

Michigan County Road Commission Self Insurance Pool
Open ON NOTICE Files as of 05/24/2017

Last Name	First Name	Claim #	Type	Status	DOL	County	Type of Payment	Reserve Balance	Paid	Collected	Incurred
Esbroom/Henschel		AL36002016008206	AL	ON	1/18/2017	Iron County Road Commission	Expense	16.80	10,707.32	0.00	10,724.12
Hill	Kelly	AL39002016008205	AL	ON	12/19/2016	Road Commission of Kalamazoo County	Expense	0.01	84.87	0.00	84.88
Kruck		AL40002016008211	AL	ON	2/19/2017	Kalkaska County Road Commission	Expense	4,512.19	987.81	0.00	5,500.00
Palmer	Guy	AL44002015007851	AL	ON	8/13/2015	Lapeer County Road Commission	Expense	2,000.00	0.00	0.00	2,000.00
Wilson	Matthew	AL77002015007852	AL	ON	9/29/2015	St. Clair County Road Commission	Expense	453.70	46.30	0.00	500.00
Buckwheat	Matthew	ALT47002016008024	ALT	ON	5/19/2016	Livingston County Road Commission	Expense	4,972.74	27.26	0.00	5,000.00
Meier	Austin	ALT47002016008024	ALT	ON	5/19/2016	Livingston County Road Commission	Expense	0.00	0.00	0.00	0.00
Todd	Leeford	ALT09002013007308	ALT	ON	2/7/2014	Bay County Road Commission	Expense	645.16	6,854.84	0.00	7,500.00
McClane	Joyce	E&O25002015008104	E&O	ON	2/10/2016	Genesee County Road Commission	Expense	6.10	3.90	0.00	10.00
Swindell	Christopher	E&O34002016008048	E&O	ON	8/4/2016	Ionia County Road Commission	Expense	0.00	0.00	0.00	0.00
Bennett	Thomas	GL53002014007711	GL	ON	11/3/2014	Mason County Road Commission	Expense	2,851.51	148.49	0.00	3,000.00
Waterman	Stacey	GL53002014007711	GL	ON	11/3/2014	Mason County Road Commission	Expense	0.00	0.00	0.00	0.00
Woodard	Kurtis	GL53002014007711	GL	ON	11/3/2014	Mason County Road Commission	Expense	475.04	24.96	0.00	500.00
Nieman	Robin	GL83002014008027	GL	ON	6/23/2014	Wexford County Road Commission	Expense	0.00	1,386.06	0.00	1,386.06

MCRCSIP CLAIMS REPORT
AL36002016008206

Esbrook/Henschel
D/A: 01/18/2017

vs Iron County Road Comm.
LOCATION: US-2 Iron River, MI

PLAINTIFF COUNSEL:

DEFENSE COUNSEL: William Henn, Henn Lesperance PLC

ALLEGATIONS IN COMPLAINT: A road commission Motor Grader was working along US-2, just west of Iron River, MI. A motorist and family were traveling East on US-2, suddenly struck the rear end of the road commission grader, causing damage to both vehicles, causing injuries, and a fatality (14 year old male front seat passenger). Several emergency personnel including police, EMT & fire were called to the scene via 911 call.

FACTS OF ACCIDENT: At the time of the impact, the grader was mostly in the east bound lane, traveling/facing east. The weather was clear with morning sunshine, and the road surface conditions were dry per UD-10. The work activity of the two person crew was to remove snow from the forward side of the guard rail, by blading and sweeping snow to the end of the guard rail. The impact appeared to push the grader forward and left onto opposite side of the guard railing. It is noted that the warning lights were activated on the grader. Once one of the road commission employees realized no one was exiting the third party seconds after impact, and broke the rear end window of the pickup with a hammer. All occupants exited the rear window, except the deceased.

UPDATE (05/15/2017): William Henn was contacted almost immediately following the accident, and retained expert David Sallmann to inspect the road grader and the documentation of the accident. On April 20, 2017, we were notified that Mr. Sallmann stated he had obtained all of the necessary information for his inspection and gave approval for the grader to be released for repairs and returned to service. It is stated that Mr. Henn's office has uncovered nothing to suggest that the road commission bears any legal responsibility for the incident, and has no indication that litigation will ensue. Their office will be closing their file at this time, but will keep us updated should anything change.

Authority: 1949 PA 300, Sec 257.622
Compliance: Required MSP UD-10E
Penalty: \$100 and/or 90 days (Rev 01/2016)

External #
Crash ID
193183

Page 1

File Class : 93001

Incident #

17-0104

Reviewer

Undersheriff Tom Courchaine (362)

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI3613600	Department Name Iron County Sheriff's Office						
Crash Date 01/18/2017	Crash Time 08:54	No. of Units 02	Crash Type Rear End	Special Circumstances <input checked="" type="checkbox"/> None <input type="checkbox"/> Fleeing Police <input type="checkbox"/> Hit and Run <input type="checkbox"/> Unknown <input type="checkbox"/> School Bus <input type="checkbox"/> Animal	Special Checks <input checked="" type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> ORV/Snowmobile		
County 36 - IRON	Traffic Control None	Relation to Roadway On the Road	Weather Clear	Area Straight Roadway Not Related to Other Selections			
City/Twp 40 - CRYSTAL FALLS	Contributing Circumstances 1st Glare	2nd	Light Dawn	Road Surface Condition Dry	Total Lanes 02	Speed Limit 55	Posted Yes
Work Zone (if applicable) Type	Workers Present No	Activity	Location				

Prefix US-2	Primary Road Name	Road Type HWY	Suffix	Divided Roadway
Distance/Direction 0.4 Miles E	Trafficway Not Physically Divided			
Prefix WILD-RIVER	Intersecting Road Name	Road Type RD	Suffix	Divided Roadway

Unit Number 01	Unit Known Yes	State MI	Driver License Number E216067497517	Date of Birth (Age) 06/30/1981 (35)	License Type <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Chauffeur <input type="checkbox"/> Moped	Endorsements <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreation	Sex F	Total Occupants 04	Hazardous Action Speed too Fast	
Unit Type MV	Driver Information ANGELA LEE ESBROOK 772 SMOKEY LAKE RD IRON RIVER MI 49935				Driver is Owner Yes	Injury A	Position Front - Left	Restraint Shoulder & Lap Belt		
Driver Condition at Time of Crash 1st Sick				2nd		Driver Distracted By Outside the Vehicle (Includes Unspecified External Distractions)		Ejected No	Trapped No	Airbag Deployed Deployed-Combination
Hospital 170020				Ambulance GENERIC AMBULANCE SERVICE						
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> OPBT <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered			Alcohol Test Results <input type="checkbox"/> Pending		Test Results:	Interlock Device No		
Drug Suspected No	Contributing Factor No	Drug Test Type <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered			Drug Test Results <input type="checkbox"/> Pending		Test Results:	Citation Issued <input type="checkbox"/> Hazardous <input type="checkbox"/> Other		
Vehicle Registration DMU9856	State MI	Vehicle Description	Year 2007	Make CHEVROLET	Model AVALANCHE		Color			
VIN 3GNFK12307G209186	Vehicle Type Passenger Car, SUV, Van		Special Vehicles None		Private Trailer Type		Vehicle Defect			
Insurance Company MEMBER SELECT INS		Insurance Policy # AUTO65054844		Towed By GASSERS		Towed To GASSERS				
Location of Greatest Damage 02	First Impact	Extent of Damage (Power Unit and/or Trailers) Disabling Damage		Vehicle Direction E	Vehicle Use Private		Action Prior Going Straight Ahead			
Sequence of Events First 48 - Work Zone/Maintenance Equipment				Second		Third		Fourth		

Passenger Information JUSTIN T HENSCHEL 772 SMOKEY LAKE RD IRON RIVER MI 49935		Date of Birth (Age) 11/12/2002 (14)	Sex M	Position Front - Right	Restraint Shoulder & Lap Belt
Injury K	Ejected No	Trapped Yes	Airbag Deployed Deployed-Combination		
Hospital Iron County General		Ambulance OTHER			
Passenger Information AMBERLY LYNN HENSCHEL 772 SMOKEY LAKE RD IRON RIVER MI 49935		Date of Birth (Age) 03/08/2004 (12)	Sex F	Position 2nd Row - Middle	Restraint Shoulder & Lap Belt
Injury A	Ejected No	Trapped No	Airbag Deployed Deployed-Combination		
Hospital Iron County General		Ambulance GENERIC AMBULANCE SERVICE			
Passenger Information BRANDON MATTHEW HENSCHEL 772 SMOKEY LAKE RD IRON RIVER MI 49935		Date of Birth (Age) 16	Sex M	Position 2nd Row - Right	Restraint Shoulder & Lap Belt
Injury O	Ejected No	Trapped No	Airbag Deployed Not Equipped		
Hospital None		Ambulance None			

Carrier Information	USDOT	MC	MPSC			
GVWR/GCWR <input type="checkbox"/> 10,000 lbs. or Less <input type="checkbox"/> 10,001 - 26,000 lbs. <input type="checkbox"/> Greater than 26,000 lbs.	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material <input type="checkbox"/> Placard <input type="checkbox"/> Cargo Spill	ID #	Class #

Owner Information	Owner Information
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Damaged Property	Public	Owner & Phone
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Unit Number 02	Unit Known Yes	State MI	Driver License Number W236367660557	Date of Birth(Age) 07/14/1949 (67)	License Type • Operator • Chauffeur • Moped	Endorsements ○ Cycle ○ Farm ○ Recreation	Sex M	Total Occupants 01	Hazardous Action None
Unit Type MV	Driver Information JAMES OLIVER WESTER 412 BLOSSOM ST IRON RIVER MI 49935				Driver is Owner No	Injury B	Position Front - Left		Restraint Lap Belt Only
Driver Condition at Time of Crash 1st Unknown 2nd				Driver Distracted By Not Distracted			Ejected No	Trapped No	Airbag Deployed Not Equipped
Hospital None					Ambulance None				
Alcohol Suspected No		Contributing Factor No		Alcohol Test Type ○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ○ Not Offered		Alcohol Test Results ○ Pending Test Results:		Interlock Device No	
Drug Suspected No		Contributing Factor No		Drug Test Type ○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered		Drug Test Results ○ Pending Test Results:		Citation Issued ○ Hazardous ○ Other	
Vehicle Registration NONE		State MI	Vehicle Description 2015 CATERPILLAR GRADER	Year 2015	Make CATERPILLAR	Model GRADER	Color YEL		
VIN CAT0012MHN9R00186		Vehicle Type Other		Special Vehicles Construction / Maintenance Equipment		Private Trailer Type		Vehicle Defect	
Insurance Company MCRSIP			Insurance Policy # MCRP 3600AG			Towed By		Towed To	
Location of Greatest Damage 06		First Impact 06	Extent of Damage (Power Unit and/or Trailers) Functional Damage			Vehicle Direction E	Vehicle Use Other		Action Prior Going Straight Ahead
Sequence of Events First 17 - Motor Vehicle In Transport				Second		Third		Fourth	

