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STATE OF MICHIGAN
IN THE SUPREME COURT
(Judges Shapiro, Cameron and Letica)

NORMAN CHAMPINE,

Plaintiff-Appellant,

v.

MICHIGAN DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

MSC No. 161683

COA No. 347398

Wayne County Circuit Court
Filed under AO 2019-6

Plaintiff-Appellant's Appendix

ORAL ARGUMENT REQUESTED

Christopher Patrick Desmond (P71493)
Johnson Law, PLC
The Buhl Building
535 Griswold Street, Ste 2600
Detroit, MI 48226
313-324-8300
CDesmond@VenJohnsonLaw.com
Counsel for Plaintiff-Appellant

Date: August 30, 2021

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TABLE OF CONTENTS

Notice of Highway Defect 001a-002a

Receipt of Notice 003a

First Amended Notice 004a-014a

Deposition of Norman Champine 015a-052a

Deposition of Scott Taylor 053a-070a

Deposition of Detective Brent Chisolm 071a-098a

Warren PD Incident Report 099a-108a

Deposition of Marlon Spinks 109a-134a

MSP Incident Report 135a-140a

MSP Response to FOIA 141a-186a

News Report 187a-188a

Court of Claims Opinion & Order RE: MSD 189a-198a

Force v City of Owosso 199a-201a

Court of Appeals Opinion & Order 202a-210a

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JOHNSON LAW, PLC
ATTORNEYS AND COUNSELORS

December 28, 2017

Certified Return Receipt Requested
Macomb County Department of Roads
117 S Groesbeck
Mount Clemens, MI 48043
Attn: Bryan Santo

Michigan Department of Transportation
State Transportation Building
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909
Attn: Kirk T. Steudle, P.E., Director
c/o Michigan Court of Claims, MCL 691.1404(2)

City of Warren
Public Works Department
One City Square
Warren, MI, 48093
Attn: Dino Turcato

RE: ***MCL 691.1404 Notification of Highway Defect, I-696 West at Hoover Overpass, City of Warren***

Dear Messrs. Santo, Steudle and/or Turcato:

Please allow this letter to serve as notification pursuant to MCL 691.1404 of a highway defect. The location of the defect is at the Hoover Road bridge over I-696 West ("overpass"), approximately above the third travel lane or the travel lane itself. Our client, Norman Champine, was operating his vehicle west on I-696 at approximately 1:45 p.m. on December 17, 2017, when a piece of concrete either from the overpass or dislodged from the roadway surface, came through his windshield. Mr. Champine sustained severe injuries, including fractures to his face, jaw, and orbital bones, loss of teeth, severe contusions to his face and right eye, and lacerations. We are unaware of any eye witnesses, but believe the incident was investigated by the Warren Police Department.

DETROIT . FLINT . GRAND RAPIDS . NATIONWIDE
Buhl Building . 535 Griswold Street . Suite 2632 . Detroit, Michigan 48226
T. 313-324-8300 F. 313-324-8301 VENFIGHTS.COM

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Very truly yours,

JOHNSON LAW, PLC

Paul F. Doherty, Esq.

/pfd
cc: Mr. Norman Champine

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

M DOT
425 W. OTTAWA St
P.O. Box 30050
LANSING, MI 48909

9590 9402 2738 6351 5073 40

2. Article Number (Transfer from service label)
7015 0640 0005 7310 8366

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

DER: COMPLETE THIS SECTION

omplete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Warren
One City Square
Warren, MI 48093

9590 9402 2738 6351 5073 33

2. Article Number (Transfer from service label)
7015 0640 0005 7310 8373

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X A. Diegel ☐ Agent ☐ Addressee

B. Received by (Printed Name) A. Diegel C. Date of Delivery 1-3-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☒ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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JOHNSON LAW, PLC
ATTORNEYS AND COUNSELORS

February 7, 2018

Certified Return Receipt Requested
Michigan Department of Transportation
State Transportation Building
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909
Attn: Kirk T. Steudle, P.E., Director
c/o Michigan Court of Claims, MCL 691.1404(2)

Macomb County Department of Roads
117 S Groesbeck
Mount Clemens, MI 48043
Attn: Bryan Santo

City of Warren
Public Works Department
One City Square
Warren, MI, 48093
Attn: Dino Turcato

RE: ***1st Amended Notification of Highway Defect and***
NOTIFICATION TO PRESERVE EVIDENCE

Dear Messrs. Steudle, Santo and Turcato:

Please allow this letter to serve as our first amended notification pursuant to MCL 691.1404 of a highway defect. The location of the defect is I-696 West, between Gratiot and Mound. Our client, Norman Champine, was operating his vehicle west on I-696 West at approximately 1:45 p.m. on December 17, 2017, when a piece of concrete from the roadbed came through his windshield. Given the extremely poor condition of the highway in this area and the fact that, according to the Warren Police Department's investigation of the incident, this stretch of the freeway contains "in excess of one thousand 'potholes'," the precise pothole from which the concrete chunk came from was not determined. The Warren Police Department did conclude that the concrete was from the roadbed: "The evidence suggests Norman Champine was struck as a result of the concrete being kicked up from the roadway..." Their report further indicates MDPT Maintenance Engineer Marlon Spinks investigated "this incident for the State of Michigan, Department of Transportation. He was identified and furnished with a copy of the police report, scene photos, and the concrete rocks that were involved in the incident. Spinks took possession of the concrete for the State

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and advised that they would be secured by the State of Michigan as part of the chain of custody (evidence) in this matter. WPD Evidence tags #170065832.002 & .003." A copy of the report is enclosed which provides further detail.

YOU ARE HEREBY NOTIFIED THAT YOU ARE TO PRESERVE ALL EVIDENCE YOU HAVE GATHERED, INCLUDING ALL CONCRETE CHUNKS/FRAGMENTS. ANY LOSS/DESTRUCTION/ALTERATION OF EVIDENCE WILL RESULT IN OUR REQUEST FOR SANCTIONS, INCLUDING A REQUEST FOR DEFAULT JUDGMENT.

Thank you for your attention in this regard.

Very truly yours,

JOHNSON LAW, PLC

Paul F. Doherty, Esq.

/pfd
Enclosures
cc: Mr. Norman Champine

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CR No: 170065832

WARREN POLICE DEPARTMENT

29900 SOUTH CIVIC CENTER BOULEVARD
WARREN MI 48093
586-574-4700

Case Report

Administrative Details:

CR No 170065832	Subject ASSIST FIRE DEPARTMENT
Report Date/Time 12/17/2017 13:46	Occurrence Date/Time 12/17/2017 13:46
Location 27700 MOUND RD	Call Source Assoc/Clone
Dispatched Offense C3332 Assist Fire Department	Verified Offense C3332 Assist Fire Department
OIC Chisolm, Brent (WRCHISOLMB-00196)	OIC Contact Number
County 50 - Macomb	City/Twp/Village 95 - Warren
Division Patrol	

Action Requested:

[ ] Arrest warrant	[ ] Review only
[ ] Search warrant	[ ] Forfeiture
[ ] Juvenile petition	[ ] Other

CR No: 170065832

Offenses:

C3332 - Assist Fire Department [WRYOUHANNAM (45045)]

IBR Code / IBR Group	Offense File Class	
/		
Crime Against	Loca ion Type	Offense Completed
	13 - Highway/Road/Alley/Sidewalk	Not Applicable
Domestic Violence	Hate/Bias	
No	00 - None (No Bias)	
Using		Cargo Theft
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No		

People:

CHAMPINE, NORMAN JOSEPH (V-VICTIM) [WRYOUHANNAM (45045)]

Victim Type	Victim of
1 - Individual	C3332 - Assist Fire Department

PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		CHAMPINE	NORMAN	JOSEPH		

Victim Injury

CHAMPINE, BERNARD JOSEPH (O-OTHER) (PV-PARENT OF VICTIM) [WRYOUHANNAM (45045)]

PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		CHAMPINE	BERNARD	JOSEPH		

Property:

Created On 12/28/2017 02:32 PM

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RECEIVED by MSC 8/30/2021 2:33:45 PM

CR No: 170065832

		[redacted]

9918 - Building Materials (Wood, Lumber, Concrete, Brick, Glass, Plumbing, etc) 5443 [WRTAYLORS				
Property Class: 43	IBR Type: 43 - Building Materials	UCR Type: K - Miscellaneous		
Status: E - Evidence (Including Other Seized Property And Tools)			Count: 1	Value: 1
Description: chunk of concrete that struck motor vehicle		Disposition:		Evidence Tag: 170065832.002
Recovered Date/Time:	Location:	Owner: [] ,		
Notes: chunk of concrete that struck motor vehicle				

9918 - Building Materials (Wood, Lumber, Concrete, Brick, Glass, Plumbing, etc) 5443 [WRTAYLORS				
Property Class: 43	IBR Type: 43 - Building Materials	UCR Type: K - Miscellaneous		
Status: E - Evidence (Including Other Seized Property And Tools)			Count: 1	Value: 1
Description: chunk of concrete from roadway		Disposition:		Evidence Tag: 170065832.003
Recovered Date/Time:	Location:	Owner: [] ,		
Notes: chunk of concrete from roadway				

3501 - Automobile/Car/Vehicle (not Stolen Or Recovered) 5403 [WRYOUHANNAM (45045)]				
Property Class: 03	IBR Type: 03 - Automobiles	UCR Type: V - Other Vehicle (not Stolen or Recovered)		
Status: I - Information Only			Count: 1	Value: 1
Manufacturer: FORD	Model: FUSION [redacted]		License No.: CPF9994	Color: BLK - Black
Vehicle Year: 2009	Body Style: 4D - 4 Door	State: MI	License Year: 2018	
Description: BLK 2009 FORD FUSION SE		Disposition:	Evidence Tag:	
Recovered Date/Time:	Location:	Owner: [V28972811] CHAMPINE, NORMAN JOSEPH		

Narrative:

CR No: 170065832-001 Written By: WRYOUHANNAM (45045) Date: 12/17/2017 02:50 PM

ASSIST WARREN FIRE DEPARTMENT

On December 17, 2017 at approximately 1346 hours, I Officer Youhanna was assigned to unit 1H51 in squad car 1. While on duty I was dispatched to the BP Gas station located at 27700 Mound to assist the Warren Fire Department with a subject injured from something being thrown at the windshield of his black sedan. Upon arrival I observed the black 2009 For Fusion bearing

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Michigan license plate, CPF 9994 with a shattered windshield.

Inside the vehicle with the driver side door open and a towel covering his face, was the listed victim, Norman Joseph Champine II. The beige towel was covered in blood coming from Champine's nose and mouth. Champine was in extreme shock and could barely verbalize that a piece of concrete had gone through his windshield, and struck him in the face. I observed the piece of concrete I would describe as a 8-10" in width by 5" chunk of concrete broken off with rough edges. That too was covered in Champine's blood.

When Champine was able to compose himself, he stated that he was driving in lane he could not recall on 696 west bound from Gratiot. As he traveled west bound, Champine could not recall what where he was exactly when he was all of a sudden was struck by an object that shattered and went through his windshield near the driver side of the vehicle. Champine then explained how he got off of an exit he does not recall and ended up stopping at the BP Gas Station. Champine obviously traveled off of west bound 696 and on to the Mound exit, in which he could not recall doing so at this time.

The Warren Fire Department arrived shortly after I retrieved this information while Champine was still in shock and unable to communicate details of what had just occurred. The Warren Fire Department transported Champine to Saint John Macomb Hospital for further observation. An Evidence Technician was requested to process the scene. Evidence Technician Taylor responded to the dispatched location,captured photos of the vehicle and took possession of the piece of concrete that struck Champine. See ET Taylor's supplemental report for further.

Shortly after Champine was transported to the hospital, his father, Bernard Joseph Champine, arrived on scene. I informed Bernard of what had happened to Norman. Bernard stated that he believes Norman was going to a friends house, at an unknown location. I then provided Bernard with an incident number and advised him that Norman was currently at Saint John Macomb Hospital. I then stood by the Ford Fusion until Detective's Chisolm and Murray of the Warren Detective Bureau arrived to observe the Ford Fusion. Detectives allowed me to release the Ford Fusion to Bernard, whom took responsibility and possession of the vehicle.

I then went to Saint John Macomb Hospital to check on the status of Norman [redacted]

Detective Chisolm and Murray had asked for my assistance on inspecting all the bridges that the piece of concrete could have come from. I met with Detectives at the area of 10 mile and I-94 where Norman was believed to have started in his travels. I followed Detectives with

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CR No: 170065832

lights activated and blocked the lanes of travel from I-94 to west bound 696, while Detectives investigated the bridges. After the Detectives inspections were completed, I was assigned to inspect the Schoenherr Road, Groesbeck Highway and Hayes Road overpasses. Detectives were in search of a piece of missing concrete that contained striations with the piece that struck Norman. I investigated all assigned over passes with missing pieces of concrete that could have been consistent with the one that struck Norman, negative results.

[redacted]

CR No: 170065832-002 Written By: WRSOWERSD (44624) Date: 12/17/2017 03:56 PM

SUPPLEMENT REPORT

On 12-17-2017 at 1346 hours, Officer Toth #10 and I, Officer Sowers #163 (1B50) were dispatched to assist Officer Youhanna #115 (1H51) at 27700 Mound in reference to unknown circumstance. See Officer Youhanna's original report for details.

Officer Toth and myself drove w/b I-696 from I-94 and checked all bridges and overpasses for missing/broken off concrete that could of fallen down. All bridges check fine except the Belanger overpass which had a lot of concrete missing from the bridge wall located on east side above lanes #1 and #2.

ET Taylor (K62) processed photos. See his supplement report.

Also we checked the bridges over I-696, (Gratiot, Groveland, Barkman, and Belanger) with negative results of missing concrete from the road.

CR No: 170065832-003 Written By: WRTAYLORS (00191) Date: 12/17/2017 05:32 PM

See Original Report
DB NOTE: Photographs Downloaded.

Author: ETU S. Taylor 191 (1K-62)

First Amended Notice

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Incident # and Title: 17- 65832 /Assist Fire
Incident location: 27700 Mound
Work location: Same
Work location #2: St John Macomb
Work location #3: w/b I-696 from I094 to Mound
Work location #4: WPD ETU lab
Date/time of request: 12/17/2017 @ 1346 hours
Fingerprints: n/a
Photographs: Downloaded into WPD Document Manager
Evidence Collected: A) piece of concrete that collided with vehicle
B) piece of concrete taken from w/b I-696 at Belanger

On /2017 at approx. 1346 hours, I (Taylor 191 1K-62) responded to 27700 Mound on an ETU request. I arrived on scene and spoke Sgt Ross . See original report.

SCENE WORK PREFORMED:

Using Nikon D7100, at scene 1, I photographed the scene location, the vehicle, damage to the windshield, the piece of concrete that struck the vehicle. I collected the piece of concrete.

Using Nikon D7100, at scene 2, I photographed the victim and the injuries to his face.

Using Nikon D7100, at scene 3, I photographed the scene location and the concrete o the lanes of I-696. I also took a sample of concrete from this location.

Using Nikon D7100, at scene 4, I photographed the both pieces of concrete that were collected to scale and for surface striation comparison. Both pieces were tagged and placed into evidence.

LAB WORK:

Photographs were uploaded to WPD Document Management Program. SD card formatted.

CR No: 170065832-004 Written By: WRCHISOLMB (00196) Date: 12/18/2017 08:20 AM

ASSIGNMENT 12/17/2017

On this date, I (Detective Chisolm), was assigned this complaint.

HISTORY 12/17/2017

See original report.

INVESTIGATION 12/17/2017

While working the weekend detail on 12/17/17 at 1415 hrs., I was contacted by road patrol Sgt. Priest to

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CR No: 170065832

investigate a motorist who was injured by a piece of concrete that came through his windshield while driving on W/B I-696. Norman Champine was currently being treated at St. John-Macomb Hospital. Det. Murray and I responded to the hospital. [redacted]. He stated he was driving W/B I-696 from I-94, en route to Royal Oak. He stated he did not know which lane he was driving in, and was struck in the face. He stated he could not remember everything, and pulled off the road. He did not know where the concrete came from. [redacted]

I spoke with ET S. Taylor, who showed me the piece of concrete which was seized for evidence. I viewed one side of the concrete to be flat with parallel striations in the concrete, and the general color was grey. Det. Murray and I then viewed Champine's Ford Fusion with damage to the front windshield. The site of impact was on the lower portion near the center of the windshield.

Det. Murray spoke with WPD dispatch, and SERESA dispatch, and determined there were no additional complaints of vehicles struck by any projectiles. There were no reports of anyone seeing a suspect intentionally throw an object.

I coordinated with PO's Youhanna, Rose, Sowers, and Taylor to block lanes of traffic W/B I-696 from I-94 in an attempt to locate the source of the concrete. The overhead bridges from I-94 to Mound appeared to be in generally overall good condition, with a more tan style concrete than the chunk that was located in Champine's vehicle. The Ballengar bridge showed signs of disintegration behind an exit side on the east side of the road but the concrete did not appear consistent. All bridges were inspected for gaps in cyclone fencing, roadway deterioration proximate to the freeway, with nothing located. The surface lanes of W/B I-696 contained significant deterioration. There were in excess of one thousand "potholes" from I-94 to Mound. The roadway surface was consistent with the color of the concrete, including the parallel striations and color. While inspecting the roadway, I spoke to Ethan Rymiszewsk[redacted], who stated his vehicle was disabled, and front driver side wheel shredded after he struck a large pot hold near W/B I-696 and Hoover. These observations suggest the concrete came from the road surface, and was kicked up by a large vehicle into Champine's windshield.

I called and spoke to MDPT Maintenance Engineer Marlon Spinks [redacted]. He advised there were other prior similar complaints of similar incidents in that stretch of the road. He advised it was slated for repair in 2018. Spinks also advised he did not believe there was any camera footage of the roadway unless a previous request had been submitted to save the recordings. He advised he would coordinate filling of the potholes in that stretch of the road, and may need to obtain the concrete chunk from this incident.

The evidence suggests Norman Champine was struck as a result of the concrete being kicked up from the roadway, and not as an intentional act.

REQUEST TO CLOSE (08)

OIC requests to close this complaint, police procedures completed.

Jacket scanned.

CR No: 170065832-005 Written By: WRBRAUNSCHNEIDERB (00086) Date: 12/18/2017 02:07 PM

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CR No: 170065832

12-18-2017:
Marlon Spinks
State of Michigan
Department of Transportation
Metro Region

26170 21 Mlle Road
Chesterfield MI 48051
[redacted]
[redacted]
spinksm@michigan.gov

Mr. Spinks came into the CID and advised that he was investigating this incident for the State of Michigan, Department of Transportation. He was idenified and furnished with a copy of the police report, scene photos, and the concrete rocks that were involved in this incident. Spinks took possession of the concrete for the State and advised that they would be secured by the State of Michigan as part of the chain of custody (evidence) in this matter. WPD Evidence tags #170065832.002 & .003.

Spinks will follow-up with Det. Chisholm when he concludes his investigation. He was provided with business card for myself and Det. Chisholm.

rrative By: WRROS D (41005)

Checked 696 for overpass debris. None located

CFS Narrative B WRSOWERSD (44624)

SEE FORM 11

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Attachments:					
File Name	File Type	Comments	Date	By	Role
Attachments Included In This Report:					
17-65832 docs.pdf	pdf	jacket	12/18/2017 10:25 AM	CHISOLM, BRENT	INVESTIGATOR

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STATE OF MICHIGAN
IN THE COURT OF CLAIMS

NORMAN CHAMPINE, Plaintiff,
-vs- No. 18-000028-MZ
Judge O'Brien
MICHIGAN DEPARTMENT OF TRANSPORTATION, Defendant.

DEPOSITION

of NORMAN CHAMPINE, a witness called by Defendant, taken before Tamara Staley Heckaman, Certified Shorthand Reporter and Notary Public, at 535 Griswold Street, Suite 2632, Detroit, Michigan, on Friday, August 3, 2018, noticed for the hour of 11:00 a.m.

HECKAMAN & NARDONE, INC.
Certified Shorthand Reporters
P.O. Box 27603
Lansing, Michigan 48909
(517) 349-0847
theckaman@live.com

APPEARANCES:

JOHNSON LAW, PLC
535 Griswold Street
Suite 2632
Detroit, Michigan 48226
By
PAUL F. DOHERTY, J.D.
On behalf of Plaintiff.

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
Transportation Division
Van Wagoner Building
425 West Ottawa Street
Lansing, Michigan 48913
By
PHILIP L. BLADEN, J.D.
On behalf of Defendant.

Also Present: Jennifer Sarkisian, MDOT

EXAMINATION INDEX

ATTORNEY'S NAME	EXAMINATION	RE-EXAMINATION
BY MR. BLADEN:	3	135, 144
BY MR. DOHERTY:	120	143

* * *

INDEX OF EXHIBITS

EXHIBIT	MARKED
None.	

Detroit, Michigan
Friday, August 3, 2018
1:53 p.m.

RECORD

NORMAN CHAMPINE,
having been duly sworn, testified as follows:

EXAMINATION

BY MR. BLADEN:

Q. Mr. Champine, my name is -- is it Champine?

A. Champine.

Q. Champine, I apologize.

A. No problem.

Q. My name a Philip Bladen. I'm representing the Department of Transportation in the matter of Champine versus Michigan Department of Transportation, case number 18-028-MZ, in the Court of Claims with I think Judge O'Brien.

This is a discovery deposition. I don't know if you're familiar with a deposition, but we're just asking questions to kind of get information for purposes of the case to get it on the record.

A. Right.

Q. So when you give an answer please give a

verbal answer so that the court reporter can record that and write it down.

A. Okay.

Q. Because hand gestures or head nods or bobs are not things that they generally can record.

A. Okay.

Q. If you have any need for me to repeat a question, if you don't understand a question, let me know. I've got some water here. My voice tends to get gravelly after a while, so if you don't hear a question let me know.

A. Very good.

Q. And this is to be for all purposes permitted under the Michigan Court Rules and Michigan law.

A. Okay.

Q. So start with get your full name for the record, please?

A. Norman Joseph Champine, II.

Q. Okay. And what's your date of birth?

A. That would be February 9th, [redacted].

Q. And where is your current address where you reside?

A. 22541 Gascony, Eastpointe, Michigan

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48021.

Q. And how long have you resided at that address?

A. Well, I am 36 now, it's been two, so 34 years I've been there.

Q. 34 years?

A. 34 years, correct.

Q. And I take it that -- do other folks live with you at that address?

A. Right, I live with my brother as well as my mother and father and now newly my uncle as well.

Q. Let's get their names. Let's start with your parents, what are their names?

A. My father is Bernard Champine, mother Deborah Champine, my brother being Bernard II, and then my uncle is Brian Champine.

Q. So your brother -- your uncle is your father's brother?

A. Correct.

Q. So you've lived at that address basically uninterrupted since you were about two years old?

A. Yes, yes.

Q. Are you currently employed?

A. I am not. No, I'm currently unemployed

due to the injury. I'm off of work I should say from doctor order.

Q. We'll follow up on that in a bit but --

A. Okay.

Q. -- when was the last time you were employed?

A. If I recall correctly I will say six months before the accident roughly.

Q. So some time in June of 2017?

A. Yeah, that sounds pretty close.

Q. May or June?

A. Yeah, that's roughly about -- I believe -- if I recall correct it was February. I think February when I was let go from my last employment, which was Chardam Aerospace Gear and Components.

Q. You were -- in February of 2017?

A. Yeah, January or February I was released. I don't exactly recall. I would have to go back to my tax information.

Q. Okay. So you were with Chardam --

A. Aerospace Gear and Components. Their proper name would be Chardam Gear and aerospace components as well.

Q. What were you doing at Chardam?

A. I was a machinist there in the gear grind department.

Q. Are you a member of a labor union?

A. I am not, no.

Q. And you said that you were -- was laid off at the time?

A. Yes, yup.

Q. In January or February of 2017?

A. Right. Roughly around that time, yup, after which I had started unemployment, while looking for another job, of course.

Q. Were you laid off as sort of an economic decision or was there some other --

A. Yes.

Q. -- precipitating factor?

A. It was --

Q. It was not like you were fired or disciplined or something like that?

A. No, it was a mutual separation, if you will. They -- from the way I had understood it was they had lost a contract and were cutting back employees.

Q. Okay. They did not blame you in any way for the loss of the contract?

A. No, sir, no, no, no.

Q. It was just a matter of --

A. It was I guess maybe a quality issue. I'm not exactly sure why the contract was lost, that's them and their company. I don't know how that worked out, but I was told via someone in the shop that I believe it was a contract loss so I understand.

Q. Okay. And they had to lay off some employees because --

A. Correct, correct.

Q. And then you applied for unemployment?

A. I did.

Q. And how long were you receiving unemployment benefits?

A. I -- what is it now? I believe it's 20 weeks is the max you get?

MR. DOHERTY: I'm not sure.

THE WITNESS: Yeah, whatever the term is now. I believe it's 20 weeks if I recall.

BY MR. BLADEN:

Q. And did you at any point in time after you were laid off from Chardam begin other employment before this accident?

A. No, no, no.

Q. So you were still collecting unemployment

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at the time?

A. At the accident? No.

Q. At the time of the accident?

A. No, it had recently ran out.

Q. Okay.

A. I believe a couple weeks before at most. It wasn't long, and again I would have to go back to records, but I don't -- I don't believe it was very long.

Q. Were you in the process of looking for another job at that point?

A. Yeah, oh, yeah. The whole time, yeah.

Q. I think is that a requirement if you're --

A. It is --

Q. -- receiving benefits you have to --

A. -- yeah.

MR. DOHERTY: Make sure he finishes his question before you start. In conversation it's typical to do that but she's going to go --

THE WITNESS: I forget that she has to write this down, my apologies.

MR. DOHERTY: Just let him finish. Then you answer.

THE WITNESS: Okay.

BY MR. BLADEN:

Q. She'll see us talking over each other, she's got to figure out how to write that down so...

A. Okay.

Q. Were you -- as a condition of getting your unemployment benefits you had to demonstrate to the department, to the state, or whoever -- the agency that you were actively seeking employment?

A. Yes, correct.

Q. And you were doing that the entire time?

A. I was, correct.

Q. Let's go through your educational background.

A. Okay.

Q. Where did you go to high school?

A. East Detroit.

Q. And how many years were you there or what were your -- what was your years?

A. The core requirements. I believe four years.

Q. And what years were those four years?

A. My graduating year was 2000 so it would be '96 to 2000.

Q. And you did graduate from East Detroit?

A. I ended up leaving school, and I went back for a high school equivalency.

Q. So you left school before you got your diploma?

A. Correct.

Q. So it would have been in your senior year?

A. Yes, yes.

Q. And then you said you got a high school equivalency?

A. I did.

Q. And when did you take -- did you take an examination for that?

A. I did as well. That was -- oh, my goodness, I'm terrible with dates, but I would have to say a year maybe after I had left school I went back to do the testing out for high school equivalency.

Q. And you took the test at the school?

A. I did.

Q. Did you -- when you left high school did you go immediately into working at a job?

A. I did, yes.

Q. And where did you start your first employment?

A. Oh, goodness, if I recall I believe that was Ex-Cell-O Machine Tool at that time.

Q. Did you ever apprentice or anything to learn --

A. I have never, no.

Q. -- machinist trade?

MR. DOHERTY: Let him finish. You know the question but just --

THE WITNESS: I'm sorry.

MR. DOHERTY: -- let him get it out.

THE WITNESS: Okay.

BY MR. BLADEN:

Q. And to repeat, did you ever become an apprentice to learn the machinist trade?

A. No, I've never done any apprenticeship program and --

Q. Coding?

A. No, I've never gone through any sort of an apprenticeship program like that.

Q. How did you learn to become a machinist?

A. My experience has come through hands-on working with a -- say a skilled employee showing me what to do, and then after a period of time of doing said work they would allow me to take it on my own.

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Q. So it is -- the first machinist work you did was at, I'm looking here, Ex-Cell-O Machine Tool?

A. Correct.

Q. And that's where you sort of began your career or your employment, your trade arc?

A. We'll say that's where I cut my teeth on machining, yes.

Q. And...

A. That's where I became interested.

Q. Okay. When did you first start work at Ex-Cell-O, and how do you spell that?

A. That is -- now mind you this is business company name, E-x-cello, x-c-e-l-l-dash-o (sic).

Q. Okay.

A. Oddly enough, like Ex-cell-o.

Q. Ex-Cell-O Machine Tool?

A. Correct.

Q. Is that company still in business?

A. I don't believe so. I believe it is Mag now.

Q. What is it called now?

A. Mag, M-a-g. Their location is at Sixteen and Mound right next to the Free Press plant, and if I recall correctly I believe it's called Mag

now.

Q. Is that the same company, they just changed names, or were they --

A. That I don't know.

Q. -- they were acquired by somebody?

A. I'm sorry. I don't know if it's the same company.

Q. Okay.

A. They may have been bought out but I can't say. I left before any of that transpired. They were still Ex-Cell-O when I was working there.

Q. So we'd have to find out -- we could ask them to see if they have your records there but they may or may not?

A. Correct.

Q. And how long were you at Ex-Cell-O?

A. If memory serves I'll say a year-and-a-half.

Q. So what year did you leave Ex-Cell-O, if you can remember?

A. I don't recall. Honestly I don't know. I would have to go back into tax information.

Q. So you graduated or you left high school around the year 2000, correct?

A. Correct.

Q. And about a year later you started with Ex-Cell-O?

A. Yes, that sounds about right.

Q. So about 2001?

A. Yes.

Q. So if you left there a year-and-a-half later it would have been some time in 2002 -- 2000 -- well, 2003 probably?

A. Correct, that sounds about right.

Q. And did you have to go back and get your high school equivalency in order to get the job at Ex-Cell-O; was that a requirement?

A. No, I did not.

Q. That's just something you wanted to do?

A. I wanted to do it just to further my education. I wanted the feather in my cap, if you will, to have the high school equivalency at the very least to present a better case when -- to future employers, if you will.

Q. Now, was there any point in time that you went and pursued your education beyond high school?

A. I have, yes.

Q. What have you done beyond high school as far as your education?

A. I have done some college courses.

Q. Where did you do those?

A. At Macomb Community College South Campus.

Q. And when did you take those classes?

A. I don't recall. I would have to go back into information my mother I believe might have, but she was working there at the time in the technology department and I was taking welding, metallurgy...

Q. Okay.

A. I believe just welding and metallurgy if I recall correctly, at least in those departments.

Q. Were you working at Ex-Cell-O at the time or was this --

A. I was not.

Q. Was this after you were at Ex-Cell-O?

A. It was, correct.

Q. And why did you leave Ex-Cell-O?

A. For other employment. The contract had ended. Originally I was hired on at Ex-Cell-O to assist with the 3.7 liter Chrysler engine line build. It was a really long machine that blank engine blocks went in and came out finished. This was the task that Ex-Cell-O was given by Chrysler, and we were contracted -- I was subcontracted

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through them --

Q. Okay.

A. -- to work at Ex-Cell-O, and once the contract had finished or rather the machine was finished and they shipped and finished delivery then that was it, end of contract.

Q. So you were on an employment contract with Ex-Cell-O?

A. Correct.

Q. And that employment contract lasted to the extent that they had a contract from Chrysler to produce these engine parts?

A. They did, yeah. I came in midway or better through the contract.

Q. And you said you left for other employment. Where did you go from Ex-Cell-O?

A. From there I went to -- now, if memory serves correctly in the right order I went to Valvoline Instant Oil Change.

Q. Okay.

A. And there I acquired the assistant manager position. I was running a store.

Q. So you went right into assistant manager at that time, then?

A. Not right into.

Q. Okay.

A. I started as a tech.

Q. You started as a tech just doing kind of --

A. Oil changes.

Q. -- auto repair, oil changes, that kind of thing?

A. Oil changes, transmission flushes of the nature that Valvoline Instant Oil Change provides.

Q. Okay. Had you grown up or had any experience doing that type of thing before you took that job?

A. We'll say growing up in it more so because my father has always been a very hands-on person. I'm very good with my hands, if you will, kind of mechanically inclined per se, so I've understood somewhat how machines kind of operate without really knowing how to operate them, and that's helped me in working on cars and stuff through my lifetime and --

Q. Okay.

A. -- just being interested in how things operate and work. I was the child that took everything apart.

MR. JOHNSON: Did you put it back

together?

THE WITNESS: Not well. Not well, no.

MR. DOHERTY: That's usually what happens.

THE WITNESS: Yup.

BY MR. BLADEN:

Q. So you started at Valvoline. How soon after you left Ex-Cell-O did you start your job at Valvoline?

A. I don't recall. I'd say maybe within six months.

Q. And how long were you a tech at Valvoline before you became an assistant manager?

A. Not very long, less than a year. The store manager was the type of guy that if he saw that you would put forth the initiative then you could excel pretty quickly.

Q. And how long were you an assistant manager at Valvoline?

A. Several years, probably on the order of four or five years.

Q. Did you ever advance beyond assistant manager while you were there?

A. It was not a professional title, if you

will, but I was a traveling store manager. So my job would be to go into a trouble store per se, see if I could find any issues or procedural problems, things that I can improve on. Then, of course, go back to the regional managers, let them know what can be changed or anything like that, or if employees need to be turned around per se.

Q. So did you ever become the manager of the store you -- your home, your original store?

A. I did not. I was never the actual store manager.

Q. Okay.

A. I did all the store manager work just without the title.

Q. And then at some point the company, the regional manager, asked you to go around and be kind of a roving troubleshooter at various stores?

A. Correct, correct, bring stores that had really poor numbers back up.

Q. How long were you doing that type of work?

A. That was, if I recall correctly, probably the last two years of my employment with Valvoline.

Q. Do you know when your employment -- what

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year it was that you left Valvoline?
A. I don't recall.
Q. Did you -- did you get the -- go to Macomb Community College and take courses there while you were at Valvoline?
A. No. No, that was some time later.
Q. Okay.
A. I believe I was just trying to expand my horizons and become more useful in a shop environment, so I was trying to pick up more shop knowledge per se.
Q. Were you planning on a career of being kind of an auto mechanic type of career?
A. I wouldn't say necessarily auto mechanic. Don't get me wrong, I can work on autos and I have worked on autos, but I don't necessarily like it. I would prefer to machine, turn a pile of unrecognizable metal into something fancy or nice --
Q. Okay.
A. -- or useful rather.
Q. So after you left Valvoline where did you go? First of all, why did you leave Valvoline? Was this just something you just wanted to move on or what was the reason?

A. It was a disagreement between myself and the regional manager, so I left because we couldn't come to terms.
Q. What was the nature of the dispute?
A. The regional manager wanted me to maintain turning stores around, and I did not want to travel any longer.
Q. Okay.
A. My commute was far too long.
Q. So after you left Valvoline where did you go next; where were you employed next?
A. If I recall correctly I would say Warren Screw Products.
Q. Warren?
A. Warren Screw.
Q. Warren Screw?
A. Warren Screw Products I believe is the name.
Q. And how long after you left Valvoline did you -- were you employed at Warren -- how long after you left Valvoline did you get the job at Warren Screw?
A. Not long, within a couple weeks. It was pretty soon.
Q. And was this another machinist position?

A. It was, correct.
Q. And how long were you at Warren Screw Products?
A. A very short time. I found their labor practices to be excessive and not fair.
Q. Did you quit or did you get fired?
A. No, I quit. I left that position.
Q. All right. And you were only there for you said a short period of time. How long were you there?
A. A week or less. They didn't actually offer a lunch period and I was -- I asked to use both my breaks as a lunch and they told me no. They said, no, we work through, you eat at your machine, tough break. And I said that was unacceptable so I left after that.
Q. So after that where did you go; what was your next employer?
A. I would have to say that would be, if I recall correctly, my -- working with my father I believe was my next job.
Q. And what does your father do?
A. My father was an estate manager for a private residence. He managed the day-to-day operations of the home and the grounds during the

week, and I did it on the weekends.
Q. What was the estate that you were working for or the --
A. It was a rich woman in Grosse Pointe.
Q. So do you remember the name?
A. Yeah, she is Mary Surdam, S-u-r-d-a-m.
Q. Mary, you said?
A. Correct.
Q. And how long were you doing that with your father?
A. I did that for a couple years as well.
Q. During this course at what point in time did you -- you said you went to the Macomb College -- Community College to take some metallurgy and welding courses. At what point in time did you do that? Was it at any point in time at any of these that you were working at --
A. That would be between -- I'm sorry, I didn't mean to interrupt you.
Q. Go ahead.
A. That was between the job of working with my father on the weekend and the next position --
Q. Okay.
A. -- which my next employment position was at Bosch and that would be Bosch Automotive,

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B-o-s-c-h.

Q. Is that an auto parts supplier to big auto companies?

A. No, it wasn't a parts supplier. It was more a -- and don't get me wrong, maybe Bosch has an auto parts department, but that's not where I worked.

Q. Okay.

A. I worked in technology and programming.

Q. And what did you do at that position?

A. That was actually another traveling position. I would fly around to high end dealerships, the Audi dealers, the Land Rover, the more expensive vehicles, and it was a program that Bosch had developed that they sold to these dealerships. And what I did was I went in between the dealerships and taught them how to use the equipment and to run the procedures and then, of course, incorporate that into their day-to-day routine working.

Q. So was this for the automobiles that they sold or was it sort of a business technology that they were --

A. It was for the automobiles, yeah. It was a process in which to speed up services, to make

technicians more efficient, we'll say.

Q. Okay. Increase the technicians who are working on the vehicles' productivity?

A. Correct, correct.

Q. Some sort of like a diagnostic tool or something like that or --

A. As well as a procedure of operation and tool sets along with how to use them.

Q. Okay. So how long were you with Bosch doing that work?

A. Well over a year, if I recall. I'm going to say over a year. I don't exactly recall how long but it was quite a while.

Q. Okay.

A. Quite a while. Not multiple years per se quite a while, but quite a while to be traveling around and living out of a hotel.

Q. Yeah. Now, you had expressed earlier that your Valvoline job, that you didn't like the travel?

A. Right.

Q. You were only at Bosch for about a year, a little over a year or how -- over a year, right, you said?

A. Um-hum.

Q. So what was the reason you left Bosch?

A. The program really wasn't selling that well. They had a poor procedure that I tried to improve with upper management, and because one of the upper management had devised the procedure that we -- we couldn't get together or we couldn't agree, if you will, on any changes.

Q. Did you at that point decide to leave or were you let go?

A. I did, yes. I left that position there to go work at Chardam for more money, better insurance.

Q. So how soon after you left Bosch did you begin working at Chardam?

A. Right away, within a week or two.

Q. And then you started at Chardam doing machinist work?

A. Correct, yes.

Q. And how long were you working at Chardam before you were laid off?

A. About two years. Well, just under two years I think it was, if I recall. Again I would have to go back to taxes directly but, yeah.

Q. And aside from the Macomb Community College courses that you took is there any other

post high school education or training that you underwent?

A. No official programs per se, no.

Q. Just more like kind of on-the-job --

A. Right, correct.

Q. -- type of training? Did you go through any kind of management or other type of sales training when you worked at Bosch or the other companies that you worked for?

A. I did, yes. When I was working at Valvoline I received extensive manager training and then again at Bosch.

Q. When you're doing your traveling did you have to drive a vehicle or were you taking airplanes; how were you doing that for Valvoline or Bosch, or is there differences between the two?

A. There is differences between the two. At Valvoline I was driving my personal vehicle all over wherever needed to be. For Bosch I would drive my personal vehicle to the airport, fly out, and then use a company vehicle or rent a vehicle to wherever I was at.

Q. I want to kind of go over your -- kind of your medical history a little bit. Have you ever been involved -- first of all, have you ever been

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involved in any other auto accidents besides the one we're here about today?

A. Yeah.

Q. Okay.

A. Yeah, minor fender benders.

Q. Have you been involved in any where you suffered a personal injury?

A. No, no, I have not.

Q. Have you ever been involved in one where somebody else suffered a personal injury?

A. Nope.

Q. Have you ever been in an auto accident that resulted, other than this one, in litigation?

A. No, no, sir.

Q. Have you ever been a witness in an auto accident case for somebody else's accident?

A. No, sir.

Q. Whether a family member or a friend or acquaintance or anything like that?

A. No. Aside from maybe a random person on the road that I saw get hit and offered to be a witness, aside from that, no, I've never -- and even then I wasn't accepted as a witness. They said, no, we already had someone. So I said, okay, as long as you're okay and the ambulance is

here I'll just go ahead and go on.

Q. And were you ever interviewed by police officers in that case, in that situation?

A. No.

Q. Or an attorney or anybody -- or an investigator for anybody involved in that accident?

A. No, no, sir.

Q. As far as have you ever suffered any other kind of injuries, you know, other than maybe like a kind of skinned knee or a cut, but any kind of a significant injury, physical injury, other than what we're talking about here today?

A. Have I ever acquired any physical injuries besides this?

Q. Prior to this accident have you ever suffered any kind of significant physical injuries?

A. Yes, I have.

Q. Can you talk about what those were and the circumstances that you received them?

A. In December of '06, if I recall correctly, about midway through December I was roofing and I happened to fall off the roof.

Q. Okay. Was this an employment thing that

you were doing or was it you were just helping out a friend or family member?

A. I was helping a friend who had a business.

Q. Okay.

A. Yeah.

Q. Were you getting paid for that work?

A. I was, yes.

Q. So was there any kind of insurance claim filed or Workers' Compensation claim filed for that accident?

A. There was a Workers' Comp claim, correct, yes.

Q. And what was the name of your friend's business?

A. Oh, God, it's been years. I don't recall. I would have to go back and --

Q. What about your friend's name?

A. His -- well, we're not really the best of friends any longer, but he is -- the owner of the company's name is Paul.

Q. Paul what?

A. I don't recall. It's his father that owns the business. I don't know his father's last name, I'm sorry. I'd only known him as Paul.

Q. Okay. You don't know the name of the business; you don't recall that?

A. It's his last name. I could probably find out but I don't know it offhand, no.

MR. BLADEN: Is that something you could follow up with me on?

MR. DOHERTY: Yup, if it exists.

THE WITNESS: Yeah, I believe the company -- if I recall I think the company is still there. I don't know.

BY MR. BLADEN:

Q. Do you still have any of those Workers' Compensation records like receipts or bills or anything like that or redemption papers or anything like that, whatever?

A. We are what, 2017?

MR. DOHERTY: '18.

THE WITNESS: '18 now, so, yes.

BY MR. BLADEN:

Q. It would have been about 10 or 11 years ago.

A. I may. I may. I don't know positive.

MR. DOHERTY: He'll look. We'll see if we have them.

BY MR. BLADEN:

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Q. Okay. I appreciate that.
A. I do have pretty extensive records so I may have them.
Q. Was there any kind of a Workers' Comp dispute over payment of the claim --
A. No.
Q. -- that went to adjudication or Workers' Comp --
A. No, sir.
Q. -- administrative law?
A. Nope.
Q. And what kind of injuries did you suffer in that fall?
A. In that fall I shattered my left elbow and crushed my L3, 4, and 5 vertebraes. I fell off the roof onto the ladder.
Q. And do you remember what hospital you went to, if you did?
A. I did. That was Royal Oak William Beaumont. I believe the injury occurred in Lathrup Village, so that would be I believe the closest hospital.
Q. So you were taken -- did they call an ambulance to take you to the hospital or were you driven separately?

A. No, I was taken by ambulance to the hospital, yes.
Q. Did you hit your head in that fall at all?
A. No, at least I don't recall hitting my head, no. I didn't suffer any type of concussion, if you will, just the elbow and back injuries.
Q. And we probably would want to see what the medical records showed to see what kinds of treatment you got too.
A. Right.
Q. Did you have to undergo any surgery or physical therapy following that accident?
A. Yes, I did extensive physical therapy and treatment.
Q. How about surgery?
A. No surgeries, no. Excuse me, I have -- I'm mistaken, my left elbow was rebuilt and replaced, so my left elbow is a metal hinge and then there's rods that connect it to my upper and lower arm. No injuries or -- excuse me, no surgery for the back though. I was too young at the time, they said. They didn't want to fuse my discs.
Q. Okay. Have you had any recurring or

chronic conditions resulting from that injury such as pain or discomfort or anything of that nature?
A. Some, yeah.
Q. Particularly the back injury that may have been causing you consistent pain over a period of time or chronic period of time?
A. Yes. Yeah, that's fair to say. I've had quite a bit of recurring back injury.
Q. Okay. And you attribute that to the fall from the roof?
A. Correct. I -- during the time of the injury maybe the muscles in my back deteriorated a bit much and it developed into like degenerative disc disease or something like that so --
Q. When you say the injury you're referring to the --
A. The back injury from the fall.
Q. Okay. So have you had a physician diagnose that?
A. It has been diagnosed and I do have records, yes.
Q. So who is your -- you know, your general practitioner, who was treating your back injury? If we wanted to get those records from your treater who has been treating you who would we ask

for?
A. I would say probably William Beaumont would be who to go to directly to get the back injury files.
Q. Okay.
A. But the treatment afterwards was done off campus in a William Beaumont sponsored hospital by their doctor, so it wasn't done like on Beaumont grounds. It was done in his office, like the treatment or --
Q. Do you remember the name of the doctor or the practice?
A. I don't recall it. I could probably get it but I don't recall it.
Q. If that's something you could look up for me I'd appreciate that.
MR. DOHERTY: My guess is everything would be in the Beaumont chart but --
THE WITNESS: I believe so, yes.
MR. DOHERTY: It's a Beaumont doc. They have their offsite rehab places.
MR. BLADEN: Sometimes they kind of separate them out, the records. Sometimes you ask for the hospital records and you don't necessarily get the offsite stuff, so that's why I'm trying to

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narrow it down, but you can follow up.
MR. DOHERTY: We will.
MR. BLADEN: I will ask for the Beaumont records and see what we get.
BY MR. BLADEN:
Q. Did you follow up with an orthopedist for your -- obviously you must have got surgery, correct?
A. I did.
Q. So you had orthopedic surgery for your elbow and your shoulder?
A. Yes, that was I believe the next day of the injury they rebuilt the elbow.
Q. Do you remember the name of the orthopedic surgeon who performed the surgery?
A. I don't. I'm sorry, I don't recall.
Q. And that would have been at Beaumont though, correct?
A. It would have, yes.
Q. And you said you went through physical therapy following the accident after you got your initial treatment?
A. I did, yes.
Q. Do you remember where that was at? Was that also through Beaumont?

A. I don't recall whether it was Beaumont or Henry Ford.
Q. Okay. It's possible it might have been Henry Ford.
A. It is possible, yes.
Q. The Workers' Comp coverage might have sent you to a particular case --
A. Right.
Q. -- do you recall?
A. Right, that very well could have been. It could have been their doctors that I had seen for the physical therapy because they were initially paying for the treatment.
Q. And you said earlier that you didn't have any kind of a dispute with the --
A. No.
Q. -- Workers' Comp carrier?
A. No, sir.
Q. Did you ever get any, as a follow-up to that fall, psychological or psychiatric treatment for like PTSD or anything like that?
A. No, no.
Q. Did you ever have any kind of issues of kind of losing sleep or appetite or anything of that nature that related to your memories of that

accident?
A. No, no, sir. No, just lack of sleep from back pain or something but not from -- like a flashback or anything like that, no.
Q. Because falling off a roof could be pretty -- kind of traumatic; you agree with that?
A. I do.
Q. Was it a traumatic --
A. It was. It was not a fun time, I agree.
Q. Okay.
A. It was traumatic but, no, I didn't have any sort of underlying mental issue accompanying the injury.
Q. Aside from that were there any other significant injuries that you suffered other than the one we're talking about today?
A. No, sir.
Q. No other broken bones or -- to impede you?
A. No. I'm thinking and no.
Q. Did you ever suffer a concussion or closed head injury prior to the accident we're talking about today?
A. I don't recall. I don't think so though, no.

Q. Had you ever been diagnosed with migraine headaches prior to the accident we're talking about today?
A. Prior to?
Q. Yeah.
A. No, sir.
Q. Did you ever -- have you ever had any kind of treatment for depression or any kind of psychiatric condition prior to the accident that we're talking about today?
A. No, sir.
Q. Prior to the accident we're talking about today have you ever had an MRI of your head or a CT scan of your head?
A. I'm going to say I believe so. Now, mind you, I'm assuming that some sort of a CT was done when I went in for the back injury, but I don't know for sure. I again would have to go back to the records to see if there's some sort of films or whatnot.
Q. It's possible they may have done an examination of your head just to rule out that you had a head injury?
A. Correct, correct. They may have done, just to be safe, testing, correct.

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Q. Other than that there was no other --
A. No.
Q. -- extent of your injury to your head?
A. No, no, sir.
Q. Have you consistently had your driver's license or have you had it ever suspended for any reason?
A. No, I've always had a good driving record.
Q. You know, have you ever used narcotics?
A. Well, I mean, I smoke marijuana regularly. I have a card --
Q. Okay.
A. -- but...
Q. When did you get the card? Was it after this accident or before?
A. It was, yes.
Q. So you have a medical marijuana card?
A. I do.
Q. But before that you did not use it?
A. Before -- excuse me?
Q. Before you got the card you did not use it?
A. No, I did, yeah.
Q. When was the last time you used it before

this accident?
A. Maybe a few days.
Q. Did you ever drink alcohol before this accident?
A. I have but not regularly. I don't enjoy drinking.
Q. So what about opiates? Did you ever have -- you know, from your back -- for back pain have you ever been prescribed things like Oxycontin or other kind of strong narcotic pain medications?
A. For injuries, yes. Not just recreationally, no.
Q. Have you ever had any kind of -- have you ever formed a habit? That sometimes happens, people get prescribed pain medication for legitimate reasons they might become addicted to it.
A. Right.
Q. Have you ever had a problem with that?
MR. DOHERTY: Before the accident?
BY MR. BLADEN:
Q. Before the accident.
A. Before the accident, no.
Q. Even after --

A. I was able to stop and not have too much adverse side-effects.
Q. Okay. What about since the accident have you been having issues with your narcotic pain medication?
A. Not issues with it. Unfortunately I have to take it due to all the pain and injury but not -- I don't abuse it, no. No.
Q. And have you ever been convicted of a crime of deceit or theft or anything of that nature?
A. No, sir, no. No, I wouldn't want somebody else to screw with me so I live by that. I don't screw other people.
Q. Other than today have you ever given a deposition before or testimony in a case?
A. No. No, this is the first time I've ever done anything like this.
Q. All right. Have you ever been involved in any other kind of legal actions or lawsuits other than this one?
A. No, no. I mean, if my father being sued by a close family that our dog bit but not me directly.
Q. Did you give testimony or were you

interviewed or participate in that case in any way --
A. No.
Q. -- as a witness?
A. No, sir, no. Nope.
Q. Has anybody in your immediate family been involved in any kind of auto accident lawsuit or claims with the insurance company related to personal injury?
A. No, no, no personal injury related. My brother was recently involved in an accident where somebody hit him, but he wasn't injured in it. It was just vehicle damage.
Q. Okay, standard vehicle damage type of claims?
A. Right, yes.
Q. And when I say involved in a lawsuit, that includes you being sued as well as you suing somebody else.
A. No, no, sir. I have never been sued nor sued anyone.
Q. Do you have an ongoing dispute with your auto insurance carrier about any claims that you may have made in this case -- related to this accident?

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A. No. No, they've been pretty good about everything.
Q. There's no --
A. And we're not in any sort of battles.
Q. There's no pending first-party lawsuit going on between you and Meemic?
A. No, no, sir, no.
Q. I'm going to ask you now about the circumstances that led up to your accident.
A. Okay.
Q. On December the 17th of 2017, correct, was the day this accident --
A. Yes.
Q. And why don't you give me your best recitation of what -- to the point in time where you entered 696 before the accident occurred?
A. All right, so --
Q. What you were doing that day, where were you going, that kind of thing.
A. All right, so you want me to describe like my morning per se, before I got in the accident, you mean?
Q. Yeah, what were you doing that day? Where were you going, what were you planning to do, that kind of thing.

A. Okay, so basically I had received a phone call from a friend.
Q. Who was that friend?
A. Norm Schrodder, long time school buddy. I've known him for years.
Q. Okay.
A. I mean, we're not close per se but he's a friend. He called me up, said he was having issues with his furnace. He lives in Royal Oak, and needless to say I live in Eastpointe, so the quickest direct route would be 696 to Woodward so --
Q. Okay, so he called you the morning of the 17th?
A. Yes, yes, correct.
Q. Approximately what time?
A. We'll say ten give or take a few minutes.
Q. Around ten a.m.?
A. Yes, correct.
Q. And you were at your home at Eastpointe at the time?
A. Yes.
Q. Do you have a cell phone?
A. I do, yes.
Q. Did he call you on your cell phone?

A. He did, yes.
Q. Let me get your cell phone number.
A. (586) 552-3611.
Q. Is that the same number you had at the time when you got -- of the accident?
A. Yes, yes.
Q. And who was your phone carrier at the time?
A. Verizon now and Verizon for years. It has been for quite a while now.
Q. So you were with -- you had a Verizon contract essentially for your phone?
A. Correct, correct.
Q. What kind of phone is it?
A. I have the LG G6.
Q. What kind of phone did you have at the time?
A. The same.
Q. LG G6?
A. Correct.
Q. Is it the same exact phone that you had?
A. The same phone exactly.
Q. Not just the same model, it's the same exact phone?
A. The same exact phone that was in my

pocket that day and before that day.
Q. Okay. So you received a call from your friend Norm Schrodder at around ten a.m. that he was having problems with his furnace?
A. Correct.
Q. And I take it, then, that you were going to go over to his house to help him out with it?
A. Correct, correct.
Q. About what time did you leave your house?
A. About one.
Q. You left about 1:00?
A. Yeah, maybe a couple minutes before one.
Q. Were you going to bring any tools with you or did he have them there?
A. I brought a small tool bag, yes, and a heater, a space heater, for the area that he was hanging out in for -- in case, you know, I couldn't get the furnace working.
Q. And did you put those -- where did you put those in your car?
A. In the trunk.
Q. So you left around one p.m., okay. And what route did you follow? First of all before we go -- let's go back. You said Norm is an old friend of yours from school?

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A. Yeah.
Q. How often did you go visit him before the date of the accident?
A. Three times a month maybe.
Q. So -- and would you travel the same route basically every time you would?
A. I would, yes, yes.
Q. And prior to the accident date on December 17th when was the last time you traveled to go see Norm, your friend Norm Schrodder?
A. I don't recall honestly. I can't say. I don't know for sure.
Q. Would it have been within the prior two to three weeks before the accident?
A. It hadn't been that long, yeah. It hadn't been three weeks since I had last seen him.
Q. So since the accident was on December 17th, some time around the end of November probably?
A. Yeah, more probably beginning of December rather.
Q. So even after Thanksgiving?
A. Right.
Q. So within about two, two-and-a-half weeks --

A. Yes.
Q. -- or so? Okay.
A. Yeah, that sounds pretty good.
Q. And just for clarification, that was the last time you went to go visit him at his house?
A. Correct, correct.
Q. And you followed the same route the prior time --
A. That I normally would, yes.
Q. -- as you did on the date of the accident?
A. Correct, yes, which for me would be 94 to 696 to Woodward.
Q. So you took I-94 to 696 --
A. Correct.
Q. -- westbound, right?
A. I believe that's westbound, yeah. Yeah, westbound.
Q. And then you exited at Woodward?
A. I would have.
Q. Right, that's your normal route?
A. The date of the accident I didn't make it that far, but, yes, I would normally exit at Woodward, yes.
Q. So if you're going to see your friend

Norm that's the route you would go from your house to your friend's place?
A. Yes.
Q. And that was the route you followed the last time you visited him --
A. It was, yes.
Q. -- prior to the date of the accident? Did you get all that?
A. I apologize. Yes, the last time that I was to Norm's house I took 696 to get there.
Q. Okay, you'd follow the route I-94, 696 --
A. To Woodward.
Q. -- to Woodward?
A. Yes, sir, that is the route that I took and would normally take.
Q. Okay.
A. My apologies. I don't mean to keep interrupting. I'm so use to conversing.
Q. That's all right. I'm trying to get through this because I think everybody wants to get this all set and resolved so...
Had you heard anything in the news prior to you traveling on the date of the accident about the condition of the I-696 westbound that you were going to be driving on?

A. Not really, no, not -- not that I had noticed, if you will. Not that I recall.
Q. Okay.
A. Nothing stating like beware or anything like that, you know, per se.
Q. Had you heard any news stories about pieces of concrete going through people's windshields?
A. No, I can't say that I have or recall any.
Q. Okay. So the last time you were traveling to your friend Norman Schrodder's house I think you said probably right around the beginning of December, right?
A. Right, if I recall correctly.
Q. Do you recall -- and you said you traveled on that same route, westbound 696, correct?
A. Yes.
Q. Do you recall the condition of the road at the time when you traveled there at the beginning of December?
A. I mean, a bit rough as per usual I should say or could say.
Q. Right.

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A. I mean, no -- didn't seem any worse than any other years. I mean, it has been so bad for so long I was like kind of, I mean, got to get where you're going kind of thing.

MR. DOHERTY: Well, he might not travel that way much. I don't know that.

THE WITNESS: Okay, maybe I'm misunderstanding the question.

MR. DOHERTY: But don't assume we all know. Just say what the condition was, not like per usual or anything like that.

THE WITNESS: Oh, okay, yeah, it was poor. The condition was poor like driving across a washboard.

BY MR. BLADEN:

Q. Do you recall whether there was any -- do you recall seeing any patched material in the road at the time?

MR. DOHERTY: At what time?

BY MR. BLADEN:

Q. In early December when you traveled to see Norm.

A. I can't say that I recall too much patchwork. I mean, the occasional giant pothole maybe they would throw some patch in, but aside

from that a lot of the small ones they just left.

Q. That's what your recollection is?

A. Right. As far as I recall it was pretty rough.

Q. So let's go back to your December 17th trip to see Norm. You left around one p.m. from your house and you traveled your normal route of 94, and the plan was to go 96 to that Wood- -- and get off at Woodward, correct?

MR. DOHERTY: 696.

