

# **REPRESENTATIVE CASES HANDLED BY MEMBERS** **OF** **THOMPSON, O'NEIL & VANDERVEEN, P.C.**

*These cases are representative samples of the cases prepared and successfully concluded by the lawyers in our firm. Together, we have tried to a verdict, arbitrated, mediated or otherwise settled in a gross amount cases having a cumulative value in excess of 48 million dollars. Each of our attorneys handle about twenty cases each year so, as you can see, these cases represent only a sample of what we have been able to achieve on behalf of our clients.*

## **MAJOR CASES**

### **Brewer v Payless Gas Stations; Wayne County Circuit Court**

*Our client suffered a horrible burn injury when a phantom vehicle left the Defendant gas station, running Plaintiff's vehicle into the opposing lane of traffic. We achieved a jury verdict against the gas station on a theory of nuisance and failure to control "hot rodding" patrons. We successfully responded to the Defendant's appeal to the Supreme Court established new guidelines favorable to the injured person in the settlement of cases involving more than one defendant.*

### **Bruski v Cherryland Rural Electrical Coop; Grand Traverse County Circuit Court**

*Our client's car was struck, during a rainstorm, by a van traveling without lights. He lost his leg when he was struck by another car while exiting his vehicle. The firm secured him the full insurance policy limits from the driver of the van, and in a contested trial, a verdict for \$875,000.00 in non-economic damages from Cherryland and its driver, despite the fact that the investigating police officer had originally concluded that the second driver was not negligent*

### **Cradduck v Second Chance, et al; Charlevoix County Circuit Court**

*"The Fireworks Case" We represented two of the victims in this marathon battle to secure adequate compensation for the victims of the incompetently planned, poorly supervised, and ultimately fatal Charlevoix Fireworks display. After nearly ten years of litigation our clients received approximately 1.5 million dollars.*

**Doe v Roe; Roe County Circuit Court**

*We were local counsel in an action to compensate a young woman who suffered horrifying injuries in an out-of-standard municipal dam.*

**Doe v Hank's Electric Service; Grand Traverse County Circuit Court**

*We recovered the policy limit of the at-fault driver and the limits of two policies of underinsured motorist coverage. With PIP benefits, the young family recovered more than 1.2 million dollars in insurance benefits, all of the available coverage, where only \$50,000 had been offered.*

**Doe v John Doe Hospital; Wayne County Circuit Court**

*We achieved a substantial, but confidential, recovery for the family of a young woman who received an overdose of chemotherapy at a down-state teaching hospital.*

**Estate of Sgt. Fierens v Doe Transport; W.D. of Michigan:**

*We were able to recover a significant settlement for the family of a returned Iraq war veteran, after he was killed by a trucker who fell asleep at the wheel. We are not at liberty to disclose the amount of the recovery. The dead veteran was a stellar soldier and student who had recently scored in the top five percent on the law school entrance exam.*

**Garrisi v Metro Fire Department; Grand Traverse County Circuit Court**

*We represented the family of a woman and baby who were killed when broad-sided by a fire truck at a semi-rural intersection. Details of this action can be found in the archives of the Traverse City Record Eagle and elsewhere on our web-site. The case settled for 2.3 million dollars.*

**Gilmore v Michigan Department of Transportation; Michigan Court of Claims; Ingham County Circuit Court**

*Plaintiff was severely injured when struck by a vehicle running a red light. The intersection was defectively designed with a crossroad obscured in a curve. We achieved a verdict in the Court of Claims.*

**Klaver v Cronoral Contractor, et al; Grand Traverse County Circuit Court**

*The firm obtained one of the largest injury verdicts in Grand Traverse County history, on behalf of a workman who suffered a badly fractured arm while building the Radio Center building on Front Street. Our client fell fourteen feet as a result of the contractors' negligent failure to maintain a safe working environment.*

**Knapp v Burns Clinic, et al; Emmet County Circuit Court**

*The 8-month-old plaintiff was profoundly brain damaged and paralyzed during a hospitalization for croup. The case was settled with a lifelong structured settlement for the child.*

**Russell v K Mart Corporation and Seward Luggage Company; Oakland County Circuit Court**

*An 11-month-old little girl was severely brain damaged when the lid of a toy storage chest trapped her neck and strangled her long enough to cause a severe oxygen deficit to her brain. We alleged that the storage chest was designed and marketed for use as a toy box, and that it did not meet the voluntary standards proposed 15 years ago for toy boxes. This case settled on very favorable terms that we are not allowed to disclose.*

**Spicewski v Katara; Antrim County Circuit Court**

*Our client, a young girl, sustained devastating injuries to her leg when she was struck by a motor boat while tubing. With our help, after litigation she achieved a settlement which will pay her over two million dollars over the course of her life. The present value of this settlement was a few dollars less than the operator's million dollars in coverage.*

**Spink, Estate of, v Doe; Grand Traverse County Circuit Court**

*After protracted litigation caused by Allstate Insurance Company, we were able to prove that Allstate's insured should not have been driving because she had ample notice of underlying medical problems which caused her to run a stop sign, killing this young mother.*

**Stowe v Doe; Leelanau County Circuit Court**

*This death case arose out of the death of a young mom on her husband's motorcycle. An elderly woman pulled out in front of them on a rural road with little sight distance. The case settled for \$1.5 million despite the Defendant's proof that the Plaintiffs could have stopped without striking the Defendant's vehicle if they had reacted by braking with the front brake as well as the rear. We were able to demonstrate that in an emergency, even well-trained motorcyclists, such as the California Highway Patrol, tend to react contrary to training.*

**Vaughan v Mercy Hospital, et al; Wexford County Circuit Court**

*A fifty-eight-year-old woman who was frightened by the neighbor's dog, fell and fractured her hip. She was taken to the local hospital where the surgeon deemed it advisable to repair her hip surgically under a spinal anesthetic. The anesthetist apparently allowed the anesthesia to progress up her spine to a level that interfered with her cardiorespiratory function: then he failed to recognize that she wasn't breathing in time to intervene and prevent substantial brain damage. She "lived" for two more years, however, her existence was no more than lying in a*

*fetal position on a hospital bed in a nursing home. She was apparently cognizant of her surroundings, as she would engage in episodes of screaming and moaning. The case settled in a manner satisfactory to her family, but not until the eve of trial. The Defendants insisted that the family sign an agreement not to disclose the amount of the settlement.*

