LAW DEPARTMENT

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March 22, 2023

HONORABLE CITY COUNCIL

RE: Mary Kennedy v City of Detroit
      Case No: 21-009467 NF
      File No: L21-00701 (YRB)

      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, that Your Honorable Body direct the Finance Director to issue a draft payable to **MARY KENNEDY** and **HER** attorneys, **REIFMAN LAW FIRM, P.L.L.C.**, in the amount the City is to pay the Plaintiff pursuant to the arbitrators' decision, but said draft may not be less than **SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS ($7,500.00)** and shall not exceed **TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS ($27,500.00).**

      Respectfully submitted,

      Yuvonne Bradley

      Yuvonne Bradley
      Supervising Assistant Corporation Counsel

APPROVED:
CONRAD MALLETT
Corporation Counsel

BY: /S/Jerry L. Ashford

     Jerry L. Ashford
     Chief of Litigation

     Attachments

<u>R E S O L U T I O N</u>

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 Mary Kennedy v City of Detroit, 21-

009467 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 shall recover a minimum amount OF **SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS ($7,500.00).**

   The maximum amount of any award to the Plaintiff shall not exceed the amount of **TWENTY-SEVEN THOUSAND DOLLARS AND NO CENTS ($27,500.00).**

3. Any award under **$7,500.00** shall be interpreted to be in the amount of **$7,500.00.**

   Any award in excess of **$27,500.00** shall be interpreted to be in the amount of **$27,500.00**.

   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 Plaintiff for any and all claims arising out of the incident which occurred on or about August 3, 2020, at Antietem and Orleans; 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 **$27,500.00** to the Plaintiff, the Finance Director is authorized to issue a draft drawn upon the proper account in favor of **MARY KENNEDY** and **HER** attorneys, **REIFMAN LAW FIRM, P.L.L.C.,** in the amount of the arbitrators' award, but said draft may not be less than **SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS ($7,500.00**) and shall not exceed **TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS ($27,500.00).**

APPROVED:
CONRAD MALLETT
Corporation Counsel

BY: /S/Jerry L. Ashford
        Jerry L. Ashford
        Chief of Litigation

Approved by City Council: _____

Approved by the Mayor: _____