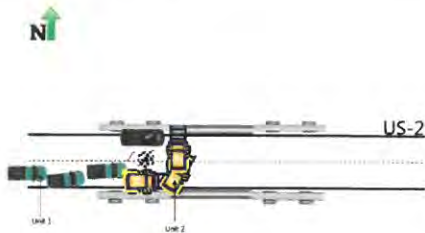
PASSENGERS	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			

TRUCK/BUS	Carrier Information			USDOT	MC	MPSC
				Driver's CDL Type	Endorsements OH OP OT ON OS OX	CDL Exempt ○ Farm ○ Other
GVWR/GCWR ○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.			Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material ○ Placard ○ Cargo Spill

OWNERS	Owner Information			Owner Information		

WITNESS	Witness Information			Witness Information		

Investigated at Scene: Yes	Reported Date (Time) 01/27/2017 (08:52)	1st Investigator Name (Badge) Deputy Abe Varoni (364)	2nd Investigator Name (Badge)	Photos No
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Narrative Driver stated that while traveling East on Hwy US-2 near the Iron River when she collided with a construction Grader that was also traveling East on the shoulder of US-2. After striking the grader Unit 1 overturned and slid across the West bound lane of traffic and came to rest with the passenger side of the vehicle resting against the gaurdail. Unit 2 was traveling East when struck by Unit 1. After being struck, the rear of Unit 2 slid around so it was facing North and it came to rest facing North with one front tire resting up on top of the gaurdail.	Diagram 
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MCRCSIP CLAIMS REPORT
AL39002016008205

Hill, Kelly

vs Road Commission of Kalamazoo County

D/A: 12/09/2016

LOCATION: East H and Sprinkle Rd.

PLAINTIFF COUNSEL: Glenn D. Steeg, Steeg & Glista, P.C.

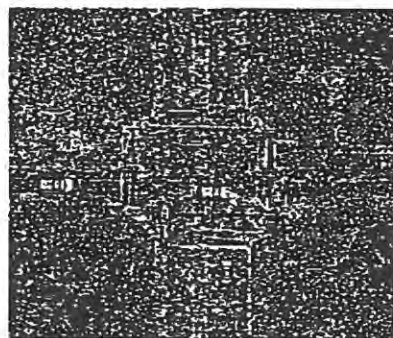
DEFENSE COUNSEL: William L. Henn, Henn Lesperance PLC

ALLEGATIONS IN COMPLAINT: Plaintiff alleges she sustained injuries in an accident she was in with a road commission vehicle. Plaintiff is alleging that the plow truck caused the accident, as the road commission employee operating the vehicle stated that Ms. Hill's vehicle hit him while he was plowing for the road commission.

FACTS OF ACCIDENT: The road commission employee Mr. Soule was cited on the police report for going too fast and for failing to stop, and it stated that the vehicle driven by Ms. Hill had the right of way. The determination was made to deny the mini-tort by Cathy Greer with Smith, Haughey on the third party claim, as we wanted to know the outcome of the contestation against our driver that was cited. On January 18, 2017 Benjamin Dost with Henn Lesperance attended the informal hearing for road commission driver Mr. Soule, and the officer that wrote the citation did not appear, so the citation was dismissed the road commission driver. The citation was never reinstated, so the incident no longer states that the road commission was at fault.

UPDATE (05/17/2017): On May 5, 2017, Bill Henn sent out a letter to the Plaintiff's attorney letting them know that the road commission intended to auction off the plow truck involved in the incident, and that they would need to contact Mr. Henn's office within 7 days to dispute the sale. The Plaintiff's attorney never disputed this, and the plow truck has been auctioned off. On March 10, 2017, Bill Henn also agreed on denying the mini-tort as he did not want to appear as an admission of guilt.

Authority: 1949 PA 300, Sec. 257.622 License: Michigan MICHIGAN Penalty: \$100 and/or 60 Days (Rev. 01/2016)		External # 171900		Case ID		Page 1 File Class: 00001 Incident # 16-12528 Reviewer Sgt. CRAIG SCHMALTZ (372)	
STATE OF MICHIGAN TRAFFIC CRASH REPORT							
CR#: MI3913900		Department Name: Kalamazoo County Sheriff Office					
Crash Date 12/09/2016	Crash Time 12:30	No. of Units 02	Crash Type Angle	Special Circumstances <input type="checkbox"/> Inmate <input type="checkbox"/> Hit and Run <input type="checkbox"/> School Bus <input type="checkbox"/> Fleeting Police <input type="checkbox"/> Unknown <input type="checkbox"/> Arrest		Special Checks <input type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> ORV/Snowmobile	
County 39 - KALAMAZOO		Traffic Control Signal		Relation to Roadway On the Road		Weather Snow	
City/Town 5 - COMSTOCK TWP		Contributing Circumstances 1st Other		2nd		Light Daylight	
Work Zone (if applicable) Type No		Workers Present No		Agency Location		Road Surface Condition Ice	
Total Lanes 03		Speed Limit 45		Posted Yes			
Private Road Name E H		Road Type AVE		Surface Asphalt		Divided Roadway No	
Distance/Direction 15.0 Feet NE		Trafficway Not Physically Divided					
Private Intersecting Road Name SPRINKLE		Road Type		Surface		Divided Roadway	
Unit Number 01	Unit Known Yes	State MI	Driver License Number S400356525182	Date of Birth (Age) 03/09/1993 (23)	License Type <input type="checkbox"/> Operator <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Restricted <input type="checkbox"/> Operator <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Restricted	Sex M	Total Occupants 01
Unit Type Driver Information JACOB LLOYD SOULE 10065 BLAKE BLVD GALESBURG MI 49053		Driver is Owner No		Injury O	Position Front - Left	Restraints Shoulder & Lap Belt	
Driver Condition at Time of Crash 1st Appeared Normal		2nd		Driver Distracted By Not Distracted		Ejected No	Trapped No
Hospital None		Ambulance None		Airbag Deployed Not Deployed			
Alcohol Suspected No		Contributing Factor No		Alcohol Test Type <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> PBT <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered		Alcohol Test Results <input type="checkbox"/> Pending <input type="checkbox"/> Test Results:	
Drug Suspected No		Contributing Factor No		Drug Test Type <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered		Drug Test Results <input type="checkbox"/> Pending <input type="checkbox"/> Test Results:	
Vehicle Registration 075X588		State MI	Vehicle Year 2003	Make MACK	Model TRUCK	Color YEL	
VIN 1M2P267C43M065793		Vehicle Type Other		Special Vehicles None		Private Trailer Type None	
Insurance Company FLEET COVERAGE		Insurance Policy # MCRP-3900-AG		Towed By Towed To			
Location of On-scene Damage 1st 02		2nd No Damage		Vehicle Direction E		Vehicle Use Other Government	
Sequence of Events First: 01 - Loss of control		Second: 17 - Motor Vehicle in Transport		Third:		Fourth:	
Passenger Information							
Date of Birth (Age)		Sex		Position		Restraints	
Injury Ejected		Trapped		Airbag Deployed			
Hospital		Ambulance					
Passenger Information							
Date of Birth (Age)		Sex		Position		Restraints	
Injury Ejected		Trapped		Airbag Deployed			
Hospital		Ambulance					
Passenger Information							
Date of Birth (Age)		Sex		Position		Restraints	
Injury Ejected		Trapped		Airbag Deployed			
Hospital		Ambulance					
Owner Information							
Kalamazoo County Road Commission 3801 E KILGORE RD KALAMAZOO MI 49001		J500T 000000000000		MIC 000000000000		MPSC 000000000000	
Driver's CDL Type Group A		Endorsements <input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> X		CDL Exempt <input type="checkbox"/> Farm <input type="checkbox"/> Other			
GVWR/GCWR 10,000 lbs. or less		Vehicle Configuration Single Unit (1 or More Axles)		Cargo Body Type Dump		Hazardous Material <input type="checkbox"/> Placed <input type="checkbox"/> Cargo Solid	
Owner Information		Owner Information					
Damaged Property		Public					

Unit Number 02	Unit Known Yes	State MI	Driver License Number H400455139967	Date of Birth (Age) 12/21/1963 (52)	License Type Operator Classified Motorcyclist	Endorsements Cyclist Farm Recreation	Sex F	Total Occupants 01	Hazardous Action None
Unit Type MV	Driver Information KELLY DENISE HILL 6713 WALBURN ST KALAMAZOO MI 49048 (269)903-6499			Driver is Owner No	Injury C	Position Front - Left	Restraint Shoulder & Lap Belt		
Driver Condition at Time of Crash Appeared Normal				Driver Distracted By Not Distracted		Ejected No	Trapped No	Airbag Deployed Unknown	
Hospital Borgess Medical Center					Ambulance Pride Ambulance Service				
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type Breath: Blood: Urine: Field: PBT: Refused: Not Offered			Alcohol Test Results Pending Test Results:		Interlock Device No		
Drug Suspected No	Contributing Factor No	Drug Test Type Blood: Urine: Field: Refused: Not Offered			Drug Test Results Pending Test Results:		Citation Issued None		
Vehicle Registration SONJA1	State MI	Vehicle Description 1999	Make LEXUS	Model C300	Color Cyan				
VIN JT6HF10U1X0061059	Vehicle Type Passenger Car, SUV, Van	Special Vehicles None	Private Trailer Type	Vehicle Detail					
Insurance Company STAT FARM	Insurance Policy # 469 6941 A07 22	Towed By MCDONALDS TOWING	Towed To MCDONALDS LOT						
Location of Greatest Damage 08	First Impact 08	Extent of Damage (Power Unit and/or Trailers) Disabling Damage		Vehicle Damage N	Vehicle Use Private	Action Prior Going Straight Ahead			
Sequence of Events First: Motor Vehicle in Transport Second: Third: Fourth:									
(If multiple MOST, number events)									
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint		
Hospital				Injury	Ejected	Trapped	Airbag Deployed		
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint		
Hospital				Injury	Ejected	Trapped	Airbag Deployed		
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint		
Hospital				Injury	Ejected	Trapped	Airbag Deployed		
Driver Information				USDOT	MC	SPSC			
Driver's CDL Type				Endorsements CH - CP - CT CM - CS - CX	CDL Exempt Farm Other				
GVWR/GCWR 11,000 lbs. or Less 11,001 - 26,000 lbs. Greater than 26,000 lbs.		Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material Placard Cargo Spill		TO #	Class #	
Owner Information				Owner Information					
Witness Information				Witness Information					
Investigated at Scene Yes	Reported Date (Time) 12/09/2016 (12:45)	1st Investigator Name (Badge) Sgt. LOGAN BISHOP (2970)		2nd Investigator Name (Badge)		Photos No			
Narrative Vehicle #1 is a plow truck for Kalamazoo County Road Commission. #1 was EB on H Ave approaching sprinkler. Driver stated he had a yellow light and was attempting to stop his plow truck however began to slide. #1 slid through the intersection and struck #2 which had the right of way. Driver of #1 was cited for fail to stop in and clear distance. Driver of #2 was transported to Borgess hospital for her injuries.				Diagram 					

MCRCSIP CLAIMS REPORT
AL40002016008211

Kruck, Jory
D/A: 02/19/2017

vs. Kalkaska County Road Commission
LOCATION: US 131 Boardman/Supply Roads

PLAINTIFF ATTORNEY: Jeffery M. Mussin, Cockran, Kroll & Associates, P.C.
DEFENSE ATTORNEY: William L. Henn, Henn Lesperance

ALLEGATIONS IN COMPLAINT: Seeking monetary damages from an intersection accident that happened between Kruck and a Road Commission Plow Truck.