BY MR. BLADEN:

Q. 696 to Woodward, correct?

A. Yes, 94 to 696 to the corridor, yes. That's what I intended.

Q. So what's the last thing you remember before the accident happened?

A. If I recall correctly was passing a vehicle and moving back into the travel lane, which being the third lane or quicker of the travel lanes.

Q. Which --

A. Not the passing lane, furthermost left, so third lane, if I recall.

Q. How many lanes are -- first of all, what road were you on at the time?

A. 696 at the time.

Q. And you had -- how long had you been on 696 after leaving 94?

A. Since the interchange, so a couple miles.

Q. Okay.

A. But I'm not -- I don't know exactly the distance but whatever it is from the 94 interchange to about Hoover.

Q. Had you -- okay, had you passed under any overpasses at that point?

A. Several.

Q. Okay. And do you recall a specific -- you said you were at around Hoover when you -- that's the last thing you remember?

A. That's about what I recall last, yes. To the best of my recollection I was -- just happened to be driving in the third lane and noticed two --

MR. DOHERTY: We're going to let him ask some questions.

THE WITNESS: Sorry.

MR. DOHERTY: That's all right.

BY MR. BLADEN:

Q. So how many lanes are there at that location on westbound 696?

A. I believe there's four.

Q. Okay.

A. Yeah.

Q. So when you say you're in the third lane, you mean third from the right, third from the left, what do you mean?

A. Third from the right so the third lane from the slow lane or exiting lane, if you will.

Q. So you weren't in the far left lane?

A. No, sir.

Q. Has your memory of that -- that last memory been consistent since the day of the accident or is it something that you -- as you've thought about it more that you've kind of remembered more over time?

MR. DOHERTY: Well, let me just object to the form. You're asking a very difficult question. I think I know what you're trying to ask.

If you understand what he means you can go ahead and answer.

THE WITNESS: I don't quite understand the question. I'm not --

MR. DOHERTY: Then he'll reask it.

THE WITNESS: Okay.

BY MR. BLADEN:

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Q. Do you ever recall -- I'll back up on this later. So at that point you said you don't remember what happened after that?

A. At what point now, I'm sorry?

Q. All right. You said the last thing you remember before the accident you said you were in the left hand -- excuse me, the third lane from the right?

A. Correct, correct, if I recall correctly.

Q. Were you -- you said somewhere around Hoover. Where around Hoover? Were you before Hoover, under Hoover, or after Hoover?

A. That would be before Hoover would be my last memory.

Q. Okay. How far before?

A. At best a few car lengths was my -- mind you my last recollection was glancing over and seeing the Hoover exit coming, so within a few car lengths as -- before I passed it.

Q. Okay. So you were not under -- you had not passed under Hoover at that point?

A. Not yet that I recall.

Q. And you were within a few car lengths of passing under it?

A. Not of Hoover Road itself.

Q. Okay.

A. Of -- there's a --

Q. Of the exit to Hoover?

A. Correct, yes.

Q. So you had just passed the Hoover exit sign or right about the Hoover exit sign?

A. Yeah, I was coming up to passing the like no return getting off at Hoover.

Q. Okay.

A. Like if you were reckless and you cut your wheel hard right maybe you could make it without rolling the vehicle but probably not; you know what I mean.

Q. So you had just passed the exit for Hoover?

A. Correct.

Q. Or just to the point where you couldn't really make the exit?

A. Right, correct.

Q. Were there any cars in front of you?

MR. DOHERTY: At what point?

BY MR. BLADEN:

Q. At the last point in time you remember before the accident.

A. I don't recall. I don't recall who was

around me.

Q. Okay.

A. I mean, I'm assuming there was some traffic because I was --

MR. DOHERTY: Don't assume.

BY MR. BLADEN:

Q. Don't make any assumptions.

A. There you go, you're right.

MR. DOHERTY: Just give him your best recollection. If you don't recall just tell him.

THE WITNESS: I don't recall.

BY MR. BLADEN:

Q. You don't know whether there was a car or truck or whatever might have been in front of you or not?

A. There may have been but I don't recall exactly. No, I don't know.

Q. You can't testify here today that you remember seeing a car or truck in front of you just before your memory ends before the accident?

MR. DOHERTY: That's a correct statement he's asking you. You don't remember specifically if there was a vehicle in front of you?

THE WITNESS: Right, I don't.

MR. DOHERTY: If you do you do. If you don't you don't.

THE WITNESS: Right. I --

MR. DOHERTY: Let him ask a question.

BY MR. BLADEN:

Q. After that point what was the next thing you remember?

A. If memory serves correctly it would be kind of coming to.

Q. Okay.

A. And I was in the process of getting off at Mound Road.

Q. So when you say coming to, you had lost consciousness you felt?

A. I honestly -- I can't say. I don't -- I --

Q. You don't have a memory?

MR. DOHERTY: Yeah, you're doing just fine. Can we go off the record for a second?

(Discussion off the record.)

MR. DOHERTY: Let's go back on then so we're not missing any of this.

THE WITNESS: I don't recall.

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BY MR. BLADEN:

Q. The next thing you remember was getting -- basically are you on Mound or are you on the exit ramp to Mound?

A. I am on the exit ramp to Mound is my next best recollection.

Q. And then had you -- by the way, had you ever been to that location where that Mound Road exit was; had you ever gotten off there before?

A. Well, yeah, yeah. I worked at Chardam up at Eighteen and Mound, so I had -- previous to that, being employed there, I got off of Mound regularly, yeah.

Q. So you got off of Mound -- you were getting off at Mound. What did you do -- were you planning -- do you have any kind of idea in your head what you were trying to do?

A. No, I don't recall any kind of plan or idea. I just -- in all honestly there was a big hole in the windshield and I knew I had to stop, so that was my only thought, stop the vehicle.

Q. Okay.

A. Somewhere safe.

Q. All right. Did you -- you had your hands on the steering wheel?

A. Right.

Q. Other than the hole in the windshield was there any damage to the steering wheel?

A. Yeah, it was bent nearly in half.

Q. Did you feel any kind of pain?

A. I don't recall any.

Q. Okay.

A. If memory serves I don't recall any.

Q. And so you got off on Mound. Which way did you turn on Mound; do you remember?

A. I was in the right lane so that would be northbound Mound.

Q. Okay.

A. And it is not an option. Like the left lane you go southbound, the right lane you go northbound, so I was in the right lane and I was going into Mound and that gas station was the first stop that I could make.

Q. And so you got off at this gas station there. It was -- which kind of station was that?

A. It was the BP station --

Q. Okay.

A. -- at Mound just off 696 on the right side of the road.

Q. Had you been there to that station

before?

A. I'm sure I may have at some point, you know, buy a drink or maybe a pack of cigarettes or something like that but --

Q. Do you remember at all distinctly the BP station is where you got off or is this you reconstructing it after the fact?

A. No, no, I distinctly recall pulling in, stopping the vehicle, and putting it in park at the BP.

Q. While you were traveling -- before your memory gap began were you listening to the radio or anything in your car?

A. I don't recall.

Q. Were you using your phone?

A. No.

Q. Was there any kind of other vehicle that may have kind of cut you off or any kind of other issues while you were traveling on the road that may have been distracting to you?

A. I don't recall any.

Q. Once you got to the BP station did you try to call 911?

A. No, I didn't have the presence of mind to do that. I called my father. My father is my

go-to in emergencies, and I didn't know that I was even hurt that bad.

Q. Okay. Did you notice any blood?

A. Yeah, it was profuse.

Q. Did you have any difficulty with your eyesight?

A. I did, yes.

Q. What was that specifically?

A. Multiple vision in my right eye.

Q. Okay.

A. My right eye was caved in to my sinuses due to its location is the best that I can put back together.

Q. When did you realize how severe your -- you know, that you had not just run of the mill injuries?

A. It was a woman coming over to my vehicle and offered me a towel. She said, here, put this on your face. You're hurt bad.

Q. Do you remember the name of that woman?

A. I don't. I didn't ask.

Q. Was there any point in time after you called your father that you tried calling 911?

A. No, no. I don't recall calling 911, no.

Q. Do you recall if the woman or somebody

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else at the scene called 911?
A. I don't know. I'm assuming someone did. Now, mind you, an ambulance came.
Q. Okay.
A. So someone may have but I don't know who it was.
Q. How soon after you stopped at the gas station did the ambulance arrive?
A. I don't know.
Q. Did the ambulance arrive at the same time, before, or after police officers?
A. I don't know.
Q. Do you ever recall seeing police officers at the scene?
A. Yes.
Q. Do you recall talking to them?
A. Yes, somewhat. Not so much talking per se, but he asked me for my ID and I handed him my wallet.
Q. Okay. Did the police officers ask you what happened?
A. Yes.
Q. And what did you tell them?
A. I don't know that I told them anything. I don't know what I said or didn't say.

Q. Okay.
A. I don't recall.
Q. Whatever that you may have said you assume they would have somehow recorded that in a report?
A. Right. I believe so.
Q. We have to look and ask them or look in their report for that information?
A. Okay, yeah.
Q. Would you agree?
A. Yes, I would, yeah.
MR. DOHERTY: Well, he can agree you can go do that. He doesn't know what's in the report.
THE WITNESS: Oh, yeah.
MR. DOHERTY: Or what they might have written down or what they --
THE WITNESS: Right, right.
MR. DOHERTY: He assumed they doing their investigation would make some report or statements.
THE WITNESS: Yeah.
MR. DOHERTY: But you can't --
BY MR. BLADEN:
Q. In fairness you don't remember what you

told them, true?
A. Aside from something, yeah, like I got hit or maybe something along those lines. I don't recall honestly what I said at all. I don't recall.
Q. So whatever is in their report you don't have a specific memory that you could maybe contradict or disagree with whatever they said? It may or may not have happened that way; you just don't remember?
MR. DOHERTY: I don't know what you mean by the question. I object to the form.
Do you understand what he means?
THE WITNESS: Not really. I mean, can you ask it again?
MR. DOHERTY: The police report says what it says. He doesn't recall what he told them. Trying to have him say can you contradict what's in the police report or would you contradict, without seeing it he can't even begin to comment on that.
THE WITNESS: Yeah.
MR. DOHERTY: I know what you're getting at, Phil, but I just don't think this is the witness to do it with.

THE WITNESS: I --
MR. DOHERTY: And we're going to let him ask a question.
THE WITNESS: All right.
BY MR. BLADEN:
Q. Do you have any specific memory of what you told the police officers?
A. No, I don't recall.
Q. Other than you said you handed them your wallet essentially to identify yourself?
A. The only thing that I can recall was the officer asking me for ID.
Q. Okay. Other than that you don't have any specific memory of anything that you had a conversation with him about, if at all?
A. I don't recall what was said at all, I'm sorry, I don't.
Q. You don't have to apologize. I'm just asking you whether you remember or not.
A. I don't, no.
Q. Okay.
MR. DOHERTY: Do you need to take a little break? Okay, let's take a few minutes.
(A break was taken.)
BY MR. BLADEN:

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Q. All right. Do you recall ever seeing a piece of concrete or any kind of an object in your vehicle?

A. Yes. Yeah, there was a large chunk on my lap when I stopped the vehicle.

Q. Okay. It was in your lap?

A. It was.

Q. You don't know whether or not it landed there or you put it there yourself; you don't know how it got there?

A. I'm presuming from the hole in the windshield that it came through the windshield. I did not place it in the vehicle, no.

Q. Well, I mean in your lap?

A. No, I didn't bring it with me.

Q. Okay. Well, when it entered the vehicle you don't remember how it got into your lap?

A. I don't, no.

Q. You don't know whether or not it was to the side and you picked it up or whatever? You didn't touch it other than it was in your lap?

A. Right, I don't recall how it got there, but it was there when I came to per se.

Q. And by that point you were already parked in the parking lot of the -- or parked at the gas

station --

A. Right.

Q. -- when you noticed that there was the concrete?

A. When I did notice the concrete, yes, I was stopped at the BP already, yes.

Q. Was there a point in time when that object was moved, do you recall?

(Discussion off the record.)

MR. DOHERTY: So the question was was there some point when the concrete was moved?

BY MR. BLADEN:

Q. Do you recall whether or not -- if the concrete -- when or if it was moved from your lap?

A. Yeah. My recollection is I attempted to get out of the vehicle when the officer asked me for my ID, and he put his hand out and said don't get up, you're hurt. So I sat myself back down, took said rock on my lap and placed it on the ground next to me so as that I could reach into my pocket to get my wallet for the officer when he asked for my ID.

Q. Was the door to your car open when you did this?

A. At that point, yes.

Q. And when you set it on the ground you mean the ground outside, not the ground of your car?

A. Correct, the grounds outside the vehicle because I had attempted to get out.

Q. And so that you placed it on the ground?

A. I did.

Q. I'm going to show you some photographs that were taken at the scene. You can let me know whether this is -- what you recall if this refreshes your recollection at all.

A. Okay.

Q. This is Chisolm Deposition Exhibit 1, photograph H22. It's page H22.

MR. DOHERTY: Chisolm was one of the Warren police officers who investigated the accident, so this is an exhibit from his deposition.

THE WITNESS: Oh, okay.

BY MR. BLADEN:

Q. We took depositions of two of the police officers who investigated the accident.

A. Okay.

Q. And one of them we provided -- showed him -- there were exhibits at the deposition and

this is one of them. And I'll show you this. Does that refresh your recollection? Is that --

MR. DOHERTY: Well, let's do this, he didn't have a -- he recalled he put it on the pavement essentially next to the vehicle. I guess the question is does that look like the scene?

BY MR. BLADEN:

Q. Yeah, does that look like where you placed the object?

A. Yeah, yes.

Q. Okay. Here's a close-up on page H23 of the same exhibit. Does that look like the object that you placed on the ground?

A. Yes, it does.

Q. And basically the location is the position that you put it?

A. Right, right. I don't recall exactly. I didn't throw it out the window but placed outside the vehicle on the ground, yes. That looks right about where I would have putten it, yes.

Q. And also there's some photographs that were taken of your vehicle. If you could just review -- look at these and tell me --

A. Okay.

Q. -- is that -- this is on H19 of Exhibit 1

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of Chisolm; is that your vehicle?
A. Yes, yup, that's my car.
Q. And there's a hole in the windshield?
A. Correct, yeah.
Q. And then there's H --
MR. DOHERTY: 20.
BY MR. BLADEN:
Q. H20, does that look like the damage to your windshield?
A. That does.
Q. Is that your -- and the H21, is that your license plate for your vehicle?
A. That is. That is my license plate, correct.
Q. CPF 9994?
A. Yes, sir.
Q. Okay. Then you already looked at these. And I'm going to show you H26 from that same exhibit, Chisolm 1, does that look like the interior of your vehicle?
A. Yes, it does.
Q. And it looks like there was some sort of a -- you were drinking some sort of Orange Crush or something at the time?
A. Correct, yeah. Orange soda, yup.

Q. Did you bring that from home or did you stop at a convenience store on the way or how did you get that?
A. I don't recall. I don't recall if that was from home or if I stopped.
Q. Okay.
A. We sometimes buy Orange Crush at home, so, again, I don't recall if that was from home or not.
Q. Fair enough. Okay. After your interaction with the police officer did the ambulance -- was this before or after the ambulance arrived, or the EMTs, do you remember?
A. Was what before the EMTs?
Q. The EMTs arrived at the scene.
A. I'm sorry, what's the question?
Q. You had said -- you testified that you were asked to provide identification or who you were or --
A. Okay.
Q. -- by the officer, and you reached and you got your wallet and you showed him your identification.
A. Right, okay.
Q. Were the EMTs and the ambulance at the

scene at that time or did they arrive after?
A. That I don't know.
Q. Do you recall a point in time when the EMTs were tending to you?
A. Vaguely.
Q. Do you recall being placed into an ambulance?
A. I do.
Q. And you were taken to the hospital?
A. I was.
Q. You remember that?
A. I don't.
Q. Okay, you don't recall being taken to the hospital?
A. I don't.
Q. Do you recall being at the hospital? When is the first time you recall that?
A. Was being taken into the ER.
Q. Okay. Were you on a stretcher?
A. I was.
Q. Did you have any kind of a C-collar or backboard or anything of that nature? Do you know what those are?
A. Yes, and I don't recall.
Q. You didn't have any --

A. I wasn't on a backboard.
Q. Do you recall if you had a C-collar --
A. That I don't recall.
Q. -- to immobilize your neck or your head?
A. I may have initially.
Q. Okay.
A. I don't recall honestly. I don't.
Q. Okay, that's fine.
A. I don't recall what -- I don't think so because they asked me if my neck hurt, and I believe I, if I recall correctly, said no so...
Q. And if there was -- if we have EMT records they hopefully would --
A. Right, they would state whether I did or not. I again don't recall exactly.
Q. And so you recall being wheeled into the ER is it on a stretcher, I assume?
A. Correct, yes.
Q. And you have a memory of things after that point --
A. Yes.
Q. -- at the hospital?
A. Yeah, somewhat.
Q. Do you remember ever talking to any police officers at the hospital?

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A. I don't. I don't recall.

Q. Do you remember being photographed at the hospital?

A. I do. I do recall getting photographs taken.

Q. Was it by a police officer or somebody else?

A. I don't recall. I believe my eyes were closed.

Q. All right. You just knew -- was there a flash or something --

A. There was --

Q. -- that clued you in that there was --

A. -- correct. Correct, someone had approached me and asked if they could take a few pictures for, you know -- I'm not sure the word. I can't -- for --

Q. For the investigation?

A. Right, for maybe investigative purposes or for records.

Q. Okay.

A. To have records of what I looked like coming in.

Q. So you don't know whether this was a police officer or a member of the hospital staff

or anything like that?

A. No, no, I don't.

Q. Or a porter?

A. I don't know, yeah.

Q. Where were these photographs taken? Do you remember if you were in a room or somewhere else?

A. That I couldn't tell you. I don't recall.

Q. You don't recall whether you were in a hallway or a room or in the emergency room?

A. No, I was in the emergency room department, but aside from that I don't recall whether I was in a room or not when they took the pictures.

Q. Okay. And how long were you in the hospital after you were taken there; do you remember that?

A. If I recall correctly four days, I think it was, total I was in there.

Q. Did you undergo any kind of emergency surgery or procedures while you were in the hospital?

A. Yes, I did. On the 18th they did like an emergency reconstruction.

Q. Of what?

A. Okay. The way the doctor described the injury to me my forehead was the only thing not broken, so my jaws were both destroyed, several teeth exploded, my upper and lower jaws were broken in so many places that they had to wire it all closed. My nose was shattered. My cheek and right eye orbit were all shattered and sunken into the sinuses. I mean, really aside from my forehead everything had a break, so I was pretty bad.

Q. Were you swelling up pretty bad following the accident --

A. Yes.

Q. -- in your face?

A. Yeah, tremendous.

Q. You said you had some damage or injury to your eye. Was there any kind of surgery related to your eye?

A. There was. On that same emergency reconstruction surgery they implanted a lot of metal and mesh and things like that to reconstruct my eye socket as well as kind of give me a cheek shape again.

Q. All right. And you said you were in the

hospital for about four days?

A. Right, correct.

Q. In that four-day period after you underwent your medical procedures did any police officers or anybody come back to interview you about the accident?

A. No, I don't -- I don't recall any.

Q. Do you recall ever having a conversation with anybody from your family, like your father, about the accident?

A. I'm --

MR. DOHERTY: Are you talking before --

BY MR. BLADEN:

Q. While you were at the hospital.

A. While at the hospital I'm sure we talked about it, yes.

Q. Did you ever talk at that point in time about how it happened or what happened?

A. I mean, I assume I tried to construct it, but, no, I don't recall. I don't recall what we spoke of or how the conversation went even.

Q. Did you ever at any point in time see a copy of a police report that was generated as part of the investigation of your accident?

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A. No, sir, no.
Q. You've never read it?
A. The police report?
Q. Yeah.
A. No. I'm sure maybe I have a copy but I don't recall ever reading it.
Q. Okay.
A. I don't know that I have a copy even. I apologize, I could be wrong in that regard.
Q. Does your father have a copy?
A. I do not know that.
Q. Is there any particular reason if you have it that you've never read it?
A. For personal traumatic issues.
Q. Okay.
A. Because I don't personally like to relive that date, if you will, again and again, and it feels as though I have to when I read it.
Q. Understood. You did not review it in preparation for your testimony today?
A. I did not, no.
Q. Have you read any of the pleadings in this case? I mean, like did you ever review the complaint before it was filed?
A. I don't understand the question, I'm

sorry.
MR. DOHERTY: These are the documents that we have filed with the court.
BY MR. BLADEN:
Q. Right. The complaint that was filed on your behalf in the Court of Claims, did you ever review that before it was filed?
A. Oh, yeah.
MR. DOHERTY: I don't know. We -- off the record.
(Discussion off the record.)
BY MR. BLADEN:
Q. So you don't recall whether or not you ever reviewed the complaint?
A. No, I don't recall it.
Q. Do you ever recall reviewing letters that were sent to either MDOT or Macomb County Road Commission regard -- before the case commenced?
A. No, I don't, I don't recall any correspondence.
Q. By your counsel at all? Did you ever review those?
MR. DOHERTY: These are the letters we sent to MDOT.
THE WITNESS: Oh, okay.

BY MR. BLADEN:
Q. With the understanding any communications or discussions that you may have had with counsel are privileged, but I'm just asking whether you remember reviewing them personally?
A. I don't recall honestly. I'm sure I probably have but I don't recall it. I have --
Q. Okay.
A. -- poor short-term memory right now.
Q. I've got you. Did you at the hospital undergo a CT scan? You must have for your skull and your face?
A. Yeah, yeah, I'm assuming so. I don't recall. I'm sure they did some sort of scanning. I don't know what exact extent they did though.
Q. Do you remember going through an MRI?
A. I don't.
Q. Sitting in that big MRI machine?
A. Yeah, I do. I recall the machine but I don't recall being in one or not. I don't know.
Q. Okay.
A. I may have.
Q. And we'll just look at your records from --
A. Right, correct. I don't recall it

though.
Q. Following -- after your stay at the hospital for four -- you said you were there for four days, correct?
A. Correct.
Q. And you went home after that or did you go into some sort of a rehabilitation facility?
A. I did go home, yeah.
Q. Did you have any kind of assistance while you were at home?
A. Besides my parents, you mean?
Q. Right. I mean, other than --
A. No.
Q. Assistance with things that you didn't have to be -- have assistance for before the accident?
A. Yeah, they helped me tremendously. I mean, there was -- I couldn't stand, any number of issues that occurred from the accident, yeah.
Q. Okay. Did you cook your own meals before the accident at home?
A. Mostly, yes.
Q. It wasn't like kind of a family meal type of thing?
A. There were. Yes, we do have family meals

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but not every day.

Q. All right. What did you do with your car after the accident? Do you know what happened to it?

A. It was parked in the backyard.

Q. Is it still there or --

A. No, we've gotten rid of it.

Q. Did it ever get repaired at all?

A. Yes, yup. Yeah, we fixed both the windshield and the steering wheel and column were replaced.

Q. Did you or anybody on your behalf take photographs and measurements of the damage to your steering wheel in particular?

A. Yes. Photographs, yes. Measurements, no. I don't know that I ever measured the deflection of the wheel.

Q. Because I think -- I'm not sure if we requested those --

MR. DOHERTY: We had somebody go out and look at the vehicle. I don't know if we've given you everything or not. We had it inspected and measured and so we have all that.

THE WITNESS: Correct. I believe that their photographer did take said measurements

of all those -- of the actual windshield itself and of course the wheel.

MR. BLADEN: Well, to the extent that we may have requested that information can you provide it to us?

MR. DOHERTY: Yeah, sure.

BY MR. BLADEN:

Q. Was there any kind of other mechanical inspections as to the vehicle before it was disposed of that you know about?

A. No, no.

Q. Who did the repairs of the vehicle?

A. We did.

Q. You did personally?

A. Yes.

Q. It was not taken to a mechanic or garage?

A. No, nope. The windshield was replaced by Safelite because I don't have the tools and -- the actual windshield itself, but the column -- or, excuse me, steering wheel per se was replaced by me, yes.

Q. So what happened to the steering wheel, the old one?

A. I want to say it was probably thrown away.

Q. You threw it away?

A. If I recall correctly, yeah, I believe it was thrown away. We may have it in the garage. My father may have kept it for this particular reason, but I don't recall. I may have it.

Q. Can we find out where that is --

A. Yup.

Q. -- if you still have it?

MR. DOHERTY: Yup.

THE WITNESS: Yup, sure will.

BY MR. BLADEN:

Q. Because we may want to do an inspection of it and measurements and so forth. Was there anybody present to help you when you took the steering wheel apart and replaced it?

A. If I recall correctly I think my father popped in a couple occasions to kind of give me any pointers that he could in trying to replace it, yeah.

Q. About when did that take place? When did you --

A. Several weeks after the accident, yeah.

MR. DOHERTY: I don't know.

THE WITNESS: I want to say --

BY MR. BLADEN:

Q. Some time in the spring of 2018?

A. Yeah, yes. It was nicer weather by the time we had done it so...

Q. March, April, May, somewhere in there?

A. Correct, correct, yes.

Q. Only a few months ago?

A. Exactly, yeah. It sat for several months.

Q. All right. When you were -- going back to when you were traveling on 696, do you remember what speed you were traveling?

A. I usually travel the speed limit, set the cruise control.

Q. Set the cruise control on 696?

A. Yeah.

Q. How many miles did you have to travel on 696 to get to Woodward?

A. Quite a few. Probably on the order of ten somewhere or -- give or take.

Q. And what was the traffic like at the time?

MR. DOHERTY: You're talking at the time of the incident?

MR. BLADEN: Yes.

THE WITNESS: It was Sunday so if I

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recall correctly medium maybe. It didn't seem -- if I recall it wasn't heavy.

BY MR. BLADEN:

Q. Was there snow on the ground?

A. Yeah, I believe so. I don't recall exactly if it was on the roadway or if it was off just to the sides of the road.

Q. Was 696, did it seem to be clear of ice and snow at the time?

A. If I recall it was fairly clear.

Q. Was the road dry or wet?

A. I believe it was dry, yeah.

Q. And I'm speaking of 696.

A. Right, correct, correct.

Q. So 696 was -- you believe was dry at the time?

A. I believe. There may have been wet spots because the temperature was changing, so I think it was warming at that time if I recall correctly. Not necessarily that it was getting to spring but we just had a little warm spell in December and it had melted some of the snow.

Q. So it had been cold prior to that?

A. Correct.

Q. And it may have been warming up a little?

A. Right, yeah. If I recall correctly I believe it was a nice Sunday.

Q. All right. So you went home from the hospital and were you housebound for a period of time?

A. Yeah, quite some time for...

Q. How long?

A. Somewhere in the order of, if I recall correctly, at least probably a month of really not going anywhere except for emergency-type appointments that I had to be at. And like I didn't get out of bed except for using the lavatory or, you know, a quick rinse, and I had to have assistance with all of it.

Q. Okay. For about a month after the accident you were pretty much homebound except for you had to go to, for example, medical appointments or something?

A. Correct, correct.

Q. Were you going through physical therapy or anything of that nature?

A. I have not yet, no. No, this is just all been surgery after surgery to try to put it back together.

Q. So you had multiple surgeries during that

period of time?

A. Not even that -- not just in that first month. That was recovery time.

Q. Okay.

A. My actual surgeries didn't start taking place until like a month or so later maybe, and I believe the first surgery, if I recall correctly, was taking the wires and everything that's holding my jaws together out with the teeth.

Q. And that surgery happened when?

A. I don't recall but a few months after. No, no, excuse me.

Q. February, March, some time in that range?

A. Yeah, yup. Yeah, if I recall correctly I will say February. I can get specifics but I will say February as far as we go right now for -- about a couple weeks later. Six to eight weeks later they took all the wires and teeth out.

Q. After the accident?

A. Correct, correct.

Q. So this would have been end of January, beginning of February, somewhere in that range?

A. Yeah, somewhere in there, right. Maybe even a little bit later depending on how long it took to heal.

Q. Maybe mid February then?

A. Maybe March. I don't know. I would have to get exact specifics from my doctor appointment calendar.

Q. So you have a calendar with all of that?

A. I have a calendar of extensive -- all the appointments we've been to, when we went, where we had to go, all that stuff.

Q. Okay.

A. Because there's been so many so...

Q. And who would take you to these appointments that you had to go to?

A. Generally my father unless he was busy and then my mother.

Q. We sent a pretty comprehensive set of interrogatories at one point. Let's see, and you listed some physicians or doctors who had been treating you, and I wanted to kind of go through those with you a little bit.

A. Okay.

Q. So you were taken -- the initial hospital you were taken to was St. John Macomb Hospital, correct?

A. Correct.

Q. And that's where you stayed -- you had

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your initial surgery and treatment and you were there for four days after the accident?

A. Correct, yes.

Q. Then it's -- you list here Doctor Neil Matthews, DDS, and what kind of treatment did you get from Doctor Neil Matthews?

A. All right, let's correct one thing, Doctor Gregory Thomas is the maxillofacial surgeon. Doctor Neil Matthews is just a prosthodontist. He is only making teeth. Doctor Neil or, excuse me, Doctor Gregory Thomas is the one who's doing all the facial reconstructions.

Q. I was going to ask about him.

A. Oh, okay, I'm sorry, my apologies.

Q. I just wanted to get clarification of who these individuals were and what they were doing.

A. Right. Neil Matthews is only the tooth making doctor.

Q. So he's making essentially your dentures as a replacement for your teeth?

A. Correct, correct.

Q. And then Doctor -- you said Doctor Gregory Thomas is the maxillofacial surgeon?

A. Correct, he is the one that initially on the 18th of December oversaw my repair surgery, if

you will, and from that accident has been the one performing the surgeries.

Q. So all of your subsequent surgeries on your jaw and your face were done by Doctor --

A. Gregory Thomas. Maxillofacial, yes.

Q. Was there any other consulting surgical experts like a neurologist or neurosurgeon --

A. That I don't know.

Q. -- or anybody like that?

A. That I really don't know. He may have consulted someone but I wasn't consulted directly from anyone.

Q. As far as you know you don't know?

A. I don't know, yes.

Q. What about Doctor Parmod Mukhi? I'm not sure if I'm pronouncing her name right, M-u-k-h-i.

A. Yeah, that sounds right, Mukhi. I saw him briefly and I was recommended to another doctor. He is --

Q. First of all let's focus on Doctor Mukhi. What did Doctor Mukhi -- what did he or -- is it a he or a she?

A. I'm sorry? It's a he, yes.

Q. What did he -- what kind of medical care did he provide to you? What was his reason why

he's listed here?

A. He was supposed to be the -- how would you say?

MR. DOHERTY: Pain management.

THE WITNESS: Kind of like, yeah --

MR. DOHERTY: I don't want to testify for you.

THE WITNESS: No, it was the -- he's quarterback, if you will, in kind of passing me off to the next person in line to get me through this process of healing and -- be it facial healing or mental healing or physical healing or whatever the case may be.

BY MR. BLADEN:

Q. So he's listed as a doctor of physical medicine?

A. Correct, right, right.

Q. And he was managing your treatment, your rehabilitative treatment?

A. Right, he was going to.

Q. And you say he's not now?

A. He is not, no.

Q. So what happened with that?

A. I am going to -- well, okay, what happened with Doctor Mukhi was I went and visited

him. We did a preliminary exam and whatnot. He was going to put together a treatment plan per se.

Q. Okay.

A. And I hadn't been able to get back to him to see him. He and I had not been able to touch base. He wanted me basically to get some more surgical procedures done, to get further along in my physical healing process before he really dove into the mental side, if you will, or if there was one.

Q. Okay. So you have not pursued that process yet with him?

A. Not with him. He recommended me to another doctor, Doctor Hamid.

Q. And does Doctor Hamid have a practice?

A. She does, yes.

Q. And what is her practice? What's her first name, by the way, if you know?

A. Nida, I believe, N-i-d-a, if I recall correctly.

Q. She's also a physical -- a doctor of physical medicine?

A. If I recall correctly she is a neuropsych.

Q. Neuropsychologist?

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A. Yeah, maybe a neuropsychologist if I recall. Something like that. I would have to see her card again. I'm sorry, I don't recall.

Q. Is she a physician or a Ph.D., do you know?

A. I don't know. I'm not sure.

Q. So he referred you to her for what purpose?

A. For -- basically because I am currently having troubles controlling my emotion in the sense that I've always been strong emotionally, and like you witnessed earlier when I get a bit frustrated or flustered or the anxiety levels get really high I fall apart, which was never -- never an issue for me.

Q. Is she a psychologist?

A. She is, yes, yes. She is to potentially help me with any underlying issues.

Q. Have you undergone -- do you know what neuropsychological testing is?

A. I don't.

Q. Have you had to go through -- sit through -- essentially you're given a whole series of tests by --

A. Oh, no, not yet. I believe that is

coming this Monday if I'm -- I have scheduled with her to see her --

Q. Okay.

A. -- this coming Monday/Tuesday for a full work-up to find out what she can find out.

Q. So she's going to be giving you a battery of tests?

A. Correct.

Q. And then she's gone over that with you already?

A. Correct.

MR. BLADEN: I'm going to do some follow-up on that, of course.

MR. DOHERTY: Oh, yeah. I assume we'll get the whole neuropsych work-up and get it to you.

BY MR. BLADEN:

Q. Okay. Have you met with her yet?

A. I have, yes.

Q. And what did you discuss with her so far?

A. Really she just asked me a bunch of questions about what I -- what I feel and how I'm doing and so forth, you know.

Q. Okay. When did you meet with her the first time?

A. Just last week.

Q. Just last week?

A. Right.

Q. Have you met with her since then?

A. Not yet, no. No, my next scheduled appointment was -- this coming Monday was her soonest available.

Q. Did she interview you herself or did she have an assistant do that?

A. No, she did herself, yes.

Q. Did you have to fill out any kind of a questionnaire or paperwork?

A. I did, yeah. Yup, I did some -- like a small questionnaire, but then afterwards it was her and I one-on-one her asking me questions.

Q. How long did that --

A. A couple hours.

Q. -- meeting take? A couple hours?

A. Yeah.

Q. Was there anybody with you during that exam or that interview other than you and the doctor?

A. No, no. My mom accompanied me to the appointment but she was not sitting in on the actual interview.

Q. So your mom went with you to the appointment, was not in the interview?

A. Correct.

Q. Did your mom have a separate meeting with her?

A. She did, yes.

Q. How long did that last?

A. A short time, only a few minutes.

Q. And what kind of questions -- I mean, I'm not going to go too far into this but have you -- you mentioned earlier that you were having short-term memory issues?

A. Um-hum.

Q. Can you describe what you mean by short-term memory problems?

A. Yeah. What's the best way to describe this? I often, say, start a sentence and then can't finish it because I've lost my track of thought or -- well, that's just the one pertaining directly to memory loss but...

Q. Okay. Do you forget details like, you know, where you're going or things like that or addresses or phone numbers?

A. No, not often, no.

Q. Okay.

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A. No.

Q. Do you forget medications that you're supposed to take?

A. Not often, no.

Q. And when you're supposed to take them?

A. Occasionally if I'm busy but generally no.

Q. It's nothing that you would attribute to be something out of the ordinary or something that was not the type of thing that would happen before the accident?

A. Right, right, not for the short term, no.

Q. Okay. Have you had any problems with your sense of direction?

A. No, not really. I mean, I can still tell north and south and stuff but --

Q. Have you had headaches?

A. Yeah, I've had tremendous headaches to the point of treatment for migraines, yes.

Q. Since the accident?

A. Correct.

Q. And who's been treating you for the migraines?

A. I believe that was, if I recall, an ER physician. I would have to say -- I would have to

go in the records and find out the doctor's name, but I believe it was an ER physician was the only one that I've seen so far for it. I actually had to go to the emergency room for one on one occasion and that was thus far the only treatment I've received for any kind of migraine, and he'd just give me Fioricet, I think it was.

Q. And has that seemed to alleviate the problem somewhat?

A. Somewhat, yeah.

Q. Have you ever -- has any of your doctors indicated -- you said, I think you testified earlier, that you were -- by doctor's orders were not allowed to go to work, correct?

A. Right, right.

Q. Do you remember which doctor gave that order, or doctors?

A. I believe it was Gregory Thomas. He is the head of doing my recovery, if you will. He is the one that's overseeing all the facial repairs and stuff.

Q. And he said that you are not able to do any kind of work at all?

A. Yeah, pretty much. He's like you're off work until we get a lot of these surgeries under

control.

Q. Are you scheduled to undergo any additional surgeries?

A. Yes, several.

Q. Okay.

A. They're not actually scheduled yet, but, yeah, I have to go for teeth as well as have implants and more revisions to my lips, my eyes, to devise the shape, and then in my socket like the bones out here stick out farther than they're supposed to so...

Q. Okay. Do you know roughly how long a period of time you're going to be undergoing those surgeries?

A. He said within a year-and-a-half to two years that I should be done, should be, depending on, like, recovery times.

Q. All right. A couple other questions I want to get through here. Have you gone to Michigan Neurological Associates?

A. Yeah, they manage the pain medication for this because Doctor Thomas didn't want to under his practice.

Q. So he referred you to Michigan -- it's actually Michigan Neurology Associates; is that

correct?

A. It is Michigan Neurology Associates, correct.

Q. Do you see a specific physician there?

A. Doctor Santa Ana. John Santa Ana is the overseeing physician.

Q. John Santa Ana?

A. Correct, and I happen to see one of his PAs, Jessica.

Q. Do you ever see Bethany?

A. I saw her originally. She was first but she was pregnant and going on leave.

Q. Okay. Jessica and then Bethany a little bit, all right.

A. Really just once for Bethany.

Q. And the reason I ask is because I have your records from Meemic --

A. Right.

Q. -- and when I asked you about your medical treatment you did not list them initially in your interrogatory responses, so I want to follow up with you.

A. Oh, I'm sorry, yeah. It was a slip of mine not that I purposely excluded them, I'm sorry.

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Q. That's perfect -- that's why I'm asking you.
A. Right, right.
Q. I'm just trying to get clarification.
A. Very good.
Q. Are there any other medical treaters that we haven't talked about that you think I should know about that are related to this accident?
A. I don't know of anybody yet. Not right now, no. I don't think there's anybody that we haven't listed. At least I don't know of any off the top of my head that we haven't listed.
Q. So you haven't started physical therapy yet, true?
A. No.
Q. We talked about Michigan Neurology Associates and Doctor Hamid?
A. Correct.
Q. Which was also not listed but that seems fairly recent, correct?
A. That was very recent, yes.
Q. I think you've been going to see Michigan Neurology since I want to say, you can correct me if this is --
A. It was shortly after the accident I first

saw them again.
Q. Yeah, since February of this year.
A. Right, right.
Q. Does that sound about right?
A. Yeah, it's pretty close, yeah.
Q. And then there's -- I want to ask you about who Angela Bolden is. Do you know who that is?
A. She is the case manager that was assigned to me from Meemic. She was contacted. She works for Review Systems or, no, she works for IndeQuest. Excuse me, excuse me, IndeQuest, I-n-d-i-q-u-e-s-t (sic), I believe.
Q. And you say she was assigned by Meemic?
A. Yeah, she was contacted by Meemic. Due to the extent of my injury they, I'm guessing now, thought that I would need her, so this was somebody they had contacted. I didn't contact her.
Q. All right.
A. Or maybe the hospital contacted her.
MR. DOHERTY: She's a PIP case manager. She coordinates care.
MR. BLADEN: I understand. I'm just --

MR. DOHERTY: I thought maybe you were wondering who she was.
BY MR. BLADEN:
Q. Was there any other case managers that you had assigned through Meemic?
A. Right, yes. No, not assigned. No, I had another case manager but now not assigned through Meemic.
Q. Who was your other case manager?
A. That was Review Systems and I believe the -- oh, her name was Sheila Atkinson, I believe, is the head gal or the one that I'd see.
Q. And how did you get -- was that referred through Meemic or some other entity?
A. It was referred through another entity, yeah.
Q. Who referred them to you?
A. That was by Paul.
Q. Who?
A. My --
Q. Your counselor?
A. Right.
Q. I've got you.
A. He thought that I should see one.
Q. Well, no, don't talk about your

communications between --
A. Right, I didn't think about that.
MR. DOHERTY: That's privileged.
THE WITNESS: I've never done this before. This is --
MR. DOHERTY: Pretty benign so don't worry. I'm not going to get too worked up about that one.
BY MR. BLADEN:
Q. So Ms. Atkinson was -- you were referred by your attorney --
A. Right.
Q. -- to Ms. -- to this case management company Ms. Atkinson?
A. Right, correct.
Q. And is she still helping with case management?
A. No, no, sir.
Q. And why is that?
A. Because I -- Angela had been there initially almost from the get-go. When I left the hospital I saw her maybe a day or two after, so I stuck with Angela. Instead of having two competing companies try to duke it out to see who's going to try to help me out I said, you know

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what, she's been there. Let's go with her.
Q. Was there any issue with Meemic that they objected to the other person being used?
A. Not so much they objected. They just basically said we're not going to pay two people.
Q. Okay, got you. Were you dissatisfied with what Angela was doing?
A. No. Angela is the one I kept.
Q. Okay. Other than the treaters that we talked about is there anybody else that has treated you with respect to this accident?
A. No, none that I can think of, no.
Q. And all of the treaters that we talked about were people who initially either saw you at the hospital or who were referred to you by physicians who treated you at the hospital?
A. Okay. Doctor Gregory Thomas is the chief maxillofacial surgeon at St. John Macomb campus.
Q. Right, right.
A. He has lots of other doctors underneath him. There has been on one or several occasions that one of his underlings have performed some sort of procedure, whatever the case may be, suturing teeth together when I was in the ER or pulling the things out when my nose is rebuilt.

Q. Okay.
A. But --
Q. And those would have all been through St. John Macomb?
A. Correct.
Q. Or through his --
A. Correct.
Q. So if we were going to ask for the records we would get those from St. John Macomb Hospital?
A. Yup, and Summit Maxillofacial, yes.
Q. And Summit Maxillofacial.
A. Correct, yes.
Q. So what I was asking was have you gone to see any outside -- like, for example, your family physician or anybody else who was not referred to -- you were not referred to through Doctor Thomas or St. John Macomb?
A. Okay, no. Then no, I've not seen anyone that wasn't already on the case per se.
Q. Okay. So it all arose out of the hospital visit, and all the doctor treaters there referred you to the other treaters?
A. Correct, yeah.
Q. Okay. Like, for example, Doctor Mukhi.

Who referred you to Doctor Mukhi?
A. Oh, I believe that was -- I don't recall honestly. I don't know.
Q. Was that Doctor Thomas possibly?
A. I can't say. I don't know.
Q. We hopefully would see it in his records if there were a referral letter.
A. Right, right. I don't know who referred me. I don't recall.
Q. Do you have a family physician?
A. Like a primary care?
Q. Yeah, primary care physician.
A. Yeah.
Q. And who was your primary care physician at the time?
A. Daniel Stachelski, S-t-a-c-h-e-l-s-k-i.
Q. S-t-a-c-h?
A. E-l-s-k-i.
Q. Is it M.D. or D.O.?
A. He is I believe an M.D.
Q. And does he have a practice?
A. He works out of Shores Family Physicians.
Q. How do you spell Shores?
A. S-h-o-r-e-s.
Q. And that's been your regular primary care

physician for how long?
A. We'll say ten years.
Q. About a decade?
A. Right, roughly, yup. I don't exactly recall.
Q. And he was your physician at the time of the accident?
A. Right. I don't -- I don't go to the primary care very often, but, yes, he was at the time.
Q. Did you ever go to see your primary care physician following the accident?
A. No, sir.
Q. When was the last time you went to go see your primary care physician Doctor Stachelski?
A. If I recall correctly two years ago or so.
Q. Some time in 2016?
A. Sure, sounds about right.
Q. Is that for just like a routine physical or for some other reason?
A. It was for an infection I had.
Q. And let's talk about that infection. What kind of an infection was it?
A. I don't know what type of infection.

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Q. What were your symptoms?
A. A large boil.
Q. Where was it located?
A. In a private place.
Q. Oh, okay. Now, I can't believe I didn't ask you this, are you married at all or --
A. No, sir.
Q. -- ever been married?
A. No. I like being happy.
Q. Okay. Let the record reflect I did not ask that question.
MR. DOHERTY: It's just what you told him off the record about it. I'm only kidding.
BY MR. BLADEN:
Q. And at the time of the accident did you have a significant other?
A. Yeah, yeah.
Q. What was that person's name?
A. Donna Stansbury, S-t-a-n-s-b-u-r-y.
Q. Okay. And do you have a contact number for her?
A. I do.
Q. What's the number for her?
A. Do you want it or --

Q. Yes, please.
A. I do recall her but don't ask me any more. I'm kidding. 1-248-275-4045. She is currently married so I wouldn't just show up at her door.
Q. Okay. Were you kind of seriously dating her at the time of the accident?
A. We'll say on and off. I wouldn't say seriously dating.
Q. Did she come to see you at the hospital or did she come to see you after the accident at all?
A. I don't believe at the hospital. Maybe she did.
Q. Okay.
A. I don't recall but she did come see me afterwards, yes.
Q. And when did you guys break it off? Obviously you did at some point because she got married.
A. Yeah, it was a short time after the injury.
Q. Okay.
A. We just weren't seeing each other enough. I don't want to waste my time. I'm busy enough as it is.

Q. Got you. Well, a few weeks after the accident you said that you started repairing your vehicle?
A. Um-hum.
Q. Maybe a few weeks to a couple months, right?
A. More a couple months, not a few weeks.
Q. So some time around the spring, you said, I think?
A. Correct.
Q. You felt -- must have felt well enough to be able to do that, correct?
A. No. No, I just did it because it needed to be done, and I was trying to occupy my time because I had been idle for so long.
Q. Well, you were physically able to go out and do the work, correct?
A. Not without assistance but, yeah, kind of. I will say kind of in the sense that, yes, I was turning the screws, but I had assistance in anything to pick up. I didn't bend over to pick anything up. Anything that was heavy I didn't carry. I couldn't. I mean, even now I have trouble standing for long periods and stuff like that.

Q. Because I'm just going back, if I remember your testimony was you said that you did it pretty much yourself but your father would pop in occasionally?
A. Yes, yeah. So, I mean, he brought home the column so I didn't actually carry it, you know what I mean?
Q. Um-hum.
A. He separated the wheel from the column. I separated the two wheels and replaced them in the vehicle, so that's really all I did because the windshield was replaced by a professional so...
Q. Okay. Did the car get cleaned out?
A. It did, yes.
Q. How did it get cleaned?
A. My father.
Q. Your father did that? He vacuumed it out and cleaned up the upholstery?
A. Cleaned out the glass and everything, yeah.
Q. And was the car turned over to the insurance company or was it sold or what happened to it?

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A. It was sold, yes.
Q. Do you recall who you sold it to?
A. I would have to go back to my records for my bill of sale, but I don't exactly recall. It's a woman from a store near the area, her daughter.
Q. Did you let them know it was involved in an accident?
A. Yeah, yup. I let them know immediately it was a salvage title. It was a salvage when I purchased it, and I didn't try to hide anything, you know what I mean. I said, hey -- they knew from going into the store regularly that I had been through the accident, and I said, you know, I can't drive the vehicle. If you want it --
Q. Okay.
A. -- you can buy it from me.
Q. Did you have prior to the accident any significant mechanical problems with the vehicle?
A. No, it was good to me.
Q. How long had you owned it before the accident?
A. I got the '09 in we'll say -- it was a 2009 and if I recall correctly I got it in '13, '12 or '13. It was out of warranty so at least five years old.

Q. So you had had it -- owned it about five years before the accident?
A. Yes.
Q. Do you recall what mileage it had on it?
A. You mean at the accident?
Q. Yeah.
A. At the time of the accident on the order of around 100,000. It had just turned over recently.
Q. So it was just over 100,000?
A. Correct. I sold it with 106.
Q. When was the last time you had tires replaced?
A. They were brand new.
Q. Brand new tires?
A. Yeah, within two months brand new.
Q. How about the suspension, was the suspension in good working order?
A. It was, yeah. It had not long ago been to Slim's auto body to repair a -- I think it was a leaking strut he said, but he was able to just patch it.
Q. You said Slim's auto repair?
A. Excuse me, it's called Slim's Hot Rod Shop on Ten Mile in Eastpointe.

Q. Is he your regular car guy or -- for things that go beyond your scope of being able to work on it?
A. He is my go-to I don't want to do the job guy or the more tools than I have guy, yes. More work than I prefer to do kind of --
Q. Gotcha.
A. -- I take the work to him, yes.
Q. Okay. As far as -- just as far as the accident itself, do you have any specific memory of how it occurred?
A. No, no, I don't. I never -- if I recall I never saw the rock. I mean, obviously I would have swerved but, no, I don't recall. I don't recall it coming through. I don't recall anything.
Q. Okay.
A. I don't recall it hitting me, none of that.
Q. All right. You don't recall specifically where it happened either?
A. I don't.
Q. Okay.
A. I don't.
Q. I think I'm all set.

EXAMINATION
BY MR. DOHERTY:
Q. I have a couple for you, Mr. Champine. You've had multiple surgeries to your face, your jaw, your teeth structure; is that correct?
A. Many.
Q. All right. And you currently have – I don't know how to describe it other than some kind of deformity or -- I would call it swelling but apparently it's not just swelling under your right eye?
A. It is, the way I was told by Doctor Thomas, some sort of -- now, don't quote me on this, I'm not positive on the terminology, but hematoma or lymphedema or something like that under the skin. He tried to drain it but it's not a fluid. It's...
Q. More of a solid gel-type thing?
A. Right. Like scar tissue, if you will, from so many cuts in the same place.
Q. And you'll need a procedure, then, to somehow deal with that?
A. Correct.
Q. And how long has that existed in that swollen state approximately?

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A. Like this?
Q. Yeah.
A. Since after the surgery to remove the infected --
Q. That's fine. And that was about how long ago?
A. If I recall correct about two months maybe.
Q. So you've had this --
A. I think June 6th was -- no, was it June 6th? Now, I'd have to go back to my records.
Q. Just your best approximation. So some time early June?
A. Some time early June I had the surgery done, yes.
Q. And that was to remove some infected components?
A. Yeah, and -- well, the initial surgery was to repair my lips, to replace and repair all the damage because of the shock impact I received, as well as repair my nose, remove some of the metal implanting to -- that was holding my jaws together. Basically the doctor wanted to remove as much metal where he could from my mouth so that later on when he goes to put in teeth that

something is not obstructing.
Q. So that process to remove metal was done?
A. Yes.
Q. And then there was some I'll call it cosmetic work --
A. Correct.
Q. -- on the face?
A. Very much so.
Q. And that involved the lips and the lower area?
A. Right.
Q. The nose?
A. Yup.
Q. The eye socket?
A. Exactly.
Q. And you say you have a bit of a bump to the right side of your face?
A. Right.
Q. And that wasn't there before?
A. That is deformation due to my eye socket being crushed, and that's the best they could do with what bones were left.
Q. Is there any revision surgery planned on that area, that area being that bump on your --
A. Yeah, yes.

Q. -- on the right side of your forehead?
A. Correct, yes. He said he wanted to address the major issues immediately and then do the cosmetic or we'll say touch-up surgeries after he got the major ones out of the way.
Q. And this is that year-and-a-half to two-year process he told you about?
A. Right, right, and he said that's with healing.
Q. And after the accident, I'm talking immediately after the accident, the first few days in the hospital, you did have some teeth; is that correct?
A. Oh, yes, yes. There were, I mean, a couple left in there.
Q. And then there was a procedure then to remove all the teeth that were left?
A. Yeah. Well, I was wired for weeks but then after --
Q. When you say wired, your jaw was wired shut?
A. Correct, correct, so they removed everything that was holding my jaws closed along with the teeth. The teeth only stayed for something for them to hook onto with the wires.

Q. So at this point you have no teeth?
A. None at all.
Q. So is that problematic when it comes to eating? I don't mean to ask the obvious.
A. Yes, right, right. No, I understand. Yes, it is to say the least. I went from like 210 pounds to like 165 in less than six months.
Q. So you're talking 45 pounds you've lost?
A. Yeah.
Q. That you attribute to your difficulty in eating?
A. My gums throb when I just sit here so eating is tremendous. It's quite difficult.
Q. But you can't really bite down?
A. No, there's no biting. I mean, I could kind of mangle some stuff back here.
Q. You're talking at the very part of your left --
A. The very farthest left part of my jaw.
Q. Where the bottom and top come together?
A. Right, and they don't come together because I don't have teeth so there's always a gap, but I can kind of mangle food in there somewhat but not a whole lot. I usually just swallow things and get really bad indigestion.

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Q. Okay.

A. But I only eat a couple times a week. I drink a lot of like shakes to keep nutrients going in.

Q. So you say you only eat a couple times a week solid food?

A. Right, yeah, because it's so difficult, yeah.

Q. You subsist on shakes and energy drinks?

A. Right, shakes and drinks and nutrient bars and stuff like that. Whatever I can actually dissolve in my mouth or kind of mush up, if you will.

Q. And have you had any nutritional consults from anyone? Well, you can't keep losing weight obviously.

A. Right, right, yeah. They -- I have had extensive, if you will, like offerings of things. There's a lot of things that I just -- I can't eat now. Like I don't know how often any of you have tried it but like a meat smoothie is not appetizing and it's --

Q. Doesn't sound like it.

A. Right, in its thought nor its look, so I find that very difficult and --

Q. You try to puree' things up?

A. Right, right, that's the only way I can get anything of any harder or more dense consistency down at all.

Q. Okay.

A. It has to be broken down into either super fine pieces I can swallow like liquid or with liquid or it has to be so soft that I can swallow it, like a noodle.

Q. And the hope is to eventually what, implant these posts upon which teeth can then be anchored?

A. Right, yeah. Well, first --

Q. And they started that process?

A. Yes.

Q. And then they had to take it all out?

A. Yeah, and -- well, the way that went was they -- they did the -- I'm not sure what you call them -- impression so they -- one moment, please. They measured, if you will, my gums and everything to see what's left and what they'll have to do, and he said that I will have to have a lot of like shaving and shaping of my jaw bones because of how badly damaged they were to even make a face to put posts in. So eventually, yes, there will be more

posts than would normally be needed just because it's going to have to hold everything together in there.

Q. And so they started that process of the posts?

A. Yes, yup. I just recently went and got all my impressions done and that, and he's starting on the making of the first set of dentures, which will give them placement. Because I don't have any teeth so I don't have any -- like my gap isn't to the left or right, you know what I mean, or -- well, shoot, let me rephrase that. Without having teeth in my mouth they have no point of reference, so he's going to make some, put them in my mouth that float so they have an idea of where they will go instead of dentures per se, and then I will have a permanent set implanted later once I find out where they go.

Q. The posts that were implanted and removed because of infection.

A. No, excuse me, that was a facial implant, not an oral.

Q. I'm sorry, all right, so there was some procedure done to put something on the cheek area?

A. Yeah, to build that cheek up.

Q. And that became infected?

A. It did.

Q. And that had to be removed?

A. It did, after they tried to put a drain in for a while and treat the infection. They couldn't get it under control well enough so it had to be removed.

Q. And then the resulting deformity below your eye --

A. Is this right here.

Q. -- is a result of that procedure?

A. Yeah.

Q. So is there a planned procedure to go back into the cheek bone and build it up?

A. Yes, there is.

Q. And address this puffiness that's underneath the eye?

A. Yes. He wants to, because I'm having such difficulty and losing so much weight, get teeth back for me sooner than he does want me to look cosmetically good, so he's like we're going to address the teeth now and we'll worry about what the cosmetic looks are afterwards. They tried to do that all in one surgery but obviously we had a complication.

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Q. And that's Doctor Thomas?
A. Yes.
Q. And as far as your becoming gainfully employed again, is that just a thought process that you can't even address right now?
A. I don't even -- I don't know that -- I hope I can go back to it. I don't know if I ever can.
Q. And are you -- other than a machinist are you trained to do anything else?
A. Well, not really. I mean...
Q. As far as -- you don't have a bachelor's degree of any kind?
A. No, I don't have any special trainings or any --
Q. And my guess is you're not a book kind of guy. You're more of a hands-on machine guy?
A. Yeah.
MR. BLADEN: Hold on, hold on, I'm going to put an objection on the record as a leading question. I haven't been intervening and objecting to that, but I kind of want to simply steer you back to being more kind of a direct exam.
MR. DOHERTY: This is cross. You

called the witness. I can lead all I want.
MR. BLADEN: Let him testify.
MR. DOHERTY: It's cross though.
MR. BLADEN: You're not crossing your --
MR. DOHERTY: You called the witness so it's considered technically cross exam, which I can do. But this story speaks for itself. I don't need to embellish.
BY MR. DOHERTY:
Q. So do you have any procedures on the books, so to speak, surgical-wise that you know of?
A. They are as far as I'm told planned, but I don't have an actual piece of paper I could show you to say these are what they plan on what dates because the dates themselves are up in the air based on my healing and recovery.
Q. Okay, and as far as if I said I want you to tell us -- list out each procedure that is upcoming in the order, are you able to do that?
A. I mean, I know what they told me they want to do but I don't know --
Q. What you've told us generally already?
A. Right, correct. I don't know exactly

what procedures are going to be done or what they call them.
Q. And you mentioned Doctor Hamid is Monday, this coming Monday?
A. Correct.
Q. And it's a two day procedure as you understand it?
A. That's the way I understand, yes.
Q. It's a neuropsych eval?
A. Yeah, and she said it will be a full two day work-up like bring a lunch kind of thing.
Q. And I don't want to, you know, dredge up a bunch of issues, but do you feel you're in need of some kind of psychological/psychiatric intervention in your life to try to get you back on track?
A. Now unfortunately I struggle with that in the sense that, yeah --
Q. Okay, the short answer is yes?
A. Yes.
Q. Okay, I don't want to have you go on. That's fine.
A. No.
Q. Now, as far as pain meds, does Michigan Neurological Associates, they manage that side of

it?
A. They do.
Q. And I take it some fairly heavy opiates?
A. Unfortunately, yes.
Q. And what -- let's talk about like today what are you on, or not specific at this moment, but what's been prescribed as your daily pain regimen now?
A. Well, every day I have to take a time release Oxy for long-term treatment of the pain and then a short-term smaller dosage for immediate --
Q. Breakthrough pain?
A. -- breakthrough.
Q. Okay.
A. As well as Neurontin for nerve pains and damage and there's so many cut nerves. Anyway, what else?
Q. So Oxy time release, Oxy breakthrough?
A. Right.
Q. Neurontin for the nerve pain?
A. Yeah. Something else they had prescribed me. Like it's supposed to be a muscle relaxer as well as a nerve block kind of thing.
Q. Okay. Do you have issues sleeping?