**Welch v Michigan Department of Transportation, et al; Wayne County Circuit Court**

*Claim against trucking firm, motorist and Department of Transportation for death of mother and brain injury to the child. We were successful in achieving a recovery against all parties except the Road Authority, which was dismissed by the Judge after a Wayne County trial.*

## **AUTO NEGLIGENCE**

*This is our primary area of expertise and we have handled more than 1000 auto-related claims. The following is a sample:*

**Babcock v Road Authority**

*The firm assisted this family in investigating and reaching a private, confidential settlement arising out of the death of their son and brother when he was struck by a truck plowing snow.*

**Bruski v Cherryland Rural Electrical Coop; Grand Traverse County Circuit Court**

*Our client's car was struck, during a rainstorm, by a van traveling without lights. He lost his leg when he was struck by another car while exiting his vehicle. The firm secured him the full insurance policy limits from the driver of the van, and in a contested trial, a verdict for \$875,000.00 in non-economic damages from Cherryland and its driver, despite the fact that the investigating police officer had originally concluded that the second driver was not negligent.*

**Burgess v Girlfriend and others; Ottawa County Circuit Court**

*We represented this young man in protracted litigation after he suffered severe head and orthopaedic injuries in an intersection collision. The insurers for both drivers insisted that only the other was at fault and hired several independent doctors to support their claim that he had recovered completely. Over several years of litigation we achieved a substantial recovery from the at-faults' insurers and also secured complete tuition and expense coverage for him to return to college from his own insurer.*

**Capati v Jones; Wayne County Circuit Court**

*Our client, a young doctor, was severely injured when her car was struck head-on by another vehicle. After initiating a lawsuit the defendants paid her full policy limits to resolve this tragic case.*

**Drogt v United Waste; Antrim County Circuit Court**

*We helped this man recover for the loss of his anticipated lifetime earnings after he was struck by a garbage truck that ran a stop sign. Evaluating his likely future income through the use of expert accountants and business consultants, and discrediting the income testimony of the Defendant's consultants was crucial to achieving a fair recovery.*

**Eric Ellis v DMC; Grand Traverse County Circuit Court**

*Despite the bankruptcy of the delivery company, we were able to achieve a very substantial settlement for this young man who suffered lifetime injuries to his leg when a truck delivering lumber to a job site allowed the load of lumber to strike the Plaintiff (who was waiting to help unload it.).*

**Engineer v Cordes Excavating; Otsego Co.:**

*Our client was injured at a road construction site when he was pinned between two parked trucks, after one of the trucks was struck by a semi-tractor delivering gravel. The trucking company paid a confidential settlement after an unanimous case evaluation recommended a settlement of \$400,000.00.*

**Estate of Sgt. Fierens v Doe Transport; W.D. of Michigan:**

*We were able to recover a significant settlement for the family of a returned Iraq war veteran, after he was killed by a trucker who fell asleep at the wheel. We are not at liberty to disclose the amount of the recovery. The dead veteran was a stellar soldier and student who had recently scored in the top five percent on the law school entrance exam.*

**Finout v Cavalli; Clare County Circuit Court**

*A young woman traveling north on M-115 was killed when an oncoming driver lost control of his vehicle and crossed the center line causing a head-on collision. A successful settlement was reached with insurers for the driver and the owner of the vehicle he was driving, despite claims that the collision was caused by debris from a third vehicle.*

**Harm v Dinger, Webber, and Hanshaw:**

*In this case our client was badly injured when a vehicle hit an engine block laying in the road, lost control and struck the clients vehicle. We sued the driver and owner of the truck that had dropped the engine from its bed and obtained a substantial settlement for the client.*

**Hewitt v Crandall; Grand Traverse County Circuit Court**

*Mary Hewitt was crossing US 31 at Four Mile Road when a motorist who was blinded by the sun, ran a red light and struck her. The case was settled after mediation for \$500,000, representing non-economic damages for her substantial injuries.*

**King v Farm Bureau; American Arbitration Association**

*The plaintiff suffered a back injury in a motor vehicle collision. After the negligent driver's insurance was exhausted, we achieved an additional recovery of \$165,000 from his own insurance, through his underinsured motorist coverage. Binding arbitration.*

**Kuieck v J. P. Maintenance, Inc; Antrim Co.:**

*We were able to achieve a very substantial six-figure recovery for this delightful and talented artist who was severely injured in a motor vehicle collision. The at-fault driver was an inattentive irrigation worker who had worked an excessive number of hours in the weeks preceding the collision. Although the victim's "second career" in oil painting was not particularly lucrative, loss of his ability to enjoy this very skilled avocation resulted in a large award of "non-economic" damages.*

**Lenhoff v Lenhoff; Emmet County Circuit Court**

*We were able to help the wife who suffered a severely fractured neck recover fair compensation from her husband's insurer.*

**Lewis v Doe and Underinsured Motorist Coverage; Leelanau County Circuit Court**

*We achieved a substantial six figure settlement for this teacher who suffered long-term injuries in a wreck caused by a drunk.*

**Meredith v Ficaro, et al.; Leelanau County Circuit Court**

*This case, for serious injuries suffered by a motorcyclist, was settled after a favorable mediation result.*

**Perry v Johnson; Grand Traverse County Circuit Court**

*The firm was asked to substitute in as counsel for the Plaintiff, after the original jury verdict against her was overturned by the Court. On retrial, we achieved a modest verdict on her behalf.*

**Priest v Do-All Construction; Kankaska County Circuit Court**

*A young girl on her way to school was killed when her driver ran into the rear of a slow-moving backhoe traveling on the highway with inadequate lighting. The case settled following mediation*

**Jane Roe v Jane Doe; Benzie County Circuit Court**

*We were able to achieve a settlement of \$500,000.00 for this young woman who suffered very severe leg fractures in a motor vehicle collision caused by her teen-aged daughter.*

**Schichtel v Bucosky; Grand Traverse County Circuit Court**

*Through extensive investigation into the Defendant's assets, we secured a settlement at twice the Defendant's available insurance for this badly injured victim of an automobile collision.*

**Smith v United Van Lines; Wexford County Circuit Court**

*Claim against trucking company whose driver and poorly maintained semi-tractor caused a collision resulting in the death of the husband and father. Settled on the eve of trial after favorable court rulings.*