FACTS OF ACCIDENT: At 10:00 p.m. on Sunday, February 19, 2017, Jory Kruck was driving south on US-131 when she saw a Kalkaska County snowplow driver approach a flashing red light at the highway's intersection. Ms. Kruck alleges that Jeremy Larabee, while operating a plow truck while in his capacity as a Kalkaska County Road Commission Employee, did not stop and hit Ms. Kruck's 2015 Chevy Silverado directly in the middle on the driver's side.

Update (04/12/2017): Obtained the ECM data from the Plaintiff's truck and forwarded it to Mr. Sallmann for analysis. He reports a few significant things. The data shows that Plaintiff had her cruise control set at 63 mph until 2 seconds before the impact, when she began a hard braking maneuver. This is important because it shows that she was, in fact, traveling at an unlawful rate of speed immediately prior to the collision and therefore by statute forfeits the right-of-way at the intersection. It is also important because it shows that she did not see and react to the truck until she was literally within 200-300 feet of it. We know that the truck was not traveling more than 9-10 mph because its ECM data did not register a hard stop (i.e., the event did not cross the threshold for triggering the recorder), and because Mr. Sallmann computed the delta-v (acceleration) of the vehicles and estimates that the Road Commission truck was traveling approximately 6 mph at impact (Plaintiff was traveling 20-30 mph). At such a low rate of speed, the Road Commission truck would have been in the intersection for at least 10-12 seconds, and would have been visible to Plaintiff for most or all of that entire period. We believe this shows that Plaintiff was distracted by something until it was too late to avoid the collision. Henn's office will prepare Larabee for his hearing date.

Update (04/27/2017): Mr. Larabee's citation was **not** dismissed by the magistrate. Bill Henn will file an appeal and appearance on Jeremy's behalf.

Update (05/8/2017): Appeal was accepted and received notice from the District Court of a pretrial meeting with the prosecutor on May 19, and a formal hearing with the District Court Judge on May 24.

ON NOTICE

Update (05/23/2017): The prosecutor has adjourned the formal hearing that was scheduled for tomorrow, which will provide him with more time to consider the evidence that we have presented. However, the adjournment is not indefinite—the Court set **June 19 at 11:00am** as the new date for the formal hearing.

Authority: 1949 PA 300, Sec. 257.622
Complaints Section
Penalty: \$100 per day

ORIGINAL

State of Michigan Traffic Crash Report

Incident # 14652117
File # 78001
Investigated at Scene ☒ Yes ☐ No

ORI <u>M4014006</u>	Department Name <u>Kalamazoo County Sheriff's Office</u>	Investigator(s) <u>Ngirarsa / Hoemike</u>	Badge # <u>2218</u>	Photos <input checked="" type="radio"/> Yes <input type="radio"/> No	Reviewer <u>Dee 1/18</u>			
Crash Date <u>02 PA 2017 12 08</u>	Crash Time (MST) <u>02</u>	No. of Units <u>02</u>	Crash Type <input type="radio"/> Single Motor Vehicle <input type="radio"/> Head On <input type="radio"/> Head On-Left Turn <input checked="" type="radio"/> Angle <input type="radio"/> Backing <input type="radio"/> Rear End <input type="radio"/> Rear End-Left Turn <input type="radio"/> Rear End-Right Turn <input type="radio"/> Sideswipe-Same <input type="radio"/> Sideswipe-Opposite <input type="radio"/> Other <input type="radio"/> Unknown	Weather <u>01</u>	Light <u>04</u>	Road Surface Condition <u>01</u>	Total Lanes <u>03</u>	
Special Circumstances <input type="radio"/> None <input type="radio"/> Hit and Run <input type="radio"/> School Bus <input type="radio"/> Fleeing Police <input type="radio"/> Unknown	Animal <input type="radio"/>	Special Checks <input type="radio"/> Fatal <input type="radio"/> Corrected Copy <input type="radio"/> Replace <input type="radio"/> Delete <input type="radio"/> Non-Traffic <input type="radio"/> ORV/Snowmobile	Work Zone-Type <input type="radio"/> Const. / Maint. <input type="radio"/> Utility	Work Zone-Workers Present <input type="radio"/> Yes <input type="radio"/> No	Work Zone-Activity <input type="radio"/>	Work Zone-Location <input type="radio"/>	Contributing Circumstances <u>96</u>	
County <u>40</u>	City/Twp <u>02</u>	Area <u>07</u>	Traffic Control <u>03</u>	Relation to Roadway <u>01</u>				

Prefix <u>US</u>	Primary Road Name <u>131</u>	Road Type <u>Hwy</u>	Suffix <u></u>	Divided Roadway <input type="radio"/> N <input type="radio"/> S <input type="radio"/> E <input type="radio"/> W
Distance <u>95</u>	Direction <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input checked="" type="radio"/> West	Trafficway <input type="radio"/> 01 <input type="radio"/> 02 <input type="radio"/> 03 <input type="radio"/> 04 <input type="radio"/> 05 <input checked="" type="radio"/> 06	Speed Limit <u>55</u>	Posted <input checked="" type="radio"/> Yes <input type="radio"/> No
Prefix <u>Boardman</u>	Intersecting Road Name <u>Rd</u>	Road Type <u>Rd</u>	Suffix <u></u>	Divided Roadway <input type="radio"/> N <input type="radio"/> S <input type="radio"/> E <input type="radio"/> W

Unit Number <u>01</u>	Driver's License State / Number <u>MI / A536439066445</u>	Date of Birth <u>06/19/1992</u>	Unit Type <input checked="" type="radio"/> MV <input type="radio"/> B <input type="radio"/> P <input type="radio"/> E (Train)	Sex <input type="radio"/> M <input checked="" type="radio"/> F
Name <u>Jory Amanda Kruck</u>	Street Address <u>514 N. 13th St</u>	City <u>Niles</u>	State <u>MI</u>	ZIP <u>49120</u>
Position <u>01</u>	Restraint <u>04</u>	Airbag <u>02</u>	Condition at Time of Crash <u>01</u>	Driver Distracted By <u>01</u>
Citation Issued <input type="radio"/> Hazardous <input type="radio"/> Other	Hazardous Action <u>00</u>	Action Prior <u>21</u>	Injury <input type="radio"/> K <input checked="" type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> O	Total Occupants <u>03</u>
Sequence of Events (M = Most Harmful Event) <u>17</u>	Test Results <u>000</u>	Interlock Device <input type="radio"/> Yes <input checked="" type="radio"/> No	Test Results <u></u>	Results Pending <input type="radio"/>

Vehicle Registration <u>DJE2498</u>	State <u>MI</u>	Insurance Company <u>Mid Century Ins. Co</u>	Policy Number <u>605454535</u>
Towed By <u>Bill's Towing</u>	Towed <u>890 Island LK Rd</u>	Year <u>2015</u>	Make <u>CHEVROLET</u>
VIN <u>1GCVKRECFZ422577</u>	Model <u>SILVERADO</u>	Color <u>BLACK</u>	Special Vehicles <input type="radio"/>
Vehicle Type <u>03</u>	Location of Greatest Damage <u>07</u>	Extent of Damage <u>08</u>	Vehicle Direction <u>02</u>

Name <u>Erik Ryan Kruck</u>	Street Address <u>514 N. 13th St</u>	City <u>Niles</u>	State <u>MI</u>	ZIP <u>49120</u>	Phone <u></u>	Sex <input type="radio"/> M <input type="radio"/> F	Ejected <input type="radio"/>
Date of Birth <u>03/08/1988</u>	Position <u>03</u>	Restraint <u>04</u>	Airbag <u>02</u>	Hospital Code <u></u>	Ambulance Code <u></u>	Injury <input type="radio"/> K <input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> O	Trapped <input checked="" type="radio"/>
Name <u>Sterling Dean Kruck</u>	Street Address <u>514 N. 13th St</u>	City <u>Niles</u>	State <u>MI</u>	ZIP <u>49120</u>	Phone <u></u>	Sex <input type="radio"/> M <input type="radio"/> F	Ejected <input type="radio"/>
Date of Birth <u>11/12/2013</u>	Position <u>06</u>	Restraint <u>06</u>	Airbag <u>02</u>	Hospital Code <u></u>	Ambulance Code <u></u>	Injury <input type="radio"/> K <input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C <input type="radio"/> O	Trapped <input checked="" type="radio"/>
Owner <input type="radio"/>	Uninjured Passenger <input type="radio"/>	Witness <input type="radio"/>	Name <u></u>	Phone <u></u>	Age <u></u>	Pos. <u></u>	Rest. <u></u>
Owner <input type="radio"/>	Uninjured Passenger <input type="radio"/>	Witness <input type="radio"/>	Name <u></u>	Phone <u></u>	Age <u></u>	Pos. <u></u>	Rest. <u></u>
Reported Date <u>2-19-17</u>	Reported Time <u>2208 hrs</u>	Damaged Property <u></u>	Owner & Phone <u></u>	Public <input type="radio"/> Yes <input checked="" type="radio"/> No			
Serial Override Number <u>0063966</u>							