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A. I don't sleep very good.
Q. Okay.
A. Maybe two hours a week.
Q. A week?
A. A week.
Q. Like a solid two hour stretch or --
A. No, like I get ten minutes here, ten minutes there.
Q. And that would be in the middle of the night too kind of thing?
A. Yeah.
Q. What do you think is the real basis for the lack of sleep? Is it pain; is it this; is it anxiety? What's really at the heart of that not being able to sleep?
A. I honestly don't exactly know why I can't sleep. I am exhausted. But the pain is pretty bad but I can tend to manage it somewhat to a tolerable sense with pain medication, but I can't sleep. The anxiety -- I'll say, yes, the anxiety keeps me up at night, yeah.
Q. And hopefully Doctor Hamid and maybe some people she's associated with can start getting at that?
A. Correct, I'm hoping they can address

that. I'm so tired.
Q. Okay. So you've got your maxillofacial. You've got your pain management. You've got -- I'll call Doctor Hamid on the psychological side.
A. Right.
Q. Is there anybody else that you think you might need to see or have plans to see?
A. At some point I have to see somebody for the dermal because, I mean, as you can see it's not just your ordinary dry skin. I have psoriasis that's developed and flared horribly in my face especially because of -- you know, the facial injury had caused it to flare a little bit. It actually looks pretty good today. I'm pleased about it.
Q. Okay. And has this been something that either came up after the accident or is exacerbated by this trauma?
A. Very much so, yeah. I had psoriasis before but it was under control, and now it's at a point where I can't control it any longer without intervention of some kind.
Q. And do you just have like a cream, a steroid cream, that you use?
A. Right, yes. I just used over-the-counter

steroids because for the longest time I didn't have insurance so I didn't go to the doctor.
Q. And you're going to try to seek someone out on that issue then now?
A. Yes.
Q. Okay.
A. Most certainly because unfortunately I hate the way I look right now.
Q. Understandable. I think that's all I have. Thank you, Mr. Champine.

RE-EXAMINATION

BY MR. BLADEN:
Q. I have a couple of follow-up questions. Did you have a family dentist or a dentist that you went to before this accident occurred?
A. Not necessarily a family dentist but someone I went to regular, yes.
Q. What was the name of that?
A. That would be Doctor Wolf.
Q. How do you spell their last name?
A. W-o-l-f like the animal.
Q. What's the first name?
A. I don't know. I've never asked him.
Q. Is there a name for the practice or is it just an individual practitioner?

A. No, it's like a three namer so it's like Wolf, don't quote me now, Smith, and Klein or something like that, but obviously the second two are not Smith and Klein.
Q. Where is their office located?
A. That is at Dequindre and 696, on the south side of Dequindre on the east side of the road.
Q. What city?
A. I don't know the city. I'm going to guess that it's Warren or maybe Hazel Park.
Q. All right. Had you ever had any kind of x-rays of your jaw by this -- your DDS?
A. Oh, yeah, yeah.
Q. Is Doctor Thomas using those in any way to help reconstruct your mouth?
A. No, no.
Q. As far as you know?
A. No. Not that I know of, no.
Q. Okay.
A. No. Because there aren't any now he's starting over fresh, so it's kind of -- he's rebuilding anew but not with what I started with because the base was kind of broken, you know what I mean?

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Q. Right. And the psoriasis, you said that you had psoriasis before the accident?

A. Yes, yup.

Q. Has there been any physician or medical practitioner who has attributed the psoriasis -- I think you pointed to your arm while you were being questioned by your counsel.

A. Right.

Q. Has there been any medical diagnosis that this psoriasis that's on your arm, not your face, is in any way associated with this accident?

A. I can't say that anyone has specifically said, oh, that looks like it came from it, no.

Q. Has there been any kind of diagnosis from any kind of physician or practitioner or psychologist or psychiatrist that attributes that -- your flare-ups of psoriasis --

A. Yes.

Q. -- not on your face --

A. Oh.

Q. -- not on your face, anywhere else on your body to the accident?

A. Then, yeah, that would be Hamid.

Q. Doctor Hamid?

A. Doctor Hamid.

Q. And that's the person you met for two hours last week?

A. Right, right.

Q. Oh, okay.

A. She had mentioned that as part of the stress and everything that I am going through it causes this to get worse.

Q. So she believes that it's stress related?

A. Right, right.

Q. Okay.

A. Yeah, stress and trauma.

Q. Okay. Now, I forgot to ask you this before, but since he brought up all your opiate medications, are you cleared to drive a vehicle or car?

A. Yeah, yup.

Q. And when were you cleared to drive a car?

A. I would say that would be two months, I believe it was, after the accident.

Q. So you were cleared by --

A. Once my vision was cleared I was able to drive, they said.

Q. So who cleared you? Who was your doctor?

A. That would be Doctor Thomas.

Q. Doctor Thomas said that you were

allowed -- you could go ahead and drive a vehicle?

A. Um-hum.

Q. About two months after the accident, you said?

A. Yeah. I didn't actually start driving at that point but, yeah.

Q. Have you started driving since then?

A. I have, yes.

Q. When did you start driving?

A. I want to say four months, give or take, after the accident a week or two.

Q. Some time around April, then, would you say?

A. Yup, once the weather started to clear and break a little bit that's -- I think I took my first jaunt to the store behind the wheel of that vehicle again and --

Q. April of 2018?

A. Correct, yes.

Q. And how often would you drive the vehicle?

A. Occasionally.

Q. Is this -- where did you get this car from? Whose vehicle is it?

A. It was mine.

Q. Is this the same -- this is not the same one that you sold, correct?

A. The one I have now, no, is not.

Q. What vehicle did you start driving on after the accident?

A. That was still the 2009 Ford Fusion I still owned at the time of the accident was after the accident --

Q. Okay.

A. -- initially.

Q. And so would it be fair to say that the impetus for you to go and make the repairs was that you were cleared to drive?

A. Yeah, pretty much.

Q. So you got cleared by the doctors to drive. At that point it made sense for you to fix up your vehicle so you could drive it?

A. Right, right.

Q. And then you did for -- starting in April?

A. Yeah, kind of. I didn't drive like, per se, to all my appointments or stuff like that. My father would generally drive me to all that just because I didn't feel comfortable getting behind the wheel right away. That's why I started off

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 141

with short jaunts in my vehicle to the corner store or to grab food for everybody or something like that.

Q. And how often would you drive your vehicle once you started driving again?

A. Once I started driving again?

Q. Yeah.

A. Whenever needed.

Q. And did the frequency of using the car increase over time or was it just sort of steady?

A. Pretty steady, yeah.

Q. A couple times a week?

A. A couple times a week, right.

Q. And up until a point in time you sold the vehicle, right?

A. Um-hum.

Q. When did you sell the vehicle?

A. Just recently. Like within -- I don't know exact date but it's on the bill of sale that I have, so within the past few weeks.

Q. And so are you driving another vehicle now?

A. I am, yes.

Q. And when did you get that vehicle?

A. Within the past couple weeks. Around

Page 142

about the same time. I had the new vehicle before I got rid of the old one.

Q. And did you buy that vehicle, lease, rent, what are you -- how you are --

A. It was purchased, yes.

Q. Did you purchase it or did your father purchase it; how did you do that?

A. My father purchased it.

Q. For you?

A. Correct.

Q. All right. Have any of the doctors managing your pain ever advised you about operating a motor vehicle while you're on these medications?

A. Yeah, and then it says on the bottles as well.

Q. Okay, and -- all right. Do you operate while it's -- while you're --

A. No.

Q. -- on medication?

A. No, no.

Q. Other than your steady, normal medication?

A. No, nope. No, I really don't. If I need something generally someone else will get it or we

Page 143

will do a kind of group thing per se. My mother and I will go together and she'll drive and we'll go to, say, Walgreen's or whatever.

Q. Did you drive here today on your own or --

A. I did not. My father drove.

Q. He dropped you off?

A. No, he's here as well. He's waiting.

Q. Okay. I think that's all. We're set.

RE-EXAMINATION

BY MR. DOHERTY:

Q. The Fusion you fixed, you said you got the windshield replaced and you did the steering column, correct?

A. Yup.

Q. Your dad cleaned it up?

A. Yup.

Q. So it's pretty much back to the way it was pre concrete through the windshield?

A. Yes.

Q. Operation-wise.

A. Operational, yes. I find the errant flake of rock in there but -- or I had been.

Q. Right.

A. Mind you I don't any longer.

Page 144

Q. Right. So why did you sell it if it was basically back to --

A. Well, like I told them when they bought it, they're getting a steal for a good vehicle. I physically can't get behind the wheel comfortably and drive that any longer. That's why I had to get rid of the vehicle.

Q. The Fusion?

A. Yes. I had to get rid of it because it made my skin crawl to look at it let alone get in behind the wheel of it.

Q. Just associating what happened?

A. Yeah, made my anxiety go through the roof.

Q. Okay. Thanks, that's all I have.

MR. BLADEN: One more follow-up. Sorry.

MR. DOHERTY: Are you trying to run the clock up or what's going on?

MR. BLADEN: No.

RE-EXAMINATION (CONT.)

BY MR. BLADEN:

Q. Did you ever have any anxiety or panic attacks while you were on the road in that Fusion while you were driving it?

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A. Never before the accident, no.
Q. After the accident?
A. After the accident tremendous.
Q. And you kept driving it after those anxiety attacks or did you stop when you had your first one?
A. I pretty much stopped after, yeah.
Q. You mentioned before, you testified, that you had driven it steadily for it looks like a few months?
A. Yeah, a couple -- I would say a couple months, yeah.
Q. So up until --
A. Maybe once or twice a week I would take it to go to the store, yup.
Q. So you were driving it a couple times a week?
A. Terribly uncomfortable behind the wheel, yes.
Q. From April through whenever you sold it?
A. Well, no, actually I -- up until I'd say a little less than a month ago when I got the new vehicle. I mean, even ever since I got the new vehicle I still didn't drive that much, so, no, I didn't drive the vehicle that much after the

accident just in general.
Q. I'm just trying to get this. You were driving your Fusion, the accident vehicle --
A. Yeah.
Q. -- after it had been repaired?
A. Um-hum.
Q. From around April through June of this year?
A. Yeah, give or take a little bit of time, yes.
Q. About twice a week?
A. Right.
Q. And you said you had an anxiety or panic attack at one point in time, at least one?
A. Um-hum.
Q. While you're driving?
A. Um-hum.
Q. And then you stopped driving it after that or did you continue to drive it despite having the anxiety or panic attacks?
A. No. After the anxiety or the panic attack I stopped driving it, and I put it in the back yard and I tried to plead with my father please can we get rid of this because it --
Q. So --

A. Okay.
Q. So from at least April until -- when did you stop driving that vehicle?
A. I don't know for sure. I don't know for sure. I'd have to say if I got the vehicle at the beginning of June, the new one, I would say a few weeks before that.
Q. Okay.
A. So maybe May some time.
Q. Let's say beginning of May?
A. Okay.
Q. Fair?
A. Yeah, that sounds about right.
Q. So about a month you were driving that other vehicle before you decided to stop?
A. You mean from when I started driving again --
Q. Yes.
A. -- until when I said no? Yes, yes, it had been maybe two months of give or take here and there driving, yes.
Q. Okay. And about you said two times a week?
A. Yeah, yeah.
Q. So every time you drove you had a panic

attack?
A. Not necessarily a panic attack per se, but my anxiety would go extremely high. I'd start sweating like I'm kind of doing now but...
Q. All right. And there was a point in time where it got bad enough that you stopped?
A. It did, yes.
Q. But you were able to do it at least for about several times before then?
A. Yeah, until it got too much to take and I was like, you know what, enough is enough. Let's just get rid of this.
Q. Okay. Just want to get that clarified.
A. Yup.
Q. Thank you. Nothing more.
(Whereupon Deposition concluded at 1:49 p.m.)

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STATE OF MICHIGAN)
) SS
COUNTY OF CLINTON)

I, Tamara Staley Heckaman, Certified Shorthand Reporter and Notary Public in and for the County of Clinton, State of Michigan, do hereby certify that the foregoing Deposition was taken before me at the time and place hereinbefore set forth.

I further certify that said witness was by me duly sworn in said cause; that the testimony then given was reported by me stenographically; subsequently with computer-aided transcription, produced under my direction and supervision; and that the foregoing is a full, true, and correct transcript of my original shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16th day of August, 2018.

Tamara Staley Heckaman, CSR-3443,
Certified Shorthand Reporter,
and Notary Public, County of
Clinton, State of Michigan.

My Commission Expires: 5-20-24

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STATE OF MICHIGAN
IN THE COURT OF CLAIMS

NORMAN CHAMPINE,
Plaintiff,
-vs-)No. 18-000028-MZ
)Judge O'Brien
MICHIGAN DEPARTMENT OF TRANSPORTATION,
Defendant.

DEPOSITION

of SCOTT TAYLOR, SR., a witness called by Defendant, taken before Tamara Staley Heckaman, Certified Shorthand Reporter and Notary Public, at 29900 South Civic Center Boulevard, Warren, Michigan, on Friday, July 27, 2018, noticed for the hour of 1:30 p.m.

HECKAMAN & NARDONE, INC.
Certified Shorthand Reporters
P.O. Box 27603
Lansing, Michigan 48909
(517) 349-0847
theckaman@live.com

APPEARANCES:

JOHNSON LAW, PLC
535 Griswold Street
Suite 2632
Detroit, Michigan 48226
By
PAUL F. DOHERTY, J.D.
On behalf of Plaintiff.

MICHIGAN DEPARTMENT OF ATTORNEY GENERAL
Transportation Division
Van Wagoner Building
425 West Ottawa Street
Lansing, Michigan 48913
By
PHILIP L. BLADEN, J.D.
On behalf of Defendant.

Also Present: Jennifer Sarkisian, MDOT

EXAMINATION INDEX

ATTORNEY'S NAME	EXAMINATION	RE-EXAMINATION
BY MR. BLADEN:	3	60
BY MR. DOHERTY:	40	

* * *

INDEX OF EXHIBITS

EXHIBIT	MARKED
No. 1 Report dated 12-17-17	11
No. 2 Evidence room form	35
No. 3 Photograph of cardboard box	39

Warren, Michigan
Friday, July 27, 2018
1:53 p.m.

RECORD

SCOTT TAYLOR, SR.,
having been duly sworn, testified as follows:

EXAMINATION

BY MR. BLADEN:

Q. This is the date and almost time set for the deposition of Officer Scott Taylor of the Warren Police Department in the matter of Champine, is it?

MR. DOHERTY: Champine.

BY MR. BLADEN:

Q. Champine versus Michigan Department of Transportation, case number 18-28-MZ, in the Court of Claims, Honorable Judge O'Brien presiding. This is a discovery deposition to be used for all purposes permitted under Michigan Court Rules and Michigan Rules of Evidence and Michigan law.

I am representing the Michigan Department of Transportation in this matter, and Mr. Doherty can introduce himself at the appropriate time and he's representing the plaintiff in this matter.

And the first question is have you ever had your deposition taken?

A. Yes, I have.

Q. So you generally know the rules of giving verbal answers to questions?

A. I do.

Q. And making sure that the court reporter can write down everything you say?

A. Yes, I do.

Q. And also my throat is a little dry for some reason, I don't know what's going on, but if you can't hear my question or if you don't understand the question let me know, and I'll try to rephrase it and reiterate it and we'll try to get the clarification so just for informational purposes to set the record of your information and your knowledge about this particular matter.

A. Yes, sir.

Q. Let's start with the preliminaries. Give your full name for the record, please.

A. Scott Taylor, Senior.

Q. And obviously you're with the Warren Police Department, correct?

A. That is correct.

Q. And what is your current rank?

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A. I'm an evidence technician, which would be the crime scene unit.

Q. Okay.

A. And that's classified as a police officer.

Q. And how long have you been in that position?

A. Since September 15th of last year.

Q. And before that what were you with the department?

A. I was assigned out to the Macomb County FBI violent crimes task force for three years.

Q. And what were you doing with the task force if you can --

A. We investigated bank robberies and gang violence and violent crimes that occur in Macomb County.

Q. Okay. Did you receive any kind of evidence gathering training or technical training?

A. When I became an evidence technician they sent me to a two-week evidence technician class put on through the Oakland Police Academy.

Q. When did you do that class?

A. September 15th through I believe it was October 1st, whatever the two weeks would have

encompassed on work days.

Q. And that was '17 or '16? 2017 --

A. That was 2017.

Q. And aside from that training did you have any other type of accident investigation or evidence gathering training?

A. No. Actually, I'm sorry, I recant. I do have some DNA training, DNA collection, evidence collection, I apologize.

Q. When did you do that?

A. Some time within the last six months and that was a one or two day class.

Q. So that was some time in the beginning of 2018?

A. Yes, sir.

Q. One to two day class, you said?

A. Yes, sir.

Q. Where did you get that training at?

A. The Macomb County Sheriff's Department.

Q. How long have you been with the Macomb Police Department or, excuse me, the Warren Police Department?

A. I hired in here in 2002.

Q. And what did you start out as when you first hired in?

A. I was just road patrol.

Q. Did you come right from an academy or did you have any other previous law enforcement experience?

A. I had five years of employment with the City of Grosse Pointe Park Public Safety Department.

Q. Okay.

MR. DOHERTY: I thought I recognized you. I live in the Park so I'm like where have I seen him.

THE WITNESS: I had a little bit more hair back then.

MR. DOHERTY: Has he pulled me over before?

THE WITNESS: No, not if you lived in the Park.

BY MR. BLADEN:

Q. So you started out road patrol with Warren?

A. Yes, sir.

Q. And did you do a lot -- did you do any kind of accident investigation on I-696 during that time while you were on patrol?

A. I'm going to say yes. I mean, I've been

here 17 years. I'm sure we've had accidents on 696 that I've investigated, but mostly we try to let MSP take those.

Q. Right.

A. Yeah.

Q. Were there any maybe you assisted on or controlled traffic or anything like that?

A. Yes, for sure controlled traffic and then we have the incident I believe in question, which would be the piece of concrete through the window, and I'm not sure of the date. I'd have to refer to a report for that.

Q. We'll get to that in a bit here. Now, how long were you on road patrol with Warren PD?

A. Probably seven or eight years and then my next position I was a -- it was probably closer to -- no, seven or eight years, school resource officer at Fitzgerald High School for a year, and I was in our special operations unit for three years, and then I've held numerous other positions such as field training officer because our community activity --

Q. What's a special operations unit; what is that?

A. It is a surveillance unit that the Warren

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Police Department has. They specialize in basically any type of crime that we're having an issue with in Warren. There's at any time five to seven -- it's a plain clothes unit and five to seven officers and one sergeant, and if we have a rash of B&Es or a rash of larceny from autos, whatever the problem is, they'll work that on a -- that crime till they hopefully resolve it.

Q. All right. Now, you said that you became an evidence technician some time around September of last year?

A. It was September 15th.

Q. Okay. And how many, if you could, if this is even possible to recall, to the best of your recollection how many cases did you work as an evidence technician before December the 17th of 2017?

A. Probably 100.

Q. Now I want to talk about the matter that's the basis of our case that's going here.

A. Yes, sir.

Q. You're familiar with a 911 call that came in on December the 17th of 2017?

A. I was not aware of the source of the call. I was dispatched out to photograph and

assist, but as far as how the call came in I don't know.

Q. The first you heard of it was through dispatch?

A. That's correct.

Q. And do you recall about what time you were dispatched?

A. I'd have to refer to my report, or a report, I'm sorry.

Q. I have a copy. I just want to make sure my -- okay. This is marked as -- this was Exhibit 1 in Detective Chisolm's deposition, but I want you to look at it and let me know if you're familiar with that document?

A. It should be one of our Form 11s, and the initial car responded at it would be 1346 hours, which is 1:46 p.m., so I was probably there by 2:00. Probably another 15 minutes I would imagine.

Q. Is there a portion of this -- is this your report that -- the report that's generated by your office as a result of this investigation?

A. Yes, sir, it is.

Q. I want to re-mark this as Exhibit 1 of your deposition.

MR. DOHERTY: That's fine with me if that's what you want to do.

MR. BLADEN: Yeah, let's just re-mark a separate copy of that.

(Whereupon Deposition Exhibit No. 1 marked for identification.)

BY MR. BLADEN:

Q. All right. Looking at this, if I recall from Detective Chisolm's deposition, and you can obviously testify about it, but -- your own perspective on it, but my understanding is that the way this report is generated is that each officer contributes to it. Their name is -- there's sort of a code or -- at the top of the section that they're responsible for; is that correct?

A. Any officer that would type a report it will be -- his name will be to the top header of it that it was his report.

Q. And is there -- there are portions of this report that were written by you?

A. It is.

Q. And I'm looking at page five of eight of the case report, the narrative case report. It looks like it says at the bottom of that page

written by WRTAYLORS; is that you?

A. That is me.

Q. So anything below that until the next designation is something that you wrote and you contributed to the report?

A. That is correct.

Q. Okay. We'll get to the factual part of it, but I want to kind of get your -- so also I see, if you want to look here, it says that you contributed in your supplemental -- or, excuse me, report photographs?

A. That is correct.

Q. And I'm looking at starting on you see here --

A. Mine would be page H18, sir.

Q. Okay, oh, yours. So looking at page H11 of Exhibit 1, I was going to ask you if you could tell me who took these photos?

A. Oh, that would be me.

Q. Okay.

A. Yeah.

Q. Starting at page H11 can you identify which photos that you took?

A. Well, these are --

Q. If you took all of them you can say I

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took all of them.

A. Yeah, I would have taken all the photos that day, and when I take them they're in order and they're downloaded in order. These are all out of order so it would be hard for me to identify what is what, like this piece here (indicating.)

Q. I understand.

A. Just because when it's in order I could give you a sequence.

Q. So regardless of the order --

A. These are mine.

Q. -- all those photographs that are attached to Exhibit 1 are the ones you took?

A. Yes, sir.

Q. Just make sure -- go through them and just double-check and make sure there's no extra ones that maybe somebody else might have taken one.

A. Sure.

Q. So it would be H11 through H34.

A. Sure. Yes, I took all these photos.

Q. And I see that on H11 through H34 there is kind of a descriptor header on the photographs that says 12/17, Taylor S(191)-assist fire

department; is that something you added to that?

A. That was how the photos were coded in and they were coded in because the run that was sent to me was an assist the fire department run.

Q. Okay, I've got you. So you received a dispatch to assist a 911 injury fire department call?

A. Yes, sir.

Q. And what were -- what did you -- what information were you given for purposes of responding to it?

A. I believe the initial information came out that a driver had a rock thrown through his window, and they were located at 27700 Mound, which is the BP gas station right off of -- just north of 696 in our city.

Q. Okay. Was there any indication where that had occurred?

A. Not on the scene. Based on the information gathered by the other officers it occurred somewhere between I-94 westbound on 696 to Mound, so it was a long location. Apparently the driver was confused. He couldn't put exactly where it happened.

Q. Let's talk about what you specifically

remember.

A. Okay.

Q. You arrived at the scene, and what did you see when you got there?

A. Was a Ford parked in the parking lot and there was a big hole in the windshield. Obviously something was either thrown or went through it, one of the ways, and there was a piece of concrete on the ground alongside of the driver's side with a lot of blood because it was like slushy snowy. The driver was already gone, so I photographed the vehicle, the damage to the windshield, the rock, and then the interior of the car that showed where the glass was on the seats.

Q. So there's some photographs which we mentioned earlier. The H19 through it looks like -- H19 through H28, are those the photographs you took at the scene?

A. Give me one second, please. That is correct, sir.

Q. As an evidence technician were you given any responsibility or charged with gathering or collecting any evidence at the scene?

A. Yes.

Q. And the photographs that you took were

part of that evidence collecting or gathering?

A. Yes, sir.

Q. Did you -- did you do any -- anything else as far as collecting evidence at the scene or gathering or documenting evidence?

A. Just photographs and then collected the piece of concrete.

Q. Did you -- so when you arrived at the scene that piece of concrete was already on the ground, you said?

A. Yes.

Q. And it was in the position in the photographs shown in H22 and H23?

A. Yes, sir.

Q. Did you learn from any of the other officers on the scene how that piece of concrete had gotten onto the ground like that?

A. If I recall one of the officers said that the concrete was still in the car, that they removed it when they -- when either the fire department or our guys got the driver out.

Q. So do you remember which officer said that they had helped or knew about removing the piece of concrete from the car?

A. I don't.

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Q. In any case, you said that the driver was no longer at the scene when you arrived?

A. That is correct. He was transported by fire to the hospital already.

Q. So he was already on his way or at the hospital by the time you arrived?

A. Yes, sir.

Q. Did you -- other than the damage to the windshield, did you notice any other damage to the vehicle?

A. There was a small mark on the hood. I don't know if I have a photograph of that or not.

Q. Is that something that might be showing up in H25 of Exhibit 1?

A. Let me look. That's the interior of the car.

Q. You said on the hood?

A. Yes, sir.

Q. Okay, sorry.

A. No, you're good. Let me see.

Q. So H19 shows the front of the vehicle including the hood.

A. Yeah, I don't have a photograph of the actual small mark. I would have to take this photo into our computer and blow it up to see if

there was any -- it wasn't a huge mark but it was a small mark, and I don't know if it was caused by the rock or not.

Q. Was it a mark or an indentation?

A. More like a scratch, slight indentation scratch.

Q. So you couldn't say whether or not it seemed to match up with the --

A. I could not. I don't have the training to be able to testify that that was caused from the concrete.

Q. In any case, you didn't take a close-up photograph?

A. I did not.

Q. Other than that, the damage to the windshield and also the mark that you observed, was there any other damage that you in your mind may have attributed in some way to the rock or the accident?

A. No, sir.

Q. Now, when you -- you said that you secured the piece of concrete as part -- for evidence, collected it at the scene?

A. Yes, sir.

Q. How did you go about doing that?

A. Using a latex gloved hand I picked up the piece of concrete and I put it in a paper bag, and it was wet so we put it in the back of the truck and we allowed it to dry. I did that for two reasons. Number one, I didn't want to get contamination with what was on it, and, number two, if for some reason they wanted DNA off it I wanted to preserve it for DNA. There was no reason to but it's just it's part of our protocol when we collect that type of evidence.

Q. And you said you put it in the trunk of your vehicle?

A. I put it in the back of the truck. I have a pickup truck so I put it in the bed of the truck, and it's a covered truck with a tonneau cover.

Q. And then what did you do after that?

A. Once I photographed and took that evidence we went to the hospital and I photographed the driver. And then with Detective Chisolm and a slew of other officers, that's when we started going up and down westbound 696 from I-94 to Mound to see if we could figure out where it came from.

Q. Did you ever have any conversations with

the victim of the incident?

A. No, other than, sir, I need to take your photo, and he was -- he was pretty confused, so I let the doctors do their thing. But I just said, sir, I'm an officer, I'm here to take your photo, and took photos of him.

Q. Was there at any point in time when he expressed any statements to you that you observed or heard --

A. None whatsoever.

Q. -- about where this might have happened?

A. Not to me, no.

Q. And how was the decision made to go and look out on 696?

A. That was Detective Chisolm's decision.

Q. And I think if I recall Detective Chisolm had testified that at the hospital that he had an opportunity for the first time to see the piece of concrete that you had collected from the scene. Do you recall ever showing it to Detective Chisolm at the hospital or maybe in the parking lot of the hospital?

A. I don't recall that. I mean, it's possible but I don't recall it.

Q. So what was the -- when you -- you said

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you all went out to I-696.

A. Yes, sir.

Q. What were you specifically out there to investigate? What kind of things were you looking for?

A. That's a very good question. Originally Detective Chisolm wanted me to document the potholes on 696 from I-94 to Mound to see if possibly this piece of concrete came out of a pothole. There was about four million of them so that absolutely was impossible to do. I photographed a few of them and tried to take some long shot photographs of all the potholes because it would literally be impossible to see if that came from the ground up or to put it into a specific pothole. We also looked up every overpass to see if there was any apparent signs of concrete coming off the bridge from decay.

Q. Okay.

A. And that's it, up and down.

Q. Was there any point in time where you or any of the other officers that you were interacting with pinpointed a specific location on I-696 or a bridge where this piece of concrete you believe came from?

A. Detective Chisolm wanted me to photograph the overpass I believe of Belanger, there was a spot where it had some deterioration, and that's going to be on H14.

Q. Okay.

A. Like I said, after we checked -- we looked at every overpass as we went down the freeway. We then went to the service drive and then went over every overpass to see if there was any possibly other chunks of concrete that either could have been thrown off or fell off and we saw nothing.

Q. Did you ever reach a conclusion about whether or not this piece may have come from the Belanger overpass?

A. No.

Q. Okay. Looking at photograph number H11, or H11, what is that supposed to be showing there? What is the intent of taking that photograph?

A. Now, as I stated before, because it's not in the sequence that I took them that is probably going to be -- there was a -- this is part of the roadway from 696 that had a piece of concrete that was cracked and loose, and Detective Chisolm wanted me to collect that to compare the striations on that to the other piece to see if we could determine was it a piece of bridge or was it a piece of road.

Q. When you say loose, was it still connected to the road or was it --

A. It was -- it's hard to explain. It was in a pothole and it was still connected but you could move it. It was rocky. I actually had to use a hammer and a chisel to remove it.

Q. It wasn't completely separated?

A. No, it was not. It took force to remove it.

Q. And I think you mentioned you had to use a hammer and a chisel?

A. I used a hammer and chisel to get it out.

Q. Was this suggested by you or is this -- you or Detective Chisolm that this particular location may have been the source of the concrete that went through?

A. It was Detective Chisolm.

Q. Pardon?

A. Detective Chisolm.

Q. Did he believe this is where the concrete came from or --

A. I don't know. I don't know what he believed. I mean, I might have pointed out that, hey, there's a loose piece here. Do you want me to collect it type deal, but...

Q. So what was the purpose of taking that, you said?

A. You look at the picture you see how they have it looks like machine striations from when they --

Q. Yeah.

A. To compare that to the actual piece of concrete that had hit the car, which would be -- it's either H17 or -- hold on, I think it was H -- no, H16, I'm sorry, and you can see that this -- it appears that it may have the same type of machining on the surface of it.

Q. Yes.

A. That was the only object for it, and once again I don't know if that machining is done on bridges, on roadways, you know, I'm not an authority on that, but it's similar as far as what I would call striations on the surface.

Q. Now, you mentioned that -- I think you used the word millions of potholes? Is it fair to say that you think that's probably an exaggeration?

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A. Yeah, I was told a million times never exaggerate, but, yeah, there were a lot of potholes.

Q. Looking at H12, what's the purpose of taking that photograph in H12?

A. That was to try to show the number of potholes and damaged road on just this particular stretch. I tried to get a long view of -- just to see how bad the holes were decaying.

Q. And when you see potholes it -- it looks to me like there are some areas that -- you know, you were there. You can tell me what you saw.

A. There were some areas that were filled in with filler with asphalt.

Q. Right, that's what I was asking you.

A. Yes.

Q. There are parts that look like they were filled in with asphalt.

A. There absolutely were. Absolutely.

Q. So when you say potholes what you mean is collectively some were missing concrete but some also had filled in concrete?

A. Yes, that is correct.

Q. And is that H12 representative of the rest of I-696 that you had looked at that day?

A. Yes.

Q. So you had areas that looked like there was deterioration but it had been filled in with asphalt?

A. Yes.

Q. And then, of course, you said you came across at least one situation where there was it looked like a loose piece that you pried out with a chisel and hammer?

A. Yes.

Q. Looking at H15, is that showing -- is that the same location --

A. That's the piece that we pried out.

Q. -- from H11?

A. That's the piece we pried out. You can see how it's still a little bit attached, and, like I said, I had to chisel that out with a hammer and a chisel to get it to release.

Q. So what's depicted in H15 used to have a piece of concrete in there.

A. This is the piece I collected, so this was the open hole and this was the piece. I actually photographed the piece before I knocked it out.

Q. I've got you, okay.

A. So that would be the piece that would be in H17.

Q. So H15 is a photograph of the location where you took the sample?

A. Yes.

Q. And it shows the piece before you removed it from the road?

A. Yes, sir.

Q. And then H -- well, is --

A. H17 would be that piece.

Q. H17 would be the piece that you removed?

A. Yes, sir.

Q. And it looks like in this particular, H15, there's also some asphalt in there?

A. Yes, sir.

Q. So at some point there had been some patching done. We don't know -- you can't say when?

A. There had been some repair work done to this particular piece of road.

Q. And you don't know how long -- so you're saying that H15 there's a gap in the road also, you don't know how long that had been that way?

A. I would have no way to tell that.

Q. Okay. And you didn't take any

measurements or anything like that?

A. The measurements that I would have taken would be on H17, which would be just of the piece that we removed. You see there's a scale on either side.

Q. Of the two pieces which one was larger, the one that went through the windshield or the one that you picked up from the road? It's hard to see --

A. Yeah. No, I understand. I want to say the one that went through the vehicle was probably an inch larger each way, inch or two larger each way within height.

Q. Okay.

A. I'm not sure about depth but two dimensional. I didn't take a measurement of the -- what I would call the thickness of it.

Q. Was there any conclusion that -- on your part when you took this photograph and/or took the piece of concrete, was there any belief in your mind that this is where that piece of concrete that went through the windshield came from?

A. The actual piece?

Q. Yeah.

A. No, there would be no way to tell that.

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Q. All right.
A. Basically we took that sample just to compare the surface.
Q. All right. It was almost like kind of a random sample?
A. 100 percent random.
Q. How long were you all out on I-696 looking?
A. Several hours. We spent some time into it. I'm going to say probably two to three hours in the entirety.
Q. And that includes going up and looking on the overpasses?
A. Yes, sir, and there were -- you can see by the names of officers, once we did the actual freeway then we split up and took turns on the overpasses. We had four or five cars down there and we actually shut the -- we shut everything down so nobody got hurt.
Q. As far as you know is there anything in this report, including the photographs in Exhibit 1, which describes or talks about the specific location where any of the investigating officers believed the concrete that went through the windshield in this case came from?

A. There is no conclusive evidence for that in this report.
Q. All right. Is there any even speculation or suspicion or guesswork?
A. Not on my behalf.
Q. Do you recall any other officer giving any kind of -- or Detective Chisolm ever saying I think it came from that location on the road?
A. I wasn't paying attention to be honest with you. I was more concerned about not getting hit on 696.
Q. And if they had they would have put -- you would presume it would have been put in the report?
A. Yes, they would have put it in their report as first person. I would not do it as mine as a hearsay in the third person, so if somebody had a conclusion that it came from a specific area it would be in their report.
Q. Did you ever look and look on Mound Road between the exit ramp from 696 to the gas station to see if there were any possible areas on Mound Road where it could have come from?
A. I did not.
Q. Okay.

A. I don't know if any of the other officers did but I did not.
Q. Was Mound Road in disrepair, if you'd call it that --
A. Terrible.
Q. -- at the same time?
A. Yes, it was in terrible condition.
Q. Was it comparable or -- let's compare it to I-696, was it better than, equal to, or worse than 696 condition --
MR. DOHERTY: I'm sorry --
BY MR. BLADEN:
Q. -- at the time?
MR. DOHERTY: -- if I could just object to the form. I think we should distinguish between the off ramp from 696 versus the actual Mound Road.
BY MR. BLADEN:
Q. Okay. From the stretch from the exact -- the stretch from where you turn off of the exit from 696 onto Mound up until you get to the gas station, that stretch of road.
A. I can't speak for the stretch where the exit ramp is because I never examined it, but Mound Road was at least as bad if not worse.

Mound Road is rough.
Q. Okay.
A. Especially in that stretch.
Q. At that time?
A. Yes, sir.
Q. Had you guys been called out to deal with accidents involving people with -- you know, hitting potholes and those causing accidents on Mound Road?
A. There were a ton of them, yes.
Q. And you didn't take any samples from Mound Road to see whether those matched up with the piece of concrete that went through his windshield?
A. I did not. The only reason I took the other sample is Detective Chisolm requested it.
Q. All right. Did you ever -- was the keys -- were the keys to the accident vehicle or the vehicle, were they available for you to turn the car on and look at anything?
A. I don't know if they were available or not. I know I never had contact with the keys. Normally the keys are left with the vehicle so if we have to tow it you need the keys to tow it, but I never turned the car on. I never did any

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experiments.

Q. So you never logged how much maybe there was -- the gas mileage or, excuse me, what the gas tank level was or anything like that?

A. No, sir.

Q. And just for clarification, you took the photographs you said obviously in H16 and H17, correct?

A. Yes, sir.

Q. And H16 is depicting the piece of concrete that you picked up at the scene and cataloged as evidence, correct?

A. Yes, sir.

Q. And H17 is the piece of concrete that you picked up from the road as sort of your -- what you called a random sample --

A. Yes, sir.

Q. -- for comparison purposes to the piece that went through the windshield?

A. Yes, sir.

Q. That's not the same object, correct?

A. It is not the same object.

Q. Now, following -- did you ever have any conversations after the date of the accident with Mr. Champine or anybody on his behalf?

A. No.

Q. Like his father perhaps?

A. No.

Q. Did you ever have a conversation with anybody from MDOT?

A. Yes.

Q. Who did you speak with?

A. That would be you two individuals when you came in for our deposition interview or whatever it was.

Q. Yeah. Did you ever talk with anybody from MDOT? We're from the -- I'm with the AG's office.

A. Okay, sorry, then, no, I have not. I'm sorry.

Q. Well, I guess she is.

A. Okay, see, I was right.

MR. DOHERTY: You're technically MDOT?

MR. BLADEN: Yeah, she's the client.

BY MR. BLADEN:

Q. So you didn't talk to anyone like Marlon Spinks or anybody?

A. No, no.

Q. Did you -- after you -- what did you do with the piece of concrete after that day? How did you store it, log it?

A. It would be placed either in a brown paper bag or a box and it's in our evidence room.

Q. I have what's marked as Deposition Exhibit 2, which is -- I want to mark -- this is -- the first page of Deposition Exhibit 2 I'm going to show you from Detective Chisolm's deposition. Do you recognize that document? Do you know what that is?

A. I have no idea what this is. I have never seen one of these, but it's something from our property room.

Q. It says up here at the top is why I'm asking, 12-17-2017 at 5:34 p.m., item came from export feature in CLEAR system, and it says activity by Scott Taylor.

A. That would be me placing it into evidence, and if you look at the Exhibit 1 on page three of eight on property tag number 170065832- or, excuse me, .002 and .003 are those two pieces of concrete.

Q. I'm going to mark this as Exhibit 2.

(Whereupon Deposition Exhibit No. 2 marked for identification.)

MR. DOHERTY: And, officer, could -- on three of eight where are you looking at to --

THE WITNESS: It's got evidence tag number.

MR. DOHERTY: Got it, okay.

THE WITNESS: The .002 is the chunk of concrete that struck the motor vehicle and the .003 would be the random sample.

MR. DOHERTY: Thank you.

BY MR. BLADEN:

Q. And how was -- you said you put it into some sort of an evidence container?

A. It would be either in a paper bag or a cardboard box. That's how we would have processed it.

Q. What kind of a cardboard box was it? Do you have -- you just have evidence boxes that you use, standard size?

A. Yeah, standard size, we have a couple different standard sizes. Also we have boxes that we've -- that they've rounded up from here from paper or what have you that they -- just --

Q. I've got you.

A. -- the random boxes.

Q. So similar like copier paper boxes?

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A. It could be. Chances are I put it in a paper bag because it's easier. We have standard paper bags, like the grocery style paper bags, the old school ones.

Q. Is it possible you put it into a brown cardboard box?

A. It's entirely possible, yes, sir.

Q. You just don't remember?

A. I don't remember.

Q. Let me show you Exhibit 3, which was marked in -- Exhibit 3 marked in Detective Chisolm's deposition. Does that look like maybe a box you might have put it in?

A. It could be, absolutely.

Q. There's tape around it. Is that something you would have put on it?

A. Yes, sir.

Q. All right.

A. It's entirely possible. That's one of the ways we process or package evidence.

Q. So that looks like something you would -- would you have put like kind of a sticker or evidence tag or something on there?

A. At times. It depends. We have -- I usually initial it. Once again, it could get past

me.

Q. Okay. So inside it looks like there might be -- is there --

A. It looks like newspaper.

Q. Can you look at that and tell me if that looks like an evidence sticker or tag or newspaper? What is it, if you can identify it, if you know?

A. I can't, I can't.

Q. Okay. And I ask you it because it's possible you may have put it in there, so I want to see if you recognized it by looking at the photograph?

A. I don't.

Q. Okay.

A. And, like I said, I unfortunately can't tell you what I originally processed it in.

Q. Would you have wrapped those two items in newspaper? Is it possible you could have?

A. I could have. I'm going to say I probably didn't because we don't have access to newspaper readily in our lab. If I would have wrapped it in anything it would have been brown paper.

Q. All right. And does that look like maybe

the evidence seal sticker or tape or anything like that?

A. We have -- that is a packing tape that we have in the lab that we use, and if you'll notice the gap in the -- between the two folds is a little wider. If the -- we use the evidence tape, which is exactly -- it says evidence on it, that's only like three-quarters of an inch wide, so we wouldn't have been able to use it on that to hold it together.

Q. I've got you, okay.

A. And that's probably a box that was, like I said, laying around here that they collect up before we started standardizing boxes.

Q. Okay, I understand.

MR. BLADEN: Mark this as Exhibit 3 for the deposition.

(Whereupon Deposition Exhibit No. 3 marked for identification.)

BY MR. BLADEN:

Q. Do you recall ever responding to any other incidents on I-696 regarding concrete or -- going through windshields?

A. Myself personally?

Q. Yeah.

A. I have not personally. I know that there have been other runs of such, people throwing concrete off the bridges, and I believe when we spoke I gave you the detective's name. We had one that was a big deal, made the news, had some kids that were falsely accused of throwing rocks and it was a big deal, so we've had that. Personally I have not responded to them.

Q. And you're talking this is an investigation Warren PD conducted?

A. Yes.

Q. And that there were some kids that had been throwing things off of bridges. Was this on I-696?

A. Yes.

Q. I don't have any further questions at this point.

EXAMINATION

BY MR. DOHERTY:

Q. Officer, good afternoon.

A. How are you?

Q. I'm good. How are you?

A. Good, thank you.

Q. I'm Paul Doherty. I represent Norman Champine in a lawsuit that's pending against MDOT

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for defective roadway. I'd like to ask you a few questions.

A. Certainly.

Q. Page five of eight at the bottom appears to be the beginning of your input into the report. It continues through six of eight; is that correct?

A. Yes, what we would call the narrative portion of my report.

Q. So do you actually -- you're the person that actually inputted this information?

A. I type a report on the computer and it is automatically sent to this package, to this whole report number, so did I actually put it on there? No, I have a separate report and it defaults in to connect all the other reports. If you'll see the CR number --

Q. Yup.

A. -- and the end it's a dash 003, that means that was the third report written under this complaint number. I wrote the third report on it.

Q. Now, the actual wording in that narrative, is that your wording?

A. That is my wording, yes.

Q. So on -- about a third of the way down on

six of eight it says evidence collected, quote, A, piece of concrete that collided with vehicle; do you see that?

A. Yes, sir.

Q. That's how you described it?

A. Yes.

Q. I don't want to get into semantics but today it's been described as a rock at times, but a better description would be a piece of concrete?

A. Yes.

Q. All right, thank you. And then B was the piece of concrete -- the exemplar piece that was taken?

A. Yes, from I-696 and Belanger.

Q. Okay, so it gives us a little better idea where the actual prying of the concrete chunk was by you, near Belanger?

A. Yes, sir.

Q. And it gives your arrival time 1346?

A. It was probably later than that. What I write on the reports, that would be the dispatch time, 1346. That's the time their call came in.

Q. So about 15 minutes later you thought you were at the gas station?

A. Yeah, so probably by the time we got to

696 it was probably closer to 1400.

Q. ETU is evidence tech unit?

A. Yes, sir.

Q. And you spoke to Sergeant Ross to get a background of what was going on?

A. Basically, yes.

Q. Okay.

A. He would be the first -- or the supervisor that was on scene.

Q. And then the section scene work performed would be just kind of a summary of what you did?

A. Very basic.

Q. Okay. If we can go to the photograph of the chunk before you lifted it out of the -- I think it's H15.

A. Yes, sir.

MR. DOHERTY: Now, Phil, I'm going to have him circle mine. He can circle the one that's going to be part of the exhibit. I want him to circle the actual chunk that he removed. I can do it on mine alone or we can do it on that one. Your call.

MR. BLADEN: I mean, that's the exhibit so -- for his dep. That's why I marked it separately.

MR. DOHERTY: Right, so I just --

MR. BLADEN: So you can do that.

BY MR. DOHERTY:

Q. If you would, Officer, it appears you were describing the chunk, the hole, the this and that. If you could actually circle the chunk that you removed. All right, maybe in the white section just put your initial so we can see it.

All right, just to be clear then, this is a photograph before you attempted to lift that chunk out of its hole?

A. Yes, sir.

Q. And it appears to show a hole -- an existing hole and some asphalt patching --

A. That's correct.

Q. -- is that correct or accurate, and then some cracking towards the left side of the picture?

A. Yes, sir.

Q. And then you carry a hammer and chisel with you, is that part of your --

A. Yes, it is.

Q. -- evidence tech stuff?

A. It actually is.

Q. And then you just worked your way around

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the perimeter, pried it loose, and then picked it up?

A. And I recant, it was not a hammer and chisel. It was a crowbar that I used to pry it out.

Q. So just push it in --

A. Yes, sir.

Q. -- pry on it, push it in, pry on it?

A. I might have used a hammer and a crowbar but it was a crowbar, not a chisel. I apologize for that.

Q. Is that kind of a long bar kind of thing or is it a short --

A. It would be a short crowbar.

Q. And then H17 would be the piece after it had been extracted out of the roadbed?

A. Yes, sir.

Q. Thank you. Now, when you did this work did you make any effort to compare, say, for example, the striations, the grooves on the two pieces to say, yeah, they look similar to me or...

A. Based on the photograph both from H16 and H17, the striations, even though they're photographed one vertical, one horizontal, they appear to be similar in markings.

Q. Okay. What about, this is a bit tougher question, stone content or stone size or anything like that?

A. It appeared to be the same composition as far as like a concrete composition.

Q. Okay. And we took Detective Chisolm and his report is here, and he makes comment in his narrative that there was some examination or viewing of the bridge decks and the bridge areas and that this chunk did not appear to match the type of concrete on the bridge, which was more beige and it looked to be a different color?

MR. BLADEN: Object to the form of the question. What do you mean by this chunk?

MR. DOHERTY: I wasn't even done so now I'm lost.

MR. BLADEN: Sorry.

BY MR. DOHERTY:

Q. Let me restate. In the report there's talk about composition of the bridge deck versus composition of the chunk in question, H16, or the exemplar, H17, and that they appeared to be of different composition. The question is were you part of that process to look at the two --

A. No.

Q. -- kinds of concrete?

A. No.

Q. Okay. So it would have been to your knowledge just Detective Chisolm?

A. It's 100 percent Detective Chisolm.

Q. Now, H14 is the bridge deck, I believe, the Belanger bridge deck?

A. Yes, sir.

Q. And was anyone with you? In other words, did Detective Chisolm say, hey, take that, or were you just on your own?

A. Detective Chisolm gave me direction to take that photograph.

Q. Okay. And I just want to be clear, did you make any attempt to compare composition of the samples that were taken -- no, the sample that was taken and/or the chunk that went through the victim's windshield to any composition of the bridge decks?

A. I did not.

Q. Now, H11, I know it's a bit difficult to figure that one out, but I'm trying to see if you -- is that a close-up shot of H15, if you know?

A. I'm going to say that's a close-up shot

of just the 696 surface lane period.

Q. So it isn't necessarily the same area as H15?

A. That's correct.

Q. And now the top of this photograph seems to show what if it was farther back would be a pothole?

A. Yes, and, like I said, if I had the photographs in the order I downloaded them, if this picture was next to the -- that might tell a little bit more of a story by the order that they're put in.

Q. So if it was closer to, say, for example, H15?

A. Exactly.

Q. Okay.

A. It could be a close-up of H15.

Q. Okay.

A. Once again, I wouldn't -- like I say, when I take photographs I -- as an evidence tech we take them so they tell a story, so we start off with a big picture and we get closer and then closer even there. So once they're mixed up like this it's really, really hard.

Q. And as far as these numbers on the top of

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the page, and whoever handwrote it seemed to go in order, but whoever put the report together, is that how these --

A. I have no idea where these numbers came from.

Q. At the bottom right?

A. I have no idea.

Q. And then as far as a little farther up about a third of the way down on the right side?

A. Page one, page five.

Q. Those all seem to be in order also?

A. They're not in the order of the way I took pictures of the --

Q. Is there a way to recreate that order if we had to?

A. You'd have to check with our records. They're in charge of that and, like I say, and it would be in sequence and they could get that for you. They're like thumbnail photos. That's above my pay grade, sorry.

Q. Okay. I'm just thinking at some point if those two are in order it might help you decide --

A. It absolutely would help me.

Q. -- when it was.

A. It absolutely will.

Q. Now, would it be fair to say when you were out of your vehicle photographing the roadbed you parked, took your roadbed photos, and got back in, and that was the end of your roadbed photos? Or did you park, take photos, get in your vehicle, drive up a mile, take more photographs?

A. There were several sequences. It wasn't all done in the same area.

Q. Of the roadbed?

A. Of the --

Q. We don't have that many of the roadbed here.

A. No, the roadbed would probably be near that 696/Belanger where I took the sample from.

Q. Okay.

A. And it honestly just came to the point where it was a needle in a haystack trying to go eight miles on 696 to determine where it was from. There would be no way for us to do it.

Q. You had one little puzzle piece and an eight mile long puzzle and --

A. Three lanes wide with traffic trying to zoom by you, yeah.

Q. Okay, I understand. So the first stop of your investigation work was at the gas station; is

that correct --

A. Yes, sir.

Q. -- sir? And H18 is some kind of descriptor, which I assume is the beginning of the --

A. Yeah, this would be the very -- well, for me it's the very last photograph I take. It's called a placard. It has our complaint number, whatever the incident route was, which came out as an assist fire department, date and time and location, and then the evidence tech was me and the camera that I used.

Q. So if we go to H34, it's the very last page, probably just a duplicate of that?

A. Probably, and the reason being -- it is -- actually it's actually the same photograph. Our system can only download so many photos at a time. It's like 14 photos or whatever it is, so every time I -- and if I have 30 photos we'd have to do two downloads.

Every time I do a download I have to have a picture of that placard to see where they're from in case they go into cyber space or wherever it is they go, so you may see more than one picture of that placard. If it's like a

homicide where there's 100 photos you'll see it ten times.

Q. Okay, got you. So then H19 then would have been as the vehicle was parked when you arrived on scene and began your work; is that fair?

A. That is correct.

Q. H20 is a close-up of the window?

A. Yes, sir.

Q. 21 just the license?

A. Yes, sir.

Q. 22 is the chunk of concrete?

A. Yes, sir.

Q. Bloody parking lot slushy area as, again, found by you, and I believe you said that to your knowledge the concrete was in the vehicle?

A. Well, one of the officers said that it was in the vehicle when they got there, and it either got removed or when they got him out it fell out.

Q. Because would it be unusual for one of the officers on scene to grab the chunk out of the car and put it on the ground?

A. No, not if they were trying to render aid to the driver.

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Q. Other than to assist the driver?
A. Yeah, that would be if they needed to get it out of the way. Like I say, I don't know where it was located, whether it was in the car or on his lap. It would not be uncommon for them or the fire department.
Q. But otherwise if the removal is not necessary to assist the victim, generally speaking protocol would say leave everything as is?
A. In my world because it makes my job easier to document, yes. In the real world does it happen? No. The guys like to touch things.
Q. 23 would just be a close-up of the same perspective?
A. Yes, sir.
Q. 24 would be -- did you open the door? It looks like the door is closed in H19.
A. Yes, I would have had to open the door to take some photos of the interior of the car.
Q. So that would be the interior sill by the front door, 24?
A. It would be the driver's side, yes.
Q. 25 would be an interior shot of the windshield?
A. Yes, sir.

Q. 26 again just another interior photo?
A. Yes, sir.
Q. And, again, your protocol is you don't touch anything; you just photograph it?
A. I start off by photographing and if evidence needs to be collected it's collected appropriately, whether it's DNA or a rock or a gun or what have you, but everything starts off with a photograph.
Q. And 27, 28, just different perspectives of the hole, interior hole, on the exterior windshield?
A. Yes, sir.
Q. 29 would be Mr. Champine in the hospital?
A. Yes.
Q. And that would be 29 through it looks like 32?
A. Yes, sir.
Q. Now, when you're -- when you were with him, if you know, did you ask him to remove the gauze or --
A. I asked him to and he was in a lot of pain, so he just -- you see he leaned forward a little bit to take it down, but he was very confused and in a lot of pain.

Q. So your intent was just to get some photograph of the injury?
A. The best I could.
Q. Okay. And then 33 I'm going to say, and you correct me, looks to be another pothole of some variety?
A. Yup, I'm going to say it's just a random pothole. Originally Detective Chisolm wanted me to photograph pretty much every pothole on 696. I took one.
Q. And his report said there were thousands?
A. Okay.
Q. And that would be consistent with what you saw?
A. Probably not quite millions but, yeah, there were a lot.
Q. And, again, this pothole, nothing to your knowledge was lifted from it?
A. No, it's just a sample photograph.
Q. And this one seems to show some holes, some tar, some patch?
A. Yes, sir. Yeah, that's probably the very first one he wanted me to photograph.
Q. And do you know if the lane to the left would be what I'll call the lane next to the wall,

the median wall --
A. Well --
Q. -- if you know?
A. I don't because it's not enough of the solid -- I don't know if it's a solid lane marker or if it's a -- I don't know.
Q. All right.
A. And, once again, I mean, I took a photograph at his request and then we were done -- I was done photographing potholes on 696.
Q. So as the evidence tech on scene you took your direction from Detective Chisolm?
A. He is -- technically the detective is a rank above me. He is a supervisor, so it is his scene and I take direction from him.
Q. And he would direct the investigation?
A. Yes, sir.
Q. So the only way I can put this was you exercised no independent discretion at the scene, like I'll go do this or I'll go do that, on your own; it was all per Detective Chisolm?
A. I did what I was told.
Q. Okay. I realize he didn't point to the specific place every time but he generally directed you as to all photographs to take?

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A. He almost pointed to each specific place.

Q. All right. I didn't want to put that bluntly but --

A. I'm sorry.

Q. -- that's fine. Now, you mentioned that you've had a previous meeting with I believe the attorney and the MDOT representative that are here today?

A. Yes.

Q. Do you recall when that was?

A. I don't.

Q. Approximately? Was it like near in time to the event?

A. Probably two months ago.

Q. And was it a sort of question and answer session like we had today?

A. It's similar, yeah.

Q. Okay. About how long did it take if you recall?

A. Twenty minutes.

Q. Okay. Do you recall talking about anything that we haven't talked about here today?

A. No.

Q. Other than the attorney and the MDOT representative was anyone else present?

A. I don't think so.

Q. This room?

A. Yes, this room.

Q. Okay. Other than that meeting and this deposition would that have been your only contact --

A. Yes.

Q. -- with anyone --

A. Regarding this, absolutely.

Q. -- in a legal setting?

A. Legal or nonlegal. I haven't talked about it.

Q. Okay. So the day of the incident you took your photographs, you processed the evidence --

A. Yes, sir.

Q. -- and that would have been the day, day after, kind of --

A. Same day.

Q. Same day?

A. Same day.

Q. So would your work have been concluded the day of the incident?

A. Yes.

Q. For the most part?

A. Yes. After the day -- I had nothing else to do with it after the day of the incident.

Q. So no -- other than the discussions we talked about no other discussions, no meetings, no internal meetings, anything like that?

A. No, sir.

Q. Has there been any contact between you and MSP on any of these issues?

A. No.

Q. And your only contact with MDOT would have been the meeting --

A. Yes.

Q. -- that we talked about. If you recall approximately how long were you at the hospital?

A. Less than ten minutes.

Q. And that would have been before you went and drove to the scene and did your work on the scene?

A. I went to the initial scene at 27700 Mound first, took my photographs of the piece of concrete and the vehicle. Then at that point I would have went to the hospital to take photographs of the driver. Like I said, I was there less than ten minutes just to take the three or four photos I took.

Detective Chisolm showed up, and at that point he had directed myself and the other patrol officers he wanted to do the canvassing of 696, so then we canvassed 696 for however long that was. After that I would have brought the evidence back to photograph, do my report, and download the photos.

Q. And your handling of the evidence would have been per your training, experience, education --

A. Yes, sir.

Q. -- of evidence processing?

A. Yes, sir.

Q. So to your knowledge chain of custody was preserved and is known --

A. Yes.

Q. -- up to the point you turned it over to the evidence room?

A. Absolutely.

Q. That's all I have. Thank you, Officer.

A. Sure.

RE-EXAMINATION

BY MR. BLADEN:

Q. I just have a couple follow-up questions. Looking at -- you were asked about, where is it,

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the photograph in H15. We're just looking at the photograph here but you were at the -- actually there present. I'm looking at this photograph and the -- you circled the part where you took that piece right out, correct?

A. Yes.

Q. So next to it is there's some -- it looks like some asphalt patching; do you recall that?

A. Yes.

Q. And it looks like there's a piece of asphalt patching to the right of the -- there's a gap or a hole in this area; do you see that?