**Stachowski v Antrim Drilling Company:**

*In this auto negligence case our client sustained a serious foot fracture when struck on a dirt road by a large commercial truck. We were able to show that the truck was in our clients lane of travel and obtained a large settlement on the eve of trial.*

**Tegel v Gaines; Grand Traverse County Circuit Court**

*A builder suffered career-disabling injuries in a motor vehicle collision. After the negligent driver's insurance coverage was exhausted, the firm recovered \$400,000 from the builder's underinsured motorist coverage through binding arbitration.*

**Vowels v Proact; Antrim County Circuit Court**

*Half-million dollar recovery for a man who suffered a head injury in a highway collision, where the Defendant lost control on ice, despite the investigating officers' acknowledgment that the road was so icy they could not stand up.*

## BOATING INJURIES:

### **Estate of Doe v Insurer Roe; Chippewa County Probate Court**

*For less than \$6,000.00 in hourly fees, we were able to negotiate the payment of the driver's large liability policy, arrange a favorable annuity purchase and probate the decedent's estate. A young wife had been killed in a boating accident in the Les Cheneaux Islands, and the driver's insurer indicated a willingness to negotiate in good faith without filing suit. We advised the widow to engage us on an hourly, rather than a contingent, fee basis.*

### **Odziana v April; Leelanau County Circuit Court**

*Plaintiff was a young girl who was injured in a boating incident. When Allstate attempted to settle her injury claim, the Probate Court felt that the settlement was inadequate and referred her parents to our firm for legal assistance. Ultimately the Case was settled for a substantially larger sum.*

### **Spicewski v Katara; Antrim County Circuit Court**

*Our client, a young girl, sustained devastating injuries to her leg when she was struck by a motor boat while tubing. With our help, after litigation she achieved a settlement which will pay her over two million dollars over the course of her life. The present value of this settlement was a few dollars less than the operator's million dollars in coverage.*

## CIVIL RIGHTS, RIGHT OF PRIVACY

### **Ortquist v Dow Chemical and Midland County; U.S. District Court - Eastern District of Michigan**

*Civil rights action on behalf of Greenpeace protestor against Defendants for publishing a false statement. Settled, after extended litigation, on confidential basis.*

### **Snyder v Frankfort Public Schools; U.S. District Court - Western District of Michigan**

*Civil Rights Action on behalf of the school's only African-American child who was required to use a separate bathroom than other students. Settled.*

## CONSTRUCTION, INDUSTRIAL OR WORK SITE INJURIES

### **Klaver v Cronoral Contractor, et al; Grand Traverse County Circuit Court**

*The firm obtained one of the largest injury verdicts in Grand Traverse County history, on behalf of a workman who suffered a badly fractured arm while building the Radio Center building on Front Street. Our client fell fourteen feet as a result of the contractors' negligent failure to maintain a safe working environment.*

### **Lark v O-N Minerals; Presque Isle Co.:**

*Our client suffered near-fatal complications from blunt trauma to the abdomen, while performing maintenance on a massive 70 ton quarry excavator. We were successful in proving that the injury occurred as a result of the negligence of a quarry employee, who had been assigned to manipulate the excavator controls during the maintenance process.*

### **Sizemore v Century Cellunet; Osceola County Circuit Court**

*Wrongful death claim for a young father and husband after the tower he was helping to erect collapsed. Successfully pursued under the theory of inherently dangerous activity.*

## DOGBITES AND ANIMAL-RELATED INJURIES

### **West v Russell; Grand Traverse County Circuit Court**

*Recovery in excess of \$200,000 for injuries suffered by an elderly woman when she was knocked to the ground by a friendly but unrestrained dog.*

## “DRAMSHOP” OR ALCOHOL-RELATED INJURIES

### **Clark v The Corner Bar, et al; Kent County Circuit Court**

*Plaintiff died (according to the medical examiner of "natural causes") 11 days after he was injured in a head-on collision with a drunk driver who was served, after he was intoxicated, at the defendant bar. Settled during trial, following proof of the relationship between the collision injuries and plaintiff's death.*

### **Doe v Sleepy Bear Lounge et al:**

*A drunk driver collided with our client causing very serious injuries. Although we knew the drunk driver had been drinking in defendant bar we had only circumstantial evidence of him being served while visibly intoxicated. Despite a very negative appellate case on the evidence issue we obtained the policy limits from the drunk driver and a substantial settlement from the bar for our client.*

**Tomei v Gold Nugget, et al; Benzie County Circuit Court**

*Plaintiff was badly injured after being hit head-on by a drunk driver. Settled for policy limits of drunk and bar.*

**EMPLOYMENT DISCRIMINATION AND WRONGFUL DISCHARGE**

**Dodder v Iosco County Sheriffs Department; Iosco County Circuit Court**

*This whistleblower claim was brought on behalf of an Iosco County jail administrator who was fired when he reported that the sheriff was illegally recording the personal telephone conversations of Department employees.*

**Doe v Alken Zeigler; Kalkaska County Circuit Court**

*We were lead counsel in achieving a jury verdict for a young man wrongfully fired from his production job.*

**Downey v Charlevoix County Road Commission; Charlevoix County Circuit Court; Michigan Court of Appeals**

*The firm successfully appealed this case to the Court of Appeals, in order to overturn a local judge's ruling that a Road Commission employee's family had no remedy for discrimination that ultimately led to the employee's suicide.*

**Fortune v Pointes North Printing; Charlevoix County Circuit Court**

*Achieved significant settlement for worker who was fired from his job when he refused to perform work without proper permits.*

**Fouts v Elmwood Township; Grand Traverse County Circuit Court**

*Elmwood Township refused to hire Mr. Fouts after learning that he received Social Security Disability Benefits. When they refused our request to put him to work, we sued and obtained a settlement of nearly three years lost wages.*

**McCall v C & O Railroad Co.; U.S. District Court - Eastern District of Michigan**

*Handicappers Civil Rights action against the former employer of a railroad engineer who was discharged when he became dependent on insulin to control diabetes. Substantial jury verdict for plaintiff. Ultimately preempted in the Sixth Circuit.*

