

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

BRITTANY ROBERTS

Plaintiff,

Case No.: 15- -CD
Honorable:

v.

CITY OF DETROIT; CITY OF DETROIT ANIMAL CONTROL AND CARE; CITY OF DETROIT POLICE DEPARTMENT; HARRY WARD, an individual, in his role as Director of the Detroit Animal Control,
SABRINA RHODES, an individual, in her role as Supervising Animal Control Officer for the Detroit Animal Control;
MARILYN BERKLEY- DVM, an individual, in her role as veterinary for the Detroit Animal Control;

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CATHY M. GARRETT

Defendants.

NEUMAN ANDERSON, P.C.
Attorneys for Plaintiff
By: Jennifer M. Grieco (P55501)
401 S. Old Woodward Ave., Ste. 460
Birmingham, MI 48069
248.594.5252
jgrieco@neumananderson.com

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

COMPLAINT FOR VIOLATIONS OF THE FREEDOM OF INFORMATION ACT AND VIOLATIONS OF THE MICHIGAN WHISTLEBLOWER PROTECTION ACT AND DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff BRITTANY ROBERTS (“Roberts”), by and through counsel, Neuman Anderson, P.C., and for her Complaint against Defendant City of Detroit, City of Detroit Animal Control and Care, the City of Detroit Police Department, Harry Ward, Sabrina Rhodes, and Marilyn Berkley-DVM, states as follows

PARTIES

1. Plaintiff Brittany Roberts is a resident of the City of Clinton Township, County of Macomb, Michigan. At all times relevant herein, she was employed by the City of Detroit and worked in Wayne County.

2. Defendant City of Detroit is a municipality organized under the laws of the State of Michigan and is a public body as defined by the Michigan Freedom of Information Act, having the custody and control of public records, MCL § 15.232(d)(iii).

3. Defendant City of Detroit Animal Control and Care (“Detroit Animal Control”) is a department of the City of Detroit that is responsible for the care of the animals within the City of Detroit, as well as the operation of the City’s animal control shelter. The Detroit Animal Control is a public body as defined by the Michigan Freedom of Information Act, MCL § 15.232(d)(iii).

4. Defendant City of Detroit Police Department (“Detroit Police Department”) is the department of the City of Detroit that oversaw the Detroit Animal Control at all relevant times herein. The Detroit Police Department is a public body as defined by the Michigan Freedom of Information Act, MCL § 15.232(d)(iii).

5. Defendant Harry Ward (“Ward”) is an individual, who, at all relevant times herein, was employed by the City of Detroit as the Director of the Detroit Animal Control, and at

all material times herein was an agent of the City of Detroit within the meaning of MCLA § 15.361(b), MSA 17.428(1)(b) in that he had the power to terminate Plaintiff.

6. Defendant Sabrina Rhodes (“Rhodes”) is an individual, who, at all relevant times herein, was employed by the City of Detroit as a Supervising Animal Control Officer and supervised Plaintiff.

7. Defendant Marilyn Berkley-DVM (“Dr. Berkley”) is an individual, who, at all relevant times herein, was employed by the City of Detroit, Detroit Animal Control as its Veterinarian.

JURISDICTION AND VENUE

8. The events giving rise to this cause of action occurred in the City of Detroit, County of Wayne, Michigan.

9. The amount in controversy exceeds \$25,000, exclusive of interest, costs, and attorney fees and is otherwise within the jurisdiction of this Court pursuant to MCLA § 15.231, *et seq.*, and § 15.363(2).

GENERAL ALLEGATIONS

Plaintiff is hired by Detroit Animal Control

10. Plaintiff was hired by the City of Detroit, Detroit Animal Control on or about March 16, 2015, as a full-time employee and Animal Control Officer.

11. Plaintiff has nine (9) years of experience in animal control and welfare and is a certified animal control officer (“ACO”) with 100 hours of training as required by the Michigan Department of Agriculture, having worked previously as an ACO in both Orange County, North

Carolina and in Macomb County, Michigan. Plaintiff is also a member of the National Animal Control Association in Animal Care Control and the Michigan Association of Animal Control Officers.