A. Yes.

Q. There's some asphalt patching; is that what that was it looks like?

A. I can't tell you if that's asphalt patching or black rock. It could be. It very well could be.

Q. All right, that's why I was asking because you were there. I wasn't.

A. Yeah, unfortunately I --

Q. It looks like some dark granular material in there. Does that look like -- do you recall whether that was granular asphalt material?

A. It could have been.

Q. So you don't know whether or not that whatever was in there that's no longer there might have been asphalt patch?

A. And it deteriorated away. It could be.

Q. You don't know what it was?

A. I do not know.

Q. On H33 would you agree, I mean, maybe -- I don't know whether you do or you don't, is H33 the same location as depicted in H15?

A. I can't tell you. I don't know if it is or -- I'm going to say probably not because this was closer -- I know that the sample was taken near Belanger, and we started a little further east from where I-94 feeds onto 696, so this was probably, and I'm guessing, the first pothole that Detective Chisolm saw.

Q. Well, don't guess.

A. Then I can't answer for sure.

Q. Let's back up a little bit just to see if we can reconstruct this. You testified earlier that your initial instruction was to photograph every pothole that you encountered on --

A. That's what Detective Chisolm wanted me to do.

Q. And you started your investigation at

around I-94?

A. Yes, at the dump-off, so it would be 696 but right when 94 dumps off into 696.

Q. And then you headed towards Mound?

A. Yes.

Q. And the idea was to photograph every pothole you encountered in that stretch of highway?

A. Yes, sir.

Q. Did you take any photographs at the beginning of that process?

A. Yes.

Q. And Belanger, is Belanger at the beginning of your I-94?

A. Belanger is going to be the first overpass from I-94 -- I believe it's the first overpass from I-94 heading west.

Q. Okay. How far is it from that interchange, from the I-94/I-696 interchange?

A. I take it back. It's not the first. It's going to be probably three-quarters of a mile.

Q. Okay. So did you take one near the I-94/I-696 interchange of the road before you got to Belanger, Belanger, whatever?

A. Yes.

Q. And assuming -- I mean, are all of the photographs that you took on that day in this report?

A. Yes. If there were any other photos they would all be downloaded.

Q. So there's only basically three photos that I can see that show the actual what appears to be roadbed. There's H11.

A. Yes.

Q. Okay. There is -- well, excuse me, four, but H11 -- but close-up photos of the roadbed, all right?

A. Okay.

Q. So H11, H15, and then H33. Those are the three relatively closer up photos of roadbed --

A. Yes, sir.

Q. -- itself, okay?

A. Yes, sir.

Q. And did you take all three of those photos at the same location?

A. No, they were different locations.

Q. All right? So in H33 -- you talked about some striations earlier?

A. Yes, sir.

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Q. Do you see any of the striations in that H33 photograph that you referred to?

A. Yes, they're very similar. They would be going vertical on this.

Q. All right. In your memory of looking at the roadbed do you recall seeing whether or not those striations were consistent through the entirety of the area that you examined as part of -- following the accident?

A. They were absolutely consistent for the entire roadway.

Q. Okay.

A. Yes, yes.

Q. So there wasn't any particular portion of I-696 --

A. No.

Q. -- that had striations and another that didn't?

A. All three lanes the entire roadway had the striations.

Q. How long is that stretch of road between 94 and Mound?

A. I'll say five to six miles.

Q. Okay. If you know, obviously?

A. Six miles.

Q. Okay.

A. Yeah.

Q. So there's six miles of road and it all from your remembrance from the part that you investigated had these type of striations consistently?

A. To the best of my recollection, yes.

Q. All right. Just a clarification on timelines. The call came in at about 1346, right, that's 1:46 in the afternoon?

A. That is correct.

Q. And it took you how long to get to the scene?

A. Probably 15 minutes.

Q. Okay. So you got there right around 2:00?

A. Yes, sir.

Q. And then how long were you at the scene?

A. Probably 20 minutes to take the photographs.

Q. So by 2:20 you had documented the scene and you were ready -- and collected evidence and you were ready to go to the hospital?

A. Yes.

Q. How long did it take you to get from the

scene to the hospital?

A. Probably that time of day 15 minutes.

Q. Okay. So by around 2:30, 2:40, somewhere in that range, you were at the hospital?

A. Yes.

Q. How long were you at the hospital?

A. Ten minutes.

Q. So now you're getting close to 3:00?

A. Yes.

Q. Fair to say around 3:00 or so --

A. Fairly close.

Q. -- 3:50, 3:55, somewhere in that range -- or, excuse me, 2:50, 2:55?

A. Yes, sir.

Q. And then at some point you were asked to go canvass, I think that's the word used, canvass 696?

A. Yes.

Q. And however long a period of time that was, at some point you stopped -- you personally stopped canvassing out there, correct?

A. Yes.

Q. And what did you do after you stopped your canvass?

A. At that point Detective Chisolm had each

of the officers individually drive every overpass from -- that goes over 696 from Gratiot to Mound to see if there was any evidence of deterioration or, you know, chunk of concrete laying on the side, whatever the case may be.

Q. And which bridge did you go over, or bridges?

A. I can't tell you. I don't know because we just zigzagged back and forth.

Q. And after you did that what did you do next?

A. At that point I came back to the station to write my report, download the photographs, and then tag the evidence.

Q. Okay, so in that order? You wrote your report first?

A. Not -- I don't know. It doesn't always work that way. Sometimes I tag the evidence first. A lot of times I'll write the report while I'm tagging the evidence because I get it prepared and when --

Q. As the Exhibit Number 2 indicates it looks like you entered or tagged the evidence at about 5:34?

A. That's probably about right.

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Q. So the question is how many -- how much time did you take since -- from the point you got back to the station to when you tagged the evidence, do you know?

A. Usually I'm pretty quick. I'm going to say it probably took me 45 minutes to an hour to do the whole thing.

Q. Okay.

A. So if I logged this in at, what time did I say, five -- 5:34, I probably got back to the station and started about 4:30.

Q. Okay.

A. I'm going to guess right in that ballpark.

Q. Started your report or even started working on your report?

A. Yes.

Q. Okay.

A. Yeah.

Q. So you got back to the station around 4:30?

A. That would be a good estimate.

Q. How long would -- if you can give me an estimate how long it took you to get back -- get from looking at the bridges back to the station?

A. Fifteen minutes, ten minutes, depending on traffic. I honestly --

Q. Ten to fifteen minutes, in that range?

A. Yeah.

Q. So you would have left looking at bridges about ten to fifteen minutes before 4:30?

A. Yes.

Q. So some time around 4:15, 4:20?

A. That's a safe estimate.

Q. Okay. How long did it take from the hospital after you were told to go canvass to get to the beginning of your canvass?

A. Once again, ten or fifteen minutes. It's --

Q. So it would have been probably around 2:15, two -- somewhere around 2:15, 2:10, somewhere around there?

A. Sure.

Q. So between 2:10, 2:15 to about 4:10, 4:15 you were out there doing -- investigating the road and the bridges?

A. Yeah. I would say we probably spent about two hours doing that.

Q. All right. Based on the timeline that we just went over it sounds like it's around two

hours?

A. Yeah, and that seemed about -- it seemed like an eternity. It was probably about two hours. We were out there actually for a while.

Q. I just wanted to get that clarified for purposes of getting a timeline.

A. Yes, sir, we spent some effort on it.

Q. So other -- I think I'm done.

MR. BLADEN: Do you have any more questions?

MR. DOHERTY: I don't, no.

MR. BLADEN: All right, I'm done. We're done.

MR. DOHERTY: Thank you.

(Whereupon Deposition concluded at 3:05 p.m.)

STATE OF MICHIGAN)
) SS
COUNTY OF CLINTON)

I, Tamara Staley Heckaman, Certified Shorthand Reporter and Notary Public in and for the County of Clinton, State of Michigan, do hereby certify that the foregoing Deposition was taken before me at the time and place hereinbefore set forth.

I further certify that said witness was by me duly sworn in said cause; that the testimony then given was reported by me stenographically; subsequently with computer-aided transcription, produced under my direction and supervision; and that the foregoing is a full, true, and correct transcript of my original shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 7th day of August, 2018.

Tamara Staley Heckaman, CSR-3443,
Certified Shorthand Reporter,
and Notary Public, County of
Clinton, State of Michigan.

My Commission Expires: 5-20-24

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STATE OF MICHIGAN
IN THE COURT OF CLAIMS

NORMAN CHAMPINE, Plaintiff, -vs- MICHIGAN DEPARTMENT OF TRANSPORTATION, Defendant.

File No. 18-000028-MZ
HON. O'BRIEN

DEPOSITION

of DETECTIVE BRENT CHISOLM, a witness called by Defendant, taken before Melinda S. Nardone, Certified Shorthand Reporter and Notary Public, at Warren Police Department, Warren, Michigan, on Friday, June 15, 2018, noticed for the hour of 1:00 p.m.

HECKAMAN & NARDONE, INC.
Certified Shorthand Reporters
P.O. Box 27603
Lansing, Michigan 48909
(517) 349-0847
Fax: (517) 244-0805
msnardone5@gmail.com

APPEARANCES:

JOHNSON LAW, PLC
535 Griswold Street, Suite 2632
Detroit, Michigan 48226
By
PAUL F. DOHERTY, J.D.
On behalf of Plaintiff.

MICHIGAN DEPARTMENT of ATTORNEY GENERAL
Transportation Division
425 West Ottawa Street
Lansing, Michigan 48913
By
PHILIP L. BLADEN, J.D.

On behalf of Defendants.

Also present: Jennifer Sarkisian

EXAMINATION INDEX

ATTORNEY'S NAME	EXAMINATION	RE-EXAMINATION
BY MR. BLADEN:	3	92, 107
BY MR. DOHERTY:	54	107

* * *

INDEX OF EXHIBITS

EXHIBIT	MARKED
Ex #1 Police report & photographs	3
Ex #2 Evidence log	101
Ex #3 Photograph	108

* * *

Warren, Michigan
Friday, June 15, 2018
1:00 p.m.

RECORD

DETECTIVE BRENT CHISOLM,
having been first duly sworn, testified as follows:

(Whereupon Deposition Exhibit No. 1 marked for identification.)

EXAMINATION

BY MR. BLADEN:

Q. Good afternoon, my name is Philip Bladen, I'm with the Michigan Department of Attorney General representing the Department of Transportation in the case of Champine versus the Department of Transportation in the Court of Claims.

And this is a discovery deposition to be used for all purposes permitted under Michigan law and court rules and Michigan Rules of Evidence. Have you ever given a deposition before?

A. Yes.

Q. So you're familiar with the ground rules that you need to give verbal answers so that the court reporter can take down your answers?

A. Yes.

Q. We'll get through the preliminaries here, can you

give your full name for the record?

A. Detective Brent, B-r-e-n-t, Chisolm, C-h-i-s-o-l-m, with the Warren Police Department.

Q. Okay. And how long have you been with the Warren PD?

A. Coming up on 11 years. Just shy of 11 years.

Q. And did you start out as a rank officer or did you --

A. No, I started out as a patrol officer, like everybody in the Warren Police Department does. I was promoted to the rank of corporal about two years ago.

Q. Did you have to do any road patrol when you were starting out?

A. Yes, the bulk of my career, other than being a detective, was in road patrol.

Q. Did you go through any accident reconstruction or investigation training?

A. Other than the basic instructions that every police officer receives I haven't had any specialized training.

Q. Okay. How many accidents have you investigated in the course of your career, if you can give an estimate?

A. The department may be able to track that through the number of UD-10s that I've written, but I've

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certainly gone to, I would say, somewhere between 1,000 and 2,000 traffic crashes myself.

Q. How many of those would you say were on I-696?

A. The bulk of our traffic crashes that I investigate don't involve 696 because that's generally covered by the Michigan State Police. So some, less than 100, maybe less than 50.

Q. Maybe to assist or --

A. Yeah, to assist the Michigan State Police and then sometimes when it is heavily snowing the state police gets backed up and then we'll handle traffic crashes that are on the highways just to facilitate transportation.

Q. As you know -- I mean are you familiar with the reason why we're here today?

A. Yes.

Q. The accident or the incident involving Mr. Norman Champine?

A. Yes.

Q. And the incident occurred -- I think there's no dispute that it occurred on December 17th of 2017?

A. Yes.

Q. Can you explain when you first were dispatched or how you heard about the accident or the injury?

A. One of the sergeants on duty called me. Two

detectives in the police department work every weekend and --

Q. Can you give the name of the people who called you?

A. I believe it was either Sergeant Ross or Sergeant Priest with the Warren Police Department. And myself and Detective Murray were working the weekend, and so call outs that occurred during the time period that we were working generally would be handled by the detectives that are working. So call outs are whatever, anything that requires additional or maybe more investigation than the road patrol would normally do, they would call the detectives that are working to investigate those things.

Q. And do you remember about what time you got that call or the dispatch?

A. I don't remember exactly. Some time in the afternoon.

Q. And do you remember the information you were provided when you got the dispatch call?

A. That a guy was driving on 696 and got hit by a chunk of concrete.

Q. And you're wondering why you're getting called to that?

A. No, I wasn't.

Q. As you testified earlier, normally you're not covering accidents on I-696, right?

A. Right.

Q. And so you're just -- did you in your mind think about why am I being dispatched to this particular accident?

A. No.

Q. Did it tell you where to go, where the -- where you were supposed to dispatch to?

A. Well, again, I wasn't dispatched to more than just given an overview and asked to investigate.

Q. And then you asked where the victim was?

A. I asked where the car was and where, yes, where the victim was.

Q. And where was the car and the victim located?

A. The car was at the BP Gas Station at 11 Mile and Mound, and the victim had already been transported to the hospital.

Q. How far is that from the exit from I-696?

A. The --

MR. DOHERTY: Just for clarification, the gas station?

BY MR. BLADEN:

Q. Yes, the BP Gas Station you just described.

A. A very short distance, maybe a quarter mile.

Q. So you arrived and can you describe, were there any other first responders or other officers at the scene when you arrived?

A. There was, there was an officer that was on scene. He wrote the original report and his name escapes me right now.

Q. Was it is Officer Youhanna?

A. Yes, yes, Officer Youhanna.

Q. And you said at that time there was no EMS personnel?

A. Correct.

Q. And that the victim, the injured person, had been taken to, you assumed, the hospital, right?

A. The hospital.

Q. And then what did you do when you arrived?

A. I looked at the con- -- not the concrete, I looked at the car.

Q. Okay.

A. The just general overall scene and obtained preliminary investigation reports from like Officer Youhanna.

Q. When you say reports you mean oral --

A. Yeah, verbal of what he knew.

Q. At some point in time was there an investigation report drafted by you or your department?

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A. Yes.

Q. When that is put together were you the officer in charge of the investigation?

A. Yes.

Q. Are you the person who oversees that report and makes sure that it's put together?

A. Yes.

Q. Do you ever see what the other officers who may have contributed to the report, what they put into the report?

A. Yes, I have an ability to view that.

Q. And so is a report final unless -- is a report final when you sign off on it?

A. When my boss signs off on it. We request to close cases and then our bosses will review them and then they are the ones that officially will say close the case.

Q. I have before marked as Exhibit 1, if you could review that.

A. This would be the police report and photographs.

Q. Is it part of your duty to put together that report?

A. Yes.

Q. Is that an expectation in the normal course of business while you're doing your investigation?

A. Yes.

MR. BLADEN: For purposes of identification for the deposition, that's marked as Exhibit 1, without any objection?

MR. DOHERTY: That's fine.

MR. BLADEN: I just want to put on the record we may at some point, subject to any objection for hearsay, but at this point in time I just wanted to use it for purposes of the deposition.

THE WITNESS: Okay.

BY MR. BLADEN:

Q. And you have a copy in front of you. What parts of this report were you involved in producing?

A. If you look there is a header portion, if I can find it here, if you look at page six it says -- it's about two-thirds of the way down the page, it says CR number, and then there's some numbers and then it says written by WRCHISOLMB, that would be where my report starts.

Q. So there's a designation in the report that is written -- or portions that are written by you?

A. Correct.

Q. Now, there are some additional things attached to the report such as photographs.

A. Yes.

Q. Did you take any of those photographs?

A. No.

Q. Do you know who did take the photographs?

A. Officer Taylor.

Q. Did he take those photographs at your direction?

A. Some he would have taken before I arrived on scene.

Q. Okay.

A. And so we'll just say during the course of the investigation, and others he took at my direction.

Q. Can you point out the photographs that are attached to the report that were taken at your direction?

A. H33.

Q. H33?

A. Yeah, it shows the roadway.

Q. Okay.

A. Sorry. H11, H12, H13, H14, H15, and then I'll say H16, that would have been taken as part of the normal course of our investigation, but Officer Taylor, yeah, he may have done that at my direction, but he would probably have done that anyways.

Q. What about H17?

A. H17 is the same as H16. You know, I would have told him to do that, but that's part of a normal

investigation.

Q. And then you said H33?

A. Yes, H33.

Q. Now, when you arrived at the scene there are some photographs that depict a vehicle with it looks like there's some damage to the front windshield?

A. Yes.

Q. And that's photograph H19?

A. Yes.

Q. Is that -- is that what the scene looked like when you arrived, is that the vehicle that was there when you arrived after being --

A. Yes.

Q. And it looks like there's an officer to the right. Can you identify that --

A. Sergeant Ross.

Q. Okay, that's Sergeant Ross in the picture on H19?

A. Yes.

Q. H20 it looks like a close up. Does that look like the damage that you saw at the scene to the windshield?

A. Yes.

Q. And then H21 is a photograph of the license plate for a Ford vehicle. Is it your understanding that that is the license plate of the accident vehicle that was

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involved?
A. Yes.
Q. Now, when you arrived at the scene did you see -- you were told, I think you testified earlier, that a piece of concrete had struck the victim as he was traveling on I think you said I-696?
A. Yes.
Q. When you arrived at the scene did you see the alleged piece of concrete that went through his windshield apparently?
A. No.
Q. Do you know where it was?
A. Officer Taylor had it.
Q. At that point in time Officer Taylor had been to the scene already?
A. Yes.
Q. And he had what catalogued it as evidence is your understanding?
A. Yes.
Q. So you did not see it in situ when you got there?
A. Correct.
Q. Because there are photographs that depict something at the scene but you did not see in that whatever piece of concrete may or may not have been where it was located when you got there?

A. Correct.
Q. Or at least it wasn't there when you got there?
A. Right.
Q. Now, after getting to the scene what did you do next after getting the verbal update of what happened?
A. I viewed the car, viewed the scene, and I went to St. John Macomb Hospital where the victim was located.
Q. And you said you got an oral report from Officer Youhanna?
A. Yes.
Q. Who was still there?
A. Yes.
Q. Do you recall what he said to you, what he told you as far as the information for your investigation?
A. He wasn't able to get much out of the victim. I had asked where the concrete was that struck this guy and he said that Officer Taylor had already taken it. There was some conversation about -- there was a gun that was in the car, there was some conversation about what he should do with that, and I just told him to place it under safekeeping. And that was the extent of my conversation with him.
Q. So what did you do then in your next step in the investigation?
A. After viewing the car and viewing that scene I

drove to St. John Macomb Hospital. I met Officer Taylor outside of the hospital, there's a parking area that the police normally park in. When I got there I asked Officer Taylor, who was outside of his car, he may have been returning from the ER, but he was outside of his car, I asked him to see the chunk of concrete and that's when I first viewed the chunk of concrete.
Q. And there's some photographs of a chunk of concrete in the report?
A. Yes.
Q. At H22, H23, H16, and H17?
A. Yes.
Q. Looking at H- -- start with H16 photograph. Is that the piece of concrete that you recall seeing when you went to the hospital?
A. Yes.
Q. There was blood on it and so forth?
A. Yes.
Q. Now, there's H17, where did that piece of concrete come from?
A. That's the same piece of concrete, the reverse side.
Q. H17 is the reverse of H16?
A. I believe so.
Q. Are you certain?

A. No.
Q. Would we have to ask Officer Taylor about that?
A. Officer Taylor who took the photos would be able to tell you with certainty. I know we took a chunk of concrete to compare. That looks to me to be the reverse side of H16, but I can't be certain because I didn't take the photograph and I wasn't there when it was taken.
Q. Is there any reference --
A. He would likely have referenced that in the report.
Q. Is there any reference in the report to what those photographs are showing?
A. If you want me to review the report I can tell you.
Q. That's fine, I mean we're going to depose him too, but --
MR. DOHERTY: I don't mean to direct him but page six.
THE WITNESS: Okay.
MR. DOHERTY: In the scene work performed it seems to reference some photographs.
THE WITNESS: Sure. It doesn't clarify the issue to me. It says I photographed both pieces of concrete -- the both pieces of concrete that were

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collected, to scale and for surface comparison. So it could be that those are two different pieces but I'm not certain.

BY MR. BLADEN:

Q. All right. So you can't testify here today that those are the same piece of concrete?

A. Right.

Q. So after viewing the piece of concrete at the hospital what did you do next?

A. I looked at the concrete, I noticed that there were several striations on the concrete, obviously to try to determine the concrete's source. I then attempted to interview Mr. Champine while he was in the hospital on the stretcher to see if I could get any more information out of him at that point.

Q. Did you interview Mr. Champine at the hospital?

A. I asked him a few questions, it's not really a complete interview. I asked him a few questions about if he had remembered anything at that point and where he was coming from and going to to try to determine a more specific location than somewhere on 696.

Q. And what information did he provide to you, if any?

A. I believe that he said that he was going from Eastpointe to Royal Oak and he was on westbound on

I-696.

Q. Did he say to you whether he could recall where this supposedly happened at?

A. I asked him if he remembered specifically where it happened and he said he didn't remember. I asked him do you remember what lane you were in and he said no.

Q. So from Eastpointe to 696 where is the -- is that near the 94 interchange, Eastpointe?

A. Yes.

Q. So it would have been somewhere between 94 and where?

A. Presumably Mound where he exited the freeway.

Q. You don't know for sure where he exited, correct?

A. No.

Q. Because he doesn't remember, true?

A. Correct.

Q. But somewhere it's reasonable -- you concluded that it was somewhere between I-94 and Mound Road?

A. Yes.

Q. Or at least the Mound Road exit?

A. Yes.

Q. Have you had any conversations with him subsequent to that interview?

A. No.

Q. Are you aware of any other officers having a

conversation with him to try to elicit more information?

A. No.

Q. Are you aware of any additional information that he or his representatives may have provided with respect to where this piece of concrete may have come from?

A. No.

Q. So what did you do next in the course of your investigation?

A. I directed several officers and Officer Taylor to meet me in a parking lot somewhere near 94 south of 696 to do a systematic search of the freeway to try to see if we could determine ourselves where this chunk of concrete had came from.

Q. And what was the nature of your investigation or search?

A. There were at least two fully marked scout cars and the evidence technician car. We blocked off the -- we started at 94, went north on 94 to 696 westbound, blocked off traffic and just started from there to look to see if we could place where maybe this chunk of concrete came from. And so we blocked off traffic and were trying to determine it. Very shortly we realized that that was not a task that was going to be possible due to the number of abnormalities in the concrete or potholes.

Q. When you say potholes, were there -- did it look like there had been any fresh patching of any of the potholes on the road at the time you did your investigation?

A. Not fresh patching, no.

Q. Did it look like a lot of the abnormalities or potholes had been patched?

A. Yes, there was certainly patching that had been done over the course of time, but I don't know when that occurred.

Q. We did a document request production through subpoena and obtained dash cam footage from several vehicles and I wanted to get your -- I mean this is going to be hard to put into the deposition, but since you were out there doing the investigation maybe this will refresh your recollection a bit.

A. Okay.

Q. About what you saw.

MR. DOHERTY: This is a minor objection but he hasn't indicated any problem recalling what he saw. I have no problem with you showing him anything, but I don't think his recollection is at all deficient at this point.

BY MR. BLADEN:

Q. Could you be able to be specific as to which

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potholes were patched and which ones were not, how many there were, where they are located?

A. No --

MR. DOHERTY: I just want to object to form because I think we should define a pothole. Is it a hole with nothing in it; is it a hole that's been patched; is that still a pothole?

MR. BLADEN: That's a good question.

BY MR. BLADEN:

Q. When you say pothole what do you mean by that word?

A. A place where there is a visible area where concrete is lacking in the roadway where it normally should be.

Q. Okay. And you said that there were too many for you to be able to pinpoint -- I'll let you define what you saw.

A. There were a significant number of potholes, so many so that to count all the potholes and try to place a chunk of concrete over the multiple mile span would have been arduous and time intensive for the police department so we did not believe that we would be able to accomplish that.

Q. Now at some point did you -- you said earlier you testified you took a sample?

A. Yes.

Q. Where did you take the sample from?

A. Just west of 94 near the beginning of 696 westbound from the 94 ramp where we started, near to the area where we started.

Q. Did you have any suspicion or belief that the piece of concrete that went through Mr. Champine's window came from that location?

A. No, that was just a representative sample that I didn't know if it would be possible in the future to compare the chunk that was presented as coming through his window to the concrete from the roadway surface, so we took a sample in case that analysis was possible.

Q. So that particular location was just for purposes of comparison, a sample of comparison to the object that went through Mr. Champine's window?

A. Yes.

Q. Are you aware of any reference or did you ever come to a conclusion about where this piece of concrete came from specifically along that stretch of road on I-696?

A. No.

Q. Did you investigate whether or not it may have come from a bridge?

A. Yes.

Q. Okay.

A. We looked at all of the bridges that were in that stretch of the roadway looking at -- specifically looking for deterioration from the bridge. That was one hypothesis that I had formulated was that potentially a chunk of concrete could have fallen off a bridge. There was one bridge that showed some deterioration that was photographed but the concrete didn't appear consistent with that bridge. And, again, there were those striations on the chunk of concrete that came through his window that seemed to indicate that it was more consistent with a piece of road surface rather than the bridge.

Q. Now, there's a photograph in the report, Exhibit 1, at H14, is that the bridge you're referring to?

A. Yes.

Q. Which bridge is that?

A. I think that's the Belanger Bridge.

Q. Did you send anybody up on top to examine the road surface of the --

A. Yeah, so we examined every bridge's road surface to determine whether or not -- you know, another hypothesis would be that somebody intentionally had thrown the chunk of concrete at Mr. Champine's vehicle while it was driving down 696, so we looked to see if we

could determine whether or not there was a deteriorated bridge on the surface where this chunk of concrete could have come from where somebody could have picked it up from on top of the bridge and then thrown it onto the freeway.

Q. Okay. Did you personally go up and do any of that examination?

A. I did. I assigned out every bridge to either some of the patrol officers, Officer Taylor, and myself and we checked all the bridges between everybody that was working.

Q. And did you rule out that it could have been -- the piece of concrete could have come from the surface of one of the bridges?

A. Yes.

Q. Based on what?

A. There were no -- the surface of the bridges looked like they were in very good condition or better than average Michigan roadway conditions, I guess. I didn't see any potholes on the bridge surfaces themselves.

Q. What about the surface roads that lead to the bridges?

A. We didn't examine those thoroughly.

Q. So you wouldn't be able to rule out that the

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concrete might have been picked up from one of the surface roads that led to the overpasses?

A. No, I would not be able to rule that out.

Q. Had you had any recent reports of people throwing things off of the bridges at I-696?

A. I guess recent is a relative term, but certainly either yearly or every other year we do have reports of people throwing things off of bridges at cars.

Q. Including rocks or concrete?

A. Yes.

Q. So this is something you had to investigate as potential criminal activity?

A. Yes.

Q. How many of the overpasses spanning I-696 are pedestrian accessible?

A. Well, I think nearly all of them are. A pedestrian could acc -- even if it is just a road, I think all of them have a shoulder on the side or pedestrians could use them even if they -- you know, it would violate the motor vehicle code, all of them could have a pedestrian on them.

Q. I'm looking at H12 in your report, do you know is this a representation of what the roadway, at least one section of I-696, looked like when you were out there?

A. Yes. Yes.

Q. In looking at this it looks like you can see a large number -- I mean darker areas on the pavement?

A. Yes.

Q. Does it look like -- to me, and maybe when you were out there, and you can maybe correct me because you were out there and you saw it with your own eyes, it looks like a lot of these darker areas look like they have some asphalt, dark asphalt, patch material there?

A. Yes.

Q. Is that relatively representative of what you saw out there that day?

A. Yes.

MR. DOHERTY: Just object to the form. If you mean the stretch from the Gratiot entrance to the Mound exit, is that the stretch you're talking about?

BY MR. BLADEN:

Q. Yes, the location that you were in your search area?

A. Yes, there was certainly not fresh but signs of patching over time throughout the entire roadway surface.

Q. All right. I mean you're not a road engineer, correct?

A. No.

Q. You couldn't say whether or not these are

necessarily -- how fresh they are, right?

A. Right.

Q. You don't know whether they were there for six months or six weeks, right?

A. Correct. I can -- yeah, my experience would be they didn't look like a few hours.

Q. Okay, within a few hours?

A. Right.

Q. But it could have been there a week, you didn't know?

A. Correct.

Q. There's another photograph, H13, is that the Belanger Bridge there?

A. Yes.

Q. That's just identification of that?

A. Right.

Q. H14?

A. That corresponds with H14 to show the placement of where we saw this bridge deterioration.

Q. And I noticed on H14, if you look at the photograph, there seems to be sort of a gap in the fencing there?

A. Yes.

Q. Do you see that? Where somebody could potentially have dropped something on to the road below?

A. Yes.

Q. So theoretically somebody could have obtained this piece of concrete and just dropped it from that spot?

A. Yes.

Q. You can't rule out that that's a possibility, it might have happened?

A. I can't rule that out.

Q. Did you photograph any other potential fencing gaps in any of the other roads --

A. That was the --

Q. -- or overpasses?

A. -- only one that we noted.

Q. Is that because it's the only one you saw or the only one that you noted?

A. We inspected all the bridges, we looked for any signs on the westbound areas where there were gaps in the fencing, and that was the only spot that showed both deterioration and the gap in fencing.

Q. Okay. Did you see any that showed gap in fencing but no deterioration?

A. No.

Q. Well, you didn't inspect all of them yourself, right?

A. Yes, that's correct.

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Q. Do you know whether or not any other officer saw anything like that?

A. I spoke with them all after -- this was the only one after speaking with all of them that was noted.

Q. Is there anywhere in the narrative report or anywhere in this report at all that specifies a location of where this piece of concrete came from, the one that went through Mr. Champine's window or windshield?

A. No.

Q. There are a couple of locations mentioned I want to ask about.

A. Okay.

Q. And you can explain what those are references to. We talked about the Belanger location, I believe that's listed here. Hold on a second. By the way, I wanted to point out on page five of eight in the supplemental report by Officer Sowers.

A. Okay.

Q. And he mentions, we checked the bridges over I-696 (Gratiot, Groveland, Barkman, and Belanger) with negative results of missing concrete from the road. There's no mention of gaps in the fencing there; is that just an oversight or do you know what he was referencing there?

A. Because we had -- first we had initially done it

on the 696 and had looked up, so that could be that he was just corresponding with that. Those were the bridges he checked to determine whether or not there was road deterioration on the actual roadway surface on those bridge locations.

Q. Now, looking more at the photographs, do you know what H11 is supposed to be showing? Is that the --

A. H11 is supposed to show the striations in the roadway surface itself that correspond with the chunk of concrete that went through Mr. Champine's window.

Q. When you say correspond, do you mean --

A. Well, correspond I mean that are consistent with the chunk of concrete that went through his windshield. That particular anomaly in the concrete was one that we noticed.

Q. The morphology of it?

A. Yeah. So this is an up close picture of the road surface to show those striations because we were trying again to determine where this chunk of concrete came from.

Q. Is this photograph taken from a location that you or anybody else who was investigating this believed may have been the source of the concrete that went through Mr. Champine's window?

A. I guess could you rephrase that or reask it?

MR. DOHERTY: Let me just object, I think when you say source and location are you talking is this the specific pothole?

BY MR. BLADEN:

Q. Yeah, is this the specific --

A. No, this was taken not as the specific location, but to show that it possibly corresponds with -- that the chunk of concrete that came through the window could possibly correspond with this roadway surface.

Q. And looking at this photograph by itself, can you tell where this photo was taken?

A. No.

Q. Do you know where this photo was taken?

A. It was near where we initially started, near 696 and 94.

Q. Somewhere near the Belanger overpass?

A. Further back from that.

Q. Okay.

A. Right when you -- if you were to come up -- I'm sorry, if you were to come off of 94 and take the 94 north or I guess that would be east exit to westbound 696, and you come off the exit, if you were to start there that's in that area where we took that photograph.

Q. And that was I think, if I understand your testimony, is you wanted a photograph showing the road

surface for comparison purposes to compare it to the morphology of the object that you had collected as evidence that went through Mr. Champine's windshield?

A. Yes.

Q. It wasn't because you suspected that this is where that piece of concrete came from specifically on the road?

A. Correct.

Q. What about H15, what does that picture show, supposed to show?

A. This was in the same area of where H11 was taken, that is just to show one of the potholes.

Q. And was there any suspicion in your mind that this was the location of where that piece of concrete that went through Mr. Champine's windshield came from?

A. Not specifically.

Q. Okay.

A. Just generally we took a picture of a pothole to, I guess, show the road surface.

Q. And show that there were potholes?

A. That there were potholes.

Q. At least one?

A. Yes.

Q. It looks like there's some patch material in there also; is that correct?

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A. Yes.
Q. And you can see on H15 there's also black patch material down here?
A. Yes.
MR. DOHERTY: You're pointing at the bottom of the photograph?
MR. BLADEN: The bottom of the pothole that's been photographed.
THE WITNESS: He's pointing right here.
MR. DOHERTY: Oh, right here?
MR. BLADEN: Yes.
BY MR. BLADEN:
Q. So there's a circular pothole or break in the road, we can call it a pothole, fair enough?
A. Okay.
Q. Is that true?
A. Yes.
Q. That was located on I-696?
A. Yes.
Q. Westbound?
A. Yes.
Q. In your search area?
A. Yes.
Q. And it looks like there's a gap of missing material?

A. Yes.
Q. But part of it is filled with it looks like road surface that seems to be separated by a crack --
A. Yes.
Q. -- from the other part of the road?
A. Yes.
Q. And then there's that other half on the top seems to be filled by it looks like asphalt?
A. Yes.
Q. Would you regard that as patching material?
A. Yes.
Q. And then the bottom half of it is where the gap is, right?
A. Yes.
Q. But the very bottom of the bottom half has a little -- it looks like a little bit of the asphalt material there?
A. Yes.
Q. And do you know whether or not that gap was caused by the patch material coming out or whether or not the road itself -- I mean you don't know whether or not that that was because the patch material asphalt had come out?
A. I don't know that.
Q. It's possible that could have been patched and

then the patch material came out?
MR. DOHERTY: Well, let me just object, anything is possible, but what's more probable, obviously that had concrete in it at one time, it was a solid road surface, I think we can agree on that. What was there just before that hole existed, who knows.
BY MR. BLADEN:
Q. Understanding counsel's objection, and he'll have an opportunity to ask you more follow up questions later.
A. Sure.
Q. Obviously at some point there was probably concrete -- there was concrete in that gap, do you agree?
A. Yes.
Q. Fair to say? However, at some point also there was some attempt to patch that area after some concrete had left or voided, right?
MR. DOHERTY: Just object on foundation. I think you're saying because we have a little bit of black in that picture that's indicative of that whole area being patched at one time. I think it's beyond this witness' expertise.
BY MR. BLADEN:
Q. Well, we see the top half of the pothole has

patch material in it, true?
A. Yes.
Q. And we see that there's a patch, a bit of patch material near the bottom of that gap, correct?
A. Yes.
Q. So we don't know, fair to say, whether or not the gap that we see there right now, the most recent thing that filled it, we don't know whether that was concrete from the roadway or patch material; is that fair to say?
A. Yes.
Q. You can't say one way or the other?
A. I can't, no.
Q. And, in fact, you did not believe -- you didn't know whether this was related to this piece of concrete that went through Mr. Champine's windshield, true?
A. That's right. Again, it was just a representative of the condition of the roadway.
Q. Was there anybody else that assisted you with the investigation that had any theories or came to you with ideas or observations where they believed this specific location within that search area that you engaged in on westbound I-696, where this piece of concrete that went through Mr. Champine's windshield may have come from?
A. Not other than the ones I think I've already articulated.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Q. And if they had come to you with some sort of information like that would that have been in the report?

A. Yeah. And any new information, you know, that I would get in any kind of investigation could change how we do things.

Q. Let's say Officer Taylor had spotted a location on 696 that he thought may have matched it and then he put it in there and he said, hey, this looks like the photographs in situ?

A. Yeah, that certainly --

Q. Something like that?

A. We certainly would have included that in the police report.

Q. Or I noticed that there was a big gap in the fencing on whatever road and this concerns me and I see some missing material up there or something like that?

A. Yeah, nobody else came with anything like that.

Q. Were you ever able to reach a conclusion as to where specifically this piece of concrete came from, the one that went through Mr. Champine's windshield?

A. No.

Q. What's the smallest area that you could narrow it down to?

A. The entire stretch of roadway he said he was on.

Q. Between?

A. 94 and --

Q. The 94 interchange and Mound Road exit?

A. Yes.

Q. On westbound 696?

A. Yes.

Q. And you can't narrow it down to a specific lane?

A. No.

Q. How many miles of a road is that, based on your --

A. Six or seven miles.

Q. Okay, six or seven miles. Did you at any point in time have a conversation with Mr. Champine's father?

A. He did call me, I believe, the following day about his son being in the hospital.

Q. And what was the nature of that conversation, what information did you -- what did you talk about?

A. I don't remember the exact and specific nature of the conversation, but it was about the chunk of concrete coming through his son's windshield. Other than that I don't recall anything at this point about what I may have said to him.

Q. Did he mention anything about obtaining legal representation or filing a lawsuit?

A. He did either that day or he may have called me

the following day also on a Tuesday and he mentioned it either on Monday or Tuesday, he did tell me something like that.

Q. And what did he want, what kind of information did he want from you?

A. The police report.

Q. Okay.

A. How do I get the police report and things like that. And I talked to him about how to get the gun back.

Q. Just for the record, Mr. Champine was licensed appropriately to have the firearm, correct?

A. Yes.

Q. There was no issue with that?

A. Correct.

Q. What happened to the vehicle?

A. I believe it was impounded but I'm not certain.

Q. Do you know whether or not --

A. Strike that, I may have allowed it to be turned over to Norman's father, I don't remember.

Q. Did you ever look inside the vehicle when you arrived at the scene?

A. Generally. I didn't search it but I did view the interior of the vehicle.

Q. And there's some photographs that kind of show

that, it doesn't look like there was a lot of -- let me pull it up here. So we have the vehicle photo at H19 in Exhibit 1?

A. Uh-huh.

Q. Then we have the close up of the windshield, the gap there?

A. Yes.

Q. And then we have the license plate?

A. Yes.

Q. And then it looks like there's a photo of the object on H22 and H23, some kind of concrete object laying next to a vehicle?

A. Yes.

Q. And you didn't see the object at the scene when you arrived, as you testified earlier, correct?

A. Correct.

Q. So whoever took this we have to ask them what they were photographing?

A. Yes.

Q. We can make assumptions but we don't want to do that, okay?

A. Okay.

Q. Then there's another photograph showing it looks like the inside of an open door kind of?

A. Yes.

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Q. Was the door to the vehicle open when you arrived?
A. Yes.
Q. Did you look inside it at all? I think you testified --
A. Yes.
Q. So does this look like what you saw when you got there?
A. Yes.
Q. That's H24. Inside -- there's one photograph taken inside H25 -- or two. So H25, it's showing -- from inside the driver's side door it's showing part of the dashboard, part of the steering wheel, and the broken windshield, correct?
A. Yes.
Q. Was there any damage to any part of the interior of the vehicle other than it looks like there's a little --
A. Yeah, I would say on the center compartment area right below the shattered windshield there was some kind of anomaly there.
Q. Did you see any other damage to the vehicle interior other than that?
A. No.
Q. And did you see any damage to the steering wheel

or to any other part of the dashboard or anything like that?
A. No.
Q. Looking at H26 it shows another interior photograph; do you see that?
A. Yes.
Q. Is that what you recall seeing when you were at the scene?
A. Yes.
Q. And do you see any additional damage that may have been caused other than it looks like -- appears to be glass particles?
A. I don't see any other damage.
Q. And then finally there's another close up on H27 and H28 of the windshield?
A. Yes.
Q. Now, looking at H33, as you mentioned before that you directed Officer Taylor to take that photo.
A. Yes.
Q. What is the purpose of that photo?
A. It's the same purpose of the other pothole, it is to show an area where the roadway surface is not present.
Q. And that is not a suspected source of the piece of concrete --

A. Correct.
Q. -- that went through -- it's just for comparison purposes or illustration?
A. Illustration of the general area.
Q. And, again, it looks like -- you look at this photograph, H33, there's some amount of patching material in there; do you agree?
A. Yes.
Q. That we don't know whether or not any of the remaining gaps were cement or patching material, correct?
A. I don't know that.
Q. Before you took the photograph, right, you can't say one way or the other?
A. Correct.
Q. Now, under your part of the investigative report.
A. Okay.
Q. You testified about this earlier about what Mr. Champine told you but the report also gives a little bit more detail. Do you -- I mean do you have any specific recollection of what he told you other than what you said already?
A. Yeah, he was --
Q. Is it possible there could have been more information that you don't remember?

MR. DOHERTY: So are you asking is there anything he remembers that's not in the report; is that what you're asking him?
BY MR. BLADEN:
Q. Well, I'm asking you, your prior testimony, do you recall whether or not that there might have been more information that you don't recall currently?
A. All of the information that Mr. Champine gave me is in the police report. I don't have any additional information besides that.
Q. All right.
A. It doesn't say he was coming from Eastpointe in the police report, but he did tell me that.
Q. He said he was heading to Royal Oak?
A. Yes.
Q. Just out of curiosity, I mean, where was the -- I mean we talked about the firearm and we're not questioning that he had a valid permit and so forth, but where was that located in the vehicle when you --
A. Officer Youhanna had already taken it so I did not see it in the vehicle.
Q. Okay. So you don't know whether or not it was on his person or whether it was stowed somewhere in the vehicle?
A. I don't know.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Q. Now, at some point it says here that you -- did you ever have contact with anybody from MDOT about the concrete or about the incident?

A. Yes.

Q. Who did you speak with, if you recall?

A. Marlon Spinks.

Q. And when did you talk with Mr. Spinks?

A. On Sunday, the day that this happened.

Q. And you talked to him by telephone?

A. Yes.

Q. What did you discuss with him?

A. I discussed the general surface of the roadway, this complaint specifically, and if he was aware of any prior complaints consistent with the known facts of this case.

Q. And he gave you a response?

A. Yes.

Q. What did he say?

A. He said that there have been other similar type complaints of debris coming in through people's windshield on 696.

Q. Did he give you a specific location?

A. No.

Q. Did he advise you about whether or not there was going to be repairs or any kind of project?

A. He said that they were going to patch, get out there and patch it immediately.

Q. Did he tell you -- the report here states that he advised that it was going to be repaired in 2018; do you see that?

A. Well, he said he was going to do the patch fill but that the whole roadway surface was going to be torn up and redone in 2018.

Q. And this actually happened in December of 2017, correct?

A. Yes.

Q. So that you were talking a matter of months to begin the project?

A. Yes.

Q. Did he at one point in time come and pick up the piece of concrete?

A. Yes.

Q. Or did he pick up just one or the other sample piece too?

A. He picked up both, the sample piece and the one that went through the windshield.

Q. Did you observe him picking it up at all?

A. I believe Detective Braunschneider or our property officer turned it over to him. I don't believe I was there for that.

Q. Do you know whether it was put into any kind of a box or anything?

A. Putting the concrete in a box would be consistent with how we normally package a piece of evidence.

Q. But we'll have to talk to the property officer to get more detail?

A. I would say Officer Taylor would know how he would have packaged it. The property officer just maintains the custody of evidence. So Officer Taylor may have packaged it or he would know who did.

Q. As part of your job duties as part of your investigation do you have access to the chain of custody property records?

A. I may. I've not used it before.

Q. So you wouldn't be able to recognize a certificate or anything or a receipt of materials that --

A. Well, we do have a property release receipt that sometimes we print out.

Q. Okay.

A. And so I have printed that out before, but that's usually something that the property officers do.

Q. And in any case, you wouldn't recognize whether or not Mr. Marlon Spinks signed it or not if you hadn't seen it?

A. I don't know.

Q. Because you did not participate in that?

A. Right.

Q. Now, I mentioned before that there's another -- a couple of locations that were mentioned in the report. Looking at page seven you said, while inspecting the roadway you spoke to someone by the name of Ethan?

A. Rymiszewski.

Q. Rymiszewski. Who is that?

A. He was -- he was just a vehicle that was stopped on the road near VanDyke that had a tire that had gone out. And I spoke with him because it was a disabled vehicle on the roadway and we were looking for potholes, and generally disabled vehicles with shredded tires, one of the ways that that happens is from potholes.

Q. And he indicated that he struck something near westbound 96 in the Hoover overpass?

A. Yes.

Q. Did you go and investigate that location?

A. Generally we'd already driven past it, and, again, there were a lot of potholes.

Q. All right. And did you come to any conclusion that the object that went through Mr. Champine's windshield could have come from the same place where Mr. Rymiszewski --

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A. Well, it certainly could have but I don't know that with certainty.

Q. Did you have any evidence to suggest that it did come from there? I mean did you look at the morphology, the size of the hole, the --

A. Other than I couldn't tell if that area was a specific location or not. I don't have anything that would say that that was the area over another.

Q. It could have been one of all the other places that you saw on the road?

A. Yes.

Q. In that stretch?

A. Yes.

Q. So the fact that that's mentioned in here is not an indication that you believed this piece of concrete came from that specific location near Hoover?

A. Correct.

Q. Did you come to an ultimate conclusion about where you think the thing -- what happened?

A. Yes.

Q. What was your ultimate conclusion?

A. I reviewed all of the information that I had and all of the information we'll say that I didn't have. The location where the chunk of concrete struck the car, Mr. Champine's own statements, and it seemed consistent

that the chunk of concrete was more likely to have come from the roadway and hit him than any other reported source.

Q. You mean, when you say roadway, I-696?

A. Yes.

Q. Now, my understanding is that Mound Road also has some serious pothole issues, correct?

A. Yes.

Q. Particularly south of 12 Mile, between 12 Mile and I-696?

A. A lot of Mound Road -- yes, and even more.

Q. Did you rule out the possibility it could have come from Mound?

A. I couldn't rule that out.

Q. Did you actually go and do an investigation of Mound to see whether there were any striations that matched the one on this piece of concrete?

A. No.

Q. And as you said, he was a quarter of a mile down Mound Road when you finally saw -- when you saw -- that's where he ended up with his vehicle, correct?

A. It's a long overpass, it's a long exit, so when you take the exit and you turn from the stop sign it's only a few hundred feet to the gas station. But, no, I

did not examine Mound Road to determine that that was also consistent.

Q. I understand Mound's undergoing a major resurfacing project; are you aware of that?

A. Yes.

Q. Are the other roadways approaching the overpasses on I-696, are they in similar condition to Mound?

MR. DOHERTY: Just which overpasses or entrances did you say?

MR. BLADEN: Fair enough, I'll be more specific in my question.

BY MR. BLADEN:

Q. As you testified your search area was between the I-94 interchange and the Mound Road exit on westbound I-696, correct?

A. Yes.

Q. And there are a number of overpasses, I don't know the exact number, spanning that stretch of road, correct?

A. Yes.

Q. And some of those are in your jurisdiction, true?

A. Yes.

Q. And you said you did not examine and you can't rule out whether or not this piece of concrete may have come from one of the approach roads to those overpass

bridges, correct?

A. Correct.

Q. How familiar are you with these other overpass -- the approach roads to the overpasses?

A. I'm familiar with the ones in Warren certainly.

Q. Well, sticking with the ones in Warren, are the road conditions there similar to Mound?

A. Mound is probably a more significantly deteriorated roadway than others, but this is Michigan and all roads probably need some work.

Q. So, again, you can't -- did you ever rule out that it could have come from one -- that this piece could have been picked up by someone and thrown off the overpass?

A. I couldn't rule that out.

Q. And you didn't actually take the piece of concrete and compare it to any of the other roads approaching the overpasses, true?

A. That's correct.

Q. And you didn't do the photographing of potholes and comparing of consistency, correct?

A. With the surface streets, no.

Q. Okay. Do you know whether or not whether Mr. Champine -- did Mr. Champine ever describe to you where he specifically was hit?

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A. In the face.
Q. Did he specify where?
A. No.
Q. Kind of like the nose, the cheek, the forehead, or anything like that?
A. He didn't specify.
Q. There are photographs that look to be maybe of Mr. -- there are photographs in the report of it looks like Mr. Champine, I don't know, I didn't see him.
A. Yes, that's him.
Q. Did you take those photos?
A. No.
Q. Was that what you saw when you went to go and interview him at the hospital?
A. Yes.
Q. Was he on a gurney in the hallway or was he in a hospital bed?
A. He was on a gurney in the hallway. I think he was going to be transported to either CAT scan or some other location of the hospital. This is in the ER and so he was going to go someplace else.
MR. BLADEN: All right. I think I'm all set.

EXAMINATION
BY MR. DOHERTY:
Q. Detective, my name is Paul Doherty, we met before the deposition. Were you lead on this investigation?
A. Yes.
Q. And so as part of your responsibilities and job duties it would have been to not only make your own observations but talk to other investigating officers?
A. Yes.
Q. And it looks like that the initial call came in to Warren PD, somehow the 911 was routed to Warren?
A. Yes.
Q. And for whatever reason Warren responded versus MSP?
A. Yes.
Q. So this would have been a full and complete Warren PD investigation?
A. Yes.
Q. You didn't call in Michigan State Police?
A. No.
Q. And sometimes with a crash you might call in MSP reconstruction, if it's perhaps a commercial vehicle or something like that, or do you guys handle your own?
A. It depends on who it's normally routed to. If it's a fatal accident that happens on the highway MSP always handles those, we may assist them, but I would say 99 percent of the time they handle those. It usually will depend on where the people are when they call.

Q. So somehow, some way this got routed to Warren and Warren took over the investigation?
A. Yes.
Q. And you were lead on it?
A. Yes.
Q. So if you look at page four of the report and as part of your investigation and work up it would have been to not only rely on your observations but to rely on information gathered by the other officers?
A. Yes.
Q. All right. So in the second -- well, first paragraph there is a reference to it appears to be an on scene officer having contact with Mr. Champine; do you see that?
A. Yes.
Q. A description of what that officer saw, the fact that Mr. Champine seemed to be in extreme shock and could barely verbalize that a piece of concrete had gone through his windshield?
A. Yes.
Q. In the second paragraph it says, when Champine

was able to compose himself he stated he was driving in lane he could not recall on 696 westbound from Gratiot; do you see that?
A. Yes.
Q. As he traveled westbound, quote, Champine could not recall what where he was at exactly when he was exactly when he was all of a sudden was struck by an object that shattered and went through his windshield near the driver's side of the vehicle; do you see that?
A. Yes.
Q. So it appears from the initial investigation and reports of Mr. Champine he was, in fact, on 696 when this happened?
A. That's what he reported.
Q. And so your investigation then took off from the point that we had an incident on 696, we have a victim just off of 696?
A. Yes.
Q. All right. And, again, I think you told us that at scene you did not talk to Mr. Champine?
A. Correct.
Q. All of your contact would have been in the ER?
A. Yes.
Q. We've got some photos -- were you there when those photos were taken, if you recall?

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A. After.
Q. So Taylor presumably went to the hospital and photographed --
A. Took the photographs, and I believe he was coming out when I first got there.
Q. So you just crossed paths, and then as part of your overview of the scene you go talk to the victim?
A. Yes.
Q. But as you approached your travel to 696 it's your assumption and belief that you had an incident which occurred on 696?
A. Yes.
Q. Versus the off ramp to Mound?
A. Yes.
Q. Versus Mound Road?
A. Yes.
Q. Okay. And I -- you know, we've all traveled 696 a million times, that the exit from eastbound -- I'm sorry, westbound 696 to Mound north is a very long loping exit ramp?
A. Yes.
Q. And as far as where, for example, the exit ramp ends and Mound Road starts, I mean that could be what, a quarter to a half mile from the actual freeway?
A. Yes.

Q. And then the BP Station, as you said, is within hundreds of feet sort of where the entrance ramp -- I mean the exit ramp ends and Mound starts?
A. Yes.
Q. And it's on the east side of northbound Mound?
A. Yes.
Q. And that's to your knowledge -- well, not to your knowledge, you went out to the scene and that's where the vehicle was?
A. Yes.
Q. So as part of your investigation you and other officers -- I've seen the dash cam, I've watched you guys travel 94 to the 696 westbound entrance ramp and you get really just beyond the entrance to 696 and that's where you start your investigation?
A. Yes.
Q. All right. So you close down traffic, shut down the freeway?
A. Yes.
Q. And then you start walking for some distance?
A. Yes.
Q. All right. And as you're walking you notice what you ultimately conclude to be thousands -- potentially thousands of potholes?
A. I believe I said over 1,000 just --

Q. An estimate?
A. Yes.
Q. Maybe even a guesstimate?
A. Yeah. I counted -- again, I counted you know, a number of them and I said, well, that's clearly over 1,000 in this stretch.
Q. Not practical to start taking this piece of concrete and trying to match it up to the potential thousand of potential points this could have come from?
A. Correct.
Q. Okay. And do you recall how far you actually then walked before you got back in your patrol cars and began driving the freeway?
A. Feet, a couple hundred feet maybe.
Q. You didn't make it to Belanger, though, I take it, on foot?
A. Not on foot, no.
Q. And if we go back to photograph -- I'm looking for the one counsel questioned you about with the pothole and the patching.
MR. BLADEN: I think it's H15 you're talking about.
MR. DOHERTY: 15, okay, thank you.
BY MR. DOHERTY:
Q. Okay, yes, H15, do you have that in front of you?

A. Yes.
Q. So this would have been representative of the condition you saw to the road surface as you walked it?
A. Yes.
Q. And condition with the road surface as you drove it?
A. Yes.
Q. And in this picture it appears to be -- I know you're not a roadway expert, I get that, none of us are, but it appears to be that there is a chunk of concrete that has got a crack all the way around it?
A. Yes.
Q. And patching material to the right of it?
A. Yes.
Q. So this could be something that if you tried maybe you could pull right out of that hole?
A. Yes.
Q. A pothole is defined, as I define it, as a place where concrete used to be that no longer is there?
A. That's fair.
Q. You now have a hole?
A. Yes.
Q. And some of it might be patched, it all might be patched, but at some point you have a hole from which concrete came?

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A. Yes.

Q. And the purpose of taking H15 -- now, did you walk with Taylor and direct him what to do? Did you kind of discuss it; did he know what to do?

A. I worked with Taylor, Officer Taylor, a lot so I'm sure we had a conversation. I would have told him make sure you take pictures of the roadway and make sure -- I don't know if I would have necessarily said take a picture of this specific one, but I would have said take a picture of the roadway, take a picture of the bridge, take a pic- -- you know.

Q. Okay.

A. General things.

Q. So the issue is let's see if we can get a good conclusion of where this chunk of concrete came from that went through Mr. Champine's windshield?

A. Yes.

MR. BLADEN: Objection, it mischaracterizes his testimony.

BY MR. DOHERTY:

Q. Well, that would have been the ultimate goal here of the investigation, where did the concrete come from?

A. Yes.

Q. Not maybe specifically, but was it road surface, bridge surface, or questions like that?

A. The ultimate goal of the investigation would be to determine the exact location of the concrete if possible.

Q. And short of that, coming up with a conclusion was it roadway versus something else?

A. Coming up with something that was reasonable.

Q. All right. So you walked perhaps hundreds of feet, decide it's not practical to visually by foot figure out where this piece of concrete came from, then you decide we'll get back in the cars?

A. Yes.

Q. All right. And then there was an attempt to check the road surface and the bridges?

A. Yes.

Q. And if you look at H13 and 14, which counsel talked to you about, this is the Belanger overpass; do you see that?

A. Yes.

Q. Now, H14, if you'd look at that, counsel asked you about what appears to be an opening?

A. Yes.

Q. And it appears to be a pole of some sort that is in the opening?

A. Yes.

Q. Now, if you go back to H13 it shows a pole?

A. Yes.

Q. Which is directly above the X and I in exit?

A. Yes.

Q. Now, I know this might not be perfectly to perspective, but if we drop straight down from that pole to the road surface below it appears that it might even be where the incline is for the bridge surface, the under bridge surface, or what we call the breakdown lane?

MR. BLADEN: Objection, lack of foundation.

THE WITNESS: When I looked at it I was able to drive directly under that area.

BY MR. DOHERTY:

Q. Okay.

A. I think that is in line with at least the rightmost lane of travel.

Q. So that would have been in line with the rightmost portion of your vehicle then?

A. Yeah.

Q. Mr. Champine's -- this chunk of concrete came through the driver's side?

A. I would say more center of driver, but, yes.

Q. It would be as you're facing the vehicle, right of center, of the straight center of the vehicle?

A. Yes.

Q. And in line with the right side of his face?

A. Yes, possibly.

Q. Okay. All right. Well, if we look at H32, for example, it appears most of the impact would have been to the right side of his face; is that fair?

A. Yes.

Q. All right.

MR. BLADEN: Objection, lack of founda- -- well, all right, never mind.

MR. DOHERTY: Okay.

BY MR. DOHERTY:

Q. But as far as whether or not something from that bridge hit Mr. Champine, you made the determination that it was not likely?

A. Correct.

Q. All right.

A. It did not appear likely that a chunk of concrete that emanated from the bridge itself was attributable to the chunk of concrete that was presented to me that went through his vehicle.

Q. And the underside, as I understand it, having again driven this probably thousands of times, the underside of the bridges along this stretch of freeway has corrugated metal underneath the bridge deck?