**People v Friske; Benzie County Circuit Court**

*Female Benzie County Sheriff's Deputy was charged with three misdemeanors and suspended from employment based on charges of misconduct that appeared to be extremely unfair and politically motivated. Our firm obtained the dismissal of these charges, reinstatement of the deputy, and appropriate compensation for the Department's inappropriate conduct. A grand slam!*

**Sherman v Pro Com Tower; Wexford County Circuit Court**

*Mike Sherman was severely injured at work when a radio tower painting company failed to properly secure its equipment. By artfully pleading the case we were able to gain the participation of several insurance companies and achieve a million dollar resolution for our clients.*

**Smith v East Bay Township; Grand Traverse County Circuit Court**

*We represented and achieved a settlement for township worker who was fired after demanding the benefits he was promised in the employee manual.*

**GOVERNMENT LIABILITY, EMERGENCY VEHICLES,  
IMMUNITY**

**Doe v Roe; Roe Circuit Court**

*We were local counsel in an action to compensate a young woman who suffered horrifying injuries in an out-of-standard municipal dam.*

**Frydrych v Gerrish Township; U.S. District Court - Eastern District of Michigan**

*Roscommon's Homecoming Queen candidate was killed when she was struck by a volunteer responding to an emergency without any siren. After protracted litigation, the township offered a settlement that was satisfactory to the family, despite the township's immunity from negligence, based upon federal claims relating to the Township Fire Department's long history of deliberate indifference to motorist safety.*

**Garrisi v Metro Fire Department; Grand Traverse County Circuit Court**

*We represented the family of a woman and baby who were killed when broad-sided by a fire truck at a semi-rural intersection. Details of this action can be found in the archives of the Traverse City Record Eagle and elsewhere on our web-site. The case settled for 2.3 million dollars.*

**Lamie v City of Traverse City; Grand Traverse County Circuit Court**

*Plaintiff's young daughter drowned in West Grand Traverse Bay while participating in a City Day Camp. George Thompson managed this claim for the clients for most of the life of the case. "Jury nullification" verdict against city for failure to properly supervise the camp participants, even though the jury did not find any individual employees to be negligent. Thompson's research arising out of this case was turned into two published articles on governmental immunity in Michigan.*

**Rossmann v Melrose Township; Emmet County Circuit Court; Michigan Court of Appeals**

*A volunteer fire department truck ran a red light, killing the plaintiff's wife. The township gave a cash settlement before trial, and the fire truck driver assigned his personal automobile insurance policy to the plaintiff when his insurer claimed an exception to coverage. The plaintiff sued the personal insurer in a declaratory action and recovered the entire amount of the policy, with interest and costs.*

**Scharaswak v United Waste et al; Otsego Co.:**

*Our firm represented the family of an elderly man who served one day a year on a Township Tax Review Committee. On his way to a tax seminar in a vehicle operated by the Township Supervisor, he was killed when the Supervisor struck the rear-end of a Waste Management refuse vehicle making a pick-up on a blustery day.*

*We were able to overcome immunity arguments by the Township Supervisor's insurer and the Supervisor entrapped himself with contradictory claims regarding a winter "white-out." By joining a claim against Waste Management for its negligence, with the claims against the Plaintiff's driver, and the family's own insurer, we were able to recover compensatory that approached one million dollars in total.*

## INSURANCE

**Auto Club v Wilson et al:**

*In this case we represented a gentleman who was seriously hurt when accidentally shot by a fellow deer hunter. Auto Club was the insurer of the shooter and denied him coverage based on the "criminal acts exclusion" contained in their policy (despite the fact that the shooter was not charged with a crime). We defeated the Auto Club's coverage argument in the Circuit Court and Court of Appeals and obtained a large settlement for the client.*

**Daniels v AAA; Otsego County Circuit Court**

*Megan Daniels suffered a traumatic brain injury when she was struck by a car as a young child. When her family approached our firm with a question about her rights, we discovered that AAA had been grossly underpaying her family for the care they provide. After we filed a lawsuit, AAA paid more than three quarters of a million dollars in over-due benefits.*

**DeWildt v ABC Insurer; Grand Traverse County Circuit Court**

*After a catastrophic motor vehicle collision, this young woman's insurer claimed that her coverage had been cancelled for non-payment. She was left with more than \$250,000.00 in debt. After protracted litigation and discovery of the Defendant's records in Ohio, we were able to reinstate her coverage, including wage loss, complete medical and liability coverage.*

**Doe v Prudential Insurance Company; U.S. District Court - Western District of Michigan**

*John Doe practiced law for nearly twenty years in a small partnership that paid for disability insurance on him. He was hospitalized for depression and ultimately, his physicians demanded that he give up practicing law. The insurance company discontinued his disability pay, claiming that he had simply made a "lifestyle choice" to leave the practice of law. After a favorable ruling by the Court, the Company re-instated his disability policy.*

**Gear v Farm Bureau and State Farm; Grand Traverse County Circuit Court**

*After mother and daughter suffered very severe head injuries in a motor vehicle collision, their insurer claimed that the insurance coverage on their van had been cancelled for non-payment. We were able to show that the insurer had not complied with the proper notice requirements and achieved reinstatement of the policy, including substantial Underinsured Motorist Benefits for all occupants, and PIP and vehicle collision coverage for the owner. We were able to charge most of the legal fees and expenses to State Farm, the company that paid PIP benefits to the occupants, after its management refused to participate in the underlying litigation [which resulted in a large re-payment to State Farm.]*

**Heika v Weber:**

*Our client was seriously injured when his motorcycle was struck by a pizza delivery driver. The Pizzeria had no coverage for the incident due to the negligence of their insurance agent. We took an assignment of the Pizzeria's claim against the agent and obtained a significant settlement for our client.*

**Krueger v Michigan Insurance; Grand Traverse Co.:**

*The firm was retained after a Florida lawyer settled the clients' liability claim without the express consent of the client's insurer. The insurer had filed suit in Michigan to invalidate its \$500,000.00 Underinsured Motorist Coverage and to enforce its decision to stop paying PIP benefits. Through litigation and a mediated negotiation, we were able to enforce the clients' rights to receive both continued PIP and substantial UIM benefits.*

**Newcomb v Citizens Insurance Company; Private Arbitration**

*The Plaintiff suffered a catastrophically disabling head injury. After several years, the no fault insurance company attempted to discontinue paying 24 hour attendant care and hired a doctor to support their position. We were asked by his retiring attorney to fulfill his obligation to seek benefits through a contested arbitration. Following binding arbitration before a retired judge, the Company was ordered to pay for 24 hour care.*