12. In her role as an ACO, Plaintiff was required to enforce animal control ordinances, to maintain the cleanliness of the dog shelter vehicle and facilities, including sweeping, washing, and disinfecting the facilities, cages, floors and walls, and to clean, feed and provide water to the animals that were impounded in the animal control shelter, in accordance with state and federal laws and all applicable policies regarding animal control and welfare.

Plaintiff begins to witness and complain of violations of the law.

13. Shortly after beginning in her position with Detroit Animal Control, Plaintiff learned of various practices and actions within the Detroit Animal Control which were in violation of state law as well as local ordinances. Such violations included, but were not limited to, the following:

- a. Drains not functioning or kept in good repair, allowing the backup and contamination of urine and feces in the animals' cages, in violation of Rule 22, R 295.151.22(5) of Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- b. The infestation of rats, roaches and other disease hazards, in violation of Rule 22, R 295.151.22(2) of Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- c. Poor lighting in the animal shelter and enclosures which created a difficult environment for routine inspection and cleaning during the work day in violation

of Rule 23, R 285.151.23(3) of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;

- d. Food stored and/or provided to animals on the floor and not in required covered, washable containers, in violation of Rule 25 and 31, R 285.151.25 and R 285.151.31 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- e. The inability to feed the dogs and cats to ensure that the food was free from contamination in that they were fed directly on the floor, in direct proximity to urine and feces, in violation of Rule 25 and Rule 31, R 285.151.25 and R 285.151.31 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- f. Failure to promptly consult with a veterinarian in order to timely treat ill or injured animals, in violation of Rule 36, R 285.151.36 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- g. Failure to promptly removed feces and urine from the cages, in violation of Rule 32 and Rule 33, R 285.151.32 and R 285.151.33 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- h. Failure to remove sick animals from the healthy animals to avoid disease transmission, in violation of Rule 34, R 285.151.34 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;

- i. Failure to keep the building clean and sanitized, in violation of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- j. Placing dogs in cages that were too small for their size and not in compliance with the minimum standards set forth in Rule 25 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- k. Failing to allow dogs out of their cages to get adequate exercise and to stretch, allowing dogs to become “kennel crazy” in violation of Rule 24 and Rule 25, R 285.151.24 and R 285.151.25 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- l. Placement of animals of different species and age group in the same enclosure in violation of Rule 34, R 285.151.34 of the Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters;
- m. Failure to employ animal control officers with the required 100 hours of training certified by the Michigan Department of Agriculture as required by MCL 287.289(b) and MCL 287.289(c) and City of Detroit Ord. No. 04-04, § 1, 1-30-04; and
- n. Failure to maintain appropriate record keeping in order to accurately report statistics to the State of Michigan, to prevent the occurrence of missing or lost dogs at the shelter and/or to prevent the workers from euthanizing the wrong animal at the shelter, in violation of MCL 287.339(a) and MCL 287.388

- o. Other violations of applicable Michigan law including MCL 287.331 *et seq.*, Department of Agriculture Regulation No. 151 governing Pet Shops, Dog Pounds and Animal Shelters

14. In addition, the Detroit Animal Control failed on a regular basis to scan dogs for microchips so that the animals could be identified and reunited with their owner prior to being euthanized in accordance with the Detroit Animal Control Responsibilities and Training Guide which requires ACOs to examine animals for identification.

15. Each of these violations of state and local law contributed to a situation where animals in the care and control of the Detroit Animal Control were becoming ill, contracting diseases such as the parvovirus, suffering and, in many cases, dying from the lack of proper treatment or medical attention and the poor conditions at the shelter.

16. Plaintiff reported the violations of state and local law to her supervisors, Defendants Ward, Rhodes and Dr. Berkley, as members of a public body, on numerous occasions and asked that they be corrected for the benefit of the animals and the public but Defendants refused.

17. In fact, on May 22, 2015, when Plaintiff raised the issue of ACOs having the required certification from the Michigan Department of Agriculture and 100 hours of training, Defendant Ward laughed in Plaintiff's face.