A. I don't know what kind of metal it is.

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MR. BLADEN: Objection, lack of foundation.
BY MR. DOHERTY:
Q. You can see some kind of metal decking that would be below the road surface of the bridge?
A. Yes.
Q. So the odds of concrete getting through the metal decking would be slim to none?
A. I didn't see any holes where actually the concrete could have come from.
Q. All right. So just kind of circling back then, based upon what Mr. Champine was able to say to the investigating officer, and that looks like Officer Youhanna, is that how you say it?
A. Youhanna.
Q. Youhanna, was that he was on 696 when this happened?
A. Yes.
Q. So that was the initial thought when you went to the scene, we've got a problem somewhere on 696?
A. Yes.
Q. And, again, my understanding of these bridge decks all the way down 696 is there is the fencing that's kind of curved over the bridge?
A. Yes.
Q. Which in theory is to prevent people from

throwing things off of the bridge?
A. I don't know why they are there. I'm not sure why they were placed there.
Q. Okay, but that would make it more difficult to throw something off the bridge?
A. Yes.
Q. You would agree with that? Okay, you're too young to remember when people -- when those did not exist and people could stand at the edge and let things go, so I remember that.
A. We have more problems, I would say, with people trying to jump off the bridges and things like that in recent history.
Q. So --
A. So I don't know if they put them up for that reason or if they put them up for the reason that people throw things.
Q. It might help prevent both issues?
A. Sure.
Q. All right. And so if we go to H22, this would be, to your knowledge, a photograph at scene, and when we say scene we mean where Mr. Champine eventually stopped at the BP Gas Station?
A. Yes.
Q. And to your knowledge this would have been how it

existed after Mr. Champine exited the vehicle?
A. Yes.
Q. All right. So it appears to show a chunk of concrete --
MR. BLADEN: I'm going to put a foundation objection because he testified earlier he was not there when this object -- the concrete had already been taken when he arrived.
MR. DOHERTY: I agree, he's lead, I think he can rely on the work done by the fellow officers. You can have a continuing objection about his observations at the scene.
BY MR. DOHERTY:
Q. So this shows a chunk of concrete in a pool of blood in or about the area?
A. Yes.
Q. And then 23 was just a close up of that?
A. Yes.
Q. And have you been -- well, do you oversee evidence technicians at crime scenes or accident scenes? The question is going to be, to your knowledge, would they have in all likelihood left the scene as it was as they were photographing it or as they found it when they arrived on scene?
A. So the first question, yes, I do oversee during

investigations evidence technicians, they are at my direction. I am not their supervisor. And then, yes, we tell our evidence technicians to photograph things as they find them and to not manipulate the scene before taking pictures.
Q. All right, that's the question and that's a better answer. So to your knowledge if protocol was followed this would have been how the scene existed when the evidence techs arrived?
A. Yes.
Q. Photograph it and then --
A. Collect evidence.
Q. And then collect the evidence, okay. Where was the concrete when you saw it the first time?
A. At the hospital in a brown paper bag that Officer Taylor had.
Q. So in his vehicle?
A. Yes.
Q. He didn't take it in the hospital, obviously?
A. Right.
Q. So did you open it up, take a look at it?
A. He had gloves on and he opened the bag up so that I could see it and I was able to see it closely that's when -- that's at the point that I noticed the striations on the one side.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Q. Let's make sure we understand what you mean by striations. If we go back to the photograph with the ruler, which is H16 and H17, perhaps H17 is better. So --

MR. BLADEN: Hold on. Are you asking him whether this is the striations he saw on the object because we haven't established that H17 is the same one?

MR. DOHERTY: I want him to describe what striations are, and he can do that with an exemplar in front of him, if you can.

MR. BLADEN: All right.

THE WITNESS: Yes, so the striations, you can see what appear to be parallel lines in the concrete. And the concrete is flat with those parallel lines that run through it.

BY MR. DOHERTY:

Q. Okay. So what I see are lines running horizontally on this piece of concrete; is that what you're referring to?

A. Yes.

Q. And these might be however when they lay the concrete, whether they are cut in or groved in, but this is the surface area of the freeway with the striations?

A. Of roadway, yes.

Q. Of roadway, okay. And if we go back to 16, which

is a piece of concrete with blood on it, which, to your knowledge, would have been the concrete that was secured from the scene?

A. Yes.

Q. And I'm seeing what appear to be vertical lines --

A. Right.

Q. -- in the photograph. Would those be the striations you're referring to?

A. Yes.

Q. Did you make any observation regarding stone content or stone size or anything like that?

A. So I guess all I can say is that it appeared consistent with the roadway, but I can't -- again, that's why we obtained the sample because that's probably beyond my scope to be able to compare them.

Q. But the striations, the color, the stone content all were consistent?

A. It was all consistent with the roadway surface on 696 that I looked at.

Q. And as far -- just for the record, H17, we're not sure if that's the back side of the --

A. It's either the back side or the sample.

Q. Or the sample, okay. And the fact that this has striations, 17 I'm talking about, without blood and 16

has striations with blood, does that maybe help you?

A. It's likely that that's probably the sample, but again, I --

MR. BLADEN: Which one are you referring to as the sample?

THE WITNESS: So H17 is very likely the sample, but I'm not certain. I don't want to say anything I'm not sure about.

BY MR. DOHERTY:

Q. And who would know better probably?

A. Officer Taylor.

Q. And is Taylor the evidence --

A. He's the evidence technician that would have actually taken these photographs that had these --

MR. BLADEN: For the record, he was scheduled to be deposed today as well but he had to go on medical leave I guess.

BY MR. DOHERTY:

Q. Okay. So you guys -- it looks like you staged in a parking lot south of 696; is that correct?

A. Yes.

Q. And then you did, in your words, a systematic search to determine or try to determine where the concrete came from?

A. Yes.

Q. So the Belanger Bridge overpass, which we've talked about, that was the only overpass, based on your visual, that had what appeared to be missing concrete?

A. Yes.

Q. Had you seen other missing concrete from other bridges that would have been --

A. We would have photographed that.

Q. Thank you. Have you ever, in your work as a Warren police officer detective, investigated other instances of debris hitting cars on 696?

A. Maybe.

Q. So is that a vague recollection, I'm not going to pin you, we're going to FOIA the department to try to find out, but I know Spinks, the MDOT representative, mentioned to you or mentioned to the department that they had other instances on the roadway regarding concrete going through windshields?

A. I was able to view another report on one of the local stations of a woman who reported something very similar near that Sunday, the day that I was doing this investigation or near -- after we had done all these things, I'd talked with Mr. Spinks. I would just say that we're a busy city in Warren and I assist in a lot of investigations and I do a lot of things and so I'm certain that I probably have been involved in some

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periphery or something like that with some other investigations, but this would be the only one where I was, we'll say, the lead on an investigation where something came through the windshield at somebody on the freeway.

Q. So the other instance involving the woman, what, did you just do an internet search?

A. Yes.

Q. And I know --

A. And I found it.

Q. I've done the same thing and the woman was severely injured, chunk of concrete went through the windshield?

A. Something like that.

Q. But whether Warren investigate --

MR. BLADEN: Obviously objection hearsay.

MR. DOHERTY: It could go to notice so....

BY MR. DOHERTY:

Q. Whether Warren investigated that incident --

A. I don't believe we did.

Q. Were there any reports of any suspicious activity along that stretch of freeway in the sense of either people on the overpasses, people on the service road next to the freeway, in any area where a pedestrian would not normally be found, were there any reports of

that that day?

A. There were no reports.

Q. So no reports of any suspicious activity lets say the three, four, five hours before this incident?

A. No.

Q. H33, which is the second to last photograph in the packet, the purpose for taking this photograph would have been what?

A. To show the potholes in the roadway generally.

Q. So that would have been representative of the condition you found essentially through the entire search area?

A. Yes.

Q. In other words, there were many, many, many areas that appeared to have concrete missing?

A. Yes.

Q. And did you make an attempt to figure out of these areas how many contained perhaps loose concrete that might present a risk to motorists if they became dislodged and airborne? In other words, we had the prior photograph which appeared to show a piece of concrete in a hole that was not attached to anything.

A. I don't know if that was attached or not attached, the piece of concrete that we took a picture of.

MR. BLADEN: Object to lack of foundation but go ahead.

BY MR. DOHERTY:

Q. Well, at least there was a crack?

A. There was a crack around it, but I don't know --

Q. Whether it could be dislodged, who knows?

A. I don't know.

Q. Did you make note of any other conditions like that down the search area of concrete that appeared to be cracked on all sides?

A. I think I can answer your question that I noticed many potholes but I didn't count if there were chunks that could be readily ready to come up or not I think is how to answer your question.

Q. When you saw the chunk of concrete in Officer Taylor's vehicle was the sample also there, if you know?

A. No.

Q. Was that taken later, if you know?

A. Yeah, that was taken when we started our review of the roadway on 696.

Q. And was there an attempt -- it looks like there was an attempt to find one of similar size at least?

A. I think that was just for ease. It was the first one that we saw that made sense.

Q. Was this lying loose on the surface; was it

picked up out of a --

A. No, he had to pry it up.

Q. How did he do that, if you recall?

A. He had a pry bar and he just wiggled it up, I don't --

Q. And he loosened it and took it out?

A. Yup. Like I said, I would say it was a chunk that was ready -- that would have been more easy than, you know, damaging concrete or creating our own pothole.

Q. So you didn't take a jackhammer out there or hammer or chisel or anything like that?

A. Right, we took the piece that appeared like we would be able to get it up more easy than another section.

Q. So this would be a piece around which was a complete crack?

A. Right.

Q. And, therefore, it appeared to be one that could be pried out of the hole?

A. Right.

Q. And obviously you created a pothole when you did that?

A. Right.

Q. And was that in a travel lane or one of the travel lanes?

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A. Yes.

Q. Which one, where, you don't specifically remember?

A. I don't remember. It was near where we started. If you had the dash cam video you might see it. I would suspect you would.

Q. Might see you guys --

A. Removing the section and exactly where that is.

Q. Okay. Whose idea was it to take an exemplar?

A. Mine.

Q. Again, for comparison purposes?

A. Yes.

Q. To try to narrow down where the subject piece might have come from?

A. Again, because if at a later date and time somebody wanted to do that I thought we would need a sample.

Q. And the process then was Taylor picks it out of the hole?

A. Yup.

Q. And then secures it, however an evidence tech does that?

A. Yup.

Q. Comes back to Warren PD along with the actual piece of concrete at issue?

A. Yes.

Q. And then goes to the evidence room and what happens after that is evidence tech stuff?

A. Yup.

Q. And then we do have a reference in the file to an MDOT official?

A. Yes.

Q. Did you have contact with -- I know you said you had telephone contact?

A. Yeah, I spoke with him.

Q. Okay. And I think you gave pretty much your con- -- your recalled contents of the conversation?

A. Yes.

Q. Now, I don't know, is the conversation noted in your report that you had with him?

A. Yes.

Q. Okay, let's go to that.

A. You know, I may have seen him on the way out after he picked up the concrete, I may have been there in passing. But I remember that I wasn't there, I had to have somebody else turn the evidence over to him.

Q. Okay. So on the second page, seven of eight of your report, last paragraph, do you see that, I spoke to MDPT?

A. Yeah, it should say MDOT.

Q. So that would be a typo, then, it should be MDOT?

A. Yes.

Q. He advised there were other prior similar complaints of similar incidents in that stretch of road; do you see that?

A. Yes.

Q. Was he any more specific about that?

A. He brought up the woman from the news report that made the news.

Q. Did he mention to you about what happened to her, the fact that she was badly injured?

A. Just that, you know, she had reported that concrete came through her windshield and she got injured.

Q. Have you ever had any contact with her or any representative of hers?

A. No.

Q. Mr. Spinks advised you he did not believe there was any camera footage of the roadway?

A. Yes.

Q. Do you know if this area is sort of under a constant MDOT camera observation?

A. You know, I'm not sure what's public information and what's not in a deposition for this kind of stuff. My understanding, I guess -- I'm not sure how to answer

that. I just don't -- I have more knowledge now of when cameras are on and when they are not than I did previously, so I'm not sure if that's confidential or not.

Q. I don't think it is because you can access the MDOT cameras online.

A. Okay, I don't know. My understanding is that the camera footage doesn't record it unless the police call ahead of time and we ask them to record it and then they can record it for us, but there's no passive recording of it. So it's not a maintained camera. Like I can't retroactively go back and look at something, but if I wanted to -- if I knew we were going to do some kind of police action on the freeway then we can get the footage, but we can't do that retroactively.

Q. Okay. So it sounds like essentially no incident on the freeway is recorded unless there's a prior advice by a police agency?

A. That's what -- that's my understanding.

Q. Whether there's any preservation as a matter of course of what's recorded you don't know?

A. From my understanding it's not.

Q. It's not. How do you have that understanding?

MR. BLADEN: Could I interject something here?

RECEIVED by MSC 8/30/2021 2:33:45 PM

MR. DOHERTY: Sure.
THE WITNESS: Sure.
MR. BLADEN: I think he's raising a question, let's -- for purposes of this let's find out whether or not there is some sort of a law enforcement requirement like for the methodology that we don't want to reveal.
THE WITNESS: I guess that's my concern.
MR. BLADEN: So for purposes of this discussion can we agree that we'll put into the record a protective order on this portion of this --
MR. DOHERTY: That's fine.
THE WITNESS: I guess that's my concern.
MR. BLADEN: Obviously you know what he said but I don't necessarily want it part of the public record unless there's some --
MR. DOHERTY: Prior court order?
MR. BLADEN: A confirmation that this is public information.
MR. DOHERTY: Okay.
MR. BLADEN: Or there's an order by the court that this is.
BY MR. DOHERTY:
Q. I have no problem with that and I don't want you to disclose something that might be proprietary to

Warren.
A. It's not proprietary to Warren and I don't remember who exactly has told me this. I know we have -- there have been other investigations, and I can't remember exactly which investigation of the many hundreds that I've done, but I know before I've tried to get camera footage from the freeway on other things and it wasn't available for, we'll say, more serious criminal type incidents.
Q. All right. So in your report you say, quote, Spinks also advised that -- I'm sorry, I'm going to restate this. Spinks also advised he did not believe there was any camera footage of the roadway unless a previous request had been submitted to save the recordings.
A. Right, that's what I was trying to articulate.
Q. Okay. So that's -- to save a recording is different to me than make a recording and we're going to want it.
A. Okay.
Q. Do you see the difference?
A. I understand. So how I said it to you today is how I meant it in the report.
Q. Okay.
A. So they don't record live unless we call them

ahead of time.
Q. So you can go on MDOT, I don't know if you've ever done this.
A. I haven't.
Q. I have a very shallow life, so you can go on and you can bring up MDOT cameras and just watch real time the freeway, but do you know that, whether that's true or not? Are you aware of that?
A. I'm not aware of that.
Q. Okay. So whether that's a sort of real time recording and preservation, to your knowledge, it's not?
A. Right, to my knowledge it's not.
Q. And somewhere, you're not sure, but you came across that information, maybe in connection with a criminal investigation?
A. It certainly was a criminal investigation and I don't remember which one.
Q. Okay. But there was a problem obtaining footage, that's the bottom line?
A. Yeah, can we obtain the footage and we couldn't.
Q. Okay. Then, quote, he advised he would coordinate filling of the potholes in that stretch of the road and may need to obtain the concrete chunk from this incident; do you see that?
A. Yup.

Q. Then ultimately it looks like the last sentence is your conclusion, quote, the evidence suggests Norman Champine was struck as a result of the concrete being kicked up from the roadway and not as an intentional act, end quote; do you see that?
A. Yes.
Q. Was that your conclusion?
A. Yes.
Q. Does that remain your conclusion?
A. Yes.
Q. Now if you look at the next page, eight of eight, that says -- pardon?
A. No, that's clearly the report. I didn't review that before I came in but this is clearly where he turns it over.
Q. Okay, so who would have then -- it looks like at the top we have Marlon Spinks, State of Michigan, Department of Transportation, metro region, do you see that?
A. Yup. So this is Detective Braunschneider, how it indicates it's his report is on page seven at the very bottom, that's Detective Braunschneider who authored this report.
Q. So just as a matter of protocol, when someone logs into this file I assume it puts their footprint in

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the report?
A. Yes.
Q. And then do they manually put in the top part of contact --
A. Yeah, he wrote all that out.
Q. So he would have presumably got contact info from Mr. Spinks; do you see that?
A. Yes.
Q. Now, this is 12-18-17, does that mean, to your knowledge or understanding, when Mr. Spinks came in or when the report was made?
A. That would -- that is usually, when people write the date at the top of their report, that is to indicate that this is when this happened.
Q. So the date --
A. 12-18-17 would indicate that that's when the rest of this occurred.
Q. And then on the previous page where Broadsnyder's entry is it says 12-18-17, 2:07 p.m.?
A. Yes.
Q. Presumably at or about that time Mr. Spinks came in?
A. That's when he would have written the report.
Q. So presumably Mr. Spinks came in some time before that?

A. Some time just before that.
Q. Okay. And it says, quote, Mr. Spinks came into the CID and advised that he was investigating this incident for the State of Michigan, Department of Transportation. He was identified and furnished with a copy of the police report, scene photos, and the concrete rocks that were involved in this incident. Spinks took possession of the concrete for the State and advised that they would be secured by the State of Michigan as part of the chain of custody (evidence) in this matter. WPD evidence tags and then there's a number.
A. Yup.
Q. Those numbers would have corresponded with the tags that were given when the items were taken into the evidence department?
A. Yes.
Q. Okay. What about releasing evidence like that, is that -- I mean had your investigation essentially been concluded?
A. Yes.
Q. No criminal --
A. Yes.
Q. -- activity, therefore, we don't need to preserve it, they being Warren PD?

A. Yes.
Q. Okay, I'm just trying to get at the protocol of releasing this to a state official.
A. So that's at the discretion of the OIC. Many times when we close a case evidence is destroyed. That obviously -- I didn't think it was appropriate in this case. The State of Michigan may have more resources, I don't know, to look into things like this, that's why he requested them, and I didn't have a problem turning them over to him.
Q. So you would have ultimately made the decision it's okay to turn the evidence over to Spinks?
A. I did.
Q. And then it says in the final paragraph, Spinks will follow up with Detective Chisolm when he concludes his investigation. Is that the end of Spinks' investigation?
A. No, I'm not sure. Mr. Spinks didn't follow up with me. I'm not sure what conversation that would have referenced.
Q. All right. But the bottom line is other than the telephone conversation you had with Spinks you haven't talked with him?
A. Correct.
Q. You haven't met with him?

A. Right.
Q. Have you talked to any --
A. Like I said, I believe I saw him in passing maybe that day.
Q. All right. That day being the date of the incident?
A. No, the day that he came and picked up the evidence.
Q. Oh, okay, so 12-18?
A. Yes.
Q. All right. And then it indicates, he was provided with business card from myself and Detective Chilson; do you see that?
A. Yes.
Q. And, again, no follow up contact?
A. Not that I remember.
Q. Okay. Then there is a, below that, narrative by, is that --
A. Yeah, so the CFS narratives are not chronological to the entire report. Those CFS narratives are done by police officers when they are maintaining their activity log for the actions they do on a given day. So if they don't write a police report or even sometimes if they do for any kind of call they go on they write a short narrative of what actions, if any, they did.

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Q. Okay.

A. So those aren't chronological to the report, those are sorted last just because the reports come first and the, we'll say, call for service entries come last.

Q. Okay. So this would be W.R. Rose?

A. Yup, so that's Officer Rose.

Q. Officer Rose.

A. And then the next one is Officer Sowers.

Q. Sowers, okay. So would Rose have put the input, checked 696 for overpass debris. None located?

A. Yes.

Q. And when he actually did that we don't know or --

A. That's not indicated in this report.

Q. And when he actually made that entry we don't know?

A. Right.

Q. So but as he logs in, because it's a CFS it will just put it at the end?

A. Yes.

Q. And as he logs in does he have to do something to make sure it's a CFS versus a longer report like you do?

A. So every call that is generated when the officers -- as part of our computer aided dispatching the dispatcher will type up, we'll say, a summary or

something like that, they send -- and the officer gets that summary sent to their screen, which is one of the -- I'm sorry, the laptop that's in the car. And then in order for them to compile an activity log, when they have completed with a call for service they go in through the software and type out what they did and then they finalize that.

Then when the supervisor goes to print out an activity log for what that officer did over a given day it would have like times -- it would have like times and then a summary of what they did, like I did this on this call, this, this. So it's really for the supervisors to view, but I think I've lost what you're looking for.

Q. Well, just that somehow Rose's entry got inputted and then put last in the report.

A. Yes, that absolutely is not as a result of him writing it on the 18th or anything like that.

Q. Okay.

A. My experience is all the officers write these after they are finished with that call or that same day.

Q. All right. Now, let's go to two of eight, the beginning of the report, I just want to run through just the protocol here just to make sure I understand everything. So two and three of eight have boxes that

someone inputs data into?

A. Yes.

Q. Would that have been you?

A. No, that's Officer Youhanna. You can see to the right of the name, Youhanna.

Q. Youhanna, all right. So, for example, we have contact with Bernard Champine about two-thirds of the way down?

A. Uh-huh.

Q. So any time there's any kind of contact Youhanna would go in and make a note of that contact?

A. Yeah, Officer Youhanna wrote the original police report. And so there are some things in our report writing software that tracks certain types of incidents and people and things like that to make it field searchable. So when you put people in specific categories or things like that that's why they appear how they do.

Q. So the organization of this report is very typical, the bottom line?

A. Yes.

Q. Okay. And does it then indicate every one that was involved in the investigation somewhere in the report because if so I want to know everybody. I know there's you, Taylor, Youhanna, Rose. And I know there

were quite a few officers at the scene, I'm just wondering if we have everybody noted.

A. Me, Taylor, Youhanna, Rose. Detective Murray may not be in the report but he was with me. Paul Sowers, Sergeant Ross. And then Detective Braunschneider, who actually turned over the evidence, is retired. And Officer Youhanna, if you didn't have him written down already.

MR. DOHERTY: I think I'm done, let me just look at my notes. Do you have anything else that you want to --

MR. BLADEN: I have just a few follow up questions.

MR. DOHERTY: Why don't you go ahead and then I'll....

RE-EXAMINATION

BY MR. BLADEN:

Q. I mean who is Officer Robert Roy?

A. He's a property officer.

Q. Do you know whether or not he had any interaction with Mr. Spinks or may have signed the property out, the pieces of concrete?

A. He is our property officer, he likely would have done something like that.

Q. Okay, so --

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A. But in looking at the report it looks like he gave it to Detective Braunschneider or --

Q. All right.

A. He comes up to the detective bureau daily and sometimes he'll bring evidence with him and turn it over to us if we're going to give it to somebody, stuff like that.

Q. Okay, so add his name to the list.

A. Officer Roy.

MR. DOHERTY: That's fine.

BY MR. BLADEN:

Q. Just a few follow ups on some of the photographs. You're looking at, as you mentioned, you were asked about H22 and H23.

A. Okay.

Q. For purposes of my question we'll make an assumption that's -- you know, we'll have to get the testimony of the officer who took the photograph or other officers who saw it in situ, but assume for purposes of the question that this concrete object on H22 and H23 is the one that was at the scene where the vehicle was parked, Mr. Champine's vehicle.

A. Okay.

Q. And that is the one that is logged in as evidence in, is it H16?

A. Okay.

Q. Okay. As mentioned before there it looks like to be blood pooled on the road there?

A. Yes.

Q. It looks like there was some snow and slush there?

A. Yes.

Q. So it was a wet, slushy mixed with blood area?

A. Yes.

Q. And it looks like the surface pointing towards us, the flat surface, has blood on it in that photograph on H22 and H23, correct?

A. The surface on the rock?

Q. Yes.

A. Pointing towards us has blood on it, I'm not sure where you're referencing.

Q. The surface that's visible in the photograph of the concrete object has blood on it, right?

A. Yes.

Q. And you can see, I think you mentioned, striations, there's some blood in the striations you can see there?

A. Yes.

Q. On H23, all right. And on H17 there was some speculation whether or not this H17 was the back side of

H16.

A. Right.

Q. Is it likely in just looking at the --

A. You know, now that I look at it and we've been talking about it it looks like that's likely the representative chunk.

Q. Okay. It's more likely than not, would you agree, that there would probably be some blood or anything on the back side of that --

A. Yes.

Q. -- object as well as the front side?

A. Yes. And I don't think the back side of the chunk of concrete had the striations, I think they were only on one side.

Q. Okay.

A. So that's very -- I believe that's the chunk that we took.

Q. All right. Following up on photograph H15 in Exhibit 1, again, when this photograph was taken you don't know how -- is there any way -- you don't have any -- let's back up. You don't have any -- you're not a geologist, right?

A. That's correct.

Q. You don't have any -- you're not a civil engineer?

A. Correct.

Q. You're not a materials expert?

A. Correct.

Q. Scientist of any kind?

A. Right.

Q. You don't know how long -- counsel pointed out that there's a portion of this pothole area where there is cracks surrounding a piece of it looks like the roadway there; do you see that?

A. Yes.

Q. You don't know how long those cracks were there, do you?

A. No.

Q. You don't know whether they formed ten minutes before you arrived or six weeks?

A. I don't know.

Q. And you mentioned before that the sample that you took that Officer Taylor -- did you witness him prying it out of the road?

A. Yes.

Q. And he used a pry bar, you said?

A. Yes.

Q. A crowbar type of thing?

A. Yes.

Q. Did it look like it was just resting there when

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he pried it out or did he have to do some effort to separate it from the road?

A. There was a little bit of effort that had to be exerted.

Q. So did it appear that there was still some connection between that piece that he took and the road itself?

A. Some.

Q. It wasn't just laying there without any connection to the road, from your observation?

A. No, it was not just laying there.

Q. It wasn't just laying there loose, it was actually still connected in some fashion to the road, at least partly from your observation?

A. He had to use some force to get it out.

Q. More than --

MR. DOHERTY: I'm just going to object to the term connection.

BY MR. BLADEN:

Q. When you're saying force, was he using more than just to lift a loose object?

A. Well, he couldn't do it with his hands, he had to use a tool to do that.

Q. Do you know how much this concrete piece weighed?

MR. DOHERTY: Are you talking the example or

the one that used to be in this hole?

MR. BLADEN: The example.

BY MR. BLADEN:

Q. Did you handle it at all?

A. I didn't handle it but it did not appear to be that heavy.

Q. Ten, 15 pounds, something?

A. I would say, yeah, that would be an appropriate guess.

Q. Something a person could lift on their own?

A. Yes.

Q. Something that somebody who wanted to take a piece of concrete from a road could lift up and then drop from an overpass?

A. Yes.

Q. And just one more follow up question with respect to the Belanger Bridge. In H14, that gap that you're seeing there in the fencing, that was over the right-hand travel lane of westbound I-696?

A. That's where I believe it was.

Q. And are you saying -- counsel was asking whether or not it was to the far edge. Is it close to the fog line or is it --

A. I don't remember exactly where.

Q. But it was over the travel lane?

A. Yes.

Q. And if we want to know where the object hit Mr. Champine's vehicle it would be -- you know, we have a photograph showing --

A. Exactly where.

Q. -- the gap in his windshield, correct?

A. Yes.

Q. And whether or not it bounced or moved around once it was inside the vehicle you don't know, or deflected at an angle?

A. I don't know.

Q. Hit something -- okay. For purposes of where it came into contact with Mr. Champine's vehicle we'd want to look at the vehicle itself, correct?

A. Yes.

Q. And what it did once it went inside, apparently -- it eventually hit Mr. Champine on the right side of his face apparently, according to the photos, but we don't know whether or not there was any kind of other interaction with the concrete object inside the vehicle, correct, other than that?

A. Yes, that's correct.

Q. We do note that -- and this vehicle looks like it came through --

MR. DOHERTY: Which number are you on, which

number photo?

MR. BLADEN: Oh, H19.

BY MR. BLADEN:

Q. Looking at the photograph, it looks like -- the hole in the windshield looks like it came through about on the -- just to the driver's side of the center line of the windshield; is that fair?

A. Yes.

Q. And, again, Mr. Champine doesn't recall how it happened, right?

A. Well, not to me.

Q. He didn't indicate to you how it happened, correct, or where it happened?

A. He did not know specifically how it happened and he did not know specifically where it happened.

Q. In other words, you don't know whether or not he may have seen it and tried to avoid it or something like that?

A. I don't know.

Q. There's no indication of how the whole mechanism worked, whether it just went through his windshield and he was completely oblivious or whether or not he tried to evade it?

A. I don't know the answer to that.

Q. As far as you know, Mr. Champine, he didn't tell

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you if he does know?
A. Right.
MR. DOHERTY: If he does know what?
MR. BLADEN: Whether or not he tried to avoid it.
MR. DOHERTY: Oh, okay.
MR. BLADEN: Whether he did or didn't, you don't know. Can we go off the record for a second?
(Discussion off the record.)
MR. BLADEN: Mark this as Exhibit 2, please.
(Whereupon Deposition Exhibit No. 2 marked for identification.)
MR. BLADEN: All right, back on the record.
BY MR. BLADEN:
Q. Can you examine what's marked as Exhibit 2 and tell me if you've ever seen anything like that before and know what that is?
A. It appears to be the -- an evidence log that we use. I don't use these. This is something that the property room uses to keep track of property.
Q. Have you ever seen one of these before?
A. I've seen things that are similar to this, not this specifically. It's the same software program we use pretty much for everything so....
Q. And your understanding would be this is -- does

it have the -- it says a PI ID number on top, what does that mean?
A. I don't know.
Q. Tag number, what does that mean?
A. Well, that's an evidence tag for a piece of evidence.
Q. Is it your understanding that that evidence tag number is referencing the objects involved in this case?
A. Yes.
Q. That's just on page one. And it mentions here there's an activity log date, a date log; do you see that?
A. Uh-huh, yup.
Q. And that mentions Scott Taylor, it looks like he opened the logging the evidence?
A. Yes.
Q. Who is Paul Houtos?
A. Paul Houtos is one of my sergeants, so that is indicating that that was assigned to me.
Q. It says, clear RMS OIC; what does that mean?
A. Clear is the software we use. And then RMS is report management system, I believe, and OIC is officer in charge, assignment for the incident, and then the incident number. Triggered OIC change to obviously me, and that's because OIC is responsible for maintaining

and/or releasing evidence.
Q. Now, down it looks like on 12-8 -- the last entry, 12-18-2017 at 1:49 p.m. and 52 seconds, release slip created. Released to Department of Transportation, released by Roy -- Robert Roy?
A. Uh-huh.
Q. What does that indicate to you?
A. That the property officer would have released the property at that time.
Q. Okay. Is it your belief, looking at this, that that's talking about the concrete is released to Mr. Spinks?
A. Yeah.
Q. On the --
A. Yes.
Q. -- next two pages, can you identify what those are?
A. These are the release slips that we have people sign when we release property.
Q. To release this particular evidence it would have had to have been authorized by you?
A. Yes.
Q. And did you authorize the release of this evidence?
A. Yes.

Q. And did you ever see these release slips before?
A. Yes.
Q. There's a signature at the bottom there. What's your understanding of what the signature at the bottom is, not necessarily specifically to who's written it there, but is there some sort of an electronic pad?
A. That's actual handwritten. They hand write it. Many times we don't maintain the original handwritten copy of this, we just scan this in, keep an electronic record, and then shred the original one.
Q. So the original is not available as far as --
A. Usually not.
Q. Okay. And this would be a scanned in copy of that?
A. Right.
Q. And you did not see who signed this?
A. I didn't see the person when they signed this.
Q. Okay. It says, released to Department of Transportation by Robert Roy, right?
A. Yes.
Q. And we talked about who Robert Roy was earlier?
A. Yes.
Q. It gives you the date and time it was released, and then it says signature of recipient; do you see that?

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 105

A. Uh-huh, yes.
Q. It reads, it looks like, Marlon Spinks, but we, you know, obviously have to ask Mr. Roy or Mr. Spinks whether that's his signature, correct?
A. Yes.
Q. And there's two different slips. That's for two different pieces of concrete or what is it?
A. Yeah, two different pieces of concrete. The tag numbers are different if you look on the upper right, right below my name.
Q. Would these both have been placed in the same -- in one box or released separately, do you know?
A. I don't know.
Q. You're not sure about how it was released?
A. I'm not sure.
Q. You mentioned that you saw Mr. Spinks in passing when you thought maybe he was there to pick up the object?
A. Yes.
Q. Was he on his way in or --
A. I think he was on his way out.
Q. Did he have a box in his hands?
A. Yes.
Q. Did he have just one box or more boxes?
A. I don't remember.

Page 106

Q. How large was the box?
A. The size of two shoeboxes maybe.
Q. Okay. All right. Two shoeboxes about this big or so (indicating)?
A. Yeah.
MR. DOHERTY: If you've got big feet. I'm kidding.
BY MR. BLADEN:
Q. Well, I don't know, whatever, two shoeboxes?
A. Yes.
Q. And it looked like it could have fit the two pieces of concrete?
A. Yes.
Q. Did you see any tape or tags or markings on the box?
A. There was stuff on -- yeah, there was tape on there.
Q. Tape, like what kind of tape?
A. Clear tape.
Q. All right.
MR. DOHERTY: Why don't I ask just a couple if you're good with that.
MR. BLADEN: Go ahead.

Page 107

RE-EXAMINATION
BY MR. DOHERTY:
Q. Just packing tape basically?
A. Yes.
Q. Is that something Warren PD would do, package it up, or is that something that --
A. No, that's something we would do.
Q. You would do that?
A. Yes. And the reason we do that is just to maintain the property room and storage and we use light boxes to help keep everything clean and consistent.
Q. So everything is stored in a box, generally speaking?
A. Many things are stored in a box.
Q. If it's boxed?
A. Bigger -- yeah, big items are stored in boxes usually, depending on what they are. It just depends on the piece of evidence.
Q. All right. So in theory whatever Mr. Spinks was walking out with would have been a box in which these chunks were stored?
A. Yes.
RE-EXAMINATION
BY MR. BLADEN:
Q. All right. I'm going to show you this

Page 108

photograph, and I think we've produced this already to counsel.
MR. DOHERTY: Yes, I've seen it.
BY MR. BLADEN:
Q. Does this look like the box that you saw Mr. Spinks carrying it in?
A. Yes.
MR. BLADEN: All right. I'll mark this as Exhibit 3 for purposes of the deposition.
(Whereupon Deposition Exhibit No. 3 marked for identification.)
MR. BLADEN: I think I'm all set.
MR. DOHERTY: I'm all done.
THE WITNESS: Okay.
MR. DOHERTY: Thank you, sir.
(Whereupon Deposition concluded at 3:05 p.m.)

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STATE OF MICHIGAN)
) SS
COUNTY OF INGHAM)

I, Melinda Nardone, Certified Shorthand Reporter and Notary Public in and for the County of Ingham, State of Michigan, do hereby certify that the foregoing Deposition was taken before me at the time and place hereinbefore set forth.

I further certify that said witness was by me duly sworn in said cause; that the testimony then given was reported by me stenographically; subsequently with computer-aided transcription, produced under my direction and supervision; and that the foregoing is a full, true, and correct transcript of my original shorthand notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6th day of July, 2018.

Melinda Sue Nardone, CSR-1311,
Certified Shorthand Reporter,
and Notary Public, County
of Ingham, State of Michigan.
My Commission Expires: 10-24-18

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CR No: 170065832

WARREN POLICE DEPARTMENT
29900 SOUTH CIVIC CENTER BOULEVARD
WARREN MI 48093
586-574-4700

PENGAD 800-631-6989 DEPOSITION EXHIBIT / 6-15-18 mn

Case Report

Administrative Details:

CR No 170065832	Subject ASSIST FIRE DEPARTMENT
Report Date/Time 12/17/2017 13:46	Occurrence Date/Time 12/17/2017 13:46
Location 27700 MOUND RD	Call Source Assoc/Clone
Dispatched Offense C3332 Assist Fire Department	Verified Offense C3332 Assist Fire Department
OIC Chisolm, Brent (WRCHISOLMB-00196)	OIC Contact Number
County 50 - Macomb	City/Twp/Village 95 - Warren
Division Patrol	

Action Requested:

[ ] Arrest warrant	[ ] Review only
[ ] Search warrant	[ ] Forfeiture
[ ] Juvenile petition	[ ] Other

PENGAD 800-631-6989 1 DEPOSITION EXHIBIT 7-27-18

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CR No: 170065832

Offenses:

C3332 - Assist Fire Department [WRYOUHANNAM (45045)]

IBR Code / IBR Group	Offense File Class		
/			
Crime Against	Location Type	Offense Completed	
	13 - Highway/Road/Alley/Sidewalk	Not Applicable	
Domestic Violence	Hate/Bias		
No	00 - None (No Bias)		
Using		Cargo Theft	
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No			

People:

CHAMPINE, NORMAN JOSEPH (V-VICTIM) [WRYOUHANNAM (45045)]

Victim Type	Victim of					
I - Individual	C3332 - Assist Fire Department					
PE: / W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms	
	CHAMPINE	NORMAN	JOSEPH			
Aliases	Driver License#	DL State	DL Country	Personal ID#		
	[redacted]	MI	USA			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
[redacted] (35)	M	WHITE				
Complexion	Build	Teeth	Height	Weight	Attire	
			6' 0"	185		
Street Address	Apt #	County	Country	Home Phone	Work Phone	
22541 GASCONY AVE		MACOMB	USA	UNKNOWN		
City	State	Zip	Cell Phone	Email		
EASTPOINTE	MI	48021-2577	5865523611			
Victim Injury						

CHAMPINE, BERNARD JOSEPH (O-OTHER) (PV-PARENT OF VICTIM) [WRYOUHANNAM (45045)]

PE: / W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms	
	CHAMPINE	BERNARD	JOSEPH			
Aliases	Driver License#	DL State	DL Country	Personal ID#		
	[redacted]	MI	USA			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
[redacted]	M	WHITE				
Complexion	Build	Teeth	Height	Weight	Attire	
			5' 10"	190		
Street Address	Apt #	County	Country	Home Phone	Work Phone	
22541 GASCONY AVE		MACOMB	USA	UNKNOWN		
City	State	Zip	Cell Phone	Email		
EASTPOINTE	MI	48021-2577	8104991578			

Property:

3713 - Handgun - Semi Automatic 5413 [WRYOUHANNAM (45045)]

Property Class	IBR Type	UCR Type		
13	13 - Firearms	G - Firearms		
Status		Count	Value	
K - Held For Safe Keeping (Includes Impounds)		1	1	
Manufacturer	Model	Serial No.	License No.	Color
SMITH & wESSON	M&P SHIELD	HRU7826		BLK - Black
Vehicle Year	Body Style	State	License Year	
Description		Disposition	Evidence Tag	
BLK .40 CAL. S&W M&P SHIELD 7 SHOT			170065832.001	
Recovered Date/Time	Location	Owner		

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CR No: 170065832

		[V28972811] CHAMPINE, NORMAN JOSEPH

9918 - Building Materials (Wood, Lumber, Concrete, Brick, Glass, Plumbing, etc) 5443 [WRTAYLORS

Property Class	IBR Type	UCR Type		
43	43 - Building Materials	K - Miscellaneous		
Status			Count	Value
E - Evidence (Including Other Seized Property And Tools)			1	1
Description		Disposition	Evidence Tag	
chunk of concrete that struck motor vehicle			170065832.002	
Recovered Date/Time	Location	Owner		
		[,		
Notes				
chunk of concrete that struck motor vehicle				

9918 - Building Materials (Wood, Lumber, Concrete, Brick, Glass, Plumbing, etc) 5443 [WRTAYLORS

Property Class	IBR Type	UCR Type		
43	43 - Building Materials	K - Miscellaneous		
Status			Count	Value
E - Evidence (Including Other Seized Property And Tools)			1	1
Description		Disposition	Evidence Tag	
chunk of concrete from roadway			170065832.003	
Recovered Date/Time	Location	Owner		
		[,		
Notes				
chunk of concrete from roadway				

3501 - Automobile/Car/Vehicle (not Stolen Or Recovered) 5403 [WRYOUHANNAM (45045)]

Property Class	IBR Type	UCR Type		
03	03 - Automobiles	V - Other Vehicle (not Stolen or Recovered)		
Status			Count	Value
I - Information Only			1	1
Manufacturer	Model	Serial No.	License No.	Color
FORD	FUSION	3FAHP07Z19R162614	CPF9994	BLK - Black
Vehicle Year	Body Style	State	License Year	
2009	4D - 4 Door	MI	2018	
Description		Disposition	Evidence Tag	
BLK 2009 FORD FUSION SE				
Recovered Date/Time	Location	Owner		
		[V28972811] CHAMPINE, NORMAN JOSEPH		

Narrative:

CR No: 170065832-001 Written By: WRYOUHANNAM (45045) Date: 12/17/2017 02:50 PM

ASSIST WARREN FIRE DEPARTMENT

On December 17, 2017 at approximately 1346 hours, I Officer Youhanna was assigned to unit 1H51 in squad car 1. While on duty I was dispatched to the BP Gas station located at 27700 Mound to assist the Warren Fire Department with a subject injured from something being thrown at the windshield of his black sedan. Upon arrival I observed the black 2009 For Fusion bearing

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Michigan license plate, CPF 9994 with a shattered windshield.

Inside the vehicle with the driver side door open and a towel covering his face, was the listed victim, Norman Joseph Champine II. The beige towel was covered in blood coming from Champine's nose and mouth. Champine was in extreme shock and could barely verbalize that a piece of concrete had gone through his windshield, and struck him in the face. I observed the piece of concrete I would describe as a 8-10" in width by 5" chunk of concrete broken off with rough edges. That too was covered in Champine's blood.

When Champine was able to compose himself, he stated that he was driving in lane he could not recall on 696 west bound from Gratiot. As he traveled west bound, Champine could not recall what where he was exactly when he was all of a sudden was struck by an object that shattered and went through his windshield near the driver side of the vehicle. Champine then explained how he got off of an exit he does not recall and ended up stopping at the BP Gas Station. Champine obviously traveled off of west bound 696 and on to the Mound exit, in which he could not recall doing so at this time.

The Warren Fire Department arrived shortly after I retrieved this information while Champine was still in shock and unable to communicate details of what had just occurred. The Warren Fire Department transported Champine to Saint John Macomb Hospital for further observation. An Evidence Technician was requested to process the scene. Evidence Technician Taylor responded to the dispatched location,captured photos of the vehicle and took possession of the piece of concrete that struck Champine. See ET Taylor's supplemental report for further.

Shortly after Champine was transported to the hospital, his father, Bernard Joseph Champine, arrived on scene. I informed Bernard of what had happened to Norman. Bernard stated that he believes Norman was going to a friends house, at an unknown location. I then provided Bernard with an incident number and advised him that Norman was currently at Saint John Macomb Hospital. I then stood by the Ford Fusion until Detective's Chisolm and Murray of the Warren Detective Bureau arrived to observe the Ford Fusion. Detectives allowed me to release the Ford Fusion to Bernard, whom took responsibility and possession of the vehicle.

I then went to Saint John Macomb Hospital to check on the status of Norman and also take possession of a firearm that Norman was carrying on person at the time of the incident. Norman was currently in stable condition under the care of Dr. Hafelein. The Saint John Macomb Hospital Security Staff had the pistol in a secure lock box. I then took possession of the firearm which was unloaded safely with the slide to the rear, and magazine removed. I secured the pistol and transported it without incident.

Detective Chisolm and Murray had asked for my assistance on inspecting all the bridges that the piece of concrete could have come from. I met with Detectives at the area of 10 mile and I-94 where Norman was believed to have started in his travels. I followed Detectives with

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CR No: 170065832

lights activated and blocked the lanes of travel from I-94 to west bound 696, while Detectives investigated the bridges. After the Detectives inspections were completed, I was assigned to inspect the Schoenherr Road, Groesbeck Highway and Hayes Road overpasses. Detectives were in search of a piece of missing concrete that contained striations with the piece that struck Norman. I investigated all assigned over passes with missing pieces of concrete that could have been consistent with the one that struck Norman, negative results.

I returned to the Warren Police Department where I LEIN queried the listed Smith & Wesson M&P Shield (SER# HRU7826) which produced a return to Norman. Norman also has a current and valid Concealed Pistol License (#720664E) issued by the state of Michigan. I placed Norman's pistol on safekeeping in the WPD General Locker under tag number #170065832.001.

CR No: 170065832-002 Written By: WRSOWERSD (44624) Date: 12/17/2017 03:56 PM

SUPPLEMENT REPORT

On 12-17-2017 at 1346 hours, Officer Toth #10 and I, Officer Sowers #163 (1B50) were dispatched to assist Officer Youhanna #115 (1H51) at 27700 Mound in reference to unknown circumstance. See Officer Youhanna's original report for details.

Officer Toth and myself drove w/b I-696 from I-94 and checked all bridges and overpasses for missing/broken off concrete that could of fallen down. All bridges check fine except the Belanger overpass which had a lot of concrete missing from the bridge wall located on east side above lanes #1 and #2.

ET Taylor (K62) processed photos. See his supplement report.

Also we checked the bridges over I-696, (Gratiot, Groveland, Barkman, and Belanger) with negative results of missing concrete from the road.

CR No: 170065832-003 Written By: WRTAYLORS (00191) Date: 12/17/2017 05:32 PM

See Original Report

DB NOTE: Photographs Downloaded.

Author: ETU S. Taylor 191 (1K-62)

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CR No: 170065832

Incident # and Title: 17- 65832 /Assist Fire

Incident location: 27700 Mound

Work location: Same

Work location #2: St John Macomb

Work location #3: w/b I-696 from I094 to Mound

Work location #4: WPD ETU lab

Date/time of request: 12/17/2017 @ 1346 hours

Fingerprints: n/a

Photographs: Downloaded into WPD Document Manager

Evidence Collected: A) piece of concrete that collided with vehicle

B) piece of concrete taken from w/b I-696 at Belanger

On /2017 at approx. 1346 hours, I (Taylor 191 1K-62) responded to 27700 Mound on an ETU request. I arrived on scene and spoke Sgt Ross . See original report.

SCENE WORK PREFORMED:

Using Nikon D7100, at scene 1, I photographed the scene location, the vehicle, damage to the windshield, the piece of concrete that struck the vehicle. I collected the piece of concrete.

Using Nikon D7100, at scene 2, I photographed the victim and the injuries to his face.

Using Nikon D7100, at scene 3, I photographed the scene location and the concrete o the lanes of I-696. I also took a sample of concrete from this location.

Using Nikon D7100, at scene 4, I photographed the both pieces of concrete that were collected to scale and for surface striation comparison. Both pieces were tagged and placed into evidence.

LAB WORK:

Photographs were uploaded to WPD Document Management Program. SD card formatted.

CR No: 170065832-004 Written By: WRCHISOLMB (00196) Date: 12/18/2017 08:20 AM

ASSIGNMENT 12/17/2017

On this date, I (Detective Chisolm), was assigned this complaint.

HISTORY 12/17/2017

See original report.

INVESTIGATION 12/17/2017

While working the weekend detail on 12/17/17 at 1415 hrs., I was contacted by road patrol Sgt. Priest to

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investigate a motorist who was injured by a piece of concrete that came through his windshield while driving on W/B I-696. Norman Champine was currently being treated at St. John-Macomb Hospital.
Det. Murray and I responded to the hospital. Champine was lethargic, with a clear visible wound to the right side of his face. He stated he was driving W/B I-696 from I-94, en route to Royal Oak. He stated he did not know which lane he was driving in, and was struck in the face. He stated he could not remember everything, and pulled off the road. He did not know where the concrete came from. He was in stable condition under care of Dr. Hafelin.
I spoke with ET S. Taylor, who showed me the piece of concrete which was seized for evidence. I viewed one side of the concrete to be flat with parallel striations in the concrete, and the general color was grey.
Det. Murray and I then viewed Champine's Ford Fusion with damage to the front windshield. The site of impact was on the lower portion near the center of the windshield.
Det. Murray spoke with WPD dispatch, and SERESA dispatch, and determined there were no additional complaints of vehicles struck by any projectiles. There were no reports of anyone seeing a suspect intentionally throw an object.
I coordinated with PO's Youhanna, Rose, Sowers, and Taylor to block lanes of traffic W/B I-696 from I-94 in an attempt to locate the source of the concrete. The overhead bridges from I-94 to Mound appeared to be in generally overall good condition, with a more tan style concrete than the chunk that was located in Champine's vehicle. The Ballengar bridge showed signs of disintegration behind an exit side on the east side of the road but the concrete did not appear consistent. All bridges were inspected for gaps in cyclone fencing, roadway deterioration proximate to the freeway, with nothing located. The surface lanes of W/B I-696 contained significant deterioration. There were in excess of one thousand "potholes" from I-94 to Mound. The roadway surface was consistent with the color of the concrete, including the parallel striations and color. While inspecting the roadway, I spoke to Ethan Rymiszewski 2/25/99 586-822-1914 , who stated his vehicle was disabled, and front driver side wheel shredded after he struck a large pot hold near W/B I-696 and Hoover. These observations suggest the concrete came from the road surface, and was kicked up by a large vehicle into Champine's windshield.
I called and spoke to MDPT Maintenance Engineer Marlon Spinks 586-634-3952. He advised there were other prior similar complaints of similar incidents in that stretch of the road. He advised it was slated for repair in 2018. Spinks also advised he did not believe there was any camera footage of the roadway unless a previous request had been submitted to save the recordings. He advised he would coordinate filling of the potholes in that stretch of the road, and may need to obtain the concrete chunk from this incident.
The evidence suggests Norman Champine was struck as a result of the concrete being kicked up from the roadway, and not as an intentional act.

REQUEST TO CLOSE (08)

OIC requests to close this complaint, police procedures completed.
Jacket scanned.

CR No: 170065832-005 Written By: WRBRAUNSCHNEIDERB (00086) Date: 12/18/2017 02:07 PM

RECEIVED by MSC 8/30/2021 2:33:45 PM

CR No: 170065832

12-18-2017:
Marlon Spinks
State of Michigan
Department of Transportation
Metro Region

26170 21 Mile Road
Chesterfield MI 48051
586-634-3952
586-421-3925
spinksm@michigan.gov

Mr. Spinks came into the CID and advised that he was investigating this incident for the State of Michigan, Department of Transportation. He was idenified and furnished with a copy of the police report, scene photos, and the concrete rocks that were involved in this incident. Spinks took possession of the concrete for the State and advised that they would be secured by the State of Michigan as part of the chain of custody (evidence) in this matter. WPD Evidence tags #170065832.002 & .003.

Spinks will follow-up with Det. Chisholm when he concludes his investigation. He was provided with business card for myself and Det. Chisholm.

CFS Narrative By: WRROSED (41005)

Checked 696 for overpass debris. None located

CFS Narrative By: WRSOWERSD (44624)

SEE FORM 11

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Attachments:					
File Name	File Type	Comments	Date	By	Role
Attachments Included In This Report:					
17-65832 docs.pdf	pdf	jacket	12/18/2017 10:25 AM	CHISOLM, BRENT	INVESTIGATOR

Warren PD Incident Report
0/2021 2:33:45 PM

City of Warren Police Department

Chisolm

Norman Champion ..... Complainant
22541 Gaskin
Eastpointe, MI 48021
586 552 3611

Comp. No: 17-65832
Charge: MDOP ~~AA~~ PA

Suspects:

Evidence Contained: Form 11



Yokum ..... Officers
Chisolm ..... Assigned

Status: 12/17/17 Assigned
12/18/17 Request to Close (08

Pending 12/17/17 Closed

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CHAMPINE v. MICHIGAN DEPARTMENT OF TRANSPORTATION

MARLON SPINKS

September 17, 2018

Prepared for you by

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STATE OF MICHIGAN
IN THE COURT OF CLAIMS

NORMAN CHAMPINE,
Plaintiff,
vs. Case No. 18-000028-MZ
Hon. Michael J. Talbot
MICHIGAN DEPARTMENT OF
TRANSPORTATION,
Defendant.

The Deposition of MARLON SPINKS,
Taken at 26170 21 Mile Road,
Chesterfield Township, Michigan,
Commencing at 1:08 p.m.,
Monday, September 17, 2018,
Before Valerie Jo Lohr, CSR-6212.

APPEARANCES:

PAUL F. DOHERTY
Johnson Law, PLC
535 Griswold Street,
Detroit, Michigan 48226
(313) 324-8300
pdoherty@venjohnsonlaw.com
Appearing on behalf of the Plaintiff.

PHILIP L. BLADEN
Michigan Department of Attorney General
Transportation Division
Van Wagoner Building
425 West Ottawa Street
Lansing, Michigan 48933
(517) 373-1470
bladenp@michigan.gov
Appearing on behalf of the Defendant.

ALSO PRESENT:
Jennifer Sarkisian

TABLE OF CONTENTS

WITNESS	PAGE
MARLON SPINKS	
EXAMINATION BY MR. DOHERTY:	4
EXAMINATION BY MR. BLADEN:	80
REEXAMINATION BY MR. DOHERTY:	95

EXHIBITS

EXHIBIT	PAGE
(Exhibits attached to transcript.)	
DEPOSITION EXHIBIT 1	15
DEPOSITION EXHIBIT 2	16
DEPOSITION EXHIBIT 3	72
DEPOSITION EXHIBIT 4	72
DEPOSITION EXHIBIT 5	78
DEPOSITION EXHIBIT 6	91
DEPOSITION EXHIBIT 7	95

Chesterfield Township, Michigan
Monday, September 17, 2018
1:08 p.m.

MARLON SPINKS,
was thereupon called as a witness herein, and after having first been duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION

BY MR. DOHERTY:

Q. Let the record that this is the deposition of Mr. Marlon Spinks. It's being taken pursuant to notice to be used for all purposes allowed under the Michigan Court Rules.

Mr. Spinks, my name is Paul Doherty. We met briefly before the deposition. I represent Mr. Norman Champine in a lawsuit which is pending against the Michigan Department of Transportation.

If you would give us your full name.

A. Norman Spinks.

Q. And you current employment is what, Mr. Spinks?

A. I'm the assistant construction engineer for Macomb TSC.

Q. Macomb TNC?

A. TSC, Transportation Service Center.

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MARLON SPINKS
September 17, 2018

Page 5

Q. That's a division of MDOT?
A. Yes, sir.
Q. You're employed by the State of Michigan?
A. Yes, sir.
Q. And are you an engineer?
A. Yes, sir.
Q. Whey don't you give us your educational background since high school.
A. Since high school, I went to Mount Carmel. That's in Chicago, Illinois. I graduated there.
Q. What year?
A. In '92.
Q. Okay. What was your degree?
A. No, that's just the high school. You said since high school.
Q. Oh, since high school. I'm sorry.
A. Oh, okay. Okay. So after that I went to Southern Illinois University in Carbondale.
Q. Okay. And what degree did you get there?
A. It was a bachelor's of science in civil engineering.
Q. And what year did you receive that?
A. In '97, I believe. Then I attended some grad school for business.
Q. Any graduate degree?
A. No. No.

Page 6

Q. And then what was your first full-time employment?
A. With Ruettiger Tonelli & Associates. That's out of Chicago. They're a surveying -- and please don't ask me to spell it, because I can't.
Q. Whitaker, is that it?
A. No, Ruettiger Tonelli --
Q. Ruettiger?
A. Ruettiger.
Q. Okay.
A. Tonelli & Associates.
Q. All right. Civil engineer there?
A. Actually, I worked in surveying, but yes.
Q. And what were, if you recall, your inclusive dates of employment, from when to when?
A. Oh, you're sure asking a lot.
Q. Trip down memory lane for you.
A. Yeah. And you can't quote me, because I really don't remember.
Q. Yeah, just approximate dates.
MR. BLADEN: Well, we are exactly quoting you, so.
THE WITNESS: I know you are physically quoting me, but I'm going to put on the record that this is a guess.
BY MR. DOHERTY:

Page 7

Q. Yes. That's fine.
A. I'm going to say '98 maybe to the summer of '99. I'm guessing.
Q. Okay. And where did you go after that?
A. I went back for some more grad classes while my wife finished up.
Q. Is that business also?
A. Yes, that was business.
Q. Okay. And then where was your next full-time employment after that?
A. When I came here in --
Q. Came here, being Michigan?
A. Michigan, yes.
Q. Okay.
A. That would be with -- what are their names? It was an engineering surveying firm out of Grand Rapids, and I'm trying to remember their name. I can't recall their name right now. But that was about a year there before starting here at MDOT.
Q. And when did you start with MDOT?
A. 2002.
Q. And what was your position then?
A. Traffic and safety engineer for Grand Rapids TSC.
Q. How long were you there?
A. Approximately two years.

Page 8

Q. All right. So that takes us to about 2004 or so. Where did you go then, what position?
A. I went to Port Huron TSC as their traffic and safety utilities and permits engineer.
Q. Okay. How long there?
A. About two years there.
Q. That takes us to about 2006 or so.
A. And then I went up to the Blue Water Bridge.
Q. Okay.
A. As their maintenance engineer till 2008.
Q. Okay.
A. Then I came down to Macomb TSC as the utilities and permits engineer.
Q. Okay.
A. Till about 2012 when we had the reorganization.
Q. And what did you do after the reorganization?
A. I became the maintenance engineer for both Macomb and St. Clair. We combined offices and became the Macomb/St. Clair TSC. So my responsibility was maintenance engineer for both Macomb County and St. Clair County.
Q. Okay. And how long in that position, 2012 until about when?
A. About April. But they did switch and they broke off and they just became Macomb TSC.

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MARLON SPINKS
September 17, 2018

Page 9

Q. Okay. April of what year?
A. That was before that.
Q. Okay.
A. I'm sorry. I want to say -- what was that, 2015, '16ish.
Q. Okay.
A. Where I just became a maintenance engineer for Macomb County. So still at Macomb TSC, but St. Clair County got put under a different region.
Q. Okay.
A. Until about April here where I interviewed for the assistant construction engineering job.
Q. And that would be April of '18?
A. Of '18, uh-huh.
Q. And then you became the assistant construction engineer?
A. Yes, to current.
Q. Okay. So we're here concerning an incident which occurred in late 2017. So you would have been the maintenance engineer for Macomb County?
A. Yes, sir.
Q. That was your title, maintenance engineer?
A. Yes.
Q. All right. And you had been in that position approximately since 2012 or so?