Unit Number 02		Driver's License State / Number MI / L610402229812		Date of Birth 10/27/1977		Unit Type LAUNCHER	
Name Jeremy Emerson Larchee						<input checked="" type="radio"/> Driver is Owner License Type <input type="radio"/> O <input checked="" type="radio"/> C <input type="radio"/> M Endorsements <input checked="" type="radio"/> CY <input type="radio"/> F <input type="radio"/> R	
Street Address 11694 Poplar Dr. NE							
City Kalkaska		State MI		Zip 49646		Phone Number 231 258-2242	
Position 01	Restraint 04	Airbag 03	Ejected <input type="radio"/>	Condition at Time of Crash 1st 01 2nd <input type="radio"/>		Driver Distracted By 01	
Citation Issued <input type="radio"/> Hazardous <input type="radio"/> Other				Hazardous Action 03		Action Prior 14	
Alcohol Suspected <input type="radio"/> Yes <input checked="" type="radio"/> No		Contributing Factor <input type="radio"/> Yes <input checked="" type="radio"/> No		Test Type <input type="radio"/> Breath <input type="radio"/> Blood <input type="radio"/> Urine <input type="radio"/> Field <input checked="" type="radio"/> PBT <input type="radio"/> Refused <input type="radio"/> Not Offered		Sequence of Events (M = Most Harmful Event) 1st 17 2nd 00 3rd 00 4th 00	
Drug Suspected <input type="radio"/> Yes <input checked="" type="radio"/> No		Contributing Factor <input type="radio"/> Yes <input checked="" type="radio"/> No		Test Type <input type="radio"/> Blood <input type="radio"/> Urine <input type="radio"/> Field <input checked="" type="radio"/> Refused <input type="radio"/> Not Offered		Test Results <input type="radio"/> Results Pending <input type="radio"/> Results Pending	

Vehicle Registration 103X158		State MI	Insurance Company M.C.R.C.S. Pool	Policy Number MCRP-4000-AG
VIN 1HTXLAPTXXJ234964		Towed By Phil's Towing	Towed To MDOT KALKASKA	
Year 10 Make International Model 5500		Color Red	Special Vehicles 06	Vehicle Use 10
Vehicle Type 11	Location of Greatest Damage 01	1st Impact 01	Extent of Damage 02	Vehicle Direction 04
Private Trailer Type		Vehicle Defect		

Passengers

Name _____ Ejected ☐

Street Address _____

City _____ State _____ ZIP _____ Phone _____

Sex ☐ M ☐ F ☐ Trapped ☐

Injury ☐ K ☐ A ☐ B ☐ C ☐ D

Ambulance Code _____

Name _____ Ejected ☐

Street Address _____

City _____ State _____ ZIP _____ Phone _____

Sex ☐ M ☐ F ☐ Trapped ☐

Injury ☐ K ☐ A ☐ B ☐ C ☐ D

Ambulance Code _____

☒ Owner Name **Kalkaska County Road Commission** Address **1049 Island Lk Rd NW KALKASKA, MI 49646**

☐ Uninjured Passenger Phone **231 258-2242** Age _____ Pos. _____ Rest. _____

☐ Owner Name _____ Address _____

☐ Uninjured Passenger Phone _____ Age _____ Pos. _____ Rest. _____

☐ Witness _____

Unit # 02		Carrier Name Kalkaska County Road Commission	
Address 1049 Island Lk Rd NW			
City Kalkaska	State MI	Zip 49646	
GVWR / GCWR <input type="radio"/> 10,000 LBS or Less <input type="radio"/> 10,001 - 26,000 LBS <input checked="" type="radio"/> 26,001 LBS or More			
Vehicle Configuration 06	Cargo Body Type 04	HAZMAT <input type="radio"/> Placard <input type="radio"/> Cargo Spill	HAZMAT ID _____ HAZMAT Class _____
USDOT _____	MC _____	MPSC _____	
CDL Type <input checked="" type="radio"/> A <input type="radio"/> B <input type="radio"/> C <input type="radio"/> None	Endorsements <input type="radio"/> H <input type="radio"/> P <input type="radio"/> T <input type="radio"/> N <input type="radio"/> S <input type="radio"/> X		
Medical Card <input checked="" type="radio"/> Yes <input type="radio"/> No	Exempt <input type="radio"/> Farm <input type="radio"/> Other		
Remarks / Narrative Unit 2 failed to yield right of way and attempted to cross US-131 westbound onto Supply Rd. Unit 1 traveling southbound on US-131 had right of way through intersection + attempted to avoid collision w/ Unit 2.			

Crash Diagram

0063966

MCRCSIP CLAIMS REPORT
AL44002015007851

Guy Benjamin Palmer
D/A: 08/13/2015

v s Lapeer County Road Commission
LOCATION: Lake George Rd & Newark Rd

PLAINTIFF COUNSEL: Ed Davison of Gault Davison

DEFENSE COUNSEL: R. Michael John/ Zanetti & John

ALLEGATIONS IN COMPLAINT: Highway defect, construction zone detour signage improperly and/or inadequately placed, roadway vegetation obstruction.

INJURIES/DAMAGES: Guy Palmer sustained incapacitating injuries; comminuted left hip fracture of the acetabulum and also the pubic ramus. He had surgery and a prolonged hospitalization due to complications. Given his age, it could be a slow recovery and a possible permanent possible impairment, scarring, excess wage loss. His PIP benefits for medical/wage loss are likely being shared 50/50 by both vehicles.

FACTS OF ACCIDENT: Mr. Lumsden, age 78, driving his vehicle NB on Lake George Rd ran the stop sign, striking Mr. Mueller's vehicle, which was headed WB vehicle on Newark Rd which had the right of way. After impact both vehicles careened NW striking the claimant, Mr. Palmer, who was waiting stationary at the stop sign of SB Lake George Rd on a motorcycle.

UPDATE 02/18/16: Defense counsel indicate LCRC has a strong legal and factual defense and would get out on a MSD motion. Lapeer County did not do the road work. Our counsel is securing contracts to verify LCRC was added as an additional insured. Plaintiff counsel has already filed suit on 11/30/2015 against the Estate of Mr. Lumsden. Given the severity of the injuries, plaintiff counsel may consider adding one of more of the parties involved in the construction project. Davis Land Surveying prepared the construction plans, Kennedy Excavating did the construction work and Give 'Em a Brake Safety (GEBS) was subcontracted to place the signs, barricades, barrels and when the project done to remove them.

UPDATE 06/29/16: Notice of Intent only. Defense counsel has attempted to contact the Plaintiff's counsel twice to discuss this matter. Plaintiff's counsel has not return calls. Defense counsel contacted the court and found out that attorney Ed Davison of Gault Davison in Flint has filed an answer for defendant's estate on in March 2016.

ON NOTICE

Davison did not file a notice of non-party at fault naming Lapeer County Road Commission.

UPDATE (10/29/16): No Update

UPDATE (11/10/16): No update

UPDATE (02/03/17): No update

UPDATE (05/15/17): On March 14, 2017 we were notified Mike John that this case recently settled by mutual acceptance of the case evaluation award. The insurance carrier for the defendant paid the policy limits of \$100,000.00. Mr. John verified this information with the defense attorney Ed Davison, as well as with the court clerk.

The two year statute of limitations applicable to a highway liability claim will expire on this claim August 13, 2017. Mike think's that the chance of this plaintiff filing a separate lawsuit is slim to non-existent. Given that plaintiff filed a notice of intent to file claim there is no obvious reason why he would have not added the Lapeer County Road Commission if he had wanted to pursue a claim against it. Mike John anticipates being able to close the file on August 13, 2017, unless something unexpected happens.

Authority: 1949 PA 320, Sec. 237.523 Compliance: Required MSF UD-10E Penalty: \$100 and/or 10 days (Rev. 1/2009)		Extended # 117044		Crash ID	
STATE OF MICHIGAN TRAFFIC CRASH REPORT					
Date:		Department Name:			
Crash Date:		Crash Time:		No. of Units:	
County:		Traffic Control:		Relation to Roadway:	
City/Town:		Construction Zone (if applicable):		Lane Closed:	
Road Name:		Road Type:		Road Condition:	
Distance (ft):		Traffic Way:		Aerial Camera:	
Profile:		Road Type:		Surface:	
Unit Number:		Unit Name:		State:	
Driver License Number:		Date of Birth (Age):		License Type:	
Unit Type:		Driver Information:		Endorsements:	
MV		GUY BENJAMEN PALMER 3837 PINE VIEW DR METAMORA MI 48455 (734) 864-7384		None	
Driver Condition:		Injured:		Position:	
No		Yes		01	
Alcohol:		Test Type:		Test Results:	
G2053		No		None	
Vehicle Registration:		State:		Insurance Policy #:	
G2053		MI		AMERICAN FAMILY HOME INS. CO	
VIN:		Vehicle Description:		Year:	
1ND1FCW184Y838358		HARLEY MOTORCYCLE		2004	
Location of Greatest Damage:		First Impact:		Vehicle Type:	
01		01		Cycle	
Sequence of Events:		Event of Damage:		Action Taken:	
01		07		04 - Stopped on roadway	
(Indicate MCOT harmful event) = 17 - Motor veh in transport					
Passenger Information					
Date of Birth (Age):		Sex:		Position:	
Injury:		Airbag Deployed:		Ejected:	
Passenger Information:		Date of Birth (Age):		Sex:	
Injury:		Airbag Deployed:		Ejected:	
Passenger Information:		Date of Birth (Age):		Sex:	
Injury:		Airbag Deployed:		Ejected:	
Passenger Information:		Date of Birth (Age):		Sex:	
Injury:		Airbag Deployed:		Ejected:	
Passenger Information:		Date of Birth (Age):		Sex:	
Injury:		Airbag Deployed:		Ejected:	
Passenger Information:		Date of Birth (Age):		Sex:	
Injury:		Airbag Deployed:		Ejected:	
Center Information					
Driver's COL Type:		Endorsements:		CDL Exempt:	
CH		OS		OY	
Vehicle Type:		Type and Axis Per Unit:		Cargo Body Type:	
Motor Vehicle		First Second Third Fourth		Medical Cert:	
Owner Information:		GUY BENJAMEN PALMER 3837 PINE VIEW DR METAMORA MI 48455		Owner Information:	
Person Address of Damaged Traffic Control:		Damaged Property:		Public:	
Contact Name:		Contact Date:		Contact Time:	
Contact Name:		Contact Date:		Contact Time:	

