



DEPARTMENTAL SUBMISSION

DEPARTMENT: Law

FILE NUMBER: Law-2095

*** RE:**

Submitting reso. auth. Settlement in Lawsuit of Darerraul Jackson and Michigan Head & Spine Institute v City of Detroit and DDOT

*** SUMMARY:**

Case Number: 21-008873-NF File Number: L21-00851 (AA) (DDOT) **issue two drafts drawn upon the proper account in favor of Plaintiff DARERRAUL JACKSON and HIS attorneys, LUXON & ZANG, P.C.**, in the amount of the arbitrators' award, but said draft may not be less than Zero Dollars (\$0.00) and shall not exceed **(\$110,000.00)** AND Plaintiff **MICHIGAN HEAD & SPINE INSTITUTE and THEIR attorneys, SEAN F. KELLY TISCHLER P.C.** in the amount of the arbitrators' award but said draft may not be less than Zero Dollars (\$0.00) and shall not exceed **(\$150,000.00)**. The award of the arbitrators shall represent a full and final settlement of any amounts due and owing to Plaintiffs for any and all claims arising out of the incident which occurred on or about **07/22/2020**

*** RECOMMENDATION:**

RESOLVED, The Law Department is authorized to agree to entry of an Order of Dismissal and to enter into an Agreement to Arbitrate in the case of **DARERRAUL JACKSON AND MICHIGAN HEAD & SPINE INSTITUTE V. CITY OF DETROIT AND DDOT**, 21-008873-NF, on the following terms and conditions:

A.

1. The parties shall submit to arbitration all matters in controversy raised in the above-named lawsuit.
2. Plaintiff **DARERRAUL JACKSON** shall recover a minimum amount of Zero Dollars (\$0.00). The maximum amount of any award to Plaintiff **DARERRAUL JACKSON** shall not exceed the amount of **(\$110,000.00)**.
3. Plaintiff **MICHIGAN HEAD & SPINE INSTITUTE** shall recover a minimum amount of Zero Dollars (\$0.00). The maximum amount of any award to Plaintiff **MICHIGAN HEAD & SPINE INSTITUTE** shall not exceed the amount of **(\$150,000.00)**.

4. Any award under \$0.00 shall be interpreted to be in the amount of \$0.00.

Any award to Plaintiff **DARERRAUL JACKSON** in excess of **\$110,000.00** shall be interpreted to be in the amount of **\$110,000.00**.

Any award to Plaintiff **MICHIGAN HEAD & SPINE INSTITUTE** in excess of **\$150,000.00** shall be interpreted to be in the amount of **\$150,000.00**.

There shall be no costs, fees, attorney fees or interest taxable with respect to the award rendered by the arbitrators.

The award of the arbitrators shall represent a full and final settlement of any amounts due and owing to Plaintiffs for any and all claims arising out of the incident which occurred on or about **07/22/2020** at E. Eight Mile between Sherwood and Mt. Elliott; however, limited judicial review may be obtained in a Michigan Federal District Court or Michigan Circuit Court of competent jurisdiction (a) in accordance with the standards for review of arbitration awards as established by law; or (b) on the ground that the arbitrators committed an error of law.

B. Promptly after the arbitrators announce their decision, the Law Department shall inform City Council in writing of that decision.

C. Upon certification by the Law Department that the arbitrators have announced a decision requiring the City to pay part or all \$110,000.00 and/or \$150,000.00 to the Plaintiffs, the Finance Director is authorized to **issue two drafts drawn upon the proper account in favor of Plaintiff DARERRAUL JACKSON and HIS attorneys, LUXON & ZANG, P.C.**, in the amount of the arbitrators' award, but said draft may not be less than Zero Dollars (\$0.00) and shall not exceed **(\$110,000.00)**

AND

Plaintiff **MICHIGAN HEAD & SPINE INSTITUTE** and **THEIR attorneys, SEAN F. KELLY TISCHLER P.C.**

in the amount of the arbitrators' award but said draft may not be less than Zero Dollars (\$0.00) and shall not exceed **(\$150,000.00)**.

*** DEPARTMENTAL CONTACT:**

Name: Deanna Denby

Position: Paralegal

***=REQUIRED**