**Olman v Insurer; Grand Traverse County Circuit Court**

*After this couple suffered very severe injuries in a motor vehicle collision, we were able to negotiate the payment of their substantial Underinsured Motorist Coverage, without suit. We were able to pass on to them substantial fee and expense savings.*

**Schmidt v Lake States Insurance Co.; Grand Traverse County Circuit Court**

*After a young wife was killed in a motor vehicle collision, her family's insurer refused to pay the family under its Underinsured Motorist Coverage. Ultimately, we compelled them to pay for the wife's wrongful death and, in a separate action, we obtained a judgement against them to compensate the husband for having witnessed the death.*

**Vowels v ProAct Services Corporation; Kalkaska County Circuit Court**

*We were able to negotiate a substantial recovery for this head-injured client after extensive litigation. The defendant attempted, unsuccessfully, to attribute the collision to slippery winter roads.*

**Wilson v Lake States; Grand Traverse County Circuit Court**

*After Lakes States refused to make complete no-fault PIP payments to a severely head-injured girl, the firm became involved and achieved a six-figure judgment from the court.*

## LEGAL AND PROFESSIONAL MALPRACTICE

### **Delta Recreation Corp v Neeson, et al; Delta County Circuit Court**

*Legal malpractice action against defendant counsel who represented Delta in the defense of a dram shop action. After excess judgment rendered, defense counsel was sued for his failure to adequately represent the interest of his client, the insured. The insurance company paid the full amount of the excess judgment.*

### **In re: Leland Township**

*The township consulted with us on an hourly basis with regard to the professional negligence of the engineers who designed their sewer system.*

### **Knapp v Professional Engineers; Leelanau County Circuit Court**

*We recovered most of the out-of-pocket expense incurred by a local developer when the developer's consultant designed a road that encroached on the neighbors' right-of-way.*

## MEDICAL MALPRACTICE

### **Doak v. General Surgeon; Charlevoix County Circuit Court**

*Mr. Doak lost his hearing after his doctor administered Gentamycin for several weeks without monitoring its toxicity to his middle ear. The case settled after mediation.*

### **Doe v John Doe Hospital; Wayne County Circuit Court**

*We achieved a substantial, but confidential, recovery for the family of a young woman who received an overdose of chemotherapy at a down-state teaching hospital.*

### **Head v Mellon; Otsego County Circuit Court**

*Plaintiff developed paralysis of his bladder and other functions after treatment by his chiropractor. The case settled after a mediation award to Plaintiff exhausted the limits of the chiropractor's insurance.*

### **Hendra v John Doe; Houghton County Circuit Court**

*We were able to prove that a gall bladder surgery had been mis-managed and achieve a fair settlement on the eve of trial.*

**Hicks v Crittendon Hospital; Oakland County Circuit Court**

*The elderly Plaintiff died of complications following surgery for colon cancer. Plaintiff was able to show that prompt detection of the flaw in her feeding tube would have resulted in a successful outcome.*

**Holmes v Family Practice Doctor; Benzie County Circuit Court**

*This elderly woman lost her sight completely after her doctor discontinued steroid treatment she needed to suppress inflammation of the optic nerve caused by temporal arteritis. Settled for the doctor's policy limits and a substantial lien claimed by Medicare was successfully defeated.*

**Hutchinson v Richmond and Medical Arts Group; Wexford County Circuit Court**

*A forty-year-old man developed a lifelong disability when the blood supply to his hips became inadequate, resulting in a condition known as aseptic necrosis. He had, in the past, been treated by his company doctor for contact dermatitis that he suffered as a result of chronic chemical exposure. We proved that the doctor had treated him improperly with massive doses of systemic steroids, and actually caused the development of the hip disorder. As a result, we were able to secure a settlement, after mediation, which we are not at liberty to disclose.*

**Knapp v Burns Clinic, et al; Emmet County Circuit Court**

*The 8-month-old plaintiff was profoundly brain damaged and paralyzed during a hospitalization for croup. The case was settled with a lifelong structured settlement for the child.*

**Local Sheriff v John Doe, Pathologist, MD; Otsego Co.:**

*We were able to achieve a substantial recovery for a Northern Michigan County Sheriff after the pathologist mis-read his tissue slides and mis-diagnosed skin cancer. The error was discovered a number of years after the original mistake, when the tumor metastasized. After overcoming numerous obstacles including the statute of limitations and "discovery" period, the limitations on recovery for a living victim's "loss of opportunity for survival" and claims of fault against the victim and the family doctor, we were able to achieve a confidential recovery which the Sheriff considered reasonable.*

**McDoe v General Surgeon; Wexford County Circuit Court**

*We achieved a mediated recovery for this woman after her doctor continued estrogen therapy throughout her treatment for breast cancer. Our experts, including a doctor from the National Cancer Institute, testified that estrogen therapy greatly reduced our client's life expectancy. At the time of settlement, cancer had metastasized throughout her body, despite early diagnosis and an initially optimistic prognosis.*

**McPherson v Dr. Doe; Luce County Circuit Court**

*We achieved a substantial settlement for this young woman after her doctor failed to react appropriately to a “pea-sized” breast lump that had been present for more than one menstrual cycle. The lump turned out to be cancer that was diagnosed late, leading to a substantially poorer prognosis for the patient.*

**Novosislowsky v Northern Michigan Hospitals; Emmet County Circuit Court**

*A 50-year-old woman hospitalized for minor surgery expired after being improperly medicated. The nursing staff continued to administer morphine even after her nail beds were turning gray.*

**Paquin v Burnett and Burns Clinic Medical Center, PC; Mackinac County Circuit Court**

*While out hunting on the first day of hunting season, a 41-year-old St. Ignace woman experienced severe nausea and a crushing sensation in her chest which radiated down her right arm. She was also short of breath and extremely tired. Upon examination by a thoracic surgeon, he concluded that she had the flu and a sinus infection and sent her home. Approximately seven hours later she died of a myocardial infarction that began "at least" eight hours earlier. We were able to show through credible expert testimony that the woman should have undergone additional testing and a period of observation, and that these steps would probably have saved her life.*