Page 10

A. Yes, sir.
Q. And if you can, give me sort of an overview or general description of what the maintenance engineer does.
A. Okay. The maintenance engineer in this area --
Q. Meaning Macomb?
A. Yeah, Macomb. That was -- oh, you want to know --
Q. That's fine. Macomb County is fine.
A. So in Macomb basically I'm responsible -- Macomb County is our contractors for doing maintenance in Macomb County.
Q. So Macomb County Road Commission?
A. Yes, sir.
Q. Okay.
A. So I oversee their day-to-day work, budget. There are also a number of cities that also are under contract with MDOT. I oversee their budget and their day-to-day activities on MDOT routes only.
Q. All right. When you say you oversee their budget, explain to me a little bit what that means?
A. So they're given a budget year to year, each area where there's a county or a city.
Q. Okay.
A. A working budget that they're supposed to do all winter maintenance and non-winter maintenance. So when I say oversee their budget, to try to make sure they fall

Page 11

within the guidelines of that budget, make sure the work that they do is per contract.
Q. Okay. So trying to get at that a little bit more. As they do work, are they submitting invoices or how did they --
A. They do monthly invoices for the county and quarterly invoices for the cities in a program we call LAPS, which is Local Agency Payment System.
Q. Okay. So let me just give an example. Let's say I'm just picking numbers out of the air. You've got a $1 million contract with Macomb County Road Commission. Would that be for the entire year and then they bill against that?
A. Yes, sir. They have an overall budget for that year.
Q. Okay.
A. And, yes, depending on the activities, we divvy up that budget between the different activities, whether that's winter maintenance, whether that's surface maintenance, whether that's grass cutting, signs, signals.
Q. Okay. And for maintenance of I-696 in Macomb County, is that under the jurisdiction of Macomb County Road Commission?
A. Well, it's the jurisdiction of MDOT, but we contract that out for maintenance to Macomb County.
Q. Okay. Let's say for 2017, would there have been

Page 12

someone at the Macomb County Road Commission that would have been primarily responsible for overseeing the work that Macomb County Road Commission did?
A. They do have an area foreman, and that gentleman's name is Jim Rogers, of the area at that time.
MR. BLADEN: How do you spell Rogers?
THE WITNESS: R-o-g-e-r-s.
BY MR. DOHERTY:
Q. What was the first name?
A. Jim.
Q. And would Mr. Rogers be someone you would have worked with regularly and closely?
A. Yes. He's the foreman. There are assistant foremen as well. So each area -- they have, I believe, four areas, service centers.
Q. Okay.
A. Under that they have -- every area has a foreman, and then every area has one to two assistant foreman.
Q. Okay. As far as planning and scheduling of maintenance, is that an MDOT function or a Macomb County function?
A. It's kind of a combined function. So we have eyes on the road as well as they do. Their day-to-day activities, sometimes they would recommend and I would approve, or if I had specific things for them to do, we

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would schedule it that way. So it's a combined effort.

Q. Ultimately, approval of maintenance is your responsibility?

A. Yes.

Q. So when you say they have eyes on the road, I take that to mean you have employees at that both agencies that travel the roadways and if they see a problem --

A. We note it.

Q. -- it gets to you and it gets to Mr. Rogers if it's a 696 issue. And then did the two of you then talk about what needs to be done or when it should be done?

A. Yes. And sometimes -- you know, it's not always -- sometimes they recommend that we're going to do this because they've seen it, and I just say okay.

Q. Okay. Their recommendations, I assume, are more than just verbal, or are they?

A. No. Most of the times they are, unless they're going out. You know, they're routine maintenance. They've been doing it for years. So, no, a lot of it was verbal, and then they would follow up with an e-mail notification that they were going out and doing certain things.

Q. Okay.

A. Under routine maintenance. There were spot treatment things that would be verbal. I need to go do this. I

need to go fill a hole here. I need to go -- you know.

Q. That was going to be the question. So if a big pothole opened up somewhere, you might get a call from a citizen?

A. Yes, SEMTOC or police, state police, local police.

Q. Okay. Let's talk about 696.

A. Uh-huh.

Q. I'm an east-sider. I travel the west side all the time. I don't know any other way other than saying it. It seems like the degree of degradation, the amount of degradation, the speed of the degradation on 696 became fairly well known in the community. Is that something that you would agree with? I'm trying to get at what was going on out there.

MR. BLADEN: Object to form and foundation. Go ahead.

THE WITNESS: I would say that it needed routine maintenance.

BY MR. DOHERTY:

Q. Okay. Did you ever consider the amount of degradation of the stretch, say, from 94 through I-75? Let's just focus on that. That would be Macomb County?

A. That would be my area to Dequindre, not 75.

Q. Okay. After that would be Macomb County?

A. Oakland County.

Q. I mean Oakland County. So from I-94 westbound to Dequindre?

A. Uh-huh.

Q. Okay. And let's just pick, say, the beginning of 2017 as an example. Is there a way to generally describe the condition of that freeway in that stretch?

A. Like I said, it probably needed more routine maintenance, so we had eyes on it a lot. There was a lot of potholing coming out of that road, so we were constantly trying to keep our eyes on it. And between the customer citizens and the calls from SEMTOC, which is our cameras and police, yes, we --

Q. So when you're saying SEMCOG --

A. SEMTOC. It's Southeast Michigan Traffic Operations Center. So they have cameras, and that's just the big DMS signs. So they do have that, and they have security patrol who also patrol the area.

MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 1
1:22 p.m.

BY MR. DOHERTY:

Q. I'll show your counsel what I've marked as Exhibit 1. You take a look at it. I'll represent to you that this was a photograph produced by the Warren Police Department and further represent to you that that's

I-696. The routine maintenance that you made reference to, would the conditions in that photograph be representative of areas that would be either in need of routine maintenance or had been maintained in some way?

A. Well, from what I can see here, there was some that had been routinely maintained. And we do that in the winter by cold patch. And I see some areas that may have -- I can't really tell, because it's not a good enough photograph, that may need or have been.

Q. Okay.

A. I see dark areas that could have been.

MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 2
1:23 p.m.

BY MR. DOHERTY:

Q. Okay. I'd show that to your counsel, Exhibit 2. Again, I'll represent to you that's a photograph from the Warren Police Department. And know that's -- it could be a pretty generic piece of concrete, but I want to just ask you about what's shown in that picture. Would you describe what's depicted there, please.

A. It looks like a spall in the roadway.

Q. S-p-a-l-l?

A. Yes.

Q. And how do you define spall?

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A. That's just a sheer piece of concrete that because of one reason or the other popped out of the roadway.

Q. Did you say a sheer piece of concrete?

A. I mean, it looks like water got under in a crack and spalled it out, which means it dislodged from the rest of the roadway.

Q. Okay.

A. It looks like also to me that parts of that had been addressed with cold patch and some parts of the cold patches has come out.

Q. Okay. Now, let's make sure we understand what cold patch means. Describe that for me.

A. It's a temporary material we use in the winter because we cannot get hot mix asphalt, which is a more stable material to put on the roadway. So cold patches are a temporary material that's pretty much put in the hole to prevent concrete from coming out, cars from busting tires. So it's our winter treatment for the roadway for the most part.

Q. Okay. And would this be with a crew with a dump truck with the bed propped up and some asphalt --

A. Yes.

Q. -- take a shovel, you put it in the hole, you tamp it down a little bit?

A. Yes. And typically they try to roll it, so there's an

assembly of vehicles. It's not just one vehicle, especially on 696. It's a convoy. So we have to shut down a minimum of two to three lanes at a time. So typically routinely you'll probably have five or six vehicles in that row. We shut that and move traffic over with arrow boards. And so that front truck, like you said, is the dump truck. They put it in. And the rest are rolling, and they try to hit those as they go. But they tamp it down with a shovel as well.

Q. Okay. So when you said rolling it, you're not rolling the asphalt?

A. With a roller. No. It's rolling with the tire of the vehicles.

Q. Okay. So to try to compress it?

A. Yes.

Q. Make it a little more stable?

A. Yes.

Q. A little more durable?

A. Yes.

Q. All right. And when that kind of operation is done on 696, Dequindre to 94, is that done by Macomb County Road Commission typically?

A. Yes.

Q. Does MDOT ever go out there and do it, or is that Macomb County?

A. We don't have -- yeah. We don't have direct forces here in Macomb, so that would always be MDOT. Now, there has been instances where a city sees something. Because I have several cities, Eastpointe, Roseville, Warren, if they saw something, I remember I recall in the past that they have been out there and they'll catch a hole out here. But not routinely.

Q. So you're talking on 696?

A. Yes, sir.

MR. BLADEN: Just a clarification. You said always be MDOT. Did you mean MDOT?

THE WITNESS: What did I say?

MR. BLADEN: Can you read back his answer where it's asking about who would do the routine maintenance.

THE WITNESS: That would be Macomb County. I said MDOT?

MR. BLADEN: Yeah. I just want to make sure that was clear.

THE WITNESS: Yeah, road commission.

BY MR. DOHERTY:

Q. Okay. So any maintenance on 696 other than an occasional city performed maintenance would be Macomb County Road Commission?

A. Yes, except for the various locations. You know, MDOT

direct forces do take care of the structures that are out there.

Q. Meaning what, the bridge?

A. The bridges, the lighting.

Q. The dividing wall?

A. The median wall would be Auburn Hills, sometimes with assistance from Macomb County.

Q. Okay.

A. Department of Roads now, I guess.

Q. And I'm jumping around a little bit. But in this case we had the police after the incident went to the scene, the scene being 696 westbound west of the Gratiot onramp, to try to determine some evidentiary issues. And they indicated that in their estimation there were over 1,000 potholes between Gratiot and Mound. The amount of potholes and repair work that had been done in that area, say, from the beginning of 2017 forward, do you consider that typical for a stretch of freeway, high for a stretch of freeway, low for a stretch of freeway?

A. It's really -- without counting, I can't say that.

Q. Okay.

A. You know, for that stretch -- an eight-mile stretch, I have no idea. I can go out and count potholes, so.

Q. The bottom picture shows what appears to be degrees of

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 21

patch work down a limited stretch of the freeway. Do you see that?
A. Yes.
Q. Okay. Would you consider that picture to represent an area of either a high amount of repair work, an average amount of repair work, or a low amount of repair work?
MR. BLADEN: I'll object to form and foundation. Go ahead.
THE WITNESS: Now, that's very general to take a small and try to compare. But if I had to answer, I would say average.
BY MR. DOHERTY:
Q. Okay. Each time that Macomb County went to 696 westbound and performed work, would there be a written document evidencing what they did, the amount of work they did, and what was done?
A. That would be reflected through their billing. Now, they did give notice. But every time? No. Sometimes we needed to activate and go do it, so we did it.
Q. Okay.
A. And they just notified me after. But all of that is reflected in the billing they do, from the amount of employees to what equipment they use, material.
Q. And for that stretch, again, it would be Jim Rogers who would have the knowledge regarding what went on?

Page 22

A. Somebody in the Macomb, you know, Department of Roads keeps that information.
Q. Okay. Now, on eastbound 696 in that same stretch, Dequindre to 94, it appears as though there was a different kind of repair work done out there, different when compared to the cold patching that you've referred to. Are you aware of that?
MR. BLADEN: Objection to form and foundation. Go ahead.
THE WITNESS: When are you talking?
BY MR. DOHERTY:
Q. Well, I'm talking -- I would assume it happened sometime in late 2017, early 2018.
A. So you're referring to -- we did an emergency patch job on eastbound.
Q. Okay. Tell me about that.
A. That was hiring a contractor, having him open his HMA plant.
Q. What's that?
A. Hot mix asphalt.
Q. Okay. Do you remember who the contractor was?
A. Cadillac Asphalt.
Q. Okay. So there was an emergency patch job, you had Cadillac Asphalt open up its HMA plant?
A. Yes.

Page 23

Q. Tell me about what else happened as far as this emergency patch job?
A. So on the roadway, they took mills, milled out and removed some of the -- what -- the term you used, bad areas of the roadway.
Q. Okay.
A. So where you were potholing and stuff like that, they milled it and evened it out as best they could.
Q. So is another way of saying that is they cut sections out?
A. Milled and cut is two different things. They didn't actually take saws and cut. A milling machine has teeth on it that mills the concrete asphalt.
Q. Down to the lower --
A. To a certain depth.
Q. Okay. Is it like kind of a -- this milling is almost like a cutting device?
A. It is a cutting kind of device, yes.
Q. It seems as though the patched areas are very squared off?
A. Straight.
Q. Straight?
A. Yeah, straight. Yeah. It's a milling. So it kind of mills. It has teeth that kind of slowly grind those areas up.

Page 24

Q. Okay.
A. And it's pretty straight.
Q. And then after that area was milled, what was the process?
A. So after that, you know, because it was during the wintertime and cold temperature, they would heat, unless we got the temperatures right to treat. What you do after that is put a tack coat down, which is a bonding between the concrete --
Q. T-a-c-k, tack coat?
A. Yes. And that bonds the new material with the old, and then they put hot mix asphalt down and rolled it in.
Q. Okay. Were you part of the, I want to call it the process, whatever went into deciding whether the emergency patch job would be implemented or whether it was necessary?
A. I gave my input. But was I part of the decision making process of that? No.
Q. Do you know how that decision making process went down?
A. That would be in the region office. I was not a part of that.
Q. And which region office are you referring to?
A. The Metro Region Office.
Q. Is that what it's called?
A. Yes, MDOT Region Office.

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Q. And where is that located?
A. That's down on Nine Mile in Southfield.
Q. Were you part of any meetings at the region office during which the emergency patch job was discussed?
A. We did have routine maintenance meetings, so after it began, I believe there was discussion about it.
Q. So routine maintenance meetings occur at the regional office?
A. Well, they circulate all over to each of the offices.
Q. Okay. So the one you're talking about where that topic came up, this emergency patch job, it was part of a routine maintenance meeting?
A. Well, yeah. I'm just saying in general. I don't know what meeting it was brought up in. But for me to say it was never brought up, it was brought up. People -- we talked about it, yeah.
Q. Okay. What was prompting the discussions about an emergency patch job?
A. I don't know initially what started it. That came out of region leadership. But I think because of the way the roadway was behaving as far as a lot more potholing that winter because of the changes in temperature is what I'm going to assume. Like I said, I wasn't there.
Q. Right. But I guess as far as --
MR. BLADEN: Don't make any assumptions. But

go ahead.
BY MR. DOHERTY:
Q. As far as the discussions you did take part in during which this emergency repair -- emergency patch job was discussed, were you in any such meetings?
A. After the fact once the decision was made to do an emergency patch job, yes, I was involved. And it wouldn't be typically meetings. It's putting the actual job together.
Q. Okay. Sort of putting the plan into motion?
A. Yes.
Q. Okay. What would your role have been in that process?
A. I helped write the request for proposal, so pretty much the scope of work along with a team, assisting contracting that out.
Q. Okay. So the RFP you had some role in drafting?
A. I had a major role in drafting.
Q. Okay. So it would have been mainly your product it sounds like?
A. With some assistance.
Q. Okay. And is that then, per MDOT protocol, disseminated to area contractors with the invitation to make a proposal to do the work?
A. Yes.
Q. Okay.

A. Through the emergency contracting process.
Q. And do you recall when your RFP went out?
A. I want to say maybe December, January-ish.
Q. So December '17, January of '18?
A. Yes. I can't recall the exact date when it went out, so between that time period I believe it went out.
Q. And if you know, was another motivating factor that the stretch of westbound freeway was going to be taken out and all eastbound traffic would be running on eastbound lanes more heavily? You know, it seemed as if it coincided with the decision to take out the freeway completely.
A. Well, that was --
MR. BLADEN: Objection to form and foundation. Don't speculate. If you know, go ahead and answer.
THE WITNESS: I don't know why that was. We were still continuing to do routine maintenance, so.
BY MR. DOHERTY:
Q. On the freeway up to the point that it was --
A. No. We still continued. While they were on eastbound doing the emergency, we were on westbound doing routine. So there was both activities going on, both emergency contract going eastbound and routine maintenance on westbound.

Q. Okay. Do you know why the emergency patch work did not extend to the westbound lanes?
A. No.
Q. Okay. Did you ever question, why are we doing emergency patch work on the eastbound lanes but not the westbound lanes?
A. I had an opinion about it.
Q. Tell me what your opinion was.
A. We're going to construct it, so routine maintenance --
Q. You said --
A. It's under -- it was under reconstruction.
Q. Okay.
A. That is my opinion.
Q. So the westbound was the first to come out?
A. Yes.
Q. All right. So the eastbound was going to be existing longer than the westbound tear-off would?
A. Yes.
Q. Okay. In fact, they just now recently started taking out the eastbound lanes?
A. Yes.
Q. Okay. And traffic is now all diverted to the westbound for eastbound traffic?
A. Yes.
Q. It's a great freeway now, by the way. It's like glass.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 29

MR. BLADEN: Hopefully not too much like glass.

BY MR. DOHERTY:

Q. Well, good coefficient, smooth as glass. Let's put it that way. I don't think you're going to slide on it. And like I said, as an east-sider, I appreciate the replacement.

All right. So the RFP went out, and to your knowledge, Cadillac Asphalt was the winning bidder?

A. Yes. Yes.

Q. And did they -- well, this is a dumb question. But did they then subcontract out pieces of it, for example, the grinding procedure, or did they have equipment to do that?

A. Yes.

Q. So they subcontracted?

A. Yes. The area -- the contract was not only for 696, but portions. So, yes, they did subcontract out various operations.

Q. The process to let the emergency patch job, how do you get word that an RFP is requested for that kind of work?

A. Well, we see that, you know, there's a need once the decision is made that it's an emergency, which means we need to act fast. How do I get the word that an RFP --

Page 30

typically for smaller jobs, the maintenance engineer or somebody in this county as far as MDOT, see the issue, they bring it up, we go investigate and determine that, hey, we need to address this now and we can't address this through routine maintenance.

Q. Okay. So I know you said you were in meetings where the emergency patch job topic came up even though it was a decision made at a higher level to actually do it, to implement --

A. To improve it.

Q. To improve it, implement dollars for it. Do you recall how much money was allocated for the emergency patch job?

A. I believe the contract bid for that -- I don't know if it was allocated. When we put that out, we don't allocate money. It's an emergency job. We put it out, and the bids come back. So whether somebody else allocated money for it, I don't know. But it's bid out, and we get the bids back and money is there.

Q. Okay.

A. Because it's an emergency job. It needs to be done.

Q. So you look at the bids, you look at how much each contractor claims it needs to do the work, and then you decide from there?

A. Yes. Based on the scope of work and their

Page 31

qualifications, they bid and we take -- it's a low bid process just like everything else.

Q. Right. Do you know what Cadillac Asphalt's bid was? If you don't remember, that's fine. But if you have it --

A. I don't know exactly.

Q. Okay. I'm just throwing out numbers. Is it a $5 million job, is it a $1 million job?

A. Initially, I want to say it was between three and five.

Q. Okay.

A. Initially.

Q. Okay. And if in the process of Cadillac doing the work, if they believe additional work is necessary or more dollars might be required, is there a mechanism for them to come back to you or your agency to say, look, the scope has expanded a bit, we need some additional dollars?

A. So, yes.

Q. Okay.

A. Either we determine because of the amount of work and what was necessary we need to continue. It's an estimate.

Q. Okay. Do you know if they came in under, over, or at budget?

A. I don't believe there was a budget.

Page 32

Q. I'm sorry. At, below, or above the bid.

A. It was above the bid, but there was additional work added.

Q. Okay. Have you taken part in any work to try to determine whether there was any issue with the mix content of any of the concrete on 696?

A. No. In my position, no.

Q. Okay. Do you know if that's been done by anyone?

A. That not that I'm aware of.

Q. And, again, kind of as an aside, I know, and this might not be anything you deal with, but there was some issues with the new stretch of freeway that was installed.

A. Okay.

Q. And there was some portions, I believe, that were just laid that were taken out. Do you know anything about that?

A. Can you be more --

Q. I can, but I only know what I heard in the news, that there was a mile or two section that had to be replaced or redone or something like that.

MR. BLADEN: Object to form an foundation. If you know anything about that, go ahead.

THE WITNESS: I don't know that.

BY MR. DOHERTY:

RECEIVED by MSC 8/30/2021 2:33:45 PM

MARLON SPINKS
September 17, 2018

Page 33

Q. Okay. So if for, let's say, the years 2015, '16 and '17, if we want to see all records that relate to the patching of 696 by Macomb County Road Commission, where would those records be kept?
A. At Macomb County. Now, they do submit invoices through our system. So basically the numbers -- the people go into our system as well.
Q. Okay. And for those three years, '15, '16 and '17, the patching that occurred on 696 would have occurred how? In other words, for example, were there certain days, go out and patch, was there problem days where there were reports of potholes, go out, or all of the above?
A. All of the above.
Q. So there would be routine cold patching, is that a way to say it?
A. Yes.
Q. And who sets those schedules?
A. Again, it's a combination of MDOT and Macomb County. Sometimes it's based on resources and availability.
Q. So if there is a routine patching schedule, is that something your office would do?
A. No. It wouldn't be a routine patching schedule, per se.
Q. Okay. Is there such a thing as routine patching though?

Page 34

A. There is routine -- well, if you describe routine, so we don't take a month and say this day, this day, this day.
Q. Okay. Then how would you do it?
A. So based on them and I going and reviewing the roadway --
Q. That would be Macomb County Road Commission?
A. Yes.
Q. Is there one person in particular that would do that?
A. I mean, in their office, probably several different people would do it.
Q. Okay.
A. But I dealt with Jim Rogers for the most part.
Q. Okay. And let's say, for example, it was Jim. Would you just drive it one day?
A. We would discuss it. So I wouldn't be in a truck with him.
Q. Okay.
A. He wouldn't be in a truck with me.
Q. Okay.
A. We would -- we both visually inspect the roadway. I drive that quite frequently as part of my job. So if I noticed an issue or he noticed an issue.
Q. Do you know if before the emergency patch job was considered, did you supply any information to the

Page 35

regional office, for example, that an emergency patch job is perhaps necessary?
A. We did have discussions on the type and what that roadway -- the condition of that roadway.
Q. So when we say the condition of the roadway, we're talking 696, correct?
A. Yes. That was part of the conversation.
Q. Okay.
MR. BLADEN: Object to form and foundation.
The emergency patch job was eastbound, correct?
THE WITNESS: Correct.
MR. BLADEN: All right.
BY MR. DOHERTY:
Q. Right. But did you provide, if you recall, information that was considered as part of whether to implement an emergency patch job on eastbound?
A. Yes, I believe I did.
Q. And that would have been through these meetings or in writing or e-mails?
A. It could have been all of the above.
Q. Okay. And what was it about eastbound 696 that made it in your mind, something that required an emergency patch job?
A. With the amount of traffic that's --
MR. BLADEN: Hold on a second. Object to

Page 36

form and foundation. I don't think we established whether or not he recommended an emergency patch job yet, but go ahead.
THE WITNESS: My opinion is because of the amount of traffic that was going to go, because of the construction of 696 and westbound was going to be constructed with traffic moved over, it was going to get more traffic, so.
BY MR. DOHERTY:
Q. Okay. Well, as I recall, when westbound was closed, eastbound remained open?
A. Yes.
Q. And westbound traffic was never diverted to the east side?
A. No.
Q. That's incorrect?
A. No, you're correct. Yes.
Q. Okay. So eastbound remained eastbound until the westbound lanes were completed?
A. Uh-huh.
Q. Correct?
A. Say that again.
Q. Eastbound remained eastbound and traffic going east went in the eastbound lanes until the westbound was completed, and then eastbound was diverted over to the

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 37

westbound lanes?
A. Yes.
Q. Okay. For some reason, MDOT has concluded they would rather have people be able to go eastbound throughout this entire construction project?
A. Yes.
Q. I'm not sure what is behind that. I don't know if you know.
A. It was easy -- and, again, this is my opinion.
Q. Yeah.
A. It was easier to transition going east than west.
Q. Okay. So it seems to me if you're closing the westbound traffic, closing the westbound lanes, that that wouldn't necessarily cause more traffic to be running eastbound.
A. Not necessarily, but longer. I'm sorry, longer.
Q. So the eastbound lanes had to survive, so to speak, for a longer amount of time under a repair situation before it was replaced?
A. Yes.
Q. Okay. So your thinking was, we need to do a patch job that perhaps has more durability than the cold patch?
A. Well, I wouldn't say my thinking, but my understanding.
Q. Okay. But, I mean, given your experience and education as a civil engineer, maintenance engineer, would you

Page 38

say that the kind of repair done on the eastbound lanes by Cadillac Asphalt would likely be a more permanent-type repair or last longer as compared to the kind of patch work that was done on the westbound lanes?
A. Definitely the repair -- the emergency repair that Cadillac did is, in my opinion, better than routine maintenance.
Q. Okay. And routine maintenance is the cold patch we talked about, shovel, ride over it with the truck?
A. Yes.
Q. Okay. So in your mind, one of the things that was an influencing factor to you regarding the emergency patch and the way it was going to be done was that it was going to have to exist that way while the westbound was being torn up and cars would continue to ride on it?
A. Yes. It was going to have to last a longer time.
Q. Okay. Was there any appreciable difference between the westbound lanes and the eastbound lanes, let's say, in November of 2017, their condition of either repair, disrepair, number of potholes, things like that?
A. I can't -- I didn't -- again, I didn't count the potholes. But I would say there were parts that were similar and there was parts that were not.
Q. Okay. But overall and generally speaking, it's not

Page 39

like you would say, oh, my gosh, the westbound lanes were in much worse condition than the eastbound lanes? Were they about the same overall?
A. Again, that's a hard question to answer, because they were different.
Q. Okay. So parts of westbound were worse than eastbound, and part of eastbound were worse than westbound?
A. Correct.
Q. Is that a way to say it?
A. Yes.
Q. Okay. I'm going to show you -- I'm not going to even mark it just yet. I'm going to show you some documents that were produced by MDOT in this case. I'll show them to your counsel first. But for lack of a better way of describing it, these are notices to the State regarding vehicle damage on 696 for various reasons including concrete debris hitting vehicles. So first off, do you see these kind of documents in the scope of your work?
A. Yes.
Q. Okay. Tell me about how you see those, under what conditions.
A. These are damage claims that are submitted to our office.
Q. When you say our office, would that be the office we're

Page 40

here at today?
A. Yes.
Q. All right. So somehow they're transmitted to this office?
A. Well, this one seems like it was in Oakland.
Q. Okay.
A. So this would not be ours.
Q. All right. Let's see what we have. It says westbound 696 under Dequindre overpass.
A. Dequindre --
Q. That's the cutoff?
A. Yes.
Q. Okay. It looks like these are all Oakland. It's something I've got to address with Mr. Bladen. But you get forms similar to these then, is that it, in your office?
A. Yes.
Q. This is an Oakland Transportation Service Center Michigan Department of Transportation complaint form. Would you get one that's titled different than Oakland Transportation Center?
A. It would say Macomb.
Q. Okay. So when someone submits a claim form within your jurisdiction, it comes into this office, this being the office we're at today, and then it's somehow routed to

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you?

A. Not all of these come to me, no.

Q. Okay. Which ones do?

A. I mean, it's random. Typically, if it's concrete falling from an overpass, we want to go look at that overpass. So I requested to see everything concrete related.

Q. What about concrete that is believed to have come off the road itself, does that come to you?

A. Yes. I would say it's concrete related so, yes, those would come to me. But typically just to verify it did come off the road or overpass or something. But typically those are routed through our -- all of these are typically routed because Macomb Department of Roads oversees us. So they route it through them, and they're asked to provide letters and stuff with when we patched.

Q. I have here, I'm pointing to a stack, two-inch stack of documents that are from the Michigan State Police.

A. Uh-huh.

Q. And we submitted a FOIA request that they provide instances of police reports relating to concrete striking vehicles either doing property damage or injury. Do you know if when the MSP completes a report, whether those reports are routed to MDOT? And

that is even though a claim form might not be filed.

A. So a police report?

Q. Yes.

A. We have access, I believe, through our system to get to those. But is it routed directly to us? No, I can't confirm that.

Q. Not that you know of?

A. Not that I know of.

Q. All right. So when a claim does make it to your desk, so to speak, and it relates to concrete, some kind of concrete piece, chunk, whatever, striking a vehicle, generally if it's a concrete-related issue, you do look at that?

A. Yes.

Q. Generally.

A. Yes. Or I'll have our foreman take a look at the area.

Q. So what you want to know is where did it come from, correct? Did it come off a bridge, did it come off the roadbed, that kind of thing?

A. Yes.

Q. Okay. And then you want someone to go out there just to do a visual to see if maybe there's an open problem?

A. If we need to address it.

Q. Okay. So what if the individual doesn't know where it came from, it's just concrete, it hit the car and

they're not sure where it came from?

A. Yeah. We try to get them to give us locations. And typically it's fallen concrete. I've never -- and we drive the roadway to see if we can find it.

Q. Have you ever done that, where you've gone out and looked for a source of concrete?

A. Yes.

Q. Okay. So do you use an MDOT vehicle?

A. Yes.

Q. All right. And do you have to shut the freeway down?

A. No. We can't shut the freeway down. Typically it's us driving along the shoulder looking at the overpasses.

Q. Okay. Did you have any role or responsibility or take part in an investigation that related to a chunk of concrete coming through a woman's windshield in May of 2017?

A. Yes. After the fact that that happened, we were advised to go out and address the location.

Q. Okay. What was that location, if you recall?

A. It was on westbound, I don't know exactly where, between 94 and Dequindre.

Q. How did you get notified of the issue, of the event?

A. I can't recall exactly how I was notified, whether that was verbally or by e-mail. We have -- SEMTOC does give us calls. So it could have been verbally, it could

have been my boss, it could have been them. I do get police calls. It could have been a call or an e-mail.

Q. Okay. I have the police investigation file concerning that incident, and -- I have the UD-10. Do you know what a UD-10 is?

A. Yes.

Q. The UD-10 indicates the location, the intersecting road name is Hoover, and it's distance/direction 2,640 feet east of, I assume, it's Hoover, but I can't tell you for sure. That's what's described here. So do you recall going out to that stretch of freeway to do an investigation?

A. No. On that one, we -- it was addressed. So not an investigation, it was addressed.

Q. What's that mean, addressed?

A. There was a piece of concrete at that hole, and the county was dispatched to go out there and fill the hole.

Q. So you were able to locate the hole from where the concrete came?

A. Well, supposed hole.

Q. Okay. Did you have the actual concrete that had gone through the windshield?

A. I can't recall if I did or not.

Q. Okay. And do you know if MDOT and/or Michigan State

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 45

Police has possession of the concrete that was involved in the May of 2017 incident?
A. I believe they would.
Q. Okay. They being MSP?
A. MSP or somebody else in MDOT.
Q. Okay.
A. Yes, I believe.
Q. Have you ever gone out to see the concrete that went through the woman's windshield in May of 2017?
A. No. I didn't go out to see the concrete.
Q. We just took some deps last week of some MDOT engineers who had gone to an MSP post to inspect.
A. Oh, no, that was not me.
Q. You weren't part of that?
A. No.
Q. Okay. So this incident occurred, you found out about it. Do you know if you found out the day it happened, the next day?
A. I believe it was the day it happened.
Q. I might have asked you this, but how did you find out?
A. Either a call or an e-mail.
Q. Okay.
A. Honestly, I can't tell you.
Q. All right. Do you know if you were working that day?
A. I was working.

Page 46

Q. All right. So you get this notification of some sort. Then what do you do?
A. I called the area foreman to go out there and see if we can assist in filling that hole. And I did ask him to take pictures, I believe.
Q. Was he able to take pictures?
A. I believe so.
Q. And so what did he take pictures of, if you know?
A. Of the roadway, and then what they did to the roadway.
Q. So presumably it would be this empty hole, and then some patch in it?
A. Yes.
Q. Do you know if -- go ahead.
A. If it's the end of May, it could be hot mix, not the cold patch stuff.
Q. Okay. Do you know if when Mr. Rogers went to the scene whether the vehicle was still there?
A. I don't know.
Q. Okay. Because we have photographs that have been supplied through the State showing a chunk of concrete in the floorboard of this vehicle. Do you know where that concrete is?
A. No.
MR. BLADEN: It might have been MSP photos. I'm not sure.

Page 47

MR. DOHERTY: Okay.
MR. BLADEN: I'm not sure where those are from.
MR. DOHERTY: You've seen them though, right? It's a Buick, like a little SUV Buick with a gaping hole right at face level, airbag.
MR. BLADEN: I'm trying to remember if there was one with photo.
MR. DOHERTY: I thought it came from your file.
MR. BLADEN: It may be. It may be either one. We may have provided an RMSP photo or whatever it is.
MR. DOHERTY: I'm not sure. It could have been someone else.
BY MR. DOHERTY:
Q. Have you asked Mr. Rogers to supply the photos to you that he took?
A. Yes. I believe when he did it, I asked him to take them for me.
Q. Okay. Do you know where those are now?
A. Probably in my computer or e-mailed out. I believe they did get e-mailed out.
Q. To?
MR. BLADEN: Hold on. I'm going to object.

Page 48

MR. DOHERTY: Well, if he sent them to you, that's not privileged. You know, I don't think it would be.
MR. BLADEN: Well, the e-mail might, whatever he may have said might be. Well, let's do this. I assume you have the photographs or he has them and we can get a copy. There shouldn't be any issue. I'm not so -- are you sure we turned them over already? I don't have a copy of my production with me.
MR. DOHERTY: Yeah. I don't -- well, I can't say you didn't. Well, let's do this. We'll check, and we'll let you check.
MR. BLADEN: I'll check.
MR. DOHERTY: Okay.
BY MR. DOHERTY:
Q. Do you know where the chunk of concrete that went through the woman's window in May of 2017 came from?
A. No.
Q. Do you know --
MR. BLADEN: Sorry to interrupt. You might -- the photographs you're talking about might have been attached to the NIFC that we sent you for that particular claim.
MR. DOHERTY: Okay.
MR. BLADEN: It might have been attached by

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their counsel to their NIFC.
MR. DOHERTY: Okay.
MR. BLADEN: So that's a possibility. So I'll have to go back and check and see. And that's the NIFC notice of intent to file a claim?
MR. DOHERTY: Right.
MR. BLADEN: I was trying to remember where you may have gotten it from. Sorry to interrupt you, by the way.
MR. DOHERTY: That's okay.
BY MR. DOHERTY:
Q. So you've never personally inspected the chunk of concrete that was involved in the May of 2017 incident?
A. I've never seen that piece of -- when you say investigation, I went out to the site. I've seen the site that they repaired.
Q. So you personally saw it?
A. The site they repaired, not the piece of concrete.
Q. Correct. So how long after the incident were you out there, approximately?
A. I would say within a day. I drive it routinely.
Q. So you just drove by it? It wasn't like the freeway was closed?
A. No. No, it wasn't -- I wasn't -- I don't know if I was not available or not at -- available at the time that

the incident happened. I wasn't called on the incident.
Q. Okay. So this was westbound is your best recollection?
A. Yes.
Q. Do you know which lane was thought to be at issue?
A. Left center.
Q. All right. So it's a four-lane freeway, as I recall?
A. Yes.
Q. And it would be the -- not the lane next to the wall but to the right of that?
A. Yes. Yes. We call that left center, right center, then right.
Q. Okay. Do you have an understanding concerning the May of 2017 incident that the allegation is the concrete came off the roadway?
A. Yes.
Q. If you know, how is it that concrete from a roadway can be elevated to face level for a person driving in a vehicle?
MR. BLADEN: Hold on. I'm just going to put one objection on the record. Are you asking his expert opinion? I'm not sure he's qualified for that particular type of opinion.
MR. DOHERTY: Well, he can tell me if he doesn't know. But I'm asking based on his like twenty

something years as a roadway engineer, a maintenance engineer, if he has an idea of how this could happen.
MR. BLADEN: I think he's been a maintenance engineer he said since 2012. I mean, but -- my objection is on the record. I mean, if you have any idea how that happened, go ahead and answer it.
THE WITNESS: I can't say that it did come from the roadway. I mean, we have vehicles, trucks with roadway material on it. My assumption is sometimes that might have come from a structure. But if there was no structure there, sometimes we have heavy vehicles on the road, the pavement gets deteriorated, maybe a piece comes loose in that heavy vehicle.
BY MR. DOHERTY:
Q. Somehow the vehicle running over the loose chunk could cause it to be kicked up in the air?
A. That's my opinion on how some of that could happen. So the cause is a tossup.
Q. Okay. In light of that as a way that a chunk of concrete can be tossed up in the air, does MDOT have a policy or procedure either through its own people or through Macomb County Road Commission to try to do inspections which have as their purpose to try to determine whether there are loose chunks of concrete in

the roadbed?
A. When we go out and do cold patching, we take a couple of lanes and we try to remove all that concrete or cold patch over it so it doesn't do that. That's part of routine.
Q. Okay. So this would be laborers who are on the roadbed with their shovels with the cold patch material who then are tasked with trying to see if there are loose pieces of concrete?
A. When they're addressing that lane in the roadway, you know, typically if there's something loose, it's out. So it might be a pothole and there's loose concrete next to it.
Q. Okay. What about a chunk that is --
A. Sitting?
Q. -- sitting that can be lifted with, you know, a reasonable amount of effort? Is there an attempt to find and locate those kinds of things?
A. While they're out there, if they see something like that, I'll see them do that kind work as well.
Q. Okay. What do they do, just use their shovel to try to pry it?
A. When you say loose, it's loose, so.
Q. It can be picked up by hand?
A. Yes. It's not something we've had little -- especially

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 53

with ours, we tried to remove that with a bar or something like that, or a jackhammer.

Q. You say you do or you don't do that?

A. It's not routine.

Q. Okay. So part of routine maintenance would not include having, say, a pry bar for example --

A. No.

Q. -- that anytime it looks like a piece has a crack all the way around, that the pry bar is then used to try to loosen it?

A. No.

Q. That's not part of routine maintenance, is that correct?

A. That's not part of what they did, no.

Q. Okay.

A. They didn't have pry bars, no. If it's just loose, then they can get it out with a shovel, in my experience they have. I've seen them do that.

Q. Okay. Do you know if there's any written policy directive from MDOT to Macomb County that as part of routine maintenance the crews should be looking for loose concrete and if able to pull it out and patch?

A. I don't recall a document that says specifically that, for that activity.

Q. Have you ever had any discussions with Mr. Rogers or

Page 54

anyone like him that to the extent a laborer on the road crew sees what appears to be a chunk of concrete that is loose, that that chunk should be picked up and that area patched?

A. Yes. When we're going through that lane at that particular time, if there's a pothole and they're in that lane and they see loose material, I'll say get everything we can get out of that roadway.

Q. And that's just a verbal between you and Mr. Rogers?

A. Well, it could be at the foreman's meeting. So I've got area foremen from four different things, so that's not only including this area but all areas, so.

Q. How often do you do the meetings?

A. Those are once a month. And then there was scheduled meetings. But routinely we met all the time. We functioned day to day.

Q. I'm talking a scheduled meeting.

A. A scheduled meeting with all the area foremen, once a month.

Q. And where does that meeting happen?

A. Macomb Department of Roads off of Harper and 94.

Q. Okay. And are minutes kept at these meetings, if you know?

A. I kept my own minutes, but I believe they do that.

Q. And do you just handwrite those out or how do you do

Page 55

it? Do you have a laptop with you?

A. Sometimes it's just handwritten notes, sometimes there's no meeting minutes for me to take. It's just stuff for me.

Q. And when you --

A. So if --

Q. Go ahead. I'm sorry.

A. So if I want to discuss, it's up here.

Q. So you'll sometimes make a little agenda, handwritten agenda or --

A. You know, sometimes I would write down my tasks, okay, budget, fencing, or if I had an issue. Yeah, sometimes I did that. Sometimes it was in -- if I don't, sometimes I have a few notes in my computer.

Q. Okay. Do you keep these notes or do you file them?

A. Those were my personal notes so, you know, no. Did I file them? Some of it still might be available, but no.

Q. Well, what I'm getting at is, do you think you have notes concerning, let's say, from 2015 through the end of 2017, the patching, cold patching, emergency patching, any kind of patching on 696?

A. Everything that I had, it's been turned over. So anything that I did have regarding those has already been -- everything went through my computer.

Page 56

Q. Okay.

A. So, yes, I did have notes on that stuff.

Q. I'll ask you a general question. How often would Macomb County do patching work in 2017 on I-696 westbound?

A. You would really have to go into their records and see. You know, I would say they were out there frequently.

Q. And the payment for that work, does it come out of a line item on a budget, or is it just a general overall maintenance?

A. There's an activity called surface maintenance that it relates to that.

Q. And is that a yearly budget kind of thing?

A. Yes.

Q. And if you know or recall, for 696, is it east/west? You know, do they do each side separately or is it just generally?

A. Typically when they do routine maintenance, it depends on the time of the day and how much. When we do it, we do a cycle. We'll do the westbound or we'll do the eastbound right to and then the westbound right to and then go to the insides. Or we would get spot locations that we need to address, and just hit those spots.

Q. So the surface maintenance budget, is it for both directions? Is there a separate for each direction?

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 57

A. It's not defined by roadway. It's defined for this whole county, all MDOT roads. So surface maintenance for all our roads given a line.
Q. Okay. And then you help figure out how to divide that money up and where to place your assets?
A. To those activities. Yes, to those activities.
Q. All right. So do you know in 2017 what was allocated money-wise for surface maintenance?
A. I believe those are in my records. I can't recall off the top of my head.
Q. And was there, to your recollection, ever in 2017 a decision by you that you had to devote more assets to 696 surface maintenance than perhaps originally planned before 2017?
A. Like I said, surface maintenance is for the entire roadway. And typically we set a budget for surface maintenance. But surface maintenance is surface maintenance. The need dictates, you know, if we go over budget. Because it's a safety reason, we go over budget, because have to address that roadway.
Q. Do you know if you went over budget in 2017 for surface maintenance?
A. I believe we did.
Q. Do you know if surface maintenance on 696 contributed to the fact that you went over budget in 2017?

Page 58

A. Yes, that would be a contributing factor. It was all roads.
Q. In other words, there was a general issue with roadways in Macomb County, not just 696?
A. There were other roads we addressed, 59. All MDOT roads needed work, so.
Q. All right. Did there come a point in time where you learned of an incident which occurred in December of 2017 regarding a chunk of concrete that went through a person's windshield?
A. Yes.
Q. How did you find out about that?
A. I believe I was contacted by Warren Police Department.
Q. Do you recall what day of the week it was?
A. A weekday.
Q. So you think it was a weekday?
A. I believe, yes.
Q. Okay. If it was, say, a weekend, would you have been at home? Would you get calls at home?
A. I'm on call, so.
Q. Okay.
A. Typically I do not get calls from police like that, but it does happen from time to time.
Q. So somehow the police contacted you directly?
A. Yes.

Page 59

Q. What did they advise you?
A. That a piece of concrete had came off the road and went through a gentleman's car that I can recall. I don't know the exact conversation or the wording.
Q. Just generally to that effect?
A. Yes.
Q. Okay. So what did you do in response?
A. I asked the gentleman some questions about the location so we can go check it out, and rode that roadway and had my foreman ride the roadway. And we went out with a patch crew like we typically do when we hear to try to address the roadway. We could not determine if that came from our roadway, what spot, you know, so we did a routine maintenance patch.
Q. So you were advised that a piece of concrete came off the roadway and went through a gentleman's windshield?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. And this information came through Warren PD?
A. Yes, I believe so.
Q. And then where did you go first? Did you go to the police department? Did you go somewhere else? Where did you go?
A. No. I informed -- because it's not the only incident.

Page 60

I then informed my supervisors.
Q. Who is that?
A. That would be Scott Singer and Drew Buckner at the time, our office.
Q. Okay. So you informed these two individuals, one or both, of the incident?
A. Yeah, or more.
Q. And then what did you do after that?
A. I was told to -- I believe -- or I thought we need to go out and try to find this area. So like I said, I talked to the police. I was trying to get the location.
Q. Were you able to get the location?
A. No, not the exact location. Westbound between Mound and 94.
Q. Okay. So you drove that area?
A. Yes. I drive it routinely.
Q. Yeah. But I'm talking about in response --
A. After that, yes, I did drive it.
Q. Okay. Was the roadway open or closed?
A. It was open at the time. This is not right after that. This is -- this wasn't at the time of the incident.
Q. I understand. I'm trying to just walk you through the steps. You said you got this communication from Warren PD. They couldn't tell you exactly where it happened,

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so then you drove the roadway?
A. Uh-huh.
Q. Is that steps, in that order, or did you do something else before that?
A. Possibly called my boss to let him know we were put on notice to notify of falling concrete. We don't take it lightly.
Q. Okay. And would that have been one of the two gentlemen you informed me of?
A. Yes.
Q. All right. So --
A. And that's with an e-mail or a call. I don't know.
Q. All right. And you're not sure whether you were in the office or somewhere else at the time?
A. I believe I was out of the office at the time.
Q. Okay.
A. So I don't believe it was that same day that I drove the roadway. I'm not sure. I don't recall.
Q. All right. Let's talk the day of the incident though, what you did.
A. See, the day of the incident, I don't think I was -- I wasn't called the day of the incident, I believe.
Q. Okay. Do you know how long within the incident you get the call?
A. I believe it was the next day. I believe.

Q. All right.
A. Because I believe it happened at night from what I remember.
Q. All right. So let's assume it was the next day. All right. What was the first thing you did in connection with investigating this incident?
A. Like I said, I talked to the officer about trying to pinpoint the location.
Q. And he couldn't do that?
A. So I drove it and then notified my foreman.
Q. And who is that?
A. That's Jim Rogers.
Q. So what did you notify him of?
A. That we had an incident where some concrete had went through a gentleman's windshield.
Q. All right. So did you direct him what to do after that?
A. No. Typically, they understand that we have a spot, a location, so we need to see if you can find an open hole or something of that nature.
Q. Do you know if he was able to find an open hole?
A. It's 696. Honestly, there's a bunch of open.
Q. So he went out. Did he then mobilize his crew?
A. I don't know if he went out personally of if he mobilized -- or directed one of his assistants to go

out and look.
Q. Is it your understanding though that Macomb County did mobilize a patching crew?
A. Yes. I believe it would not be -- I don't believe it was -- you'd have to check the records on what exactly they did. But mobilizing and getting the crews together could take a couple of days or a day of that nature.
Q. But in response to your reaching out to Mr. Rogers, at some point near after that a Macomb County cold patch crew went out?
A. Yes. Yes.
Q. And they did patch work?
A. They did patching. It could have been scheduled for a routine patching. You know, when I say routine, they were already thinking of going out and monitor the roadway. So, yes, they went out.
Q. And you're not sure how long after the incident they went out?
A. You can probably check the records and see. All that information is there. But I don't recall whether it was a day, a couple days, the following week with a patch crew.
Q. But your request to Jim was to do patching?
A. Well, to go out and see if we could find where this

piece of concrete came from. So to investigate the area like I did, put eyes on it, go visually and inspect the roadway.
Q. And what, if anything, did he report back to you?
A. That the roadway needs routine patching, so we need to make a round of routine patching.
Q. So by that you understood that to mean that there were holes in the concrete?
A. Yeah. There were open areas that I saw and he saw. And we're like, yeah, we need to get another round of patching going out here.
Q. So there were potholes?
A. Yes, potholes.
Q. Now, did there come a point in time where you saw the concrete at issue that had gone through the gentleman's windshield?
A. When I went and got the police report -- I was told to get the police report, and we recovered -- yes, I did see pictures, but not the actual concrete.
Q. Who showed you the pictures?
A. I believe that was forwarded over by Warren PD.
Q. So forwarded to your office?
A. Yeah. I asked for the police report, so it was forwarded directly to me.
Q. So you got the report and the photos?

RECEIVED by MSC 8/30/2021 2:33:45 PM

A. The photos were in the report.
Q. Okay. What, if anything, did you do after that?
A. I passed that report on.
Q. To?
A. There's a group that's part of the I-696 --
Q. You're talking about sort of a liability group of people?
MR. BLADEN: I'll object, obviously. But to the extent that they included any communication regarding to me, the AG's office --
MR. DOHERTY: Yeah.
BY MR. DOHERTY:
Q. So you forwarded the report onto the AG's office?
A. Yes. They were included in that e-mail.
Q. And who else?
A. My bosses again, Scott Singer and Drew Buckner, and possibly some folks from region as well were copied.
Q. Okay. When you say possibly --
A. I mean, I can't name all of them.
Q. Would you have done like an e-mail?
A. Yeah. It would have been an e-mail.
Q. Okay. And you would have attached the police report?
A. Yes.
Q. Do you recall the day you did that?
A. No, sir.

Q. Okay. Did there come a point in time where you saw the actual piece of concrete?
A. Only in the pictures.
Q. What's on the desk here?
A. That is the piece of concrete that they asked me to retrieve from Warren PD.
Q. Who is they?
A. The AG's office, I believe.
MR. BLADEN: Objection.
BY MR. DOHERTY:
Q. So you were requested to get the concrete?
A. I don't recall how I was told to get the piece of concrete.
Q. Okay.
A. I don't know if it came from, hey, can we recover our -- I don't know where that -- or if I took it upon myself to get the concrete. I don't remember. I can't honestly say I do. I really don't remember.
Q. All right. So you went to Warren PD?
A. Yeah. I went to Warren PD.
Q. And said I would like concrete?
A. Yeah. I would like the piece of concrete.
Q. And you were doing this because someone requested you do this, or did you do it on your own?
A. I could have did it on my own. Because if you have the

piece of concrete and I can get it, yes, I want to see it.
Q. So what we have on the table here is kind of Tupperware plastic bin. There's some sticky notes on the top. Did you happen to make these?
A. Yes.
Q. All right. So this is your handwriting?
A. Yes.
Q. All right. And it says on the left one, received 12-18-17, Warren PD from Brian Brown Schneider?
A. I believe so.
Q. Detective corporal, and then there's a phone number (586) 574-4705?
A. Uh-huh.
Q. Is that correct?
A. That's correct.
Q. And then it says confidential and privileged, 12-17-17, concrete. Do you see that?
A. Yes.
Q. And Incident Number 1761832?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Okay. So the one on the right, is that a note that you just thought up on your own to put on there,

confidential and privileged?
A. No.
Q. So you were directed to do that kind of note, is that it?
A. Yes.
Q. Okay.
MR. BLADEN: Objection, but --
MR. DOHERTY: I mean -- yeah, I -- I'm just --
MR. BLADEN: But, I mean, it's sitting there.
MR. DOHERTY: Yeah. I can see it.
BY MR. DOHERTY:
Q. And the 12-17-17, does that signify the date of the incident, if you know?
A. I believe so.
Q. Okay. And then you went 12-18 of '17?
A. It was the next step.
Q. Okay. So you received it on 12-18 of '17, that's what it says?
A. Yes.
Q. Okay. And inside of this Tupperware is a cardboard box of some sort?
A. Yes.
Q. And it's taped up?
A. Yes.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 69

Q. And when you were given the concrete, was it in that box?
A. Yes.
Q. Taped up the way it is?
A. Yes.
Q. Did you open it?
A. No.
Q. Do you know if anyone's opened it?
A. No. Since I've had it in my possession, nobody's opened it. I've had it in my -- since it's been in my possession, it's been locked up, so.
Q. Okay. And where do you keep it?
A. I used to keep it in my office locked up in the drawer.
Q. Okay. You said you used to keep it there. Where --
A. Well, I'm not in that office no more.
Q. Okay.
A. And when I moved from that office, I put it into my other office and it's locked up in a drawer with a key.
Q. Okay. Where's your office now?
A. Same office.
Q. Same building?
A. Same building.
Q. Okay. So you don't know what's in the box though?
A. No. No.
Q. It's your assumption it's concrete?

Page 70

A. That's what they told me. The officer told me it's concrete.
Q. And you say you've seen pictures of the concrete?
A. In the police report.
Q. Okay. Do you know if the concrete came off the roadbed?
A. No.
Q. All right, so as it relates to this incident, you drove that section of 696?
A. Uh-huh.
Q. Correct?
A. Yes.
Q. All right. You've got to use verbal.
A. Oh, I'm sorry.
Q. Sometimes it comes out like uh-huh or --
A. Oh, okay. Yes.
Q. So you drove 696, correct?
A. Yes.
Q. And you did a visual inspection as you drove, is that correct?
A. Yes, I did a visual.
Q. And from that visual you then reached out to Macomb County foreman Jim Rogers?
A. Yes.
Q. And requested that he also do an inspection or just go

Page 71

ahead and do some patching?
A. No. I asked them like if they see anything like that, because the more eyes the better.
Q. Okay.
A. So any falling concrete or anything like that, I always reach out and say, hey, did you all see anything, so.
Q. Yeah. If it's concrete that's coming off a bridge, that's an MDOT fix?
A. Well, yes and no.
Q. Okay.
A. Because sometimes they will address if our forces can't get to it and there's something -- we work together.
Q. Okay.
A. But typically, yes, if it's off a structure and there's something that needs to be done with that structure, typically that's MDOT direct forces.
Q. Did you ever attempt to mobilize MDOT direct forces to investigate where this piece of concrete came from?
A. I let them know that every time we have a piece of falling concrete or something like that and if I see anything wrong with the structure, I do notify that, hey, we need to do something.
Q. Yeah. But did you do that in this instance?
A. I believe when I went out there and visually looked at it, I don't think I saw that we needed to do anything

Page 72

with any structure.
Q. Okay. And when you did your visual drive-through, had you seen the pictures from Warren PD before that?
A. I believe I went out there before I got the report.
Q. Okay. And are you competent to look at a photograph and decide is that roadway concrete or structure concrete? Is that something you can do visually?
A. For the most part, I believe I can.
Q. Okay.
A. There's some roadway and some structure concrete that look very similar. That's not my expertise. I would leave that to the Lansing folks to determine that.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 3
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 4
2:34 p.m.
BY MR. DOHERTY:
Q. I'll show you what we've marked as -- well, I'll show you Exhibit 4 first. I'll have you take a look at that.
A. Okay.
Q. This piece of concrete I can represent to you came from the Warren Police Department file, this photograph. Does that photograph look familiar to you?

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 73

A. Yes. I've seen this in the police report, I believe.
Q. All right. And this concrete appears to have some kind of grooves in it on the surface. Do you see that?
A. Yes.
Q. Do you know what those are?
A. I believe that's tining.
Q. T-i-n-i-n-g, tining?
A. Tining, yeah. I don't know about the --
Q. I don't know how you spell tining, but.
A. I don't know. That's close.
Q. And tining is what?
A. That's grooves on the road where they put -- and I believe there's a drainage feature. I'm not exactly sure on that. I'm a maintenance guy, so. I believe that's a drainage kind of thing to keep the water out, I believe.
Q. Okay. And it might provide a little additional traction then?
A. Could be.
Q. Okay. And do you know if they put tining on structures that you've referred to?
A. Typically I don't see it on structures. And I guess I have -- I believe I've seen it on structures before. But typically, no.
Q. Okay. And that section of 696 has tining in the

Page 74

roadbed?
A. Yes.
Q. I'll show you what's marked as Exhibit 3. And I can represent to you that came from the Warren Police Department and was recovered from the vehicle involved in this incident. Do you see tining on that piece of concrete?
A. Yes.
Q. And I know I asked you this earlier, but I want to make sure. You're not an expert in concrete content or mixed content or anything like that?
A. No, I'm not.
Q. Okay. That's beyond your area of expertise I would take it?
A. Yes.
Q. Okay. So as far as, you know, the composition of those two pieces of concrete exhibited in Exhibits 3 and 4, you would not offer any expertise in that area, is that correct?
A. No, not at all.
Q. All right. So we've talked about the fact that you got notified of the incident, you did a drive-through visual, you spoke with Jim Rogers, you're aware that Jim Rogers' crew had a crew go out there and do patching on that stretch of freeway between 94 and

Page 75

Mound Road, is that correct?
A. Yes.
Q. You received a copy of the police report which included files. You forwarded the file onto whoever you were directed to, correct?
A. Yes.
Q. Okay. You then went to Warren PD you think the next day?
A. Well --
Q. According to the notes on it?
A. Yes.
Q. And retrieved a box which you understood to contain some concrete?
A. That's what I was told.
Q. Okay. You haven't opened it, haven't altered it, haven't touched it other than carrying it, is that correct?
A. Yes.
Q. Okay. Anything else you've done in connection with this incident once you retrieved the concrete, what you've represented to be concrete in a box, put it in the drawer, locked it, anything else you've done regarding this incident?
A. Not besides e-mails.
Q. To?

Page 76

A. I mean, the attorney general, conversations about this piece.
MR. BLADEN: Obviously, objection.
MR. DOHERTY: No, I know.
BY MR. DOHERTY:
Q. I'm not asking for content of any of your conversations with the AG's office or Mr. Bladen. But you have had ongoing discussions, without telling me what the content was, is that correct?
A. Yes.
Q. Okay. Would those discussions have also included people within MDOT, your supervisor?
A. Yes.
Q. Regional people, is that correct?
A. Yes.
Q. And do you know if all of those discussions you had after the incident, if they were in e-mail form, whether the AG's office was included in every discussion?
A. I can't recall.
Q. Okay. So other than having some e-mail discussions after that, anything else you've done relative to this incident?
A. No, not that I recall.
Q. Okay. Perhaps gathering some documents to forward on?

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A. As requested, yes. When I was requested, yes.
Q. Okay. Is there anything pending that you're doing that you haven't finished yet?
A. I don't believe so.
Q. Other than directing Mr. -- I don't know if directing is the right word.
A. Yeah. We worked together.
Q. Suggesting Mr. Rogers go out, and do what you do to check on it, have you had any other discussions about this incident with him?
A. No.
Q. Nothing afterwards, nothing in the recent past?
A. Not that I can recall.
Q. You probably have still regular contact with him, or is there somebody different?
A. There's a new maintenance engineer, so.
Q. Okay. And who is that?
A. Ahmad Asmoody (phonetic).
Q. Ahmad?
A. Ahmad, A-h-m-a-d. Please don't ask me to spell the last name.
Q. So it's probably M-o-o-d-y, Moody?
A. Asmoody (phonetic).
Q. Oh, Asmoody. So it might be kind of a Middle Eastern kind if spelling to it, Asmoody?