18. On May 31, 2015, Plaintiff begged Defendant Rhodes to provide bowls for the dogs so that the ACOs were not required to feed the animals off of the concrete floor covered in urine and feces but she refused.

19. Despite Plaintiff reporting the violations either verbally or in writing to her supervisors at the Detroit Animal Control, the complaints were not addressed and the situations of abuse and neglect continued.

20. Thereafter, Plaintiff advised her supervisors, Defendants Ward, Rhodes and Dr. Berkley that if the violations were not corrected, she would be forced to report the violations to Pollyanne McKillop, Animal Shelters/Control Regulatory Program Manager and the Michigan Department of Agriculture and Rural Development.

21. In addition, Plaintiff began to photograph and/or document the conditions that she witnessed with specific animals, including but not limited to the following specific situations:

- a. On June 25, 2015 at 8:37 a.m., male German-shepherd died in the pick-up room due to lack of medical treatment (*Exhibit 1*);
- b. On Friday, June 26, 2015, 6 puppies were found and taken to Detroit Animal Shelter. The Director refused to allow them to be picked up by rescue organizations or to be fed from a nursing female dog. Two died from lack of food over the weekend and the four remaining puppies died on Monday, June 29, 2015 (*Exhibit 2*);
- c. On July 20, 2015, Officer Tamacia Crosby dangled a small (7 lb) dog by its neck on a catch pole from the lobby area to the back of the shelter;
- d. On August 17, 2015 at 8:43 a.m., a white female husky that was hit by a car was left in a wheelbarrow in the “clinic” without treatment or transfer (*Exhibit 3*);
- e. On August 24, 2015 at 9:55 a.m., the drains still not repaired allowing the animals to eat and sleep in feces and urine and other infestation (*Exhibit 4*);

- f. On August 24, 2015 at 9:55 a.m., Plaintiff complained about male Mastiff mix in case 231 that was losing weight and exerting liquid diarrhea. The dog was held over the stray hold requirements and died in his cage (*Exhibit 5*);
- g. On August 27, 2015 at 10:40 a.m., a male pit bull mix in cage 546 and a mix in 548 were extremely ill. Plaintiff reported the conditions but they were not treated and both died in their cage (*Exhibit 6*);
- h. On August 31, 2015 at 8:52 a.m., a male German-shepherd mix died in the pick-up room due to lack of treatment (*Exhibit 7*).
- i. On August 31, 2015 at 8:52 a.m., black male husky mix died in the pick-up room from lack of treatment (*Exhibit 8*).

22. On each such occasion after Plaintiff photographed the condition, she also reported the conditions either verbally or in writing to her supervisors at the Detroit Animal Control including, but not limited to Defendant Ward, Rhodes and Dr. Berkley.

23. Additionally, Plaintiffs complaints were forwarded to the Detroit Police Department, Internal Affairs Division.

24. In fact, following the forwarding of her complaints, on August 25, 2015, members of the Internal Affairs Division came to the Detroit Animal Control to view a video of the July 20, 2015 incident of Officer Tamacia Crosby dangling the dog on the catch pole (*see* ¶21(c)). After viewing the video, the officers from the Internal Affairs Division took the video with them.

Plaintiff begins to be harassed by Detroit Animal Control employees

25. As a result of making these complaints, Plaintiff began to be harassed, bullied and otherwise discriminated against by Defendants and/their agents, including but not limited to Officer Tamacia Crosby. The acts of harassment included accusing Plaintiff of failing to

perform her job, although such allegations were false, as well as belittling and degrading Plaintiff her in front of the other employees.

26. Such discrimination impacted the condition of Plaintiff's employment and was in response to her reports and/or threatening to report suspected violations of state and local laws, regulations and rules.

27. Plaintiff believed the harassment and bullying by Officer Tamacia Crosby as well as Defendant Rhodes was not only in response to her repeated complaints of animal abuse but the result of her being white and a minority in the Detroit Animal Control.

28. Plaintiff complained about the harassment to Defendant Ward, Senior Officer Jackson and Brian Tennille at Detroit Police Department's Human Resources Department.