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type O Operator C Cyclist M Moped	Endorsement O Cyclist O Farm O Other	Sex	Total Outpoints	Hazardous Action
Unit Type	Driver Information				Injury	Position	Resuscitated	Hospital	
Driver Description O1 O2 O3 O4 O5 O6 O7 O8 O9 O10					Infected	Ejected	Trapped	Airbag Deployed	Ambulance
Alcohol Yes Test Type					No Field	Refused PBT	Not Offered Breath	Test Results	Drugs Yes Test Type
Vehicle Registration					State	Insurance Policy #	Vehicle Title #	Special Vehicle (Private Trailer Type)	Vehicle Type
VIN	Vehicle Description		Make	Model	Color	Year	Vehicle Type		
Location of Greatest Damage	First Impact	Extent of Damage	Drivability	Vehicle Direction	Vehicle Use	Action Prior			
Sequence of Events					First	Second	Third	Fourth	
(V indicates MOST harmful event)									
Passenger Information					Date of Birth (Age)	Sex	Position	Resuscitated	Hospital
Passenger Information					Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information					Date of Birth (Age)	Sex	Position	Resuscitated	Hospital
Passenger Information					Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information					Date of Birth (Age)	Sex	Position	Resuscitated	Hospital
Passenger Information					Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information					Date of Birth (Age)	Sex	Position	Resuscitated	Hospital
Passenger Information					Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information					Date of Birth (Age)	Sex	Position	Resuscitated	Hospital
Passenger Information					Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Driver Information					Driver's License Type	Endorsements O1 O2 O3 O4 O5 O6 O7 O8 O9 O10	CDL Exempt O Farm O Other	CDL Restrictions O1 O2 O3 O4 O5 O6 O7 O8 O9 O10	
Intervenor/State	Vehicle Type	Type and Axis Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Exp	ID #	Class #		
Owner Information					Owner Information				
Witness Information					Witness Information				
Investigator at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)		Photo By				
Narrative					Diagram				

External #: 117044
Incident #: 150003943

ON NOTICE

MCRCSIP CLAIMS REPORT
AL77002015007852

Wilson, Matthew
D/A: 09/29/15

vs. St Clair County Road Commission
LOCATION: City of China Twp. at Wadhams Road

PLAINTIFF ATTORNEY: Eric Simpson, Mike Morse Law Firm

DEFENSE ATTORNEY: Michael John, Zanetti & John

ALLEGATIONS IN COMPLAINT: Negligence and/or careless driving causing accident on the part of the Road Commission.

INJURIES/DAMAGES: Declaratory relief from the court requested by plaintiff. No lawsuit filed. On Notice only.

FACTS OF ACCIDENT: On November 12, 2015, the St. Clair County Road Commission received a Notice of Intent to File Claim from Eric Simpson of the Mike Morse Law Firm on behalf of Matthew Wilson, the driver of the other vehicle involved in the accident. Technically this Notice was not required.

No lawsuit has been filed although the St. Clair County Road Commission has been put on notice that one might be. If the lawsuit is filed, the St. Clair County Road Commission would have strong factual and legal defenses to same.

UPDATE (2/18/16): On Notice only. Since this is a potential "motor vehicle" exception claim Wilson has three years from the date of accident to file a lawsuit. In other words he has until 9/29/18 to file. Claim is on hold.

UPDATE (06/29/16): On Notice only. Plaintiff has 9/29/18 to file. Case will be closed if no further action is taken once Statute of Limitations run out.

Update (08/22/2016): On Notice only. Plaintiff has 9/29/18 to file. Case will be closed if no further action is taken once Statute of Limitations run out.

UPDATE (10/29/16): Waiting for Status update from Attorney.

UPDATE (11/10/16): No activity. Statute runs thru September 28, 2018

UPDATE (02/03/17): No activity

UPDATE (05/17/17): No activity

Authority: 1949 PA 300, Sec. 257.022
Compliance Required MSP UD-10E
Penalty: \$100 and/or 90 days (Rev 11/2000)

External #
129781

Crash ID

Page 1

Incident # 15-007364 File Class: 03001

Incident Disposition

Closed

Reporter

Lt. J. TERPENNING (142)

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI MI7417400	Department Name St. Clair County Sheriff's Office							
Crash Date 09/29/2015	Crash Time 14:39	No. of Units 02	Crash Type Side Swipe, Opposite	Special Circumstances <input type="checkbox"/> School Bus <input type="checkbox"/> None <input type="checkbox"/> QHit and Run <input type="checkbox"/> Deer <input type="checkbox"/> Flooding Police	Special Checks <input type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Arrest <input type="checkbox"/> DRV/Nonmobile			
County 74 - SAINT CLAIR	Traffic Control None	Relation to Roadway On Road	Special Safety None	Weather Cloudy	Area 11 - NON-FRWY Curved roadway			
City/Town 5 - CHINA TWP	Construction Zone (If applicable) Type	Lane Closed	Activity	Light Daylight	Road Condition Dry	Total Lanes 02	Speed Limit 35	Posted Yes

Prefix WADHAMS	Road Name WADHAMS	Road Type RD	Suffix Divided Roadway
Distance (ft.) 0.25 Miles S	Traffic Way 01 - Not physically divided	Access Control 01 - No access control	
Prefix TRIPP	Intersecting Road RD	Road Type RD	Suffix Divided Roadway

Unit Number 01	Unit Known Yes	State MI	Driver License Number [REDACTED]	Date of Birth (Age) [REDACTED]	License Type <input type="checkbox"/> Operator <input type="checkbox"/> Chauffeur <input type="checkbox"/> Motorist	Endorsements <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreational	Sex M	Total Occupants 01	Hazardous Action 16 - Careless/negligent
Unit Type MV	Driver Information MATTHEW DONALD WILSON 9113 MAPLE RD CLAY MI 48001	Injury A	Position 01	Restraint 09	Hospital 740030				
Driver Condition 1 02 03 04 05 06 07 08 09 099	Interlock No	Ejected No	Trapped Yes	Airbag Deployed Yes	Ambulance 741003				
Alcohol 0 Yes 1 No	Test Type 0 Field 1 OBT	Test Results 0 Refused 1 Not Offered 2 Breath 3 Blood 4 Urine	Drugs 0 Yes 1 No	Test Type 0 Blood 1 Urine	Test Results 0 Hazardous 1 Other				
Vehicle Registration CNM6843	State MI	Insurance/Policy # AAA AUTO2520698974	Towed To/By # BURGETTS	Special Vehicles Private Trailer Type	Vehicle Defect				
VIN 1A4GP45R66B502205	Vehicle Description CHRYSLER	Make TOWN & COUN	Model GRY	Year 2006	Vehicle Type Passenger Car				
Location of Greatest Damage 08	First Impact 08	Extent of Damage 05	Investigate No	Vehicle Direction N	Vehicle Use 01 - Private	Action Prior 01 - Going Straight Ahead			
Sequence of Events (1 indicates MOST harmful event)	First 02 - Cross centerline/median	Second 17 - Motor veh in transport	Third	Fourth					

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury	Airbag Deployed	Ejected	Trapped	Ambulance	

Carrier Information	Carrier Source GVWR ICCMC USDOT MPSC						
Driver's CDL Type	Endorsements 0H 0P 0T 0N 0S 0X	CDL Exempt 0 Farm 0 Other	CDL Restrictions 02B 02V 030 035 038				
Insurance/Trailer	Vehicle Type	Type and Axis For Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Materials 0 Placard 0 Cargo Spill	ID #	Class #

Owner Information	Owner Information	
Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name	Owner and Phone	
Contact Date		
Contact Time		

Unit Number 02	Unit Known Yes	State MI	Driver License Number [REDACTED]	Date of Birth (Age) [REDACTED]	License Type O Operator C Chauffeur M Motorist	Endorsements C Cycle P Farm R Recreation	Sex M	Total Occupants 01	Hazardous Mater. 00 - None
Unit Type MV	Driver Information DANIEL ROBERT INGLES 103 N 7TH ST ST CLAIR MI 48079				Injury 0	Position 01	Restraint 04	Hospital None	
Driver Condition 1 2 3 4 5 6 7 8 9 10					Interlock No	Ejected No	Trapped No	Airbag Deployed Not equipped	Ambulance None
Alcohol C Yes T Test Type					No O Refused PBT		Not Colored O Breath O Blood		Urine
Test Results					Drugs C Yes T Test Type		No O BBod O Urine		Test Results
Vehicle Registration NONE					State MI		Insurance/Policy # ST CLAIR COUNTY		Towed To/By # ROAD COMM
VIN RW7420RR010792					Vehicle Description JOHN DEERE		Make TRACTOR		Color GRN
Location of Greatest Damage 07					First Impact 07		Extent of Damage 01		Vehicle Direction No
Sequence of Events First					Second		Third		Fourth
17 - Motor veh in transport									

PASSENGER INFORMATION	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury				Airbag Deployed	Ejected	Trapped	Ambulance	
	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury				Airbag Deployed	Ejected	Trapped	Ambulance	
	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury				Airbag Deployed	Ejected	Trapped	Ambulance	
PASSENGER INFORMATION	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury				Airbag Deployed	Ejected	Trapped	Ambulance	
	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury				Airbag Deployed	Ejected	Trapped	Ambulance	
	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury				Airbag Deployed	Ejected	Trapped	Ambulance	

Camera Information				Camera Source	GVWR	ICCMC	USDOT	MPSC
Driver's CDL Type				Endorsements	CDL Exempt	CDL Restrictions		
Intermediate/Restrictions				Vehicle Type	Type and Axle Per Unit	First	Second	Third
Cargo Body Type				Medical Cam	Hazardous Material	ID #	Class #	

Owner Information	Owner Information
-------------------	-------------------

Witness Information	Witness Information
MATTHEW RICHARD DESMET 1621 ML CLAY TWP MI 48001 (586)899-1216	25

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photo By
Yes	09/29/2015 (15:07)	Dep. G. DOAN (334)	Dep. G. DOAN (334)	JACKSON

Narrative	Diagram
<p>WITNESS ADVISED VEHICLE 1 N/B HIGH RATE OF SPEED, CROSSING CTR LINE PRIOR TO CRASH. DRIVER 2, DRIVING A COUNTY ROAD COMMISSION TRACTOR CUTTING GRASS, ADVISED VEHICLE 1 CAME AROUND THE CORNER ACROSS THE CTR LINE AND COULDN'T RECOVER. VEHICLE 1 STRUCK THE TRACTOR IN THE DRIVER SIDE REAR WHEEL CAUSING REAR TIRE TO FLATTEN. COUNTY TRACTOR HAD HEAD LIGHTS AND YELLOW 4-WAY FLASHERS ACTIVATED</p>	
External #: 129781 Incident #: 15-007364	

09/29/2015 15:007364

MCRCSIP CLAIMS REPORT
ALT47002016008024

Buckwheat/Meier
D/A: 5/19/2016

vs. Livingston County Road Commission
LOCATION: Fieldcrest and US-23 on-ramp

PLAINTIFF ATTORNEY: Ravid and Associates, P.C.

