



**LAW DEPARTMENT**

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October 31, 2023

**HONORABLE CITY COUNCIL**

**RE: DARERRAUL JACKSON AND MICHIGAN HEAD & SPINE INSTITUTE, V  
CITY OF DETROIT AND DDOT  
CASE NO: 21-008873-NF  
FILE NO: L21-00851 (AA)**

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that the City should agree to the entry of an Order of Dismissal and enter into an Agreement to Arbitrate on the terms and conditions set forth in the following resolution.

We, therefore, request authorization to agree to entry of an Order of Dismissal and to enter into an Agreement to Arbitrate on the terms and conditions set forth in the following resolution and, upon certification by the Law Department that the arbitrators have announced a decision requiring the City to pay a designated sum to the Plaintiff(s), that Your Honorable Body direct the Finance Director to issue two drafts in the amount the City is to pay:

Plaintiff **DARERRAUL JACKSON** pursuant to the arbitrators' decision, but said draft may not be less than ZERO DOLLARS (\$0.00) and shall not exceed **ONE HUNDRED AND TEN THOUSAND DOLLARS (\$110,000.00)** payable to **DARERRAUL JACKSON and HIS attorneys, LUXON & ZANG, P.C., AND**

Plaintiff **MICHIGAN HEAD & SPINE INSTITUTE** pursuant to the arbitrators' decision, but said draft may not be less than ZERO DOLLARS (\$0.00) and shall not exceed **ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00)** payable to **MICHIGAN HEAD & SPINE INSTITUTE and THEIR attorneys, SEAN F. KELLY TISCHLER P.C.**

Respectfully submitted,

/s/ **Alfred Ashu**  
Alfred Ashu  
ACC

**APPROVED:**  
**Conrad Mallett**  
Corporation Counsel

BY: /s/Krystal A. Crittendon  
**Krystal A. Crittendon**  
Supervising Assistant Corporation Counsel  
Attachments

R E S O L U T I O N

BY COUNCIL MEMBER \_\_\_\_\_ :

**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 **ONE HUNDRED AND TEN THOUSAND DOLLARS (\$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 **ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$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 **ONE HUNDRED AND TEN THOUSAND DOLLARS (\$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 **ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00).**

**APPROVED:**  
**Conrad Mallett**  
Corporation Counsel

BY: /s/Krystal A. Crittendon  
**Krystal A. Crittendon**  
Deputy Corporation Counsel

Approved by City Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_