**Patrick v Matias; Otsego County Circuit Court**

*The Plaintiff was badly scarred across the abdomen when her surgeon failed to respond appropriately to a post-surgical infection. During this period, binding arbitration was mandatory in malpractice and we secured an American Arbitration Association award in her favor.*

**Roe v Community Hospital; Crawford County Circuit Court**

*This young teacher reached a substantial settlement after suffering third-degree burns during surgery. The Hospital refused to accept responsibility for her injuries pre-suit, and the insurers for the professionals in the operating room all denied responsibility and pointed fingers at one another.*

**Schinkath v Bellaire Pharmacy, Inc., and Fifelski; Antrim County Circuit Court**

*Plaintiff died as a result of Defendant pharmacist dispensing the wrong medication. The case settled for the available limits of the Defendant’s insurance coverage.*

**Shimel v Cadillac Mercy; Wexford County Circuit Court**

*An elderly woman was given almost 500 times the proper dosage of medication when a nurse misunderstood the physician's order. The case settled after mediation, with a covenant that the family could not disclose the outcome.*

**Shureb v Burns Clinic; Charlevoix County Circuit Court**

*After taking her daughter to a Burns Clinic physician on three separate occasions over the course of two days, the mother took her to Charlevoix Area Hospital where a bowel problem called intussusception was diagnosed. Unfortunately, it now required surgery to reverse. The Clinic paid non-economic damages to the child to compensate for her scarring.*

**Slocum v Nursing Home; Charlevoix County Circuit Court**

*We were able to help this family bring a pain and suffering claim against their elderly mother's nursing home for injuries she suffered prior to her death as a result of neglect. Although the decedent's injuries did not cause her death, the family wished to bring an action to protect other elderly persons who were unable to protect themselves from similar neglect.*

**Smith v Medical Arts; Wexford County Circuit Court**

*The Defendant settled this wrongful death action after the patient's own physician—an employee of the Defendant—testified that dangerous iron infusion therapy she had ordered was not appropriate under the circumstances.*

**Sorger v Medical Arts Group; Wexford County Circuit Court**

*Claim against physician for failure to diagnose bilateral hip dysplasia in newborn child. Case Evaluation in the child's favor resolved the claim.*

**Vaughan v Mercy Hospital, et al; Wexford County Circuit Court**

*A fifty-eight-year-old woman who was frightened by the neighbor's dog, fell and fractured her hip. She was taken to the local hospital where the surgeon deemed it advisable to repair her hip surgically under a spinal anesthetic. The anesthetist apparently allowed the anesthesia to progress up her spine to a level that interfered with her cardiorespiratory function: then he failed to recognize that she wasn't breathing in time to intervene and prevent substantial brain damage. She "lived" for two more years, however, her existence was no more than lying in a fetal position on a hospital bed in a nursing home. She was apparently cognizant of her surroundings, as she would engage in episodes of screaming and moaning. The case settled in a manner satisfactory to her family, but not until the eve of trial. The Defendants insisted that the family sign an agreement not to disclose the amount of the settlement.*

**Wilson v Chow; Huron County Circuit Court**

*An elderly Tawas-area woman died after her doctor failed to perform an appropriate work-up on her. She had been hospitalized for a potential bowel obstruction, however, the doctor failed to order appropriate abdominal x-rays during the nine-day hospitalization. The case settled at mediation.*

**MOTORCYCLES**

**Curry v Gabourie; Leelanau Co.:**

*Our client suffered a damaged knee when the operator of a 4 x 4 RV drove into a parked pickup with her as a passenger. The operator's homeowner's coverage ultimately paid a confidential settlement on the eve of trial, after initially rejecting a six-figure case evaluation award. Aggressive but judicious use of discovery techniques in preparing for trial undercut the driver's planned defenses.*

**Meredith v Ficaro, et al; Leelanau County Circuit Court**

*This case, for serious injuries suffered by a motorcyclist, was settled after a favorable mediation result.*

**Hanley v Motorist; Grand Traverse County Circuit Court**

*Settlement for policy limits after a motorist made a left-turn in front of this motorcyclist, causing a moderate head injury.*

**Ramsey v VanSlembrouck; Grand Traverse County Circuit Court**

*Plaintiff was severely injured on his dirt bike when he struck a cable which the Defendant had stretched across a private road. The landowner knew the drive was used by motorcyclists, who mistakenly believed that it was a public road. The injured cyclist achieved a substantial recovery.*

**Scheck v Doe; Grand Traverse County Circuit Court**

*This Grand Traverse County resident achieved a substantial recovery for severe leg fractures he suffered in the parking lot of the Cherryland Mall, when the Defendant motorist pulled out in front of him on the access drive. The Defendant claimed that she was deceived by poor roadway design.*

**Stowe v Doe; Leelanau County Circuit Court**

*This death case arose out of the death of a young mom on her husband's motorcycle. An elderly woman pulled out in front of them on a rural road with little sight distance. The case settled for \$1.5 million despite the Defendant's proof that the Plaintiffs could have stopped without striking the Defendant's vehicle if they had reacted by braking with the front brake as well as the rear. We were able to*

*demonstrate that in an emergency, even well-trained motorcyclists, such as the California Highway Patrol, tend to react contrary to training.*

## NEGLIGENCE/NUISANCE

### **Craddock v Second Chance, et al; Charlevoix County Circuit Court**

*“The Fireworks Case” We represented two of the victims in this marathon battle to secure adequate compensation for the victims of the incompetently planned, poorly supervised, and ultimately fatal Charlevoix Fireworks display. After nearly ten years of litigation our clients received approximately 1.5 million dollars.*

### **Doe v. Ski Resort; Antrim County Circuit Court**

*We were able to achieve a very substantial recovery for a young grandfather who suffered catastrophic spinal cord injuries on the Defendant’s “tubing” run. After two other firms told the injured Plaintiff that he did not have a viable claim, we were able to achieve a recovery that approached seven figures.*

### **Knapp v Professional Engineers; Leelanau County Circuit Court**

*We recovered most of the out-of-pocket expense incurred by a local developer when the developer’s consultant designed a road that encroached on the neighbors’ right-of-way.*

### **Lamie v City of Traverse City; Grand Traverse County Circuit Court**

*Plaintiff’s young daughter drowned in West Grand Traverse Bay while participating in a City Day Camp. Jury verdict against City for failure to properly supervise the camp participants.*