DEFENSE ATTORNEY: Smith Haughey Rice & Roegge

ALLEGATIONS IN COMPLAINT: Claimant states injuries caused by a highway defect because of Livingston County's failure to comply with MCL 691.1402 in maintaining its highway in reasonable repair. They allege the collision was caused by the County's failure to have proper traffic control devices.

INJURIES/DAMAGES: Buckwheat suffered a broken nose, sprain/train/impact injuries to right and left knees, possible broken ribs, sprain/strain type injuries to his neck, contusions, and a possible closed head injury in the collision. Meier suffered a broken nose, a closed head injury, a possible ruptured spleen, strain/sprain type injuries to his neck, back and shoulders.

FACTS OF ACCIDENT: On May 19, 2016 Buckwheat and Meier were in a vehicle driven by Buckwheat. They were traveling north on Fieldcrest Drive just north of the Fieldcrest/W. 9 Mile Road intersection. As the vehicle crossed southbound Fieldcrest Drive to enter the north US-23 ramp, an oncoming vehicle disregarded a yield sign and struck Buckwheat's vehicle.

UPDATE (07/6/16): Plaintiff's Counsel sent a FOIA request to Livingston County Road Commission asking for all records relating to the placement and maintenance of all traffic control devices at the intersection of Fieldcrest Drive and the north US-23 on-ramp in Livingston County, MI. Livingston County Road Commission responding with telling them that they had no records regarding the placement and maintenance of all traffic control devices or road signs because that it the Michigan department of Transportation's jurisdiction.

UPDATE (10/28/16): No Update, holding pattern

UPDATE (11/10/16): No update.

UPDATE (02/03/2017): Notices of Intent filed against Road Commission Re Defective Highway due to Traffic Control Devices Notices appear Defective. Holding pattern to see if Plaintiffs file suit.

UPDATE (5/24/17): No update.

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: \$100 and/or 90 days (Rev 01/2015)

Exemsel # 0026979
Crash ID 9711422

Page 01 of 01
File Class 8300-1

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI MI 4786500	Department Name Green Oak Charter Township Police Department			Incident # 1600728		
Crash Date 05/19/2016	Crash Time 08:32	No. of Units 02	Crash Type Head On	Special Circumstances <input type="checkbox"/> None <input type="checkbox"/> Fleeing Police <input type="checkbox"/> Hit and Run <input type="checkbox"/> Unknown <input type="checkbox"/> School Bus <input type="checkbox"/> Animal	Special Checks <input type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> ORV/Snowmobile	
County 47 - Livingston	Traffic Control Yield Sign	Relation to Roadway On Road	Weather Clear	Area NON-FRWY Straight Roadway		
City/Twp 06 - Green Oak Twp	Contributing Circumstances 1st	2nd	Light Daylight	Road Surface Condition Dry	Total Lanes 02	
Work Zone (if applicable) Type	Workers Present	Activity	Location			
Speed Limit 55	Posted No					

Prefix FIELDCREST	Primary Road Name FIELDCREST	Road Type DR	Suffix	Divided Roadway
Distance / Direction 1,340 Feet N	Trafficway Not Physically Divided			
Prefix NINE MILE	Intersecting Road Name NINE MILE	Road Type RD	Suffix	Divided Roadway

Unit Number 01	Unit Known Yes	State MI	Driver License Number T360115210628	Date of Birth (Age) 08/11/1986 (29)	License Type <input type="checkbox"/> Operator <input type="checkbox"/> Chauffeur <input type="checkbox"/> Moped	Endorsements <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreation	Sex F	Total Occupants 02	Hazardous Action Failed to Yield
Unit Type MV	Driver Information CHRISTINE ELIZABETH THEODORE 2831 SAGEBRUSH CIR 208 ANN ARBOR, MI 48103-8793 (810) 588-1326				Driver is Owner <input type="checkbox"/>	Injury C	Position Front - Left	Restraint Shoulder and Lap Belt	
Driver Condition at Time of Crash 1st Appeared Normal				2nd		Driver Distracted By		Ejected <input type="checkbox"/>	Trapped <input type="checkbox"/>
Hospital REFUSE				Ambulance NONE					
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> PBT <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered			Alcohol Test Results <input type="checkbox"/> Pending Test Results:		Interlock Device No		
Drug Suspected No	Contributing Factor No	Drug Test Type <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered			Drug Test Results <input type="checkbox"/> Pending Test Results:		Citation Issued <input type="checkbox"/> Hazardous <input type="checkbox"/> Other		
Vehicle Registration CLK9729	State MI	Vehicle Description 2010	Year 2010	Make CHRYSLER	Model TWN&CNTRY	Color RED			
VIN 2A4RR5D18AR105433	Vehicle Type Passenger Car, SUV, Van	Special Vehicles Not Applicable	Private Trailer Type	Vehicle Defect					
Insurance Company STATE FARM	Insurance Policy #		Towed By DON'S TRIANGLE TOWING		Towed To				
Location of Greatest Damage 01	First Impact 01	Extent of Damage (Power Unit and/or Trailers) Functional Damage	Vehicle Direction S	Vehicle Use Private	Action Prior Going Straight Ahead				
Sequence of Events (# Indicates MOST harmful event) First # 17 - Motor Veh in Transport Second Third Fourth									

PASSENGERS	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
PASSENGERS				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
PASSENGERS	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			

TRUCK/BUS	Carrier Information			USDOT	MC	MPSC
				Driver's CDL Type	Endorsements <input type="checkbox"/> H <input type="checkbox"/> P <input type="checkbox"/> T <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> X	CDL Exempt <input type="checkbox"/> Farm <input type="checkbox"/> Other
	GWR/GCWR <input type="checkbox"/> 10,000 lbs. or Less <input type="checkbox"/> 10,001 - 26,000 lbs. <input type="checkbox"/> Greater than 26,000 lbs.	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material <input type="checkbox"/> Placard <input type="checkbox"/> Cargo Spill	ID #
				Class #		

Owner Information CHRISTINE ELIZABETH THEODORE 2831 SAGEBRUSH CIR 208 ANN ARBOR, MI 48103-8793 (810) 588-1326	Owner Information
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Damaged Property	Public	Owner's Phone
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Unit Number 02	Unit Known Yes	State MI	Driver License Number B230589755689	Date of Birth (Age) 09/04/1990 (25)	License Type Operator Chaufeur Moped	Endorsements Cycle Farm Recreation	Sex M	Total Occupants 02	Hazardous Action None
Unit Type MV	Driver Information MATTHEW RYAN BUCKWHEAT 3978 HOGBACK RD FOWLerville, MI 48836 (517) 715-3918			Driver is Owner Injury O	Position Front - Left	Restraint Shoulder and Lap Belt			
Driver Condition at Time of Crash 1st Appeared Normal				Driver Distracted By		Ejected	Trapped	Airbag Deployed Deployed - Front	
Hospital NONE				Ambulance NONE					
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type Breath Blood Urine Field PBT Refused Not Offered			Alcohol Test Results Pending Test Results:		Interlock Device No		
Drug Suspected No	Contributing Factor No	Drug Test Type Blood Urine Field Refused Not Offered			Drug Test Results Pending Test Results:		Citation Issued Hazardous Other		
Vehicle Registration CB55106	State MI	Vehicle Description Year 2002	Make GENERAL MOTORS	Model CONVERSION	Color WHITE				
VIN 1GTHG35R521151002	Vehicle Type Passenger Car, SUV, Van	Special Vehicles Not Applicable	Private Trailer Type	Vehicle Defect					
Insurance Company FARM BUREAU	Insurance Policy #		Towed By DON'S/TRIANGLE TOWING			Towed To			
Location of Greatest Damage 01	First Impact 01	Extent of Damage (Power Unit and/or Trailers) Functional Damage		Vehicle Direction N	Vehicle Use Private		Action Prior Going Straight Ahead		
Sequence of Events (# indicates MOST harmful event) First # 17 - Motor Veh in Transport Second Third Fourth									
Passenger Information AUSTIN JAMES MEIER 8087 W GRAND RIVER BRIGHTON, MI 48114 (810) 333-6147				Date of Birth (Age) 07/01/1992 (23)	Sex M	Position Front - Right	Restraint Shoulder and Lap Belt		
Hospital BRIGHTON HOSPITAL				Ambulance LIVINGSTON COUNTY EMS					
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint		
Hospital				Ambulance					
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint		
Hospital				Ambulance					
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint		
Hospital				Ambulance					
Carrier Information				USDOT		MC	MPSC		
GVWR/GCWR O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				Vehicle Configuration		Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	
Owner Information ATLAS HOME IMPROVEME 10824 PLAZA DR WHITMORE LAKE, MI 48189 (734) 449-9480				Owner Information					
Witness Information				Witness Information					
Investigated at Scene Yes	Reported Date (Time) 05/19/2016 (08:32)	1st Investigator Name (Badge) HUGHES, MATTHEW (00021)		2nd Investigator Name (Badge)		Photos No			
Narrative VEH #1 WAS S/B ON FIELDCREST DR VEH #2 WAS N/B ON FIELDCREST DR VEH #1 FAILED TO YIELD AND STRUCK VEH #2 AS IT ATTEMPTED TO MERGE ONTO N/B US-23				Diagram 					

ON NOTICE

MCRCSIP CLAIMS REPORT
ALT09002013007308

Leeford/Byran Todd
D/A: 2/07/14

vs. Bay County Road Commission
LOCATION: I-75

PLAINTIFF ATTORNEY: n/a

DEFENSE ATTORNEY: R. Michael John, Zanetti & John

ALLEGATIONS IN COMPLAINT: No suit filed. Claimants failed to drive in a safe and proper manner; and failed to yield the right of way to oncoming traffic.

INJURIES/DAMAGES: Fatality

FACTS OF ACCIDENT: Multi-vehicle accident involving a vehicle owned by the Bay County Road Commission (RC) and operated by an employee. On the date of loss the RC was performing trunk line operation pursuant to an agreement with MDOT; the RC was clearing snow from the road I-75 and shoulders. At one point as the RC was clearing the west side shoulder for southbound I-75 and the RCV was struck in the rear by the potential claimant(s). It is believed the claimants(s) were southbound in the left lane and there was a semi-truck in front of them in the same lane. It appears that the claimant decided to pass the semi-truck on the right; the RCV was clearing the shoulder just in front of the semi.

As the claimant was passing the semi, there may have been a white out due to the snow removal. It appears that the claimant(s) may have been a little disoriented in the white out and struck the back of the RCV causing the claimant to spin out of control. The claimant's vehicle spun in front of the semi and was struck by the semi. This was a double fatal for the two people inside of the claimant's vehicle.

UPDATE (2/18/16): No suit filed.

UPDATE (06/29/16): This file has a statute of limitations of February 2017. Nothing further has occurred so we are still in a holding pattern; waiting to see if a suit is filed. Pre-suit investigation is complete. No pertinent update at this time nor expected until suit is filed or incident closed.