29. In fact, Plaintiff was interviewed by Aletha Johnson in the EEOC about the incidents of harassment reported to Brian Tennille, which interview was recorded. Ms. Johnson stated that such harassment was not tolerated in the work force.

Plaintiff was terminated by Detroit Animal Control in violation of the WPA

30. As a result of Plaintiff's reporting and/or threats to report the violations of state and local laws, in addition to the harassment and discrimination, Defendants and/or agents of Defendants began to manufacture a reason to terminate Plaintiff.

31. On August 31 and September 1, 2015, Defendants alleged that Plaintiff fed the animals in the shelter from an orange bucket that contained disinfectant and that dogs were getting sick as a result of Plaintiff's actions, although the dogs all recovered.

32. On September 2, 2015, Ward terminated Plaintiff allegedly for feeding the dogs from the orange bucket.

33. The alleged reason for her termination was clearly a pretext in that Plaintiff had previously fed the animals from the orange bucket and the bucket was cleaned out thoroughly with bleach before it was used to feed the animals in accordance with the Detroit Animal Control & Care Officers Responsibilities & Training Manual.

34. In addition, the alleged reason for her termination is clearly a pretext in that various dogs regularly became ill and died of conditions such as the parvovirus throughout her employment at the Detroit Animal Control without employees being terminated. In fact, the number of dogs who died in their cages from lack of medical treatment and poor conditions was the very basis for Plaintiff's complaints of the state and local violations to her supervisors and the Detroit Police Department as well as the basis for her threats to report to the State of Michigan.

35. Plaintiff was clearly terminated because she reported and threatened to report the violations of the law to her supervisors and to the Detroit Police Department, Internal Affairs. In addition, Plaintiff was terminated because Defendant Ward knew that she intended to report the continued violations of the law to the Animal Shelter Regulatory Program

36. In fact, on September 1, 2015, Plaintiff sent an email to Pollyanne McKillop, Animal Shelter Regulatory Program Manager for the State of Michigan, asking "how do I make a shelter complaint?"

37. After Plaintiff's termination, an employee at the Detroit Animal Control admitted to a dog owner that Plaintiff was terminated because "Plaintiff knew too much and complained too much."

Defendants withhold and/or destroy evidence

38. Pursuant to MCL § 15.233, Plaintiff, as a member of the public, has the right to inspect, copy, or receive records of a public body, including records of the City of Detroit and the Detroit Police Department.

39. On September 2, 2015, pursuant to the Freedom of Information Act, Plaintiff sent a FOIA request to the City of Detroit wherein she requested any and all audio/video, email communications with internal affairs and the video of the incident of July 20, 2015, identified in ¶24 above.

40. On September 4, 2015, Plaintiff requested her complete personnel file maintained by the City of Detroit Department of Human Resources.

41. On September 7, 2015, pursuant to the Freedom of Information Act, Plaintiff requested a complete copy of her personnel file from the City of Detroit.

42. On September 8, 2014, the City of Detroit Law Department acknowledged receipt of Plaintiff's FOIA Request regarding the police reports, Internal Affairs Investigation and audio video of July 20, 2015, and extended the deadline to respond until "on or before September 25, 2015." (*Exhibit 9*).

43. On September 9, 2015, the City of Detroit Law Department acknowledged receipt of Plaintiff's FOIA Request concerning her personnel file and extended the deadline to respond until "on or before September 29, 2015." (*Exhibit 10*).

44. On September 10, 2015, Plaintiff was permitted to review and copy what was purported to be her "complete" personnel file. However, the written complaints of harassment

and animal abuse made by Plaintiff were intentionally and wrongfully withheld and/or destroyed by Defendants as the written complaints were not produced with Plaintiff's personnel file.

45. On September 10, 2015, Plaintiff contacted Ward directly and, pursuant to the Bullard-Plawecki Act, requested a complete copy of her personnel file, noting that that multiple written statements of harassment and animal abuse were not provided with and/or intentionally withheld from her personnel file.

46. On September 25, 2015, Plaintiff contacted Monique L. Smith and inquired if she could pick up the requested documents in accordance with the City of Detroit's response dated September 8, 2015. Rather than provide the requested documents as required by law, Monique L. Smith stated that she was still waiting for a response from the Detroit Police Department.