A. Yeah.
Q. All right. Do you know if Mr. Rogers is still with Macomb County?
A. I believe so.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 5
2:41 p.m.
BY MR. DOHERTY:
Q. Okay. I'll show you what we've marked as Exhibit 5. Take a moment, if would, to just kind of look at that, see what's there. It's several pages.
A. Okay.
Q. So, can you describe generally what that group of documents is?
A. This is internal to Macomb Department of Roads. What it looks like, in my opinion, is when they went out.
Q. When you say they --
A. The Department of Roads, I see that sometimes they get a call out. A citizen or something calls in, they go out. And maybe this is the results of that call.
Q. So this would be MDOT going out?
A. No.
Q. Or Macomb?
A. This is Macomb County Department of Roads.
Q. Okay. So what I'm trying to get at is, are those

typical of the documents that are then generated by Macomb County Road Commission?
A. I don't get these documents.
Q. Oh, you don't. Okay. So you're just looking at them, reading them like anybody would do?
A. Yes. Well, I noticed the names on it, so yes. But, no, I don't get these documents.
Q. Okay. So you don't know what they're for or why they're in the file or anything like that?
A. I mean, they seem like -- I mean, I know enough that I get reports. These are the same guys that do my road maintenance, so I'm assuming that this is their reports.
Q. Okay.
A. Their internal documents.
Q. Okay. But you don't typically see the documents in that form?
A. Not in that form, no.
Q. Okay.
MR. BLADEN: Can I see it for just a second? We can go off the record, please.
MR. DOHERTY: Yeah.
(Off the record at 2:45 p.m.)
(Back on the record at 2:46 p.m.)
BY MR. DOHERTY:

Q. So let's go back on for a second. I want to ask him just to be sure. So this document is entitled I-696 road maintenance. It's your belief that Macomb County generates this document?
A. Yes.
Q. Okay. And all of these other documents would have been internal to Macomb County Road Commission?
A. Yes. Although we get some of the same pertinent information through our billing.
Q. Okay.
A. So I can see the hours and who worked what day.
Q. All right. So it's possible Macomb County keeps these internally, generates a bill, the bill then comes to you?
A. Correct.
Q. And that's, generally speaking, what you see?
A. Yes.
Q. You see similar information, just in a different form?
A. Yes.
MR. DOHERTY: Okay. I think that's all I have, sir. Thank you very much.
MR. BLADEN: I have just a few follow-up questions.
EXAMINATION
BY MR. BLADEN:

RECEIVED by MSC 8/30/2021 2:33:45 PM

Q. Going back to the most recent set of questions about maintenance records that you get, the information you get from Macomb County about their maintenance activities under the contract. You mentioned the LAPS system before. What is LAPS?

A. Local Area --

Q. Local Area Payment System?

A. Yes. So they submit all their billing, including the personnel, equipment, and time, material through that system.

Q. Is there a hard copy? How is that submitted?

A. It's computer. There's no -- you know, you can print, but it's all in the computer system.

Q. When you say it's got all the information, does it tell you anything specific about they went to a specific location and did a specific activity?

A. No. No. It's all roadway based. So there's a specific activity like surface maintenance, and then I can break it down by roadway. You can do reports.

Q. Okay. So if they wanted to find out -- did they go out and do, you said cold patching on westbound I-696 between Mound and Dequindre -- or excuse me, between I-94 and Mound?

A. You couldn't do that. It would be 696 general from county line to county line, so 94 to Dequindre, both

directions.

Q. Okay.

A. So you can't -- you can't isolate.

Q. Okay. And so could you isolate between westbound and eastbound?

A. I don't believe you can.

Q. All right. It would tell you the type of activity they're doing?

A. So it would be -- yes, we have certain activities. Cold patching happens to be under surface maintenance. But that's not the only thing they do, surface maintenance. So that activity, if you wanted to know cold patching, you would have to go in there and highlight and see what material and all that, you can see the time, so.

Q. Is there some other way to patch potholes besides what you called cold patching?

A. There is. It's almost the same process except for different material called hot mix. We use it for material during the summer that's available. So it's hot mix.

Q. So what's the difference between hot mix and cold patch?

A. In the winter, hot mix is not available. But hot is heated up. It's more of the asphalt we use when we're

doing construction projects.

Q. Okay. You were asked about the May incident, and I think your testimony was that the county went out at your direction and repaired a location in response to that incident. Do you recall that testimony?

A. Yes.

Q. Do you know what kind of material they used to patch that?

A. Hot mix asphalt.

Q. Okay. Is there a road closure required to do hot mix patching?

A. Yes. You do have to do traffic control, meaning you've got to go out with your vehicles and take the lanes and move traffic over.

Q. So what is the process like for hot mix versus cold patch?

A. For what the county does during maintenance, it's just a material thing. So it's the same process.

Q. Is hot mix a better patching -- for lack of a better term, which -- if you had a preference, if you could do one 100 percent of the time, as a maintenance engineer, which method would you prefer of the two?

A. Hot mix.

Q. Why?

A. Because it seems to be more quality, and that's what we

do in regular construction. So it seems to be a more durable material.

Q. And it's something that you -- I think you testified that you couldn't do normally during the winter months?

A. No. Typically, hot mix is not available.

Q. Okay. After this December incident that we're here for today, do you know what kind of patching was done by the county after that?

A. It would be cold mix given the time of year, or cold patching.

Q. All right. Were you or Mr. Rogers or anybody from Macomb County able to come to a conclusion as to where the piece of concrete that was reported by the Warren Police Department to you in December, where that may have come from?

A. No.

Q. Other than, say, between -- I think you testified between I-94 and Mound. Is there any way you could figure out a more specific location than that?

A. No.

Q. Going back to hot mix. How long would you expect a hot mix repair to last normally on I-696, on a road with that type of traffic?

A. It really depends on temperature and water and precipitation.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Q. Okay.
A. Yeah. So I don't think there is a typical.
Q. Okay.
A. Is it a week? Is it a month? If we have three stall cycles, it could be a day. If we don't --
Q. Let's say it's patched in mid to late May.
A. Uh-huh.
Q. How long would you expect it to last?
A. Typically till we get a lot of precipitation out and it freezes and thaws and pops that out. So if we went through there in May, that hole could very well last till winter.
Q. Now, would you be able to identify what a hot mix -- if a piece of hot mix solidified and came apart, would you be able to identify it by sight, an asphalt piece?
A. As opposed to --
Q. As opposed to road concrete?
A. Yes. Yes. Yes.
Q. Looking at Exhibits 3 and 4, do either Exhibits 3 or 4 look like hot mix asphalt to you?
A. No.
Q. Does it look like cold patch to you?
A. No.
Q. Okay. Looking at Exhibit 1, it looks like there's some areas that -- can you see whether or not in looking --

and based on your experience in driving this road also, whether or not any of the areas on Exhibit 1, on I-696 westbound, which is represented as, looks like it's been patched?
A. Yes.
Q. Can you tell from looking at it what kind of patch material is in there, or would you need to have a more closeup --
A. Yeah. I would need -- I can't tell if this is hot mix or cold patch.
Q. Is it possible it's cold patch?
A. It could be. It could be cold patch or it could be hot mix.
Q. Okay. With respect to the questions regarding the RFP and for the emergency repair of eastbound, do you have any knowledge about the decision making as to why westbound was scheduled to be reconstructed in 2018? Were you privy to any of those discussions or conversations while you were over at Macomb TSC or in your previous roles in maintenance engineer?
A. On why it was going first? I mean --
Q. I'm asking do you have any knowledge about the reason why the project was scheduled for 2018?
A. I've heard that --
Q. You heard?

A. Yes. But not -- no.
Q. Are you aware of the I-75 project?
A. Yes.
Q. Okay. Do you know what the traffic routing for I-75 would have necessitated?
A. To do that roadway?
Q. Yes.
A. I mean, you would obviously want to use portions of 696.
Q. Okay.
A. And 59.
Q. Okay.
A. Every east/west route.
Q. Do you know whether or not that the decision on whether to reconstruct 696 had anything to do with the I-75 project?
A. Again, I've heard. But, no, I did have I have that information.
Q. Do you have any direct knowledge about it?
A. Not that nobody else has -- after-the-fact, yes, that we're using that -- we wanted to get that done for 75, before we did 75.
Q. Okay. With respect to a reconstruction project, do you have any familiarity with the process or how long it would take to plan and then schedule and design a

reconstruction project along the lines of what's going on on 696 right now?
A. You know, I've got a general knowledge. I wouldn't say I was an expert.
Q. Okay. Do you have any direct knowledge about how that process works?
A. Yes. I mean, I'm part of some of the scoping for that. That happened -- scoping happened years before the project.
Q. Okay. So what's the scoping mean?
A. You try to go through and there's a document created, sometimes it's internally, sometimes it's by an engineering firm. It goes through a piece of -- a roadway or a section of roadway. And basically we see everything we need to do. So they look at everything from the roadside to the roadbed. We review that scope of work. So there is our suggestion of what needs to be done to that roadway.
Q. Okay. Is that something that would have to be done before any kind reconstruction project is done?
A. Oh, yeah. Yeah.
Q. And how long before the project is programmed before it would have to be done?
A. It could be years. I mean, it could be years before that project is programmed and funded.

RECEIVED by MSC 8/30/2021 2:33:45 PM

Page 89

Q. Did you participate in the scoping for reconstruction of I-696?
A. I believe I had some review. I don't think I was -- you know, besides review, no, I wasn't out there.
Q. When you say review, what are you --
A. Reviewing the scoping. I might have looked at scoping documents.
Q. Okay. Do you know if there were scoping documents for the construction of 696?
A. Yes, I believe so.
Q. Do you know when they were created?
A. Oh, a long time ago. I mean, five years plus, I believe. I'm not sure the exact date, but they've been out there for a while.
Q. All right. That kind of a scoping document, is that considered a maintenance document?
A. No.
Q. Okay. So let's talk a minute. I want to get some clarification of the funding for the annual maintenance budget. How does the annual maintenance budget that you're working with with respect to your area, how is that created, do you know?
A. Basically it's typically based upon winter, winter response, which means shoveling, doing the snow, and anything we have, and that's -- typically I believe

Page 90

that's a three-year average we use, the last three years to come up with that base. We do winter response. And anything left over, is summer work.
Q. Okay.
A. So that's our budget we have to work with. After -- winter is safety. We have to do it. And so typically that's our budget.
Q. What percentage of your budget is devoted to winter maintenance?
A. I would say over half, if not -- yeah, over half. And it depends on the year.
Q. Do you know if there's some kind of a formula that is used based upon the three-year average of the winter maintenance budget to determine your annual budget?
A. Like I said, typically, winter is winter. And whatever we have left over, we use. So there's no formula. It's three years, I believe.
Q. Okay. I think you testified earlier that if you go over budget, you go over budget?
A. Yeah. Some things -- if it's safety related, we have to address it. So we try to stay within the budget to do that, but if goes over, it's safety, and we have to address it.
Q. Okay.
A. That's the direction I've always taken. We have to

Page 91

address it. It's a safety thing.
Q. Okay. Actually, I was wanting to show you --
MR. BLADEN: Do you have anymore more photos from the police report that you would be willing to attach to the deposition exhibit?
MR. DOHERTY: Oh, no, I don't. I didn't -- you mean like of the roadway?
MR. BLADEN: Yeah. I mean, I could just use mine, but I just -- since you brought a set, I was asking.
MR. DOHERTY: Yeah. I don't know that I brought them all. I have that.
MR. BLADEN: Can I use that?
MR. DOHERTY: Yeah.
MR. BLADEN: Let's mark this as Exhibit 6.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 6
3:03 p.m.
BY MR. BLADEN:
Q. Okay. Looking at Exhibit 6 -- and the representation is that the testimony from Warren Police Department officers is that this is a photograph of a portion of I-696 westbound that they took on, I believe, December 17th of 2017.
A. Uh-huh.

Page 92

Q. Okay. And I believe the testimony by the officer was that this is the chunk that you can see in here, is this piece of concrete that you see surrounded here. Do you see that?
A. Uh-huh.
Q. First of all, let's start from the beginning. Can you describe what you see in that picture.
A. I see a piece of concrete. I see a spall area where it looks like concrete. I see a piece of maybe cold patch or hot mix.
Q. Okay. It looks like at some point this location had been patched at least partly?
A. Yes.
Q. Okay. And there's a gap in this piece right here. Do you see that?
A. Yes.
Q. Is there any way you could tell whether or not that had been patched previously or whether or not the missing parts in there most recently had patch material or concrete in it?
MR. DOHERTY: Let me just object to the foundation. I get the form, but I think there's no foundation for this witness opine on what was there before the hole was created. But go ahead, if you can.
THE WITNESS: No. I can't tell if it was

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fresh. It could be it was patched and then came out.
BY MR. BLADEN:
Q. I'm looking here at the lower, right-hand side of the gap. Do you see that, where I'm looking?
A. Yes.
Q. What does that look like to you?
A. That looks like a piece of the cold patch material.
Q. Okay. And there's a -- there's some cold patch material down here, and then there's a gap, and then there's cold patch material up here?
A. Yes.
Q. Okay. You're not sure whether or not there might have been any material in between?
A. It could have been. I mean, most likely -- if it's -- if it's -- I don't know. There could have been material in there.
Q. Okay. It is represented that I believe an officer from the Warren PD testified this concrete here to the left of the patched area that is still in the hole in this photograph, I believe he testified he pried this piece out. And that is represented in Exhibit 4. Okay?
A. Okay.
Q. Looking at that, is that -- you testified earlier that sometimes when your crews are out there that you've seen them pry -- or remove loose material?

A. Uh-huh.
Q. Looking at this photograph, Exhibit 6, is anything in this photograph the type of material that you would see them remove as far as loose material?
A. I've seen them remove a piece. Normally, it's loose. You know, if they can get it with a shovel, they get it. I mean, this would be representative of what they would try to get out.
Q. You said they would try to?
A. Yes. Sometimes you can't. It's intact and you can't pry it out.
Q. Okay. Is there any technique or maintenance technique that you're aware of where cracks on the road can be addressed?
A. The only thing we can do is in the summertime is called over-vanning. So it's a material you put around a crack to fill it to keep water out.
Q. Is over-vanning done on concrete pavement?
A. We do it, yes. We do do it on concrete pavement.
Q. All right. Have you ever done it on 696?
A. I have in the past, yes.
Q. Okay. And what's the purpose of the over-vanning?
A. Basically to keep the water out of the crack. If you can keep water out of the crack and seal that crack, then the hope is that water won't infiltrate, freeze,

and further damage the roadway where we have to make more critical repairs. So it's to keep water out.
MR. BLADEN: I think I'm okay.
MR. DOHERTY: Let's mark this as Exhibit 7, please.
MARKED FOR IDENTIFICATION:
DEPOSITION EXHIBIT 7
3:08 p.m.
REEXAMINATION
BY MR. DOHERTY:
Q. I'll show you what we've marked as Exhibit 7. It's a little hard to read. I just want to see if you understand what that document is and if you've ever seen anything like that before. I think it relates to patching, but.
A. Not in Macomb.
Q. Okay. So you haven't seen anything like that for Macomb County?
A. I typically don't, no.
Q. Okay. I'll just tell you we got it from MDOT. But, you know, if you haven't seen anything like it. It seems to indicate some way of trying to track the amount of patching on an area of 696 up near 275.
A. Yes. That would be in the Oakland area.
Q. Right. But you don't know of anything like that in

Macomb where they keep track of the actual amount of patching that's done?
A. Not besides the regular -- what their records would show.
Q. Macomb?
A. Macomb Department of Roads.
Q. Okay. I'm just wondering if they keep track in numbers of a stretch, you know, like that one, where just total numbers seem to be somehow accounted for?
A. No. I don't -- I've never seen that produced by Macomb.
MR. DOHERTY: Okay. That's all I have. Thank you, sir.
(The deposition was concluded at 3:10 p.m. Signature of the witness was not requested by counsel for the respective parties hereto.)

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN)
) SS
COUNTY OF ST. CLAIR)

I, Valerie Jo Lohr, C.S.R., certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.



VALERIE JO LOHR, CSR-6212
Notary Public,
St. Clair County, Michigan
My commission expires: May 23, 2020

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MICHIGAN DEPARTMENT OF STATE POLICE	ORIGINAL DATE: Wed, May 17, 2017	INCIDENT NO: 021-0006137-17
SUPPLEMENTAL INCIDENT REPORT 0003	SUPPLEMENTARY DATE: Fri, May 18, 2018	FILE CLASS: 93001

INSPECTION / RECORDING OF ITEM 1:

Property item 1 was removed from all packaging by Michigan State Police Sgt. Dawson and inspected on 5/18/2018 in the conference room of the Metro North post by the following persons:

Philip Bladen		Office of the Attorney General / Transportation
Jennifer Sarkisian		Michigan Department of Transportation (MDOT)
Curtis Bleech		Michigan Department of Transportation (MDOT)
James Raftery	Attorney At Law 248-538-2400	(Sam Bernstein Law Firm)
James Valenta	Expert Witness	(Sam Bernstein Law Firm)

The inspection and recording of item 1 consisted of: tracings; observation; etchings; video; digital imaging with and without the inclusion of a paper ruler for scale; lifting; weighing; and measurement by laser, measuring tape, and folding ruler. The weight of item 1 was shown to be approximately 9 pounds by Sgt. Dawson using a ULINE H-103 hand-held scale. After weighing item 1, it was discovered that the scale used could not be calibrated to zero before placing a load on it. The scale produced varying readings of negative pounds with nothing on its platform.

A second scale was found and utilized by Sgt. Dawson after Bladen, Sarkisian, Bleech, Raftery and Valenta had departed from the post. Item #1 was re-weighed in the Metro North post on a Detecto 3P7044 sliding weigh beam scale. The scale was calibrated to balance with no load on it before placing item #1 on its platform. With item 1 on its platform, the weigh beam balanced at approximately **11.5 pounds**.

EXTERNAL DOCUMENT:

One (1) Request Letter from A.A.G. Bladen, Philip to Assistant Post Commander Lt. Hart, C., requesting that custody of property item 1 be "retained" by the Metro North post and not be "moved, removed, or disposed of" without first notifying A.A.G. Bladen and "getting affirmative approval to do so in writing."

STATUS:

INACTIVE - Items 1 and 2 shall remain stored in the Metro North post property room per Assistant Attorney General Philip Bladen (517-373-1470 / Transportation Division), until litigation proceedings have concluded.

MANUFACTURED/TRACE EVIDENCE

OBTAINED BY: COUVEAU
Prop 0001 -Type: Evidence Value: $0.00
Descrp: APPROXIMATELY 8X10 INCH PIECE CONCRETE
Obtained From: I696
95 - WARREN, MI
50 - MACOMB,

Date/Time Recovered: 05/17/2017

June 22, 2018, POST COMMANDER'S APPROVAL FOR INACTIVE STATUS:
I, Lieutenant CALVIN HART, give my permission to enter this report into Inactive Status.

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
2 of 2	COUVEAU, VINCE, 291, TROOPER	DAWSON, WILLIAM, 114, SERGEANT	

PRINTED: 7/2/2018 12:43

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MICHIGAN DEPARTMENT OF STATE POLICE ORIGINAL INCIDENT REPORT	ORIGINAL DATE: Wed, May 17, 2017	INCIDENT NO: 021-0006137-17
	TIME RECEIVED: 0840	FILE CLASS: 93001
	WORK UNIT: MSP METRO NORTH POST	COUNTY:

COMPLAINANT: STATION 20		TELEPHONE NO:	
ADDRESS: STREET AND NO:	CITY:	STATE:	ZIP CODE:
INCIDENT STATUS: OPEN			

ACCIDENT, TRAFFIC

SUMMARY:

See UD-10 #365164. Dispatched to injury accident where cement crashed through subjects windshield, striking subject in head.

VENUE:

MACOMB COUNTY
I-696 HWY
WARREN, MI
AT OR NEAR: HOOVER

DATE & TIME:

ON OR AFTER: WED, MAY 17, 2017 AT 0840

COMPLAINANT:

BUSINESS NAME: STATION 20
ADDRESS:

CODE: Government
DOT #
ICC #
MPSC #
MISC #

EXTERNAL DOCUMENT:
Ud-10 Serial : 365164

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
1 of 2	COUVEAU, VINCE, 291, TROOPER		

PRINTED: 7/2/2018 12:43

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MICHIGAN DEPARTMENT OF STATE POLICE	ORIGINAL DATE: Wed, May 17, 2017	INCIDENT NO: 021-0006137-17
ORIGINAL INCIDENT REPORT	TIME RECEIVED: 0540	FILE CLASS: 93001

IN CAR VIDEO:

2179

RECOVERED:

OBTAINED BY: COUVEAU
Prop 0001 -Type: Evidence Value: $0.00
Descrp: APPROXIMATELY 8X10 INCH PIECE CONCRETE
Obtained From: I696
95 - WARREN, MI
50 - MACOMB,

Date/Time Recovered: 05/17/2017

STATUS:

OPEN

RECEIVED by MSC 8/30/2021 2:33:45 PM

MICHIGAN DEPARTMENT OF STATE POLICE	ORIGINAL DATE: Wed, May 17, 2017	INCIDENT NO: 021-0006137-17
SUPPLEMENTAL INCIDENT REPORT 0001	SUPPLEMENTARY DATE: Fri, May 26, 2017	FILE CLASS: 93001

INCIDENT STATUS: OPEN

ACCIDENT, TRAFFIC

NO JOURNALS

WITNESS

NAM: PAUL GREGORY SHAHEEN
BIR:
NBR: 48539 DIR:
STR: VILLAGE DR
SFX:
CTY: MACOMB ST: MI
TXH: ZIP: 48044
TXW:
CT: 5862198163
SMT:

RAC: Unknown ETH:
SEX: Male DL: /
DOB: 04/03/1990 SSN:
HGT: SI: /
WGT: FBI:
HAI: MNU:
EYE: PR:

INTERVIEW WITNESS

I was given the contact number for Paul Shaheen by the husband of the driver(Theresa Thomas) involved in the crash. I spoke with Paul via telephone. He advised me of the following. He was WB on I696 near Hoover. He observed a black SUV type vehicle begin to slow down as if it was attempting to pull to the left lane and then the shoulder. The SUV struck a passing silver car then struck the wall. Paul advised he pulled to the shoulder and ran up to the black SUV. He advised the driver, a female was conscious and bleeding profusely from a head injury She was coherent enough to give her husbands phone number to Paul for him to call. Paul advised he then [redacted] the large hole in the front windshield of the SUV and the large piece of concrete on the floor board of the vehicle. Paul advised the piece of concrete had to have come from the freeway because they were well past any over pass. Paul advised police and EMS arrived and he left the scene.

STATUS:

OPEN

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
1 of 1	COUVEAU, VINCE, 291, TROOPER	COUVEAU, VINCE, 291, TROOPER	

PRINTED: 7/2/2018 12:43

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MICHIGAN DEPARTMENT OF STATE POLICE	ORIGINAL DATE: Wed, May 17, 2017	INCIDENT NO: 021-0006137-17
SUPPLEMENTAL INCIDENT REPORT 0002	SUPPLEMENTARY DATE: Sun, Sep 17, 2017	FILE CLASS: 93001

INCIDENT STATUS: INACTIVE

ACCIDENT, TRAFFIC

NO JOURNALS

6-1-2017	Shields	I/R, pends status check on victim.
7-13-2017	Shields	M/R Property being held, possible civil lawsuit involving MDOT.
8-9-2017	Shields	M/R. Make inactive, Property held for civil litigation.

Respectfully submitted

Lt. Calvin Hart Asst. Post Commander, Metro North Post.

INACTIVE STATUS:

Inactive pending property for civil litigation.

October 20, 2017, POST COMMANDER'S APPROVAL FOR INACTIVE STATUS:
I, Lieutenant ROBERT HONEY, give my permission to enter this report into Inactive Status.

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
1 of 1	COUVEAU, VINCE, 291, TROOPER	COUVEAU, VINCE, 291, TROOPER	

PRINTED: 7/2/2018 12:43

RECEIVED by MSC 8/30/2021 2:33:45 PM

MICHIGAN DEPARTMENT OF STATE POLICE	ORIGINAL DATE: Wed, May 17, 2017	INCIDENT NO: 021-0006137-17
SUPPLEMENTAL INCIDENT REPORT 0003	SUPPLEMENTARY DATE: Fri, May 18, 2018	FILE CLASS: 93001

INCIDENT STATUS: INACTIVE

ACCIDENT, TRAFFIC

JOURNAL:

09/22/2017 Honey File supped as Inactive. Keep property for possible civil case. Check next year.
01/16/2018 Dawson Email to OIC for case update.
01/19/2018 Couveau Still pends civil litigation and property. Contact 313-222-0624.

MANUFACTURED/TRACE EVIDENCE:

OBTAINED BY: COUVEAU
Prop **0001** -Type: Evidence Value: $0.00
Descrp: APPROXIMATELY 8X10 INCH **PIECE OF CONCRETE**
Obtained From: I696
95 - WARREN, MI
50 - MACOMB, Date/Time Recovered: 05/17/2017

OBTAINED BY: SGT. DAWSON, W.
Prop **0002** -Type: EVIDENCE Value: $0.00
Descrp: ONE HEATSEALED BAG, CLEAR, CONTAINING A **SPECK OF DARK MATERIAL** SUSPECTED OF BEING RUBBER. THIS MATERIAL SEPARATED FROM THE ORIGINAL ITEM DURING THE INSPECTION OF ITEM #1 ON 05/18/2018 IN THE CONFERENCE ROOM IN THE METRO NORTH POST, AS OBSERVED BY SGT. DAWSON.
Obtained From: 14350 10 MILE RD
83 - OAK PARK, MI
53 - OAKLAND, METRO NORTH POST Date/Time Recovered: 05/18/2018 1000

MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 01/2016)

External # 0502772 | Crash ID 9654541

Incident # 21684216

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI	Department Name	Reviewer
MI 6302100	MSP Metro North	JASON DAILING

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
03/17/2016	14:50	01	Single Motor Vehicle	● None O Fleeing Police O Hit and Run O Unknown O School Bus O Animal	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	On Road	Unknown	FRWY Other Freeway Areas

City/Twsp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Total Lanes	Speed Limit	Posted
04 - Clinton Twp			Unknown	Other	04	70	Yes

Work Zone (If applicable) Type | Workers Present | Activity | Location

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
	I-696	EXY		E

Distance / Direction: 1,320 Feet E
Trafficway: Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	GRATIOT	AVE		

UNIT TO DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	No	MI	[redacted]	(71)	● Operator O Chauffeur O Moped	O Cycle O Farm O Recreation	F	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	LAVERA LEE DAVIS 21701 SHARKEY ST CLINTON TOWNSHIP, MI 48035 (586) 932-7069		O	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Unknown					Not Deployed

Hospital	Ambulance
NONE	NONE

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	O Breath O Blood O Urine O Field O PBT O Refused ● Not Offered	O Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

UNIT

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
6742G7	MI		2011	CHEVROLET	EQUINOX	GRY

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
2GNALDEC3B1184600	Passenger Car, SUV, Van	Not Applicable		

Insurance Company	Insurance Policy #	Towed By	Towed To
FARM BUREAU		DRIVER/DRIVEN	

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
08	08	Minor Damage	E	Private	Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other Non-Fixed Object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

TRUCK/BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

UNIT / DRIVER

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				O Operator O Cycle O Chauffeur O Farm O Moped O Recreation			

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash 1st / 2nd	Driver Distracted By	Ejected	Trapped / Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

COMMERCIAL VEHICLE

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

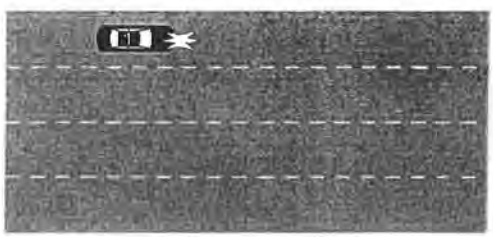
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Posted
No	03/18/2016 (12:22)	JASON DAILING (1621)		No

Narrative

Driver 1 was in the left lane and struck debris that was in the roadway.

Diagram



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Authority: [illegible] PA 300 Sec.257.622
Compliance Required: MSP UD-10E
Penalty: [illegible] (Rev 01/2016)

External #: 0524750
Crash ID: 1318453

Page 01 of 01
File Class 93001

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident #: 21294218

DR: MI [illegible]		Department Name: MSP Metro North			Reviewer: David Veasley
Crash Date: 03/[illegible]18	Crash Time: 18:30	No of Units: 01	Crash Type: Other	Special Circumstances: ● None ○ Fleeing Police ○ Hit and Run ○ Unknown ○ School Bus ○ Animal	Special Checks: ○ Fatal ○ Non-Traffic Area ○ ORV/Snowmobile
County: 63 - Oakland	Traffic Control: None	Relation to Roadway: On the Road	Weather: Unknown	Area: FRWY Other Freeway Areas	
City/Twp: 81 - Ferndale	Contributing Circumstances 1st: Unknown 2nd:	Light: Dusk	Road Surface Condition: Unknown	Total Lanes: 01	Speed Limit: Posted: Yes

Work Zone (if applicable): Type | Workers Present | Activity | Location

LOCATION

Prefix	Primary Road Name: I696	Road Type	Suffix	Divided Roadway: W
Distance / Direction: 100 Feet N		Trafficway: Divided Hwy with Barrier		
Prefix	Intersecting Road Name: I75 S/B	Road Type	Suffix	Divided Roadway

OFFICER

Unit Number: 01	Unit Known: Yes	State: MI	Driver Licence Number: [redacted]	Date of Birth (Age): [redacted] (69)	License Type: ● Operator ○ Chauffeur ○ Moped	Endorsements: ○ Cycle ○ Farm ○ Recreation	Sex: M	Total Occupants: 01	Hazardous Action: None
Unit Type: MV	Driver Information: JAMES WESLEY PABST, 36530 JEFFERSON AVE, HARRISON TWP, MI 48045 (863) 651-2378			Driver is Owner: Yes	Injury: O	Position: Front - Left		Restraint: Restraint Use Unknown	
Driver Condition at Time of Crash 1st: Unknown 2nd:				Driver Distracted By: Unknown		Ejected	Trapped	Airbag Deployed: Unknown	
Hospital: NONE				Ambulance: NONE					
Alcohol Suspected: No	Contributing Factor: No	Alcohol Test Type: ○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ○ Not Offered		Alcohol Test Results: ○ Pending Test Results:				Interlock Device: No	
Drug Suspected: No	Contributing Factor: No	Drug Test Type: ○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered		Drug Test Results: ○ Pending Test Results:				Citation Issued: ○ Hazardous ○ Other	
Vehicle Registration: BAK711	State: MI	Vehicle Description: Year 2006	Make: FORD		Model			Color: SIL	
VIN: AFMZA522X6BBA3365	Vehicle Type: Passenger Car, SUV, Van	Special Vehicles: Not Applicable		Private Trailer Type				Vehicle Defect	
Automation System(s) in Vehicle	Automation System Level in Vehicle			Automation System Level Engaged at Time of Crash					
Insurance Company: USAA	Insurance Policy #: 03977 20 48C101 3			Towed By				Towed To	
Location of Greatest Damage: 00	First Impact: 00	Extent of Damage (Power Unit and/or Trailers): Minor Damage	Vehicle Direction: S	Vehicle Use: Private				Action Prior: Going Straight Ahead	
Sequence of Events (● indicates MOST harmful event)	First: ● 14 - Other Non-collision	Second		Third				Fourth	

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	
	Injury	Ejected	Trapped	Airbag Deployed	
Hospital			Ambulance		
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	
	Injury	Ejected	Trapped	Airbag Deployed	
Hospital			Ambulance		

TRUCK/BUS

Carrier Information	USDOT	MC	MPSC			
	Driver's CDL Type	Endorsements: ○ H ○ P ○ T ○ N ○ S ○ X	CDL Exempt: ○ Farm ○ Other			
GVWR/GCWR: ○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material: ○ Placard ○ Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

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UNIT/DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffeur O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Automation System(s) In Vehicle	Automation System Level in Vehicle	Automation System Level Engaged at Time of Crash

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

TRUCK/BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

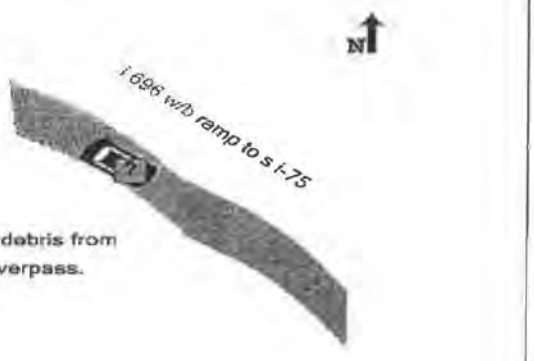
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos
No	03/05/2018 (14:10)	DAVID VEASLEY (156)		No

Narrative

vehicle 1 was struck by falling debris from overpass.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 01/2016)

External # 0422519 Crash ID 1182196

Page 01 of 01
File Class 93001
Incident # 211382517

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100
Department Name: MSP Metro North
Reviewer: MICHAEL ZARATE

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
10/25/2017	16:40	01	Single Motor Vehicle	● None O Fleeing Police O Hit and Run O Unknown O School Bus O Animal	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	On the Road	Cloudy	FRWY Other Freeway Areas

City/Twsp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Total Lanes	Speed Limit	Posted
66 - Center Line	None		Daylight	Dry	04	70	Yes

Work Zone (if applicable) — Type | Workers Present | Activity | Location

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
	I-696	FWY		

Distance / Direction: 80 Feet W
Trafficway: Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	VAN DYKE	RD		

UNDERCARRIAGE

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(48)	● Operator O Chauffeur O Moped	O Cycle O Farm O Recreation	M	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	GIANCARLO FRANCO PERTOT 40764 OLIVET DR STERLING HEIGHTS, MI 48313 (586) 634-2525	Yes	O	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Appeared Normal		Not Distracted			Not Deployed

Hospital	Ambulance
NONE	NONE

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	O Breath O Blood O Urine O Field O PBT O Refused ● Not Offered	O Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	O Blood O Urine O Field O Refused ● Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
CHX4106	MI		2015	JEEP	GRAND CHEROKEE	WHI

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
1C4RJFBGXFC763023	Passenger Car, SUV, Van	Not Applicable		

Insurance Company	Insurance Policy #	Towed By	Towed To
AAA	7775131203004	NONE	NONE

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
10	10	Functional Damage	E	Private	Going Straight Ahead

Sequence of Events (● Indicates MOST harmful event)
First: ● 21 - Other Non-Fixed Object
Second | Third | Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Injury	Ejected	Trapped	Airbag Deployed	Hospital	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Injury	Ejected	Trapped	Airbag Deployed	Hospital	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Injury	Ejected	Trapped	Airbag Deployed	Hospital	Ambulance

TRUCK/BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

DRIVERS

Unit Number	Unit Count	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Act
					O Operator O Chauffeur O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash 1st / 2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

MOTOR CARRIER

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

Witness Information	Witness Information

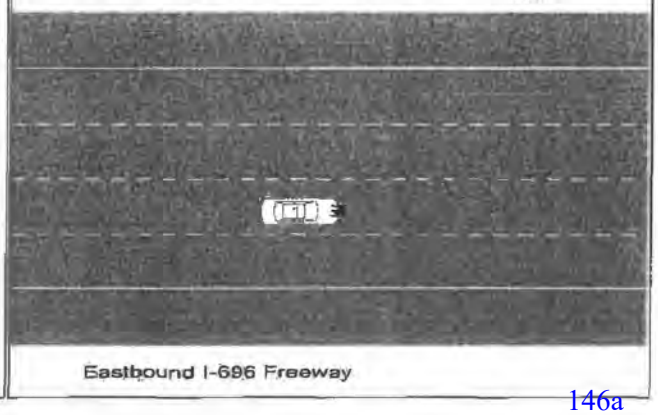
Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos
No	11/02/2017 (13:13)	MICHAEL SHERRY (1179)		No

Narrative

Driver #1 stated Vehicle #1 was in the right center lane when and object that was either kicked up by traffic or fell from an overpass. The object struck the hood and windshield of Vehicle #1 causing functional damage. Driver#1 reported the incedent at the MSP Metro North Post.

Diagram

Page Reconstructed, Not Drawn to Scale



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec 257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 01/2016)

External # 0407478 Crash ID 1085252

Page 01 of 01
File Class 930C
Incident # 2-909317
Reviewer PAUL DIPIETRO

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI	Department Name
MI 6302100	MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Crash Types
07/15/2017	14:40	01	Other	● None ○ Hit and Run ○ School Bus ○ Fleeing Police ○ Unknown ○ Animal	○ Fatal ○ Work Zone ○ DRV/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	On the Road	Clear	NON-FRWY Straight Roadway

City/Twsp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Total Lanes	Speed Limit	Posted
95 - Warren	Other		Daylight	Dry	04	70	Yes

Work Zone (if applicable) Type: | Workers Present: | Activity: | Location:

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
	I 696	HWY		W

Distance / Direction	Trafficway
1,320 Feet W	Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	MOUND	RD		

DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(59)	● Operator ○ Chauffeur ○ Moped	○ Cycle ○ Farm ○ Recreation	M	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	JAMES WILLARD ROBINSON 18235 SHAFTSBURY AVE DETROIT, MI 48219 (313) 930-3979	Yes	O	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Unknown		Not Distracted			Deployed - Front

Hospital	Ambulance
NONE	NONE

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ● Not Offered	○ Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered	○ Pending Test Results:	○ Hazardous ○ Other

VEHICLE

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
CGZ7175	MI		2008	PONTIAC	TORRENT	RED

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
2CKDL33F988046857	Passenger Car, SUV, Van	Not Applicable		

Insurance Company	Insurance Policy #	Towed By	Towed To
NATIONAL GENERAL	2001224706		

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
03	03	Minor Damage	W	Private	Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other Non-Fixed Object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

TRUCK/BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	○H ○P ○T ○N ○S ○X	○ Farm ○ Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.				○ Placard ○ Cargo Spill		

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				○ Operator ○ Chauffeur ○ Moped / ○ Cycle ○ Farm ○ Recreation			

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash 1st / 2nd	Driver Distracted By	Speed	Impact	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ○ Not Offered	○ Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Cargo Body Type
		○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered	○ Pending Test Results:	○ Hazardous ○ Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

TRUCK/BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	○H ○P ○T ○N ○S ○X	○ Farm ○ Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.				○ Placard ○ Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESS

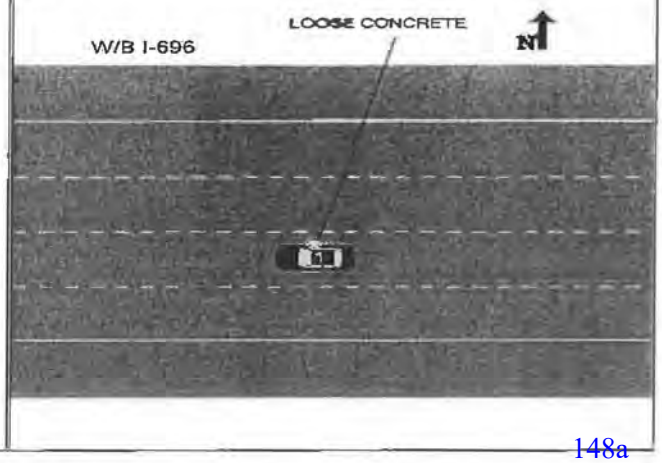
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)
No	07/17/2017 (15:16)	KURT RIES (1054)	No

Narrative

Vehicle #1 W/B I-696 was struck by loose concrete, thrown up by another vehicle.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0199429 | Crash ID 8616905

Incident # 21603613

Incident Disposition: Closed
Reviewer: JAMES KEMP

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100
Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
04/11/2013	14:20	01	Single Motor Vehicle	O School Bus ● None O Hit and Run O Deer O Fleeing Police	O Fatal O Non-Traffic Area

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Cloudy	06 - All other freeway areas

City/Twsp	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
66 - Center Line				Daylight	Wet	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	E/B I-696	FWY		E

Distance	Traffic Way	Access Control
1,320 Feet E	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	VAN DYKE	AVE		

DRIVER / PEDESTRIAN

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(25)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	02	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	JASMINE LAMAR JOHNSON 14297 KENTUCKY ST DETROIT, MI 48238	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
CKP4132	MI	LIBERTY MUTUAL		0		

VEHICLE

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
2G1WK161169212858		CHEVROLET	MONTE CARLO	SIL	2006	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
02	02	2	No	E	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

TRUCK / BUS

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 38

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Commercial Vehicle
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Property Damage Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

	Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
		O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESSES

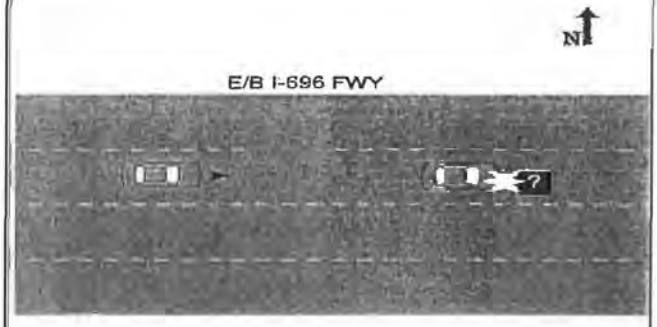
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Phoned By
Yes	04/11/2013 (14:29)	MARK ANDREWS (484)		

Narrative

Vehicle 1 was traveling eastbound when it struck debris in the road.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec 257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0244783 | Crash ID 8657913

Page 01 of 01
Incident # 211048313 | File Class 93001

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident Disposition: Closed

ORI: MI 6302100 | Department Name: MSP Metro North | Reviewer: DAVID ROBERTSON

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
06/16/2013	23:05	01	Single Motor Vehicle	O School Bus ● None O Hit and Run O Deer O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Clear	06 - All other freeway areas

City/Twp	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Dark-Lighted	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I-696			

Distance	Traffic Way	Access Control
100 Feet E	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	DEQUINDRE			

VEHICLES

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(46)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	02	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	THOMAS JOHN KINNEY 24210 CHESAPEAKE CIR WALLED LAKE, MI 48390 (708) 227-1444	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
SWTDRM5	MI	ALLSTATE	NONE	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1ZVHT84N985187278	FORD		MUSTANG	BLK	2008	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
02	02	3	Yes	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
KARI ANNE MCGRAW 21156 ROBINSON ST FARMINGTON HILLS, MI 48336 (708) 227-1444	[redacted]	F	03	04	NONE	C	No			NONE
Passenger Information										
Passenger Information										
Passenger Information										
Passenger Information										
Passenger Information										

TRUCK/BUS/TRACTORS

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit (First Second Third Fourth)	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT/DRIVER

Unit Number | Unit Known | State | Driver License Number | Date of Birth | Age | License Type: O Operator O Chauffer O Moped | Endorsements: O Cycle O Farm O Recreation | Sex | Total Occupants | Hazardous Action

Unit Type | Driver Information | Injury | Position | Restraint | Hospital

Driver Condition: 01 02 03 04 05 06 07 08 09 99 | Interlock | Ejected | Trapped | Airbag Deployed | Ambulance

Alcohol: O Yes O No O Refused O Not offered | Test Results | Test Type: O Breath O Blood O Urine

Drugs: O Yes O No | Test Results | Test Type: O Blood O Urine

Citation Issued: O Hazardous O Other

Vehicle Registration | State | Insurance / Policy # | Towed To/By | Special Vehicles | Private Trailer Type | Vehicle Defect

VIN | Vehicle Description | Make | Model | Color | Year | Vehicle Type

Location of Greatest Damage | Fire Impact | Extent of Damage | Driveable | Vehicle Direction | Vehicle Use | Action Prior

Sequence of Events (● indicates MOST harmful event): First | Second | Third | Fourth

PASSENGERS

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Hospital | Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Hospital | Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Hospital | Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Hospital | Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Hospital | Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Hospital | Injury | Airbag Deployed | Ejected | Trapped | Ambulance

INTERSTATE

Carrier Information | Carrier Source | GVWR | ICC/MC | USDOT | MPSC

Driver's CDL Type | Endorsements: O H O P O T O N O S O X | CDL Exempt: O Farm O Other | CDL Restrictions: O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate | Vehicle Type | Type & Axle Per Unit: First Second Third Fourth | Cargo Body Type | Medical Card | Hazardous Material: O Placard O Cargo Spill | ID # | Class #

OWNERS

Owner Information | Owner Information

WITNESSES

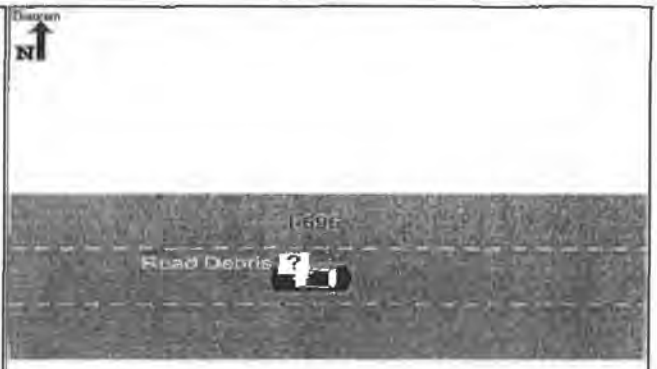
Witness Information | Witness Information

Investigated at Scene: No | Reported Date/Time: 06/17/2023 11:09 | 1st Investigator Name (Badge): ROBERT QUITTER (299) | 2nd Investigator Name (Badge) | Photos By

Narrative

While traveling W/B on I-696, Vehicle 1 was struck by road debris causing the windshield to crack. Mcgraw, the passanger, went to St. John Providence Warren to be evaluated, no major injuries.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0227367 Crash ID 8680751

Page 01 of 01
Incident # 211251513 File Class 93001

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident Disposition: Closed

ORI: MI 6302100
Department Name: MSP Metro North
Reviewer: JAMES KEMP

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
07/17/2013	17:10	01	Single Motor Vehicle	O School Bus ● None O Hit and Run O Deer O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Clear	06 - All other freeway areas

City/Twsp	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
89 - Roseville				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
W	I-696	FWY		W

Distance	Traffic Way	Access Control
1,056 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	GROVELAND	ST		

VEHICLE & DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]		● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	02	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	JOSEPH ALBERT VENERI 428 MANOR ST GROSSE POINTE FARMS, MI 48236	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused ● Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
BQQ8779	MI	STATE FARM	SERVICE TOW	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1C3CCBCG6DN542662	CHRYSLER	200		GRY	2013	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
01	01	3	Yes	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
JOSEPH VENERI 428 MANOR ST GROSSE POINTE, MI 48236	[redacted]	M	03	04	NONE	O	No			NONE

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit (First Second Third Fourth)	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				O Operator O Chauffer O Moped / O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered / Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No / Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)

First | Second | Third | Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

TRUCK / BUS

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit (First Second Third Fourth)	Cargo Body Type	Medical Card	Hazardous Material (O Placard O Cargo Spill)	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESS

Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	07/17/2013 (17:20)	MATT KISER (1834)		

Narrative

Veh#1 driving straight ahead. Unknown object/debris was thrown up by other traffic into path of #1. Driver #1 was unable to avoid the object which struck his hood and windshield.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0229140 Crash ID 8706390

Page 01 of 01 Incident # 2**1506813 File Class 93001

Incident Disposition: Closed

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Reviewer: BRYAN BUCHAN

ORI: MI 6302100 Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Studies
08/22/2013	14:00	02	Rear End	O School Bus ● None O Hit and Run O Deer O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Clear	06 - All other freeway areas

City/Twsp	Construction Zone (If applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I-696	EXPY		W

Distance	Traffic Way	Access Control
100 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	VAN DYKE			

DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(21)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	F	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	IMANI RENEE JACKSON 28180 DANVERS DR FARMINGTON HILLS, MI 48334 (248) 445-0346	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

VEHICLE

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
BLT0733	MI	CITIZENS	NONE	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1FAFP34P63W188609	FORD	FORD	FOCUS	GRY	2003	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
06	06	3	Yes	W	01 - Private	08 - Slowing/stop on roadway

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 17 - Motor veh in transport			

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

TRUCK/BUS

Carrier Information	Carrier Source	GVWR	ICC/MC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
02	Yes	MI	[redacted]	(19)	● Operator ○ Chauffer ○ Moped	○ Cycle ○ Farm ○ Recreation	M	01	12 - Unable to stop

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	DOMINIC DONALD VALENTE 312 W BLOOMFIELD AVE ROYAL OAK, MI 48073 (248) 224-5869	C	01	04	REFUSED

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 ○2 ○3 ○4 ○5 ○6 ○7 ○8 ○9 ○99	No			No	GENERIC AMBULANCE SERVICE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
○ Yes ● No ○ Refused ○ Not offered Test Type ○ Field ○ PBT ○ Breath ○ Blood ○ Urine		○ Yes ● No Test Type ○ Blood ○ Urine		○ Hazardous ○ Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
1KLU16	MI	STATE FARM	SERVICE TOW	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1FAFP53U0YG238411	FORD		TARUS	SIL	2000	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
10	02	4	No	W	01 - Private	01 - Going Straight Ahead

Sequence of Events	First	Second	Third	Fourth
(● Indicates MOST harmful event)	● 17 - Motor veh in transport			

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	○H ○P ○T ○N ○S ○X	○ Farm ○ Other	○ 28 ○ 29 ○ 30 ○ 35 ○ 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit: First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material: ○ Placard ○ Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESS

Witness Information	Witness Information

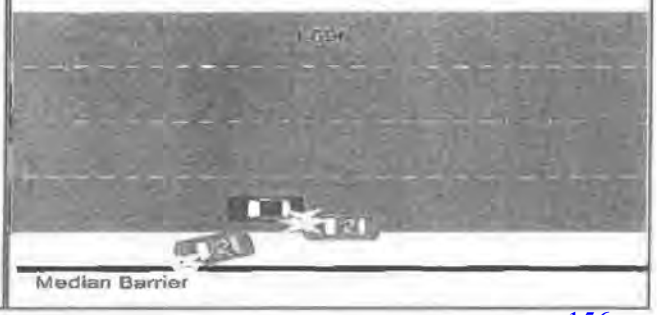
Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator (Badge)	Photos By
Yes	08/22/2013 (14:28)	ROBERT QUITTER (299)		

Narrative

Vehicle 1, while coming to a stop for road debris, was rear ended by Vehicle 2.

Vehicle 2, after the collision with Vehicle 1, crashed into the median wall.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec 257.622 | Compliance: Required | MSP UD-10E | Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0263579 | Crash ID 8860190 | Page 01 of 01 | Incident # 2119414 | File Class 93001 | Incident Disposition: Closed | Reviewer: DAVID ROBERTSON

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100	Department Name: MSP Metro North								
Crash Date: 01/02/2014	Crash Time: 11:00	No. of Units: 01	Crash Type: Single Motor Vehicle	Special Circumstances: O School Bus ● None O Hit and Run O Deer O Fleeing Police	Special Checks: O Fatal O Non-Traffic Area O ORV/Snowmobile				
County: 63 - Oakland	Traffic Control: None	Relation to Roadway: On Road	Special Study:	Weather: Snow/Blowing Snow	Area: 06 - All other freeway areas				
City/Twp: 82 - Madison Heights	Construction Zone (if applicable) Type:	Lane Closed:	Activity:	Light: Daylight	Road Condition: Snowy	Total Lanes: 04	Speed Limit: 70	Posted: Yes	

LOCATION

Prefix:	Road Name: I-696	Road Type:	Suffix:	Divided Roadway: E
Distance: 528 Feet W	Traffic Way: 03 - Divided Hwy with barrier		Access Control: 02 - Full access control	
Prefix:	Intersecting Road: DEQUINDRE	Road Type:	Suffix:	Divided Roadway:

UNIT INFORMATION

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	OH	[redacted]	(19)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	02	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	JOSHUA D. BLAND 255 CHARLES AVE NE WARREN, OH 44483 (330) 978-0398	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
● 1 O 2 O 3 O 4 O 5 O 6 O 7 O 8 O 9 O 99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
FCW7853	OH	STATE FARM	BILLS TOWING	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
3C4FY48B84T252815	CHRYSLER		PT CRUISER	WHI	2004	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
10	02	1	No	E	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information										
Passenger Information										
Passenger Information										
Passenger Information										
Passenger Information										

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury / Airbag Deployed		Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury / Airbag Deployed		Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury / Airbag Deployed		Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury / Airbag Deployed		Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury / Airbag Deployed		Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury / Airbag Deployed		Ejected	Trapped	Ambulance

COMMERCIAL VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 38

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESS

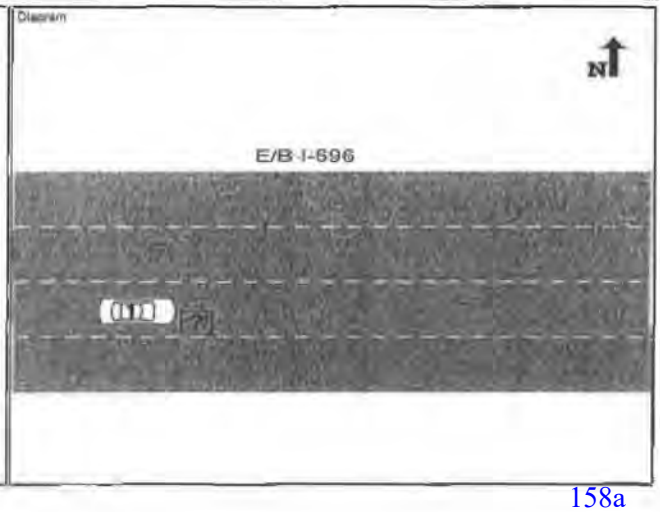
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	01/02/2014 (11:09)	JASON DAVENPORT		

Narrative

Driver #1: The driver stated he ran over road debris causing both passenger side tires to go flat.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0261167 | Case ID 9150C3[illegible]

Page 01 of 01
Incident # 2160015 File Class 93001

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident Disposition: Closed

ORI	Department Name	Reviewer
MI 6302100	MSP Metro North	BRET SMITH

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
01/07/2015	17:19	01	Single Motor Vehicle	O School Bus ● None O Hit and Run O Deer O Passing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Clear	06 - All other freeway areas

City/Twsp	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
66 - Center Line				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
W	I 696	FWY		W

Distance	Traffic Way	Access Control
1,320 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	VAN DYKE			

DRIVER / VEHICLE

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(40)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	LEONIDAS PETROS MOSCHOURIS 3604 DURHAM RD ROYAL OAK, MI 48073 (734) 330-7019	B	01	04	ST JOHN MACOMB-OAKLAND HOSPITAL

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	WARREN FIRE DEPT

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused ● Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
BJR9855	MI	CITIZENS	SERVICE TOW	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
2C4RC1BG8DR677842		CHRYSLER	TOWN & COUN	SIL	2013	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
00	00	2	No	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	[illegible]	[illegible]	Hospital
	Injury	Airbag Deployed	[illegible]	[illegible]	Ambulance

Passenger Information	Date of Birth (Age)	Sex	[illegible]	[illegible]	Hospital
	Injury	Airbag Deployed	[illegible]	[illegible]	Ambulance

Passenger Information	Date of Birth (Age)	Sex	[illegible]	[illegible]	Hospital
	Injury	Airbag Deployed	[illegible]	Trapped	Ambulance

COMMERCIAL VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Missed	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Intoxicated	Ejected	Trapped	Airbag Deployed	Ambulance
01 02 03 04 05 06 07 08 09 099					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Basic Towed By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESS

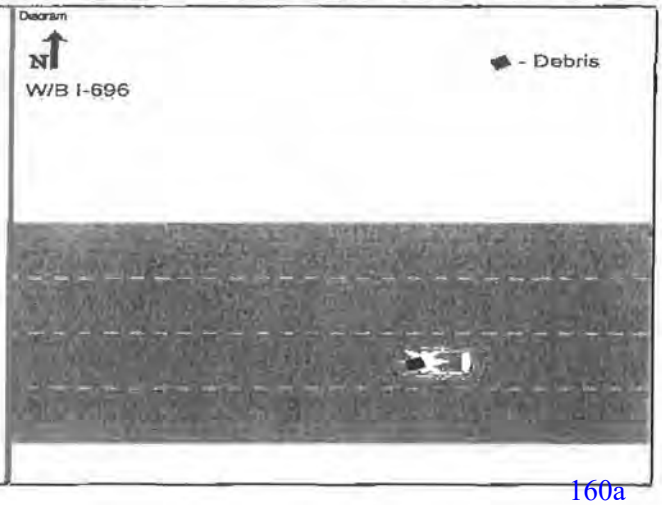
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	01/07/2015 (17:41)	GABOR GODRI (999)		

Narrative

Vehicle was traveling W/B when a piece of debris broke through the windshield and hit the driver in the head, causing moderate bleeding.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0275448 Crash ID 9171750

Page 01 of 01
Incident # 21161015 File Class 93001

Incident Disposition: Closed

Reviewer: SHEILA SHIELDS

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100

Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
01/19/2015	11:00	01	Single Motor Vehicle	● None O Deer O School Bus O Hit and Run O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Cloudy	06 - All other freeway areas

City/Twsp	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	696			

Distance	Traffic Way	Access Control
1,584 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	HOOVER			

DRIVER AND VEHICLE

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(24)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	F	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	ALLISON MARGARET NEMETZ 3344 E LONG LAKE RD TRAVERSE CITY, MI 49685	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused ● Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
CLR4850	MI	STATEFARM	NA	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
4S3BH675617632094	SUBARU			WHI	2001	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
01	01	1	Yes	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 26 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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VEHICLE / DRIVER

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				O Operator O Chauffer O Moped / O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)

First | Second | Third | Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

TRUCK / CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type / Endorsements	CDL Exempt	CDL Restrictions
O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit (First Second Third Fourth)	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

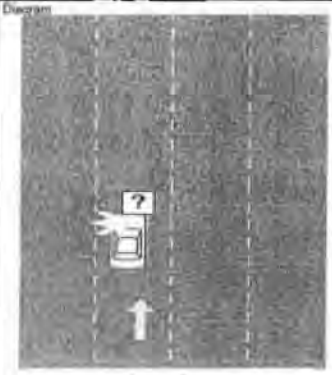
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	01/19/2015 (11:10)	VINCE COUVEAU (291)		NA

Narrative

Vehicle #1 was WB on 696. Vehicle #1 struck debris on the roadway.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257.622 | Compliance Required: MSP UD-10E | Penalty: $100 (MCL 257.601b(2)) Rev. 11/2008

External # 0340572 | Crash ID 9252609

Page 01 of 01 | Incident # 211037215 | File Class 93001

Incident Disposition: Closed

Reviewer: ROBERT HONEY

STATE OF MICHIGAN TRAFFIC CRASH REPORT

MI 63021JK

Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
3504/2215	08:20	01	Single Motor Vehicle	○ School Bus ● None ○ Hit and Run ○ Deer ○ Fleeing Police	○ Fatal ○ Non-Traffic Area ○ ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
63 - Oakland	None	On Road	State	Cloudy	06 - All other freeway areas

City/Twp/Vlg	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
82 - Madison Heights				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I696	FWY		E

Distance	Traffic Way	Access Control
50 Feet E	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	I75	FWY		

VEHICLE & DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(35)	● Operator ○ Chauffer ○ Moped	○ Cycle ○ Farm ○ Recreation	M	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	SEAN NICHOLAS RUBAN 709 DEVONSHIRE BLVD BRIGHTON, MI 48116 (517) 980-2190	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 ○2 ○3 ○4 ○5 ○6 ○7 ○8 ○9 ○99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
○ Yes ● No ○ Refused ○ Not offered Test Type ○ Field ○ PBT ○ Breath ○ Blood ○ Urine		○ Yes ● No Test Type ○ Blood ○ Urine		○ Hazardous ○ Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicle	Private Trailer Type	Vehicle Defect
BMR3150	MI	CITIZENS	NA	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1J8GR48K98C143730	JEEP		GRAND CHEROKEE	BLK	2008	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
01	01	2	Yes	E	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	●21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information										
Passenger Information										
[redacted]										

COMMERCIAL VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	○H ○P ○T ○N ○S ○X	○ Farm ○ Other	○ 28 ○ 29 ○ 30 ○ 35 ○ 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								○ Placard ○ Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT/DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
01 02 03 04 05 06 07 08 09 099					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (# indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	jected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC
	Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions	
		O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36	

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNER

Owner Information	Owner Information

WITNESS

Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
No	05/04/2015 (09:03)	RAY PECHMAN (401)		

Narrative

Vehicle #1 traveling e/b I696 over I75 when Vehicle #1 struck debris in the roadway causing damage to the front of the vehicle.