### **McAlary v Consumer Power Company, et al; Ingham County Circuit Court**

*Death of husband and wife when they attempted to erect a portable CB antenna at night, touching antenna to Consumer Power lines at a DNR access site. Failure to warn theory against Consumer Power. Settled. Thompson co-authored published several articles about the Recreational User Act as a result of our experience in this case. His articles have been cited in the Michigan Supreme Court and by law review authors.*

## PREMISES LIABILITY

### **Ameel v Weeks, d/b/a Woody’s Settling Inn; Leelanau County Circuit Court**

*A deliveryman suffered a severely fractured lower leg when he fell down an unsafe entryway at Woody’s Settling Inn in Northport. The case settled after closing arguments.*

**Brewer v Payless Gas Stations; Wayne County Circuit Court; Michigan Supreme Court**

*Our client suffered a horrible burn injury when a phantom vehicle left the Defendant gas station, running Plaintiff's vehicle into the opposing lane of traffic. We achieved a jury verdict against the gas station on a theory of nuisance and failure to control "hot rodding" patrons. We successfully responded to the Defendant's appeal to the Supreme Court established new guidelines favorable to the injured person in the settlement of cases involving more than one defendant.*

**Czuk v ABC Retailer; Grand Traverse County Circuit Court**

*Our client sustained a severe injury to his leg when improperly stored merchandise fell on him while shopping. Through the use of store safety experts from across the country and a careful examination of the stores procedures and policies we were able to obtain a substantial settlement.*

**Doe v Sault Tribe; Bay Mills Tribal Court**

*The mentally challenged Plaintiff was able to recover a substantial settlement from his tribe's construction firm. He fell into an unmarked excavation in the dark and suffered a serious head injury. As with all tribal claims, this case involved significant issues of tribal sovereignty and immunity.*

**Doe, a Minor v Big Box Store; Grand Traverse County Circuit Court**

*We were able to achieve a substantial recovery, which we are not at liberty to disclose, after a large stack of lumber collapsed on this very young boy. The Big Box had not properly stacked or restrained the lumber: the Company claimed patrons were responsible.*

**Doe, M.D. v Chinese Restaurant; Grand Traverse County Circuit Court**

*We were able to achieve a favorable settlement, pre-suit, after this physician fell on ice while entering the Defendant's restaurant. The fall aggravated a pre-existing arthritis problem.*

**Kalena v Cedar Hills Golf Course, et al; Grand Traverse County Circuit Court**

*Substantial settlement achieved against the golf course for placing ropes in a manner likely to cause injury to patrons.*

**Waskeiwicz v Property owner; Emmet County Circuit Court**

*We were able to achieve a substantial recovery for this young woman after she fell into the basement of a home while attending a party. The fall resulted from several Building Code violations, and caused the girl to suffer a significant head injury.*

## PRODUCT LIABILITY

### **Antaya v Rupp Industries; Antrim County Circuit Court**

*Hemiplegic injury to a young woman caused by a three-wheel All Terrain Vehicle (ATV). Plaintiff found next to vehicle, no eyewitnesses to accident. Product case based upon design instability of off-road vehicles. Settled.*

### **Cederquist v Burden Products, et al; Grand Traverse County Circuit Court**

*Plaintiff's minor child was crushed to death while he rode a home elevator. Product case against an elevator component supplier for its failure to provide adequate and safe components. Settled.*

### **Grundel v A.A. Jones & Shipman; U.S. District Court - Western District of Michigan**

*Industrial worker received serious facial injury when a grinder wheel on the Precision Grinder he was operating failed and broke apart. Product case based upon defendant's failure to provide an emergency shut-off switch. Settled on the eve of Federal trial.*

### **Lawicki v Northwood Aviation, et al; Leelanau County Circuit Court**

*Plaintiff's only two sons were passengers in a seaplane that crashed into Lake Leelanau. According to the resulting NTSB report, the crash was caused by pilot error. We dug deeper, and the case settled against the airframe maintenance company for faulty refabricating of the airframe leading to a loss of flight stability.*

### **Miller v Premier Truck Sales, Inc., et al; Grand Traverse County Circuit Court**

*The left hand of a garbage truck driver was incompletely amputated when it became caught in the compacting mechanism of his truck. He attempted to prevent material from falling out of the compactor and inadvertently placed his hand in the crush mechanism. We proved that the compactor did not comply with industry standards that are designed to prevent this type of occurrence. Since the original manufacturer was no longer in existence, we had to prove that the company who purchased its assets, and a company that had refurbished the truck several years later, bore responsibility for the defect in the compactor. The case settled on the eve of trial for a very satisfactory amount recommended by mediators.*

**Roessler v Meijer and Alcan Aluminum; Grand Traverse County Circuit Court**

*Our client was badly burned when the lid blew off of her pressure cooker. We assembled a team of product engineers and secured a substantial settlement by demonstrating that the pressure cooker had not been properly designed. The product manufacturer has now changed its design to prevent this from occurring.*

**Russell v K Mart Corporation and Seward Luggage Company; Oakland County Circuit Court**

*An 11-month-old little girl was severely brain damaged when the lid of a toy storage chest trapped her neck and strangled her long enough to cause a severe oxygen deficit to her brain. We alleged that the storage chest was designed and marketed for use as a toy box, and that it did not meet the voluntary standards proposed 15 years ago for toy boxes. This case settled on very favorable terms that we are not allowed to disclose.*

**Waid v Mirro Corp; Chippewa County Circuit Court**

*Plaintiff was severely burned when the cover of a Mirro pressure cooker blew off, scalding her. Plaintiff was using the cooker as a "covered pan" when the cover vibrated in to a partially locked position, building pressure. Structured settlement against Mirro for its failure to warn users of this potential hazard.*

## RECREATIONAL VEHICLE

**Curry v Gabourie; Leelanau Co.:**

*Our client suffered a damaged knee when the operator of a 4 x 4 RV drove into a parked pickup with her as a passenger. The operator's homeowner's coverage ultimately paid a confidential settlement on the eve of trial, after initially rejecting a six-figure case evaluation award. Aggressive but judicious use of discovery techniques in preparing for trial undercut the driver's planned defenses.*