47. By September 29, 2015, the City of Detroit and/or the Detroit Police Department failed to produce records or otherwise properly respond to the FOIA requests. In fact, the Detroit Police Department alleged that there was not an internal affairs investigation despite the fact that two Internal Affairs investigators visited the shelter to watch and remove the video of the July 20 incident. (*Exhibit 11*).

48. Accordingly, on October 1, 2015, Plaintiff clarified and requested "everything and ANY reports from my file Brittany Roberts. I have filed a number of complaints with Brian Tenille begging him for help with the Abuse of the Animals as well as the Harassment issues, i have all of the email communications. I also want the voice recording from Aletha Johnson in EEOC. The video footage from 7/20 @ Detroit Animal Control. The internal investigation through the Police Department internal affairs."

49. On October 1, 2015, Monique L. Smith, Senior Assistant Corporation Counsel advised Plaintiff that the City of Detroit would reopen Plaintiff's September 2, 2015 FOIA request. (*Exhibit 12*).

50. Despite Plaintiff's request being properly made pursuant to the Michigan Freedom of Information Act, Defendants have refused to timely produce the requested documentation and video and and/or otherwise wrongfully denied the request.

51. To date, a complete copy of Plaintiff's personnel or other file and/or the written complaints made to Defendant Ward and her other supervisors have not been produced and such evidence has been intentionally withheld and/or destroyed, entitling Plaintiff to the appropriate jury instructions.

COUNT I

VIOLATION OF THE MICHIGAN WHISTLEBLOWERS' PROTECTION ACT, MCL § 15.361, et seq.

52. Plaintiff hereby restates, re-alleges, and incorporates by reference each and every allegation set forth above.

53. Plaintiff's employment was terminated by Defendants because Plaintiff had knowledge of the Detroit Animal's Control violation of the laws applicable to animal control and therefore, that it was engaged in illegal activity.

54. Plaintiff's employment was terminated by Defendants because Plaintiff reported the Detroit Animal's Control violation of the laws applicable to animal control to her supervisors at the Detroit Animal Control, who constitute public bodies.

55. In addition, Defendants knew or believed that Plaintiff had contacted, or was about to contact, additional public bodies including the Detroit Police Department, Internal Affairs and the State of Michigan, Department of Agriculture regarding the violations and/or illegal activities.

56. Plaintiff was harassed and otherwise discriminated against in the condition of her employment because Plaintiff reported the illegal activity to her supervisors and Defendants knew or believed that Plaintiff had contacted or was about to contact additional public authorities.

57. Plaintiff was terminated in retaliation for failing to hide Defendants' violations and illegal behavior and/or reporting, or threatening to report the violations of the law and illegal behavior to the public authorities.

58. Pursuant to MCL § 15.362, Michigan's Whistleblower's Protection Act ("MWPA"), it is unlawful to harass or terminate an employee because that employee reports or is about to report a violation of the law.

59. Plaintiff engaged in a protected activity under the MWPA when she reported and/or threatened to report the nature of the Defendants' violations of the law and illegal activity to her supervisors at the Detroit Animal Control, the Police Department and the State of Michigan.

60. Defendants harassed and then terminated Plaintiff because Plaintiff engaged in the protected activity and therefore, Defendants have violated the MWPA.

61. As a result of the violations, Plaintiff is entitled to and seeks reinstatement of her position as an ACO with the Detroit Animal Control, including the payment of all back pay, and reinstatement of fringe benefits and seniority, and/or actual damages, costs and attorney fees.

WHEREFORE, Plaintiff, Brittany Roberts, seeks an award and judgment against Defendants, jointly and severally, in any amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, together with interest, costs, and reasonable attorney fees to which Plaintiff is deemed to be entitled pursuant to MCL § 15.363.

COUNT II

TERMINATION IN VIOLATION OF PUBLIC POLICY

62. Plaintiff hereby restates, re-alleges, and incorporates by reference each and every allegation set forth above.

63. Defendants were engaged in various illegal acts, including but not limited to, the various violations of Michigan law applicable to the City of Detroit, the City of Detroit Police Department and the City of Detroit Animal Control and Care with respect to the City of Detroit Animal Shelter.