Update (08/22/2016): Nothing new to report, we are still in a holding pattern.

Update (11/10/2016): Nothing new to report.

Update (05/24/2017): Nothing new to report.

MCRCSIP CLAIMS REPORT
E&O25002015008104

McClane, Joyce
D/A: 02/10/2016

vs Genesee County Road Comm.
LOCATION: 211 W. Oakley St. Flint, MI

PLAINTIFF COUNSEL:

DEFENSE COUNSEL: Mike Kluck, Kluck & Associates

ALLEGATIONS IN COMPLAIN: Road Commission employee is alleging discrimination based on race and retaliation.

FACTS OF ACCIDENT: Plaintiff alleges that she has repeatedly asked the Caucasian Manager/Director of the Road Commission for a corresponding Director title and wage increase, in 02-2016, to no avail. She said that she has complained internally of race discrimination by another Caucasian Director in 07-2016. Plaintiff stated that she believes she has been subject to different terms and conditions of employment in regards to job classification and denied wages due to her race.

UPDATE (02/03/2017): On December 8, 2016 Mike Kluck prepared and sent a Respondent's Answer to Charge of Discrimination. Mike stated that the Road Commission denied the claim for the reason the same is untrue, inaccurate, and misleading. He attached a copy of the investigation report, and also stated that the Plaintiff has since voluntarily left her employment with the Road Commission to take employment elsewhere. Plaintiff has been directed to report directly to the Road Commission's Director of Human Resources and Administrative Services, which the position is currently occupied by a black female. Mr. Kluck also attached the pay rate management sheet for review.

UPDATE (05/17/2017): In March 2017 the plaintiff filed three separate complaints regarding discrimination based on race and retaliation. On March 27, 2017, Managing Director John Daly placed Ms. McClane on paid administrative leave while her complaints are being investigated. On May 17, 2017, Mike Kluck filed Respondent's Answer to the Charge of Discrimination. At this time we are in holding pattern to see how Plaintiff and their attorney answers back. Mike will keep us updated on any new information as it is received.

MCRCSIP CLAIMS REPORT
E&O34002016008048

Swindell, Christopher
D/A: 8/4/2016

vs. Ionia County Road Commission

PLAINTIFF ATTORNEY: Donald J. Gasiorek
DEFENSE ATTORNEY:

ALLEGATIONS IN COMPLAINT: Plaintiff claims he was not hired full time due to age discrimination

INJURIES/DAMAGES:

FACTS OF ACCIDENT: Mr. Swindell was not offered permanent employment may be in violation of both State and Federal laws prohibiting discrimination on the basis of his age. Mr. Swindell, a highly qualified and experienced employee was passed over for permanent employment and a much younger employees with less experience were offered permanent positions.

UPDATE (08/26/16): No update

UPDATE (05/17/17): No update

MCRCSIP CLAIMS REPORT
GL53002014007711

Bennett/Woodard/Waterman
D/A: 11/03/2015

vs. Mason County Road Commission
LOCATION: Masten Road

PLAINTIFF ATTORNEY: David C. Jaunese, P.C.
DEFENSE ATTORNEY: William Henn, PLC

ALLEGATIONS IN COMPLAINT: A large hole dug in the roadway by the Road Commission created a dangerous and defective condition. Caused injuries and vehicle damage

INJURIES/DAMAGES: Mr. Bennett's injuries consist of lumbar and cervical spine damage with attendant soft tissue trauma. Quotes for vehicle damage were submitted

FACTS OF ACCIDENT: Mr. Bennett was driving north on Masten Road when it struck a hole in the roadway. Road Commission dug a hole in the roadway to fix the road but did not post the road work. Mr. Bennett's truck hit the hole at approximately 45mph

UPDATE (11/10/2016): No Activity

UPDATE (02/03/2017): On 12/7/2016 we filed a Motion for Summary Disposition pursuant to MCR 2.116 (C) (7) because Plaintiff is barred by governmental immunity. Specifically, it is our position that the Road Commission is immune from liability under GTLA because Plaintiff failed to satisfy the mandatory notice requirements. A hearing on this matter is scheduled for 2/9/2017. Discovery has just begin and Plaintiff has been served Interrogatories, Request for Production of Documents and medical authorizations to obtain records. A Scheduling Order has been issued with the following pertinent dates:

02/13/17 Preliminary lay and Expert Witness list due
03/15/17 Final lay and Expert Witness list due
05/19/17 Exhibit List due
05/19/17 Discovery Ends
07/06/17 Mediation to be completed
08/10/17 Case Evaluation
09/19/17 Settlement Conference
10/04/17 Trial (3 days)

UPDATE (05/16/2017): No Update

Authority: 1949 PA 300, Sec.257,922
Compliance: Required MSP UO-10E
Penalty: \$100 and/or 90 days (Rev. 1/2006)

External # 162707
Crash ID

Page 1
Incident # 14-4057 File Class : 93001
Incident Disposition
Closed
Reviewer
Sgt. STEVE HANSEN (17)

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI5315300	Department Name: Mason County Sheriff Office				
Crash Date: 11/03/2014	Crash Time: 13:52	No. of Units: 01	Crash Type: Single	Special Circumstances: <input type="checkbox"/> School Bus <input type="checkbox"/> None <input type="checkbox"/> H&R and Run <input type="checkbox"/> Other <input type="checkbox"/> Fleeing Police	Special Checks: <input type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> ORV/Snowmobile
County: 63 - MASON	Traffic Control: None	Relation to Roadway: On Road	Special Study: None	Weather: Clear	Area: 10 - NON-FRWY Straight roadway
City/Twp: 7 - LOGAN TWP	Construction Zone (if applicable): Type: Const/Maint Lane Closed: No	Activity: On Road	Light: Daylight	Road Condition: Dry	Total Lanes: 02 Speed Limit: 55 Posted: No

Prefix: MASTEN	Road Name: MASTEN	Road Type: RD	Surf: Divided Roadway
Distance (ft): 40.0 Feet S	Traffic Way: 01 - Not physically divided	Access Control: 01 - No access control	
Prefix: LUCEK	Intersecting Road: LUCEK	Road Type: RD	Surf: Divided Roadway

Unit Number: 01	Unit Known: Yes	State: MI	Driver License Number: THOMAS WARD BENNETT	Date of Birth (Age):	License Type: <input type="checkbox"/> Operator <input type="checkbox"/> Chauffeur <input type="checkbox"/> Moped	Endorsements: <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreation	Sex: M	Total Occupants: 03	Hazardous Action: 00 - None
Unit Type: MV	Driver Information: THOMAS WARD BENNETT	Injury: 0	Position: 01	Restraint: 04	Hospital: None				
Driver Condition: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 99	Interlock: No	Ejected: No	Trapped: No	Airbag Deployed: No	Ambulance: None				
Alcohol: <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type: <input type="checkbox"/> Field <input type="checkbox"/> OPBT	Test Results: <input type="checkbox"/> Not Offered <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine	Days: <input type="checkbox"/> Yes <input type="checkbox"/> No	Test Type: <input type="checkbox"/> Blood <input type="checkbox"/> Urine	Test Results: <input type="checkbox"/> Not Offered <input type="checkbox"/> Hazardous <input type="checkbox"/> Other				
Vehicle Registration: CPQ5430	State: MI	Insurance/Policy #: STATE FARM	Towed Tally #: SELF	Special Vehicle: Private Trailer Type: Vehicle Defect:					
VIN: KNAFB1219X6806828	Vehicle Description: KIA	Make: KIA	Model: BLU	Year: 1999	Vehicle Type: Passenger Car				
Location of Greatest Damage: 09	First Impact: 09	Extent of Damage: 07	Drivable: No	Vehicle Direction: N	Vehicle Use: 01 - Private	Action Prior: 01 - Going Straight Ahead			
Sequence of Events: First	Second	Third	Fourth						
(• indicates MOST harmful event) • 33 - Culvert									

Passenger Information: STACEY LYNN WATERMAN	Injury: 0	Airbag Deployed: No	Ejected: No	Trapped: No	Ambulance: None
Passenger Information: KURTIS DEAN WOODARD	Date of Birth (Age):	Sex: M	Position: 01	Restraint: 04	Hospital: None
Passenger Information:	Injury: 0	Airbag Deployed: Not equipped	Ejected: No	Trapped: No	Ambulance: None
Passenger Information:	Date of Birth (Age):	Sex:	Position:	Restraint:	Hospital:
Passenger Information:	Injury:	Airbag Deployed:	Ejected:	Trapped:	Ambulance:
Passenger Information:	Date of Birth (Age):	Sex:	Position:	Restraint:	Hospital:
Passenger Information:	Injury:	Airbag Deployed:	Ejected:	Trapped:	Ambulance:
Passenger Information:	Date of Birth (Age):	Sex:	Position:	Restraint:	Hospital:
Passenger Information:	Injury:	Airbag Deployed:	Ejected:	Trapped:	Ambulance:

Carrier Information:	Carrier Source: GWR	ICCMC:	USDOT:	MPSC:			
Driver's CDL Type:	Endorsements: <input type="checkbox"/> OH <input type="checkbox"/> OF <input type="checkbox"/> OT <input type="checkbox"/> OS <input type="checkbox"/> OX	CDL Exempt: <input type="checkbox"/> Farm <input type="checkbox"/> Other	CDL Restrictions: 020 029 030 035 036				
Interstate/Intrastate:	Vehicle Type:	Type and Axle Per Unit: First Second Third Fourth	Cargo Body Type:	Medical Card:	Hazardous Material:	ID #:	Class #:
				O Placard:	O Cargo Spill:		

Owner Information:	Owner Information:	
Person Advised of Damaged Traffic Control:	Damaged Property:	Public:
Contact Name:	Owner and Phone:	
Contact Date:		
Contact Time:		

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type O Operator C Chauffeur M Moped	Endorsements O Cycle O Farm O Recreation	Sex	Total Occupants	Hazardous Action
Unit Type	Driver Information				Injury	Position	Restraint	Hospital	
Driver Condition O1 O2 O3 O4 O5 O6 O7 O8 O9 O10					Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
Alcohol Test Type	No Field	Refused PBT	Not Offered Breath	Blood	Urine	Test Results	Drugs Test Type	No Blood	Urine
Vehicle Registration	State	Insurance/Policy #	Towed To/By #			Special Vehicles	Private Trailer Type	Vehicle Defect	
VIN	Vehicle Description		Make	Model	Color	Year	Vehicle Type		
Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior			
Sequence of Events		First	Second	Third	Fourth				

PASSENGERS	Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
		Injury	Airbag Deployed	Ejected	Trapped	Ambulance
	Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
		Injury	Airbag Deployed	Ejected	Trapped	Ambulance
	Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
		Injury	Airbag Deployed	Ejected	Trapped	Ambulance
PASSENGERS	Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
		Injury	Airbag Deployed	Ejected	Trapped	Ambulance
	Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
		Injury	Airbag Deployed	Ejected	Trapped	Ambulance
	Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
		Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Carrier Information		Carrier Source	GWR	ICCMC	USDOT	IMP8C
Driver's CDL Type		Endorsements OH OP OT ON OS OX	CDL Exempt OFarm OOther	CDL Restrictions O28 O29 O30 O35 O36		
Interstate/Intrastate	Vehicle Type	Type and Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material OPiscand OCargo Spl	ID # Class #

Owner Information	Owner Information
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Witness Information	Witness Information
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Investigated at Scene. Yes	Reported Date (Time) 11/03/2014 (13:52)	1st Investigator Name (Badge) Dep. Kyle Boyd (5317)	2nd Investigator Name (Badge)	Photo By
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Narrative
 #1 was driving north on Masten Rd when it struck a hole in the roadway. Road Commission dug a hole in the roadway to fix the road, but did not post the road work. #1 struck the hole at approximately 45mph.