## ROAD CLAIMS

**Belanger v Charlevoix County Road Commission; Wayne County Circuit Court**

*Plaintiff's husband was killed when the rented vehicle in which he was an occupant left the county road and struck a cement wall built by a homeowner in the road right-of-way. All three occupants were ejected and died, and authorities were unable to reconstruct who was driving at the moment of impact. Settlement against the Road Commission and other vehicle occupants based upon presumptions and road design and maintenance.*

**Cudworth v Jeep Corp. and the Kalkaska County Road Commission;  
Kalkaska County Circuit Court**

*Paraplegic injury to a woman when her car left the highway. She was ejected out of an open door caused by a door latch failure. Product and road design case. Lifelong structured settlement obtained for Plaintiff.*

**Gilmore v Michigan Department of Transportation; Court of Claims**

*Plaintiff was severely injured when struck by a vehicle running a red light. The intersection was defectively designed with a crossroad obscured in a curve. We achieved a verdict in the Court of Claims.*

**McAlpine v Alger County Road Commission; Alger County Probate Court**

*The Plaintiff's young son was killed in a single vehicle collision as a result of the alleged negligence of his driver and of the Road Commission. A successful settlement was achieved with both parties.*

**Welch v Michigan Department of Transportation, et al; Wayne County Circuit Court**

*Claim against trucking firm, motorist and Department of Transportation for death of mother and brain injury to the child. We were successful in achieving a recovery against all parties except the Road Authority, which was dismissed by the Judge after a Wayne County trial.*

## TRUCKING COMPANY/HEAVY EQUIPMENT

**Engineer v Cordes Excavating; Otsego Co.:**

*Our client was injured at a road construction site when he was pinned between two parked trucks, after one of the trucks was struck by a semi-tractor delivering gravel. The trucking company paid a confidential settlement after an unanimous case evaluation recommended a settlement of \$400,000.00.*

**Estate of Sgt. Fierens v Doe Transport; W.D. of Michigan:**

*We were able to recover a significant settlement for the family of a returned Iraq war veteran, after he was killed by a trucker who fell asleep at the wheel. We are not at liberty to disclose the amount of the recovery. The dead veteran was a stellar soldier and student who had recently scored in the top five percent on the law school entrance exam.*

**Hattis v Trucking Company; Antrim County Circuit Court**

*Our client suffered severe injuries when a gravel train slid across the centerline striking his pickup. We were able to achieve a very favorable outcome, despite claims of “sudden emergency” weather conditions. We were able to prove that under Federal Regulations governing heavy commercial vehicles, the company should never have placed its gravel train on the roadway on the morning of the incident.*

**Jones, Estate of v James Gath Trucking; Grand Traverse Circuit Court**

*We were able to prove that the primary cause of the Decedent’s death was his motor vehicle collision injuries, over the disagreement of the County Medical Examiner who did not understand the full implications of the Decedent’s chest injuries. A paid medical consultant of the highest caliber was able to educate jurors - - and the Defendant Counsel.*

**Kuieck v J. P. Maintenance, Inc; Antrim Co.:**

*We were able to achieve a very substantial six-figure recovery for this delightful and talented artist who was severely injured in a motor vehicle collision. The at-fault driver was an inattentive irrigation worker who had worked an excessive number of hours in the weeks preceding the collision. Although the victim’s “second career” in oil painting was not particularly lucrative, loss of his ability to enjoy this very skilled avocation resulted in a large award of “non-economic” damages.*

## WRONGFUL DEATH

**Doe v Hank’s Electric Service; Grand Traverse County Circuit Court**

*We recovered the policy limit of the at-fault driver and the limits of two policies of underinsured motorist coverage. With PIP benefits, the young family recovered more than 1.2 million dollars in insurance benefits, all of the available coverage, where only \$50,000 had been offered.*

**Finch v Clark; Grand Traverse County Circuit Court**

*We tried this case on a pro bono basis for the family of a Sheriff’s Deputy who was killed when he tried to defuse a domestic problem in Traverse City. The shooter, who was potentially eligible to collect benefits from a trust established by his father, will now owe those benefits and his “cigarette money” to the family of the Sheriff’s Deputy.*

**Graham v Doe; Grand Traverse County Circuit Court**

*This Wrongful death action against a high school boy who attempted to pass in a no passing zone was settled for the Defendant's policy limits, without suit, after extensive investigation and documentation.*

**Hentschel, Estate of v Doe et al; Grand Traverse County Circuit Court**

*Plaintiffs secured a wrongful death settlement of multiple policy limits from two different insurance companies after the Defendants originally misrepresented the available coverage.*

**Kitchen v Roe; Grand Traverse Circuit Court**

*The family's wrongful death action was settled for policy limits when a speeding motorist caused the death of this young woman while she was delivering newspapers in the early morning darkness, despite the fact that police did not originally cite the Defendant motorist.*

**Scharaswak v United Waste et al; Otsego Co.:**

*Our firm represented the family of an elderly man who served one day a year on a Township Tax Review Committee. On his way to a tax seminar in a vehicle operated by the Township Supervisor, he was killed when the Supervisor struck the rear-end of a Waste Management refuse vehicle making a pick-up on a blustery day.*

*We were able to over come immunity arguments by the Township Supervisor's insurer and the Supervisor entrapped himself with contradictory claims regarding a winter "white-out." By joining a claim against Waste Management for its negligence, with the claims against the Plaintiff's driver, and the family's own insurer, we were able to recover compensatory that approached one million dollars in total.*

**Estate of Spink v Doe; Grand Traverse Circuit Court**

*After protracted litigation caused by Allstate Insurance Company, we were able to prove that Allstate's insured should not have been driving because she had ample notice of underlying medical problems which caused her to run a stop sign, killing this young mother.*

## ZONING, PUBLIC POLICY

**Leelanau Transit Authority v Various Defendants; U.S. District Court - Western District of Michigan, Grand Traverse County, Leelanau County**

*The firm has appeared, pro bono, on behalf of the Leelanau Trail in various litigation and administrative disputes over ownership and zoning issues.*

***Protect The Peninsula v Peninsula Township; Grand Traverse County Circuit Court***

*The Plaintiffs organization obtained a declaratory judgment invalidating a special-use permit that would have allowed a large golf/commercial development on Old Mission Peninsula and greatly increased the tax burden of Peninsula residents as a result of inadequate limitations on development.*