64. Plaintiff engaged in a protected activity and/or acted in accordance with her right or duty under federal and state law, when she reported to her supervisors, to the City of Detroit Police Department and or threatened to report to the State of Michigan Department of Agriculture, the nature of Defendants' violations of the applicable laws and illegal acts.

65. Plaintiff engaged in a protected activity and/or acted in accordance with her right or duty under federal and state law, when she refused to violate the law by not remaining silent about the violations and Defendants' illegal conduct.

66. Despite engaging in protected activity, Defendants terminated Plaintiff in retaliation for her reporting Defendants' violations.

67. Defendants' actions are against public policy and should not be permitted to stand unpunished.

WHEREFORE, Plaintiff, Brittany Roberts, seeks an award and judgment against Defendants, jointly and severally, in any amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, together with interest, costs, and reasonable attorney fees to which Plaintiff is deemed to be entitled.

COUNT III

VIOLATION OF MICHIGAN FREEDOM OF INFORMATION ACT

68. Plaintiff hereby restates, re-alleges, and incorporates by reference each and every allegation set forth above.

69. By e-mail dated September 2, 2015, Plaintiff requested "any and all reports, audio video relating to Brittany Roberts including email communication internal affairs investigation and video specifically from 7/20/2015."

70. The City of Detroit acknowledged receipt of the proper FOIA request, and requested an extension to respond.

71. On October 1, 2015, Plaintiff clarified and requested “everything and ANY reports from my file Brittany Roberts. I have filed a number of complaints with Brian Tenille begging him for help with the Abuse of Animals as well as the Harassment issues... The video footage from 7/20 @ Detroit Animal Control. The internal investigation through the Police Department internal affairs.”

72. The requested records are public records subject to FOIA.

73. MCL § 15.240(5) provides that actions commenced pursuant to FOIA “shall be assigned for hearing and trial and for argument at the earliest practicable date and expedited in every way.”

74. To date, the requested records have not been produced or were otherwise denied in violation of the Michigan Freedom of Information Act.

WHEREFORE, Plaintiff, Brittany Roberts prays that this Court:

- a. Order Defendants to disclose the requested records in their entirety and make copies available to Plaintiff pursuant to MCL § 15.240(4);
- b. Declare Defendants’ refusal and/or denial of the requested records to be arbitrary and capricious pursuant to MCL § 15.240(7);
- c. Provide for expeditious proceedings in this action pursuant to MCL § 15.240(6);
- d. Award Plaintiff her costs and attorney fees incurred in this action pursuant to MCL § 15.240(6);
- e. Award Plaintiff her actual and compensatory damages as well as punitive damages pursuant to MCL §15.240(7); and
- f. Order Plaintiff reinstated in her position as an ACO with the Detroit Animal Control, including payment of all back pay and reinstatement of her fringe benefits and seniority; and/or
- g. Award Plaintiff a judgment against Defendants, jointly and severally, in any amount in excess of Twenty Five Thousand (\$25,000.00) Dollars, together with interest,

costs, and reasonable attorney fees to which Plaintiff is deemed to be entitled pursuant to MCL § 15.363; and

h. Grant Plaintiff such other relief as the Court may deem just and proper.

Respectfully Submitted,

NEUMAN ANDERSON, P.C.

By: /s/ Jennifer M. Grieco
Jennifer M. Grieco (P55501)
Attorneys for Plaintiff
401 South Old Woodward, Suite 460
Birmingham, MI 48009
Phone: (248) 594-5252
jgrieco@neumananderson.com

Dated: October 14, 2015

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims so triable.

Respectfully Submitted,

NEUMAN ANDERSON, P.C.

By: /s/ Jennifer M. Grieco
Jennifer M. Grieco (P55501)
Attorneys for Plaintiff
401 South Old Woodward, Suite 460
Birmingham, MI 48009
Phone: (248) 594-5252
E-mail: jgrieco@neumananderson.com

Dated: October 14, 2015