney's fees.

5. At all times herein mentioned and at the time of the committing of the grievances by the Defendant and the sustaining of injuries by the Plaintiff as herein alleged, the Defendant invited the public, including Plaintiff, to use the sidewalk/street as a public sidewalk/street.

6. At all times herein mentioned and at the time of the committing of the grievances by the Defendant and the sustaining of injuries by the Plaintiff as herein alleged, the Defendant was responsible for maintaining the sidewalk in front of a residential home located at 1585 Brys Avenue in the City of Grosse Pointe Woods, County of Wayne and State of Michigan.

7. The Defendant knew or should have known of a dangerous condition created by the elevated flag of concrete.

8. The Defendant knew or should have known that the Plaintiff did not know of the dangerous condition or that Plaintiff would not take steps to protect herself.

9. At all times herein mentioned, Plaintiff was in the exercise of due care and caution and free from negligence on Plaintiff's part.

10. The Defendant owed duties to Plaintiff, and, notwithstanding said duties, Defendant did violate and breach the same in the following particulars:

- a. Failing to maintain the public Sidewalk/Premises in a safe and reasonable way.
- b. Failing to take reasonable steps for the prevention of injuries and to warn its invitees of potential foreseeable dangers.
- c. Failing to warn Plaintiff of all reasonably foreseeable dangers;
- d. Failing to provide notice or warning to the Plaintiff, who was lawfully upon the Sidewalk/Premises, of the dangerous and hazardous condition that Defendant knew, or should have known, existed on the Sidewalk/Premises;
- e. Failing to inspect and maintain the Sidewalk/Premises in a reasonably safe condition so as not to create a dangerous and hazardous condition for persons who were upon the Sidewalk/Premises;
- f. Failing to warn the Plaintiff of the dangerous condition that existed upon the Sidewalk/Premises when Defendant knew, or should have known, that Plaintiff had no way of knowing of the dangerous condition;
- g. Failing to hire and employ personnel or staff that would properly maintain the Sidewalk/Premises and not allow a dangerous and hazardous condition to remain on the Sidewalk/Premises/Pathway;
- h. Such other breaches of the standard of care as are discovered throughout the course and scope of this case.

11. The aforementioned breaches constituted a failure to repair and maintain a public sidewalk/road under their control pursuant to MCL 691.1402 and impose liability on the Defendant.

12. As a direct and proximate result of the negligence and breaches of statutes of the Defendant as aforementioned, your Plaintiff sustained injuries, which injuries have caused Plaintiff pain, suffering, disability and mental anguish, to wit:

- a. Fracture in her left foot and/or ankle;
- b. Torn tendon in her left foot and/or ankle;
- c. Need for surgery;
- d. Such other injuries as are discovered throughout the course and scope of this case.

13. Defendant's negligence may have exacerbated a pre-existing condition from which the Plaintiff suffered.

14. As a direct and proximate result of the negligence, and carelessness of the Defendant, the Plaintiff has sustained injuries which include, but are not limited to:

- a. lost wages, past and future;
- b. lost potential for employment promotions and advancements.
- c. loss due to decreased effectiveness at employment;
- d. pain, and suffering, past and future, including but not limited to:
 - 1) physical pain and suffering;
 - 2) mental anguish;
 - 3) denial of social pleasure;
 - 4) embarrassment, humiliation and mortification;
- e. Medical expenses, past, present and future;
- f. Such other damages as are allowable by Michigan law.

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment in favor of Plaintiff and against the Defendant, in an amount that the jury or Court determines to be fair, just and adequate compensation for the injuries and damages sustained by the Plaintiff.

Respectfully submitted,

LAW OFFICES OF TODD J. STEARN, P.C.

/s/ Todd J. Stearn

Todd J. Stearn (P51496)

Attorney for Plaintiff

29829 Greenfield Road, Ste. 101

Southfield, MI 48076

(248) 744-5000/(248) 744-5002 Fax

Dated: October 12, 2021