Diagram

11/03/2014 14:4057

External #: 162707
 Incident #: 14-4057

MCRCSIP CLAIMS REPORT
GL83002014008027

Nieman, Robin
D/A: 6/23/2014

vs. Wexford County Road Commission
LOCATION: N 15 Road/Haring Twp

PLAINTIFF ATTORNEY: Warba Law Offices, P.C

DEFENSE ATTORNEY: Smith, Haughey, Rice & Roegge, PC

ALLEGATIONS IN COMPLAINT: Vehicle hit a Pothole on a County road then rolled off the road into a 6ft deep crevice.

INJURIES/DAMAGES: Plaintiff sustained injury to her neck and head

FACTS OF ACCIDENT: Plaintiff was a rear passenger in a car. The driver hit a pothole then rolled off the road into a 6ft deep crevice. All four occupants were transported to the hospital.

UPDATE (12/13/16): December 12, 2016 Adam Tountas attended the pretrial scheduling conference. Plaintiff asked for another scheduling conference for, February 2017, so that she could seek a Lawyer. It was indicated that if she did not have a Lawyer at that time she would be forced to proceed *In Pro Per*. Court instructed plaintiff to sign our medical release forms so we can obtain a full complement of Plaintiff's medical records. Once her lawyer appears we will file a motion for summary disposition arguing that, in accordance with Streng, the Plaintiff's pre-suit notice of intent is defective.

UPDATE (02/03/2017): Complaint served on Wexford County Road Commission. Responsive pleadings and initial discovery were sent. Plaintiff has retained new counsel. A Scheduling Conference has been set for February 3, 2017.

After Scheduling Conference, it was order that:

- Plaintiff shall file names of expert witnesses no later than 04/03/2014 and file not later than 05/01/2017
- A list of exhibits shall be exchanged among all counsel by 05/01/2017
- Discovery shall be completed by 07/10/2017
- All motions must be filed and heard on or before 09/11/2017
- Matter will be evaluated in December, 2017
- Pretrial/settlement conference will be scheduled for 01/26/2018

UPDATE (03/27/2017): Litigation Budget was updated to \$203,175.

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI:

M18307600

Department Name

Michigan State Police Cadillac

Incident Disposition

Closed

Reviewer

Sergeant M IRWIN (312)

Crash Date 06/23/2014	Crash Time 18:55	No. of Units 01	Crash Type Single	Special Circumstances <input type="checkbox"/> School Bus <input type="checkbox"/> None <input type="checkbox"/> Hit and Run <input type="checkbox"/> Deer <input type="checkbox"/> Fleeing Police	Special Checks <input type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> ORV/Snowmobile
County 83 - WEXFORD	Traffic Control None	Relation to Roadway On Road	Special Study None	Weather Cloudy	Area 20 - Other
City/Twp 8 - HARING TWP	Construction Zone (if applicable) Type	Lane Closed	Activity	Light Daylight	Road Condition Wet
Total Lanes 01	Speed Limit 55	Posted No			

Prefix N	Road Name 16	Road Type RD	Suffix Divided Roadway
Distance (ft.) 1.0 Miles S	Traffic Way 04 - One-way traffic	Access Control 01 - No access control	
Prefix W	Intersecting Road S	Road Type RD	Suffix Divided Roadway

Unit Number 01	Unit Known Yes	State MI	Driver License Number D552138189103	Date of Birth (Age) 02/08/1973 (41)	License Type <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreational	Endorsements <input type="checkbox"/> None <input type="checkbox"/> Other	Sex M	Total Occupants 06	Hazardous Action 12 - Unable to stop
Unit Type MV	Driver Information DEREK EDWARD DEMMONS 301 ESTATE DR CADILLAC MI 49601 (989)305-7862				Injury C	Position 01	Restraint 04	Hospital 280010	
Driver Condition <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 0				Interlock No	Ejected No	Trapped No	Airbag Deployed No	Ambulance 281011	
Alcohol <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine				Test Results <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Blood <input type="checkbox"/> Urine		Test Results <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Blood <input type="checkbox"/> Urine		Citation Issued <input type="checkbox"/> Hazardous <input type="checkbox"/> Other	
Vehicle Registration 1JLV2	State MI	Insurance/Policy # STATE FARM	Towed To/By # BEAMANS		Special Vehicles Private Trailer Type Vehicle Defect				
VIN 1FM5K7D83DGA58346	Vehicle Description FORD	Model EXPLORER	Color BLU	Year 2013	Vehicle Type Passenger Car				
Location of Greatest Damage 02	First Impact 02	Extent of Damage 05	Driveshaft No	Vehicle Direction S	Vehicle Use 01 - Private	Action Prior 01 - Going Straight Ahead			
Sequence of Events First Second Third Fourth (* indicates MOST harmful event) * 45 - Other fixed object									

Passenger Information WYLLIAM JONATHAN-SHAINE RICHARDS 426 EVART ST CADILLAC MI 49601 (616)337-3593				Date of Birth (Age) 08/18/1999 (14)	Sex M	Position 03	Restraint 05	Hospital 280010
Passenger Information KENDALL ELIZABETH DEMMONS 301 ESTATE DR CADILLAC MI 49601 (989)305-7862				Date of Birth (Age) 07/01/2004 (9)	Sex F	Position 04	Restraint 05	Hospital 280010
Passenger Information JORDYN ALEXIS DEMMONS 301 ESTATE DR CADILLAC MI 49601 (734)299-1470				Date of Birth (Age) 05/12/2003 (11)	Sex F	Position 07	Restraint 05	Hospital 280010
Passenger Information ILLIANA LYNN WESTON 426 EVART CADILLAC MI 49601 (616)337-3593				Date of Birth (Age) 06/27/2001 (12)	Sex F	Position 06	Restraint 05	Hospital 280010
Passenger Information ROBIN LYNN NIEMAN 426 EVART ST CADILLAC MI 49601 (616)337-3593				Date of Birth (Age) 12/07/1956 (57)	Sex F	Position 05	Restraint 03	Hospital 280010
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital
Injury				Airbag Deployed	Ejected	Trapped	Ambulance	

Carrier Information				Carrier Source GVWR	ICCMC	USDOT	MPSC
Driver's CDL Type				Endorsements OH OP OT OS OX	CDL Exempt OFarm OOther	CDL Restrictions 028 029 030 035 036	
Interstate/Intrastate	Vehicle Type	Type and Code First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material OPlacard OCargo Spill	ID #	Class #

Owner Information				Owner Information			
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Person Advised of Damaged Traffic Control Contact Name : Contact Date : Contact Time :				Damaged Property Owner and Phone				Public
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06/23/2014 7:4290114

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type O Operator C Chauffeur M Moped	Endorsements O Cycle O Farm O Recreation	Sex	Total Occupants	Hazardous Action
Unit Type	Driver Information				Injury	Position	Restraint	Hospital	
Driver Condition O1 O2 O3 O4 O5 O6 O7 O8 O9 O99				Interlock	Ejected	Trapped	Airbag Deployed	Ambulance	
Alcohol Test Type Yes No Field Refused PBT Not Offered Breath Blood Urine		Test Results		Drugs Test Type Yes No Blood Urine		Test Results		Citation Issued Hazardous Other	
Vehicle Registration	State	Insurance/Policy #			Towed To/By #			Special Vehicles	Private Trailer Type
VIN	Vehicle Description		Make	Model	Color	Year	Vehicle Type		
Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior			
Sequence of Events		First	Second		Third		Fourth		
(* indicates MOST harmful event)									
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital	
				Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital	
				Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital	
				Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital	
				Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital	
				Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	Hospital	
				Injury	Airbag Deployed	Ejected	Trapped	Ambulance	
Carrier Information				Carrier Source	GVWR	ICCMC	USDOT	MPSC	
				Driver's CDL Type	Endorsements OH OP OT ON OS OX	CDL Exempt O Farm O Other	CDL Restrictions O28 O29 O30 O35 O36		
Interstate/Intrastate	Vehicle Type	Type and Axle Per Unit First Second Third Fourth		Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill		ID #	Class #
Owner Information				Owner Information					
Witness Information				Witness Information					
Investigated at Scene. Yes	Reported Date (Time) 06/23/2014 (21:44)	1st Investigator Name (Badge) Sergeant NORMA NAYLOR (162)				2nd Investigator Name (Badge)		Photo By TPR. WATSON	
Narrative VEHICLE 1 WAS SOUTHBOUND ON N. 15 RD WHEN THE VEHICLE ENTERED THE MUD HOLE COMING TO A SUDDEN STOP. 4 JUVENILE PASSENGERS CLAIMED THEY WERE EJECTED, INJURIES AND NATURE OF THE CRASH MAKE THIS UNLIKELY. ALL SIX OCCUPANTS WERE INJURED. THE DRIVER ADVISED HE CAME OVER THE HILL AND COULD NOT STOP. HE CLAIMED TO BE GOING 15MPH. AT THE SPEED REPORTED THE VEHICLE WOULD HAVE BEEN ABLE TO STOP IN TIME. THE MUD HOLE IS OBVIOUS IN THE ROADWAY. FROM THE MUD ON THE NEARBY TREES PRIOR TO THE MUD HOLE, UNDERSIGNED BELIEVES IT MORE LIKELY THE DRIVER EXCELLERATED TO TRY AND GET THROUGH THE MUD HOLE.					Diagram N. 15 Rd LARGE MUD HOLE				

External #: 40230
Incident #: 71290114

06/23/2014 7:1290114