Diagram



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

Exception # 0359386 Case ID 9322191

Page 01 of 01
Incident # 211560315 File Class 93001

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident Disposition: Closed

ORI: MI 6302100
Department Name: MSP Metro North
Reviewer: JEFFREY MUNOZ

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
07/15/2015	12:40	01	Single Motor Vehicle	O School Bus ● None O Hit and Run O Deer O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	Median		Clear	06 - All other freeway areas

City/Twp	Construction Zone (if applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
05 - Harrison Twp				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I696			

Distance	Traffic Way	Access Control
1,584 Feet E	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	M97			

INVOLVED PERSONS

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(25)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	02	14 - Unknown

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	JOSEPH LAMAR ORUM 10701 BEACONSFIELD ST DETROIT, MI 48224 (313) 353-7421	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			Yes	ROSEVILLE FIRE DEPT

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused ● Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
DAJ7667	MI	AAA/AUTO051198764	SERVICE	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1G3NL52E4YC318975		OLDSMOBILE		BLK	2000	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
01	01	3	No	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth
	14 - Other noncollision	21 - Other non-fixed object	01 - Loss of control	● 27 - Median barrier

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
LASHAY CALHOUN 5882 3MILE DR DETROIT, MI 48224 (313) 457-5260	(25)	F	01	04	NONE
	Injury: O	Airbag Deployed: Not Equipped	Ejected:	Trapped:	Ambulance: NONE
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

INSURANCE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Drive Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

TRUCK / TRAILER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 25 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESS

Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	07/15/2015 (13:10)	VINCE COUVEAU (291)		

Narrative

Vehicle #1 was WB on 696. The driver of Vehicle#1 advised that a piece of debris was kicked up by another vehicle, the debris struck his vehicle. This caused him to lose control and strike the median wall.

Diagram



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Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 01/2016)

External # 0529710 | Crash ID 1357569

Page 01 of 01
File Class 93001

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident # 21492618

ORI: MI 6302100 | Department Name: MSP Metro North | Reviewer: SHEILA SHIELDS

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
04/23/2018	14:35	01	Single Motor Vehicle	● None O Fleeing Police O Hit and Run O Unknown O School Bus O Animal	O Fatal O Non-Traffic Area O DRY/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	Median	Clear	FRWY Other Freeway Areas

City/Twp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Total Lanes	Speed Limit	Posted
66 - Center Line	Other		Daylight	Dry	04	70	Yes

Work Zone (if applicable): Type | Workers Present | Activity | Location

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
E	I-696			E

Distance / Direction: 1,320 Feet E
Trafficway: Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	VAN DYKE			S

DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(54)	● Operator O Chauffeur O Moped	O Cycle O Farm O Recreation	M	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	KEVIN DAVID ROSS 2036 MILLER RD METAMORA, MI 48455 (810) 664-1119	No	O	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Appeared Normal		Not Distracted			Not Deployed

Hospital: NONE | Ambulance: NONE

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

VEHICLE

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
2LKZ6	MI		2005	BUICK	LACROSSE	SIL

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
2G4WD532051257353	Passenger Car, SUV, Van	Not Applicable		

Automation System(s) in Vehicle	Automation System Level in Vehicle	Automation System Level Engaged at Time of Crash

Insurance Company	Insurance Policy #	Towed By	Towed To
MICHIGAN INS CO	AUJ0065504	PERSONAL TOW	PERSONAL TOW

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
08	08	Disabling Damage	E	Private	Avoiding Veh Front/Back

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	03 - Ran Off Roadway-Left	● 27 - Concrete Barrier		

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital | Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital | Ambulance

COMMERCIAL VEHICLE

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

VEHICLE

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				O Cycle O Farm O Recreation			

Unit Type	Driver Information	Driver's Seating Row	Position	Restraint

Driver Condition at Time of Crash (1st / 2nd)	Driver Distracted By	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description (Year / Make / Model / Color)

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Automation System(s) in Vehicle	Automation System Level in Vehicle	Automation System Level Engaged at Time of Crash

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

COMMERCIAL VEHICLE

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

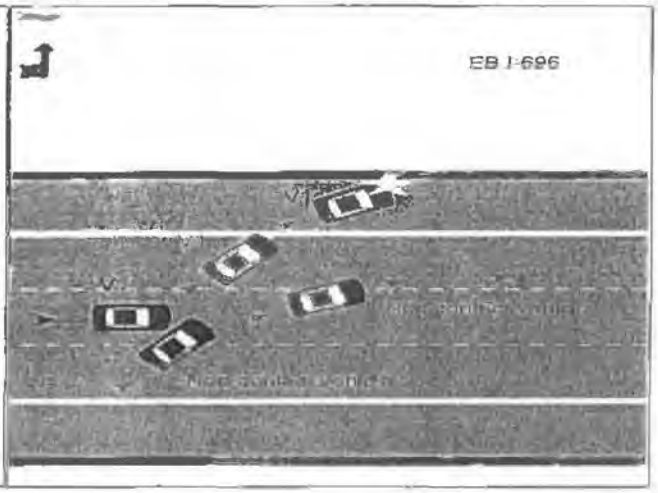
WITNESSES

Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos
Yes	04/23/2018 (15:31)	SHEILA SHIELDS (325)		No

Narrative

Vehicle 1 was traveling in left center lane. A non contact vehicle swerved across vehicle 1's path causing him to swerve onto the left shoulder. Vehicle 1 lost control on all the debris on shoulder and struck the median wall.



MSP Response to FOIA

RECEIVED by MSC 8/30/2021 2:33:45 PM

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Rev [illegible]201

External # 0365099 | Crash ID 1024104

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100 | Department Name: MSP Metro North

SHELA SHIELDS

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances
05/03/2017	14:00	01	Single Motor Vehicle	● None ○ Fleeing Police ○ Hit and Run ○ Unknown ○ School Bus ○ Animal

Special Checks: ○ Work Zone ○ ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	On the Road	Clear	FRWY Other Freeway Areas

City/Twsp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Total Lanes	Speed Limit	Posted
95 - Warren	Other		Daylight	Dry	04	70	Yes

Work Zone (If applicable) Type: | Workers Present: | Activity: | Location:

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
E	I-696	FWY		E

Distance / Direction: 2,640 Feet E | Trafficway: Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	HOOVER	RD		

VEHICLE & DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(57)	● Operator ○ Chauffeur ○ Moped	○ Cycle ○ Farm ○ Recreation	F	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	ANNE KATHERINE KRAEMER 17829 SUMMER LN S FRASER, MI 48026 (586) 843-8649	No	B	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Appeared Normal		Not Distracted			Not Deployed

Hospital: ST JOHN MACOMB-OAKLAND HOSPITAL | Ambulance: WARREN FIRE DEPT

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ● Not Offered	○ Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered	○ Pending Test Results:	○ Hazardous ○ Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
DDA1946	MI		2014	CHEVROLET	SONIC	BLU

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
1G1JA5SH9E4157469	Passenger Car, SUV, Van	Not Applicable		

Insurance Company	Insurance Policy #	Towed By	Towed To
UNKNOWN	UNKNOWN	SERVICE	SERVICE

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
01	01	Disabling Damage	E	Private	Going Straight Ahead

Sequence of Events (● indicates MOST harmful event): First: ● 21 - Other Non-Fixed Object | Second: | Third: | Fourth:

PASSENGERS

Passenger Information | Date of Birth (Age) | Sex | Position | Restraint | Injury | Ejected | Trapped | Airbag Deployed | Hospital | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Injury | Ejected | Trapped | Airbag Deployed | Hospital | Ambulance

Passenger Information | Date of Birth (Age) | Sex | Position | Injury | Ejected | Trapped | Airbag Deployed | Hospital | Ambulance

COMMERCIAL CARRIER

Carrier Information | USDOT | MC | MPSC

Driver's CDL Type | Endorsements ○ H ○ P ○ T ○ N ○ S ○ X | CDL Exempt ○ Farm ○ Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.				○ Placard ○ Cargo Spill		

OWNERS

Owner Information | Owner Information

Damaged Property | Owner & Phone

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffeur O Moped	O Cycle O Farm O Recreator			

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Citation	Traffic	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

TRUCK / BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

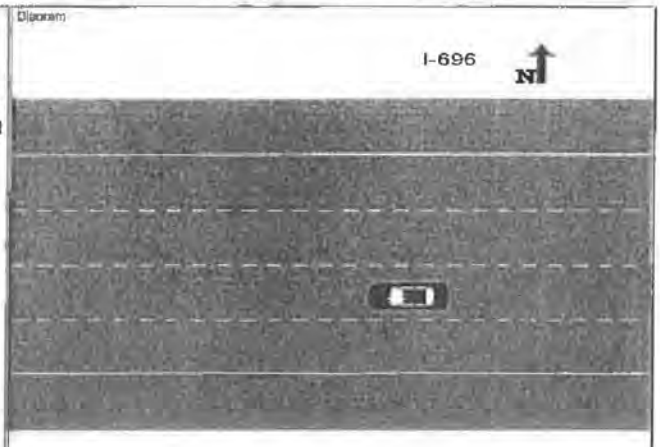
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos
Yes	05/03/2017 (14:31)	KEVIN MICHALAK (216)		No

Narrative

Vehicle 1 traveling EB I-696. Vehicle 1 stated piece of concrete "came from above" and through her windshield. Driver was transported by EMS to St. John Macomb. Vehicle 1 towed by Service. Troopers spoke to construction workers at I-696 and Hoover. Workers stated they have been working since the morning and did not see anyone throwing anything off the overpass.

Diagram



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Authority: 1949 PA 300 Sec.257.622
Compliance Required MSP UD-10E
Penalty: $100 and/or 6 days Rev. 01/2016)

External # 0485684 | Crash ID 9975469

Page 01 of 01
File Class

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident # 21302117

ORI MI 530210C | Department Name MSP Metro North | Reviewer GARY NESBITT

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
03/09/2017	13:22	01	Single Motor Vehicle	● None O Fleeing Police O Hit and Run O Unknown O School Bus O Animal	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	On the Road	Clear	FRWY Other Freeway Areas

City/Twp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Total Lanes	Speed Limit	Posted
89 - Roseville	Other		Daylight	Dry	03	70	Yes

Work Zone (if applicable) Type | Workers Present | Activity | Location

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
W	I 696			

Distance	Direction	Trafficway
1,320 Feet	E	Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	GRATIOT	AVE		

VEHICLE(S) & DRIVER(S)

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(28)	● Operator O Chauffeur O Moped	O Cycle O Farm O Recreation	M	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	ZACHARY ROSS GOSSETT 30735 BRENTWOOD ST SOUTHFIELD, MI 48076 (248) 345-2907	No	B	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Appeared Normal		Not Distracted			Not Deployed

Hospital	Ambulance
ST JOHN MACOMB-OAKLAND HOSPITAL	OTHER

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	O Breath O Blood O Urine O Field O PBT O Refused ● Not Offered	O Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	O Blood O Urine O Field O Refused ● Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
DNP6484	MI		2015	FORD	TRANSIT	WHI

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
1FTNR1ZM4FKA60660	Passenger Car, SUV, Van	Not Applicable		

Insurance Company	Insurance Policy #	Towed By	Towed To
SENTINEL	35VECZK8713	SERVICE TOWING	CREST FORD

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
00	00	Disabling Damage	W	Commercial (Business)	Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other Non-Fixed Object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

COMMERCIAL VEHICLES

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

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UNIT/DRIVER

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				O Operator O Chauffeur O Moped / O Cycle O Farm O Recreation			

Unit Type	Driver Information	Driver Is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

INSURANCE

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	UN #	Class #
O 10,000 lbs or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNER

Owner Information	Owner Information

WITNESS

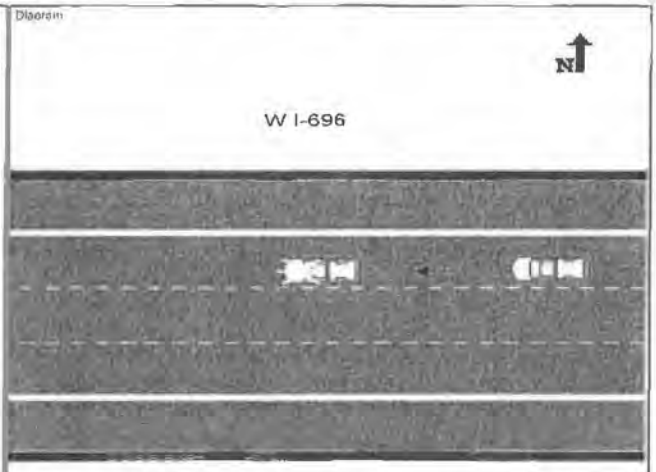
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos
Yes	03/09/2017 (13:47)	KEVIN PIRVU (1501)		No

Narrative

Vehicle was traveling w/b on I-696. Driver stated a chunk of concrete fell from an overhanging walkway and went through his windshield. Driver was transported to St. John Macomb to be treated for minor injuries.

Diagram



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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)

First	Second	Third	Fourth

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL MOTOR VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESSES

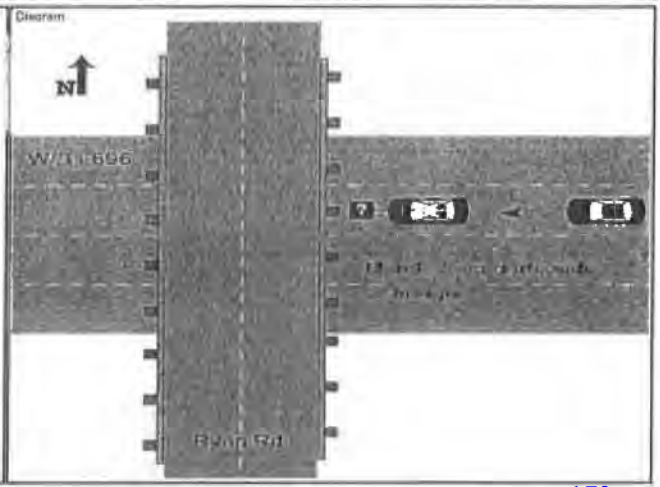
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	09/08/2015 (11:44)	BRIAN LAVALLEY (210)		NA

Narrative

Vehicle 1 was traveling W/B I-696. Driver of vehicle 1 stated that as she was passing under the Ryan Rd overpass. She heard a loud noise that sounded like a stone had hit her vehicle from above causing her moon roof glass to shatter. She said that she did not see the debris but the noise occurred just as she passed under the bridge.

Diagram



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MICHIGAN DEPARTMENT OF STATE POLICE

ORIGINAL INCIDENT REPORT

UD10 393003

ORIGINAL DATE:	INCIDENT NO:
Tue, Sep 08, 2015	021-0021145-15
TIME RECEIVED:	**FILE CLASS:**
1139	93001

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
1 of 1	LAVALLEY, B, , 210, TPR		

PRINTED: 7/2/2018 12:47

MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2005)

External # 0294844 | Crash ID 9112514

Incident # 212627814 | File Class 93002
Incident Disposition: Closed
Reviewer: Richard Michael

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI	Department Name
MI 6302100	MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
11/29/2014	21:15	01	Single Motor Vehicle	O School Bus	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Cloudy	06 - All other freeway areas

City/Twsp	Construction Zone (If applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Dark-Unlighted	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
E	I-696	FWY		

Distance	Traffic Way	Access Control
1,320 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	VAN DYKE			

UNIT / DRIVER / VEHICLE

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(39)	Operator	O Cycle O Farm O Recreation	M	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	NATHAN ANDREW MIKLUSAK 47807 BRENNAN DR MACOMB, MI 48044 (586) 321-8268	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
01	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes No O Refused Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
3EJZ07	MI	STATE FARM	SERVICE	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1GKLVMED0AJ130703		GMC	ENVOY	BGE	2010	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Drivable	Vehicle Direction	Vehicle Use	Action Prior
01	01	4	No	E	01 - Private	01 - Going Straight Ahead

Sequence of Events (* Indicates MOST harmful event)	First	Second	Third	Fourth
	* 45 - Other fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL VEHICLES

Carrier Information	Carrier Source	DOT#	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNDERCARRIAGE

Unit Number	Unit Type	State	Driver / Boater Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffeur O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Test O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed / Disabled	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Drivable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESS

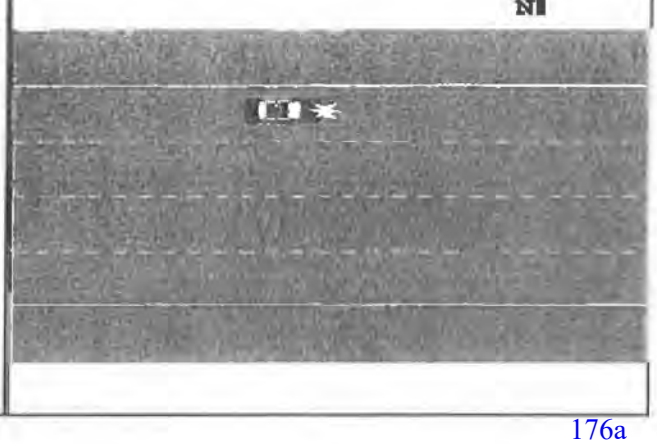
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	Investigator Name (Badge)	Photos By
Yes	11/29/2014 (21:15)	DANIEL SALDANA (1605)		NONE

Narrative

Vehicle 1 was traveling east bound I-696 near Van Dyke in the left lane. While traveling in the left lane the vehicle, in front of the driver, ran over a loose piece of concrete which flew up and struck the front part of the radiator. There were no injuries.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257 622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0249267 | Crash ID 9117340

Incident # 212557814 | File Class 83002

STATE OF MICHIGAN TRAFFIC CRASH REPORT

Incident Disposition: Closed

ORI	Department Name	Reviewer
MI 6302100	MSP Metro North	Richard Michael

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
11/26/2014	17:20	01	Single Motor Vehicle	● None O Deer O School Bus O Hit and Run O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Cloudy	06 - All other freeway areas

City/Twsp	Construction Zone (If applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Dark-Lighted	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I-696	FWY		E

Distance	Traffic Way	Access Control
1 Feet E	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	HOOVER	ROAD		

DRIVER / VEHICLE

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(33)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	JUSTIN ROBERT OBRIEN 22441 ALGER ST SAINT CLAIR SHORES, MI 48080	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
CMC8903	MI	AAA	PRIVATE TOW	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
WMWZC3C58CWL86382	MINI	COOPER		BLU	2012	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Drivable	Vehicle Direction	Vehicle Use	Action Prior
11	11	2	No	E	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 26 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State Driver License Number	Date of Birth (Age)	License Type / Endorsements	Sex	Total Occupants	Hazardous Action
				O Operator O Chauffer O Moped / O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)

First | Second | Third | Fourth

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit (First Second Third Fourth)	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESS

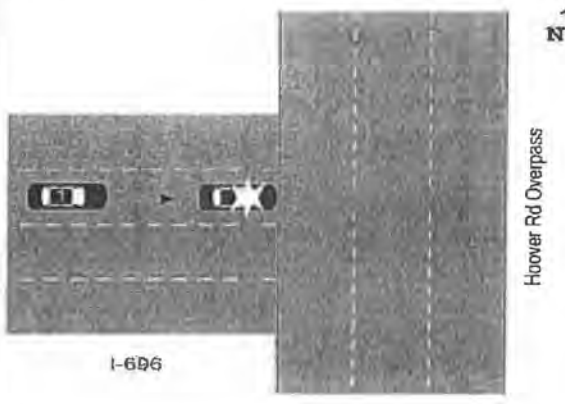
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	11/26/2014 (17:41)	RICHARD MICHAEL (143)		

Narrative

Veh #1 was travelling east on I-696 approaching the Hoover Road overpass. As Veh #1 passed under the overpass it was struck in the windshield by a piece of concrete that fell from the overpass. No injuries were reported.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2005)

External # 0277803 | Crash ID 9011534

Incident # 211672014 File Class 93001
Incident Disposition: Closed
Reviewer: ROBERT HONEY

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100
Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
08/02/2014	09:00	01	Single Motor Vehicle	● None O Deer O School Bus O Hit and Run O Fleeing Police	O Fatal O Non-Traffic Area O DRV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Clear	06 - All other freeway areas

City/Twsp	Construction Zone (If applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Daylight	Dry	04	70	No

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I 696 W/B	FWY		

Distance	Traffic Way	Access Control
2,640 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	MOUND	RD		

UNIT INVOLVED

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(41)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	F	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	WENDY ANN JACKSON 26514 PALOMINO AVE WARREN, MI 48089 (586) 823-6332	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused ● Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
ABD691	MI	CITIZENS		0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1C3LC56K57N564190		CHRYSLER	SEBRING	RED	2007	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
09	09	3	Yes	W	01 - Private	01 - Going Straight Ahead

Sequence of Events	First	Second	Third	Fourth
(● indicates MOST harmful event)	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

TRUCK/BUS

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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INVOLVED MOTOR VEHICLE

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● indicates MOST harmful event)

First	Second	Third	Fourth

PASSENGER

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First Second Third Fourth	Cargo Body Type	Medical Card	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS

Owner Information	Owner Information

WITNESSES

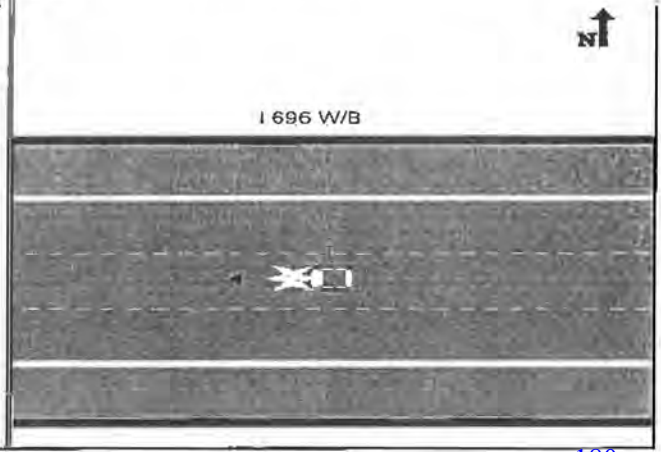
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
No	08/04/2014 (16:35)	MATTHEW HAYDEN (552)		N/A

Narrative

The driver of vehicle 1 was traveling West on I 696 near Mound when they struck a large chunk on concrete in the roadway causing damage. The damage sustained by the vehicle was located under the car and affected basic vehicle functions.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2008)

External # 0254451 | Crash ID 8817576

Incident # 212419210 | File Class 93002
Incident Disposition: Closed
Reviewer: SHEILA SHIELDS

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100
Agency Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
12/21/2013	11:50	0	Single Motor Vehicle	○ School Bus ● None ○ Hit and Run ○ Deer ○ Fleeing Police	○ Fatal ○ Non-Traffic Area ○ ORV/Snowmobile

County	Traffic Control	Roadway Surface	Special Study	Weather	Area
50 - Macomb	None	Dr Road		Rain	06 - All other freeway areas

City/Twsp	Construction Zone Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Daylight	Wet	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I-696	EXPY		

Distance	Traffic Way	Access Control
1,320 Feet W	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	SCHOENHER			

DRIVER / MOTORIST / NON-MOTORIST

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	[redacted] (48)	● Operator ○ Chauffer ○ Moped	○ Cycle ○ Farm ○ Recreation	F	02	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	ELIZABETH FAY WILLIAMS 23022 GARY LN SAINT CLAIR SHORES, MI 48080 (313) 310-1470	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
● 1 ○ 2 ○ 3 ○ 4 ○ 5 ○ 6 ○ 7 ○ 8 ○ 9 ○ 99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
○ Yes ● No ○ Refused ● Not offered Test Type ○ Field ○ PBT ○ Breath ○ Blood ○ Urine		○ Yes ● No Test Type ○ Blood ○ Urine		○ Hazardous ○ Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
1AHJ46	MI	STATE FARM		0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1HGES165X4L001221	HONDA		CIVIC	BLU	2004	Passenger Car

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
00	00	2	Yes	W	01 - Private	01 - Going Straight Ahead

Sequence of Events	First	Second	Third	Fourth
(● indicates MOST harmful event)	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
CLINTON EARL WILLIAMS 23022 GARY LN ST CLAIR SHORES, MI 49080	[redacted]	M	03	04	NONE

Injury	Airbag Deployed	Ejected	Trapped	Ambulance
O	No			NONE

Passenger Information — Date of Birth (Age) | Sex | Position | Restraint | Hospital
Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information — Date of Birth (Age) | Sex | Position | Restraint | Hospital
Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information — Date of Birth (Age) | Sex | Position | Restraint | Hospital
Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information — Date of Birth (Age) | Sex | Position | Restraint | Hospital
Injury | Airbag Deployed | Ejected | Trapped | Ambulance

Passenger Information — Date of Birth (Age) | Sex | Position | Restraint | Hospital
Injury | Airbag Deployed | Ejected | Trapped | Ambulance

MOTOR CARRIER

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	○ H ○ P ○ T ○ N ○ S ○ X	○ Farm ○ Other	○ 28 ○ 29 ○ 30 ○ 35 ○ 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								○ Placard ○ Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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DRIVER

Unit Number	Unit Kn	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffer O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Injury	Position	Restraint	Hospital

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
O1 O2 O3 O4 O5 O6 O7 O8 O9 O99					

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes O No [illegible] O Not offered Test Type O Field [illegible] O Breath O Blood O Urine		O Yes O No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type

Location of Greatest Damage	First event	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (* indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

	Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
		O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESS

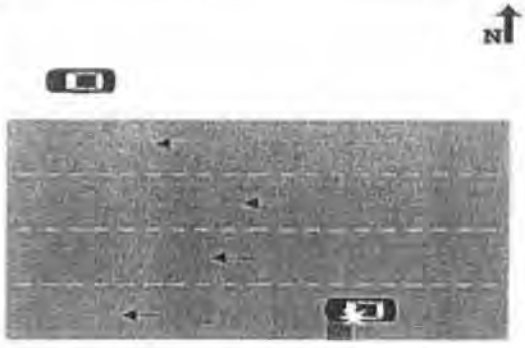
Witness Information	Witness Information

Investigated at Scene	Response Date/Time	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	12/21/2[illegible]3 (11:58)	LARISSA LAMAY (839)		

Narrative

Vehicle #1 traveling [illegible]bound I-696 when a chunk of concrete struck the vehicle near the A-pillar and driver side windshield causing damage.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec 257 622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 11/2006)

External # 0251473 Crash ID 8929089

Incident # Z1831414 File Class 93001
Incident Disposition: Closed
Reviewer: MATT KISER

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100
Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Special Checks
04/09/2014	09:20	02	Other/Unknown	● None O Deer O School Bus O Hit and Run O Fleeing Police	O Fatal O Non-Traffic Area O ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Special Study	Weather	Area
50 - Macomb	None	On Road		Clear	06 - All other freeway areas

City/Twsp	Construction Zone (If applicable) Type	Lane Closed	Activity	Light	Road Condition	Total Lanes	Speed Limit	Posted
95 - Warren				Daylight	Dry	04	70	Yes

LOCATION

Prefix	Road Name	Road Type	Suffix	Divided Roadway
	I-696	HWY		W

Distance	Traffic Way	Access Control
1,320 Feet E	03 - Divided Hwy with barrier	02 - Full access control

Prefix	Intersecting Road	Road Type	Suffix	Divided Roadway
	RICHARD CAMPBELL			

INVOLVED

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(25)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	PATRICK JAMES BROWNELL 28911 GARFIELD ST ROSEVILLE, MI 48066 (586) 350-3367	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
CBE9276	MI	PROGRESSIVE 328375344		0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1GKEK13Z63J298461	GMC		YUKON	GLD	2003	Pickup truck

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
10	01	2	Yes	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● indicates MOST harmful event)	First	Second	Third	Fourth
	● 21 - Other non-fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance
Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

COMMERCIAL VEHICLE

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit First	Second	Third	Fourth	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
								O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

Person Advised of Damaged Traffic Control	Damaged Property	Public
Contact Name: Contact Date: Contact Time:	Owner & Phone	

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
02	Yes	MI	[redacted]	(35)	● Operator O Chauffer O Moped	O Cycle O Farm O Recreation	M	01	00 - None

Unit Type	Driver Information	Injury	Position	Restraint	Hospital
MV	CHARLES MARK TAYLOR 27936 HILLER ST HARRISON TOWNSHIP, MI 48045	O	01	04	NONE

Driver Condition	Interlock	Ejected	Trapped	Airbag Deployed	Ambulance
●1 O2 O3 O4 O5 O6 O7 O8 O9 O99	No			No	NONE

Alcohol	Test Results	Drugs	Test Results	Citation Issued
O Yes ● No O Refused O Not offered Test Type O Field O PBT O Breath O Blood O Urine		O Yes ● No Test Type O Blood O Urine		O Hazardous O Other

Vehicle Registration	State	Insurance / Policy #	Towed To/By	Special Vehicles	Private Trailer Type	Vehicle Defect
CLD3231	MI	GRANGEPA173677803	B&T	0		

VIN	Vehicle Description	Make	Model	Color	Year	Vehicle Type
1GCCS1945X8179067		CHEVROLET	S10	GLD	1999	Pickup truck

Location of Greatest Damage	First Impact	Extent of Damage	Driveable	Vehicle Direction	Vehicle Use	Action Prior
11	06	1	No	W	01 - Private	01 - Going Straight Ahead

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth
	● 45 - Other fixed object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint	Hospital
	Injury	Airbag Deployed	Ejected	Trapped	Ambulance

CARRIER / TRUCK

Carrier Information	Carrier Source	GVWR	ICCMC	USDOT	MPSC

Driver's CDL Type	Endorsements	CDL Exempt	CDL Restrictions
	O H O P O T O N O S O X	O Farm O Other	O 28 O 29 O 30 O 35 O 36

Interstate/Intrastate	Vehicle Type	Type & Axle Per Unit (First Second Third Fourth)	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
					O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos By
Yes	04/09/2014 (10:07)	NANCY TROYE (1480)		

Narrative

Vehicle #1 & #2 were in w/b I-696 in far left lane. Vehicle #2 struck pothole; forcing up debris (large stone), which smashed windshield of vehicle #1. Vehicle #2 suffered flat. *An abandoned vehicle on left shoulder w/flat also believed from pothole.

Diagram



MSP Response to FOIA

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Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: $100 and/or 90 days (Rev 01/2018)

External # 0529709 Crash ID 1310574

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI: MI 6302100
Department Name: MSP Metro North

Crash Date	Crash Time	No. of Units	Crash Type	Special Circumstances	Source Device
02/22/2018	10:15	01	Single Motor Vehicle	● None ○ Hit and Run ○ School Bus ○ Fleeing Police ○ Unknown ○ Animal	○ ORV/Snowmobile

County	Traffic Control	Relation to Roadway	Weather	Area
50 - Macomb	None	On the Road	Cloudy	FRWY Other Freeway Areas

City/Twsp	Contributing Circumstances 1st	2nd	Light	Road Surface Condition	Num Lanes	Speed Limit	Posted
95 - Warren	None		Daylight	Dry	04	70	Yes

Work Zone (If applicable) — Type | Workers Present | Activity | Location

LOCATION

Prefix	Primary Road Name	Road Type	Suffix	Divided Roadway
	W/B I-696	FWY		W

Distance / Direction	Trafficway
100 Feet E	Divided Hwy with Barrier

Prefix	Intersecting Road Name	Road Type	Suffix	Divided Roadway
	HOOVER	RD		

DRIVER / MOTORIST

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
01	Yes	MI	[redacted]	(67)	● Operator ○ Chauffeur ○ Moped	○ Cycle ○ Farm ○ Recreation	F	01	None

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint
MV	CYNTHIA REBECCA CARLSON 27958 RED CEDAR LN HARRISON TOWNSHIP, MI 48045 (313) 580-0910	No	O	Front - Left	Shoulder and Lap Belt

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed
Appeared Normal		Not Distracted			Not Deployed

Hospital	Ambulance
NONE	NONE

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Interlock Device
No	No	○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ○ Not Offered	○ Pending Test Results:	No

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
No	No	○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered	○ Pending Test Results:	○ Hazardous ○ Other

VEHICLE

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color
KEYRAZY	MI		2016	MINI	COOPER	

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect
WMWXU1C53G2D57591	Passenger Car, SUV, Van	Not Applicable		

Automation System(s) in Vehicle	Automation System Level in Vehicle	Automation System Level Engaged at Time of Crash

Insurance Company	Insurance Policy #	Towed By	Towed To
ALLSTATE	960 644 433		

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior
00	00	Functional Damage	W	Private	Going Straight Ahead

Sequence of Events	First	Second	Third	Fourth
(● indicates MOST harmful event)	● 21 - Other Non-Fixed Object			

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

COMMERCIAL VEHICLE

Carrier Information	USDOT	MC

Driver's CDL Type	Endorsements	CDL Exempt
	○H ○P ○T ○N ○S ○X	○ Farm ○ Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.				○ Placard ○ Cargo Spill		

OWNERS

Owner Information	Owner Information

Damaged Property	Public	Owner & Phone

MSP Response to FOIA

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UNIT / DRIVER

Unit Number	Unit Known	State	Driver License Number	Date of Birth (Age)	License Type	Endorsements	Sex	Total Occupants	Hazardous Action
					O Operator O Chauffeur O Moped	O Cycle O Farm O Recreation			

Unit Type	Driver Information	Driver is Owner	Injury	Position	Restraint

Driver Condition at Time of Crash 1st	2nd	Driver Distracted By	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Alcohol Suspected	Contributing Factor	Alcohol Test Type	Alcohol Test Results	Alcohol Test Device
		O Breath O Blood O Urine O Field O PBT O Refused O Not Offered	O Pending Test Results:	

Drug Suspected	Contributing Factor	Drug Test Type	Drug Test Results	Citation Issued
		O Blood O Urine O Field O Refused O Not Offered	O Pending Test Results:	O Hazardous O Other

Vehicle Registration	State	Vehicle Description	Year	Make	Model	Color

VIN	Vehicle Type	Special Vehicles	Private Trailer Type	Vehicle Defect

Automation System(s) in Vehicle	Automation System Level in Vehicle	Automation System Level Engaged at Time of Crash

Insurance Company	Insurance Policy #	Towed By	Towed To

Location of Greatest Damage	First Impact	Extent of Damage (Power Unit and/or Trailers)	Vehicle Direction	Vehicle Use	Action Prior

Sequence of Events (● Indicates MOST harmful event)	First	Second	Third	Fourth

PASSENGERS

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

Passenger Information	Date of Birth (Age)	Sex	Position	Restraint

Injury	Ejected	Trapped	Airbag Deployed

Hospital	Ambulance

TRUCK / BUS

Carrier Information	USDOT	MC	MPSC

Driver's CDL Type	Endorsements	CDL Exempt
	O H O P O T O N O S O X	O Farm O Other

GVWR/GCWR	Vehicle Configuration	Cargo Body Type	Medical Card	Hazardous Material	ID #	Class #
O 10,000 lbs. or Less O 10,001 - 26,000 lbs. O Greater than 26,000 lbs.				O Placard O Cargo Spill		

OWNERS

Owner Information	Owner Information

WITNESSES

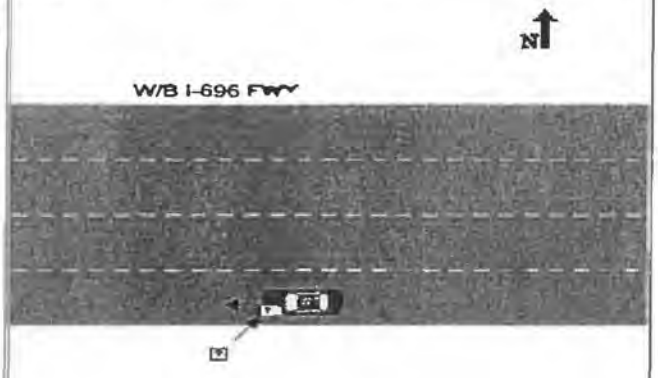
Witness Information	Witness Information

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)	2nd Investigator Name (Badge)	Photos
No	02/22/2018 (10:45)	DAVID BUSACCA (712)		No

Narrative

Unit #1 was traveling in the left lane of W/B I-696 Fwy when an airborne piece of concrete came over the center concrete dividing wall and landed on the left side of the hood of Unit #1. The piece of concrete then struck Unit #1's windshield. No injuries, and Unit #1 was driven from the scene.

Diagram



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NEWS [HTTPS://WWW.CLICKONDETROIT.COM/NEWS]

Crashes caused by broken concrete through windshields raise concerns along I-696

Woman knocked unconscious by debris recovering

By **Rod Meloni [https://www.clickondetroit.com/author/rodmeloni]** - Reporter, CFP ®, **Sierra Pedraja [https://www.clickondetroit.com/author/spedraja]** - Editor, **Derick Hutchinson [https://www.clickondetroit.com/author/dhutchinson]**

Posted: 7:04 PM, May 18, 2017
Updated: 7:04 PM, May 18, 2017

WARREN, Mich. - Pieces of concrete -- some weighing as much as 10 pounds -- are littered across parts of I-696 and they're creating a dangerous situation for many drivers.

Three drivers have been involved in separate incidents of concrete slabs flying through their windshields over the last two weeks on I-696 in Warren.

RELATED CONTENT

3 drivers say chunks of concrete have crashed through their windshields... [/news/3-drivers-say-c...

Driver knocked unconscious by piece of concrete flying through... [/news/driver-knocked-unconsc...

22-month-old boy drowns in covered pool in Warren [/news/22-month-old-boy-drowns-in-covere...

A 42-year-old woman who was hit by flying concrete Wednesday is recovering in the hospital, and her family says she's expected to make a full recovery. She was knocked out Wednesday by a football-sized piece of road [https://www.clickondetroit.com/news/driver-knocked-unconscious-by-piece-of-concrete-flying-through-windshield-on-i-696-in-warren] that came loose, crashed through her windshield and hit her in the head.

Officials said the concrete slab snapped the woman's sunglasses and sliced her forehead. She was helped into an ambulance and taken to St. John's Hospital with what were described as injuries that were not life-threatening, police said.

Nick Schade [https://www.clickondetroit.com/topic/Nick%20Schade?entityid=4019249595&lang=en] , of Chesterfield, said he experienced almost the same fate on that stretch of I-696 while he was driving last week.

"It happens in the blink of an eye, and before I knew it, glass was everywhere," Schade said.

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A closer look at the roads showed that the chunks of concrete were not coming from the Hoover Street Bridge, but were simply pieces of crumbling concrete breaking free from the 50-year-old highway.



Rod Meloni
@RodMeloni

This video of I-696 is a solid hint:
5:52 PM - May 18, 2017 · Fraser, MI

3 See Rod Meloni's other Tweets

"

MDOT said they have spent over $50 million on repairs on the aged highway over the last five years, adding that most of the money went toward bridge inspections, maintenance and other repairs.

MDOT also said they recognize that the highway is past it's useful and safe lifespan, and that plans for a revitalization are in the works.

The plans uinclude removal and replacement of concrete between I-94 and Mound Road. The project is expected to cost $70 million and should begin in the year 2020, unless funds can be obtained sooner.

More coverage

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STATE OF MICHIGAN

COURT OF CLAIMS

NORMAN CHAMPINE,

Plaintiff,

v

MICHIGAN DEPARTMENT OF TRANSPORTATION,

Defendant.
_____/

OPINION AND ORDER

Case No. 18-000028-MZ

Hon. Colleen A. O'Brien

Pending before the Court is defendant's motion for summary disposition pursuant to MCR 2.116(C)(7). For the reasons stated herein, the motion is GRANTED.

I. PERTINENT BACKGROUND

According to the allegations in plaintiff's complaint, plaintiff was traveling west on I-696 between Gratiot and Mound Road in Macomb County on or about December 17, 2017. At some point during his journey, a 20-pound "chunk" of concrete became dislodged from the surface of the roadbed, was projected into the air, and smashed through the windshield of plaintiff's automobile. Plaintiff alleges that the chunk struck him in the head, causing significant injuries to his head and face.

On or about December 28, 2017, plaintiff sent notice to defendant and to various local government agencies, purporting to inform them of a defect in either the roadway or in at the "Hoover Lane Bridge over I-696 West." This notice was not filed with the clerk of this Court.

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Plaintiff filed a one-count complaint in this Court on or about February 6, 2018. The complaint, which is relatively shy on details, refers to a section of "I-696 between Gratiot and Mound" where plaintiff's alleged injuries occurred, and alleges that this stretch of roadway was "not reasonably safe for vehicular travel." The complaint alleges a single count under the highway-defect exception to governmental immunity, MCL 691.1402. The complaint did not contain the aforementioned notice or any other exhibits.

On or about February 7, 2018, plaintiff sent an amended notice to the above-noted governmental entities, this time informing the pertinent entities that "The location of the defect is I-696 West, between Gratiot and Mound." The notice alleged that the chunk of concrete came "from the roadbed" and omitted any mention of an overpass. The notice stated that the precise location of the defect could not be determined with any additional specificity, because: "Given the extremely poor condition of the highway in this area and the fact that, according to Warren Police Department's investigation of the incident, this stretch of highway contains 'in excess of one thousand 'potholes'," such that the "precise pothole from which the concrete chunk came was not determined." However, the notice continued by stating that the "Warren Police Department did conclude that the concrete was from the roadbed." Plaintiff attached the report to his notice. As was the case with plaintiff's original notice, this amended notice was not filed "in triplicate with the clerk of the Court of Claims." See MCL 691.1404(2).

II. DEFENDANT'S MOTION FOR SUMMARY DISPOSITION

Defendant contends that it is entitled to summary disposition because plaintiff failed to comply with MCL 691.1404, which requires a plaintiff seeking to impose liability under the highway exception to governmental immunity to give notice. Defendant argues that plaintiff failed to give notice in accordance with the statute because he never filed a notice with the clerk

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of this Court. And defendant argues that plaintiff's complaint cannot satisfy the statutory requirement of giving presuit notice. In addition, defendant argues that, even assuming the complaint can serve as notice, it fails to satisfy the statute because it did not adequately describe the location of the defect.

In response, plaintiff argues that his complaint can serve as notice under MCL 691.1404.[1] As for defendant's second contention, plaintiff argues that it was impossible to give notice of the exact location of the defect, given the poor quality of the roadway. In support, he cites deposition testimony—taken more than 120 days after the incident—from individuals who investigated the incident. Police officers, along with a Michigan Department of Transportation engineer, concluded that, given the poor condition of the roadway and the approximately "thousands" of potholes in the stretch of highway identified by plaintiff, it was impossible to determine the exact location of the defect.

III. ANALYSIS

Defendant moved for summary disposition under MCR 2.116(C)(7), which permits a court to grant summary disposition when the moving party is entitled to immunity granted by law. The issue here concerns a notice provision contained in the Governmental Tort Liability Act (GTLA). The Court of Appeals has described notice provisions such as the one at issue as "an integral component of defeating governmental immunity." *Harston v Eaton Co*, __ Mich App __, __; __ NW2d __ (2018) (Docket Nos. 338981; 338990), slip op at 6.

[1] In this respect, plaintiff does not advance a meaningful argument that the notices he sent to defendant—neither of which were filed with the clerk of this Court—satisfy the statutory requirement of being filed "in triplicate with the clerk of the Court of Claims." MCL 691.1404(2).

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The notice provision at issue in this case is MCL 691.1404, which provides that:

> As a condition to any recovery for injuries sustained by reason of any defective highway, the injured person, within 120 days from the time the injury occurred, except as otherwise provided in subsection (3) shall serve a notice on the governmental agency of the occurrence of the injury and the defect. *The notice shall specify the exact location and nature of the defect*, the injury sustained and the names of the witnesses known at the time by the claimant. [MCL 691.1404(1) (emphasis added).]

In cases involving the state[2] such as the instant one, "such notice shall be filed in triplicate with the clerk of the court of claims." MCL 691.1404(2). Filing notice in this manner "shall constitute compliance with" MCL 600.6431, which requires "the filing of notice of intention to file a claim against the state." MCL 691.1404(2).

The Supreme Court has held that "MCL 691.1404 is straightforward, clear, unambiguous, and not constitutionally suspect," and it must be enforced as written. *Rowland v Washtenaw Co Rd Comm*, 477 Mich 197, 219; 731 NW2d 41 (2007). "Thus, the statute requires notice to be given as directed, and notice is adequate if it is served within 120 days and otherwise complies with the requirements of the statute, i.e., it specifies the exact location and nature of the defect, the injury sustained, and the names of the witnesses known at the time by the claimant, no matter how much prejudice is *actually suffered*." *Id*. While the notice need not take any particular form, the failure to give notice as required under the statute "is fatal to a plaintiff's claim against a governmental agency." *McLean v Dearborn*, 302 Mich App 68, 74; 836 NW2d 916 (2013).

[2] There can be no dispute that MDOT, a state department, is, for purposes of the act, the "state." See MCL 691.1401(g) (defining the term "state" under the GTLA).

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A. PLAINTIFF'S COMPLAINT IS NOT "NOTICE" UNDER MCL 691.1404

With respect to the first issue in this case, MCL 691.1404(2) requires, in cases against the state, that a plaintiff file his or her notice in triplicate with the clerk of this Court. Here, plaintiff never filed either of the two notices he sent to defendant with the clerk of this Court. The only document filed with this Court during the 120-day deadline is plaintiff's complaint. Thus, the first issue to be resolved is whether a complaint can constitute statutory notice, generally. The parties have not identified any caselaw expressly deciding whether a complaint can satisfy the notice requirements.[3] However, caselaw has often referred to notice under MCL 691.1404 as "presuit notice." See, e.g., *Bruger v Midland Co Bd of Rd Comm'rs*, 324 Mich App 307, 313; __ NW2d __ (2018). *Plunkett v Dep't of Transp*, 286 Mich App 168, 174; 779 NW2d 263 (2009). Indeed, in *Burise v Pontiac*, 282 Mich App 646, 653; 766 NW2d 311 (2009), the Court of Appeals summarized the requirements of MCL 691.1404(1) and stated that the statute specified that which must occur "*before* bringing suit[.]" (Emphasis added). While these cases did not directly address the issue raised in this case, the treatment of MCL 691.1404 in these cases suggests that notice must be given before a plaintiff files suit. Indeed, a complaint could not serve as notice, because the filing of a complaint marks the initiation of the lawsuit. See MCR 2.101(B).

The plain language of the statute supports the view adhered to in prior caselaw. When interpreting a statute, a reviewing court is to begin with the statute's plain language. If that

[3] In *Goodhue v Dep't of Transp*, 319 Mich App 526, 535 n 4; 904 NW2d 203 (2017), the Court of Appeals "assume[d], without deciding, that the complaint qualifies as proper notice." Any attempt by plaintiff to suggest that *Goodhue* is authoritative on this point, in light of the Court's express decision *not* to resolve the issue, is misplaced.

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language is unambiguous, this Court is to assume that the Legislature intended the plain and ordinary meaning expressed therein and must construe the statute as written. *Burise*, 282 Mich App at 650-651. Here, MCL 691.1404(1) unambiguously requires that a plaintiff provide "a notice" as "a condition to any recovery" under the highway-defect exception. The word notice is often understood as a "warning or intimation of something," or an "announcement of a party's intention . . . ." *Merriam-Webster's Collegiate Dictionary*, (11th ed). This suggests that notice refers to one party informing another of the former's intent to do something. In other words, notice is not the taking of the act so announced, but merely an announcement that a party intends to take an act. This view comports with the idea that notice is to be given prior to the initiation of litigation, as an announcement that a plaintiff intends to initiate litigation under the highway defect exception. This view is consistent with the articulated purposes of notice provisions in the context of litigation involving governmental entities, one of which is to prepare the governmental entity for potential litigation and to permit it to allocate resources accordingly. See *CG Automation & Fixture, Inc v Autoform, Inc*, 291 Mich App 333, 338; 804 NW2d 781 (2011) (explaining that when a court interprets a statute, it is to remain mindful of the statute's purpose). Indeed, the purposes of requiring notice are not only to allow the governmental entity time to investigate the defect and to remedy it, if necessary, but also to provide the governmental entity with an opportunity to gather evidence and to be apprised of *possible* litigation so as to allow the governmental entity to determine its potential liability *pre-suit*. *Rowland*, 477 Mich at 211-212; *Blohm v Emmet Co Bd of Co Rd Comm'rs*, 223 Mich App 383, 388; 565 NW2d 924 (1997). An entity cannot be informed of possible litigation or set aside resources pre-suit if it first learns of the action via a complaint.

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Moreover, allowing a complaint to serve as notice could effectively render the notice requirements meaningless. The plain language of MCL 691.1404(1) states that notice must be given "As a *condition*" to any recovery under the highway exception. (Emphasis added). Adopting plaintiff's construction of the statute would allow this condition to be satisfied by the mere filing a complaint. This would effectively render meaningless—or at least optional—the express statutory requirement of giving notice "as a condition to any recovery." This Court cannot construe the statute in a manner that would render meaningless any of its provisions. See *Hackel v Macomb Co Comm*, 298 Mich App 311, 323; 826 NW2d 753 (2012) ("Courts must avoid a construction that would render any part of a statute surplusage or nugatory.").

In light of the foregoing, the Court agrees with defendant that plaintiff failed to provide notice as is required when filing a claim against the state, see MCL 691.1404(2), and that such failure is "fatal to [his] claim against a governmental entity." *Russell v Detroit*, 321 Mich App 628, 633; 909 NW2d 507 (2017) (citation and quotation marks omitted). Indeed, defendant need not show prejudice arising out of plaintiff's failure to comply with the statute. *Rowland*, 477 Mich at 219.

B. WHETHER PLAINTIFF PROVIDED THE "EXACT LOCATION" OF THE DEFECT

Although the above is sufficient to resolve this matter, the Court also agrees with defendant that, assuming plaintiff's complaint could constitute notice under the statute, it nevertheless fails. As noted, MCL 691.1404(1) requires that a plaintiff's notice "shall specify *the exact location* and nature of the defect . . . ." Caselaw has held that "when notice is required of an average citizen for the benefit of a governmental entity, it need only be understandable and sufficient to bring the important facts to the governmental entity's attention." *Plunkett*, 286 Mich App at 176. See also *Russell*, 321 Mich App at 633. Hence, a court can overlook "a

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technical defect" in a plaintiff's notice so long as the notice "adequately" provides the required information. *McLean*, 302 Mich App at 75. In *Plunkett*, 286 Mich App at 176, the Court of Appeals explained that "a liberal construction of the notice requirements is favored in order to avoid penalizing an inexpert layman for some technical defect." The notice need only "reasonably apprise MDOT" of the defect, and courts should avoid "so strict a construction as to make it difficult for the average citizen to draw a good notice. . . . ." *Id.* at 177-178. The sufficiency of the notice is judged on the information provided in the document as a whole, including any photographs or police reports attached to the notice. *Id.* at 178-179. Moreover, attachments such as photographs or reports can cure ambiguities in the notice document. *Id.*

Plaintiff's description of the location of the defect in this case was too vague and imprecise to satisfy the requirement of providing the "exact location" of the defect. As noted above, the only document filed with this Court is the complaint, and the only description provided in the complaint was that the defect existed somewhere in the several-miles-long stretch of I-696 between Gratiot and Mound. Plaintiff did not otherwise make any attempt to narrow down the pertinent stretch of highway, nor did he make any effort to refer to any landmarks that would allow for a more precise determination of the location of the defect. Such a vague or imprecise description does not give the "exact location" of the defect. Indeed, the location is far less precise than cases where the plaintiff merely gave the wrong address and the notice was determined to be insufficient. See *Jakupovic v City of Hamtramck*, 489 Mich 939; 798 NW2d 12 (2011); *Thurman v Pontiac*, 295 Mich App 381, 385-386; 819 NW2d 90 (2012). And where plaintiff did not identify any landmarks or make an attempt to narrow down the location, the case can be contrasted from cases such as *Russell*, 321 Mich App at 634-635, and *McLean*, 302 Mich App at 75-76, where landmarks and/or photographs provided the requisite

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level of clarity to a vague description. Again, plaintiff did not provide any mile markers, billboards, overpasses, or any type of landmarks that could conceivably narrow the location of the defect. He simply identified a stretch of highway that spanned over five miles. As a result, plaintiff failed to give the "exact location" in any notice, assuming he filed something with this Court that could be considered notice.

On this point, it should be noted that both parties appear to accept that it was impossible or impracticable to narrow down a more precise or exact location of the defect. Their disagreement stems from the significance of this impossibility or impracticability. Defendant argues that the inability to narrow down the precise location means that plaintiff cannot satisfy his burden of giving notice in compliance with the statute. Plaintiff argues that it excuses him from providing a more exact location. Based on caselaw, the Court agrees with defendant. As an initial matter, the bulk of the information on which plaintiff relies to claim that it was impossible to determine the location of the defect came from the police report—which was not filed with the complaint—or from after-the-fact deposition testimony that occurred more than 120 days after the injury. Such information, which did not comply with MCL 691.1404(1)'s timing or filing requirements, cannot be considered in determining whether plaintiff gave adequate notice under the statute. See *Thurman*, 295 Mich App at 386 (holding that photographs submitted more than 120 days after the injury could not "cure" the otherwise insufficient notice). Moreover, and even overlooking that plaintiff never filed any of the above with his complaint, caselaw is clear that the responsibility of providing notice falls on the plaintiff. See, e.g., *Rowland*, 477 Mich at 219; *Plunkett*, 286 Mich App at 176-177. One of the principal purposes of providing notice of the "exact location" of the defect is to give the governmental agency "the opportunity to investigate the claim while it is fresh and to remedy the defect before another

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person is injured." *McLean*, 302 Mich App at 76. By failing to provide the requisite level of detail, plaintiff has not satisfied his statutory obligation to give notice. While the notice statute should not be read so as to "make it difficult for the average citizen to draw a good notice," plaintiff nevertheless had to "bring the important facts to the governmental entity's attention." *Plunkett*, 286 Mich App at 176. Plaintiff fell short of bringing enough important facts to defendant's attention.

IV. CONCLUSION

IT IS HEREBY ORDERED that defendant's motion for summary disposition is GRANTED pursuant to MCR 2.116(C)(7).

This order resolves the last pending claim and closes the case.

Dated: December 12, 2018

Colleen A. O'Brien, Judge
Court of Claims

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STATE OF MICHIGAN

COURT OF APPEALS

KRISTINA FORCE and MATTHEW FORCE,

Plaintiffs-Appellees,

v

CITY OF OWOSSO,

Defendant-Appellant.

UNPUBLISHED
April 15, 2004

No. 245996
Shiawassee Circuit Court
LC No. 02-007569-NO

Before: O'Connell, P.J., and Jansen and Murray, JJ.

PER CURIAM.

Defendant appeals by leave granted the trial court's denial of its motion for summary disposition under MCR 2.116(C)(7), (8), and (10). We reverse. This case arose when plaintiff Kristina Force[1] stepped off defendant's curb into a hole, causing her to fall and break her ankle.

Defendant first argues that the trial court erred when it failed to grant it summary disposition based on a city engineer's finding that the hole was less than half an inch deep. We disagree. We review de novo a trial court's decision to deny summary disposition. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). Defendant argues that it is entitled to summary disposition because MCL 691.1402a requires a plaintiff to demonstrate a surface discrepancy of two inches or more before a plaintiff may recover. The statute states, "A discontinuity defect of less than 2 inches creates a rebuttable inference that the municipal corporation maintained the sidewalk, trailway, crosswalk, or other installation outside of the improved portion of the highway designed for vehicular travel in reasonable repair." MCL 691.1402a. By the statute's plain language, the argued depth only creates a rebuttable inference that defendant maintained the area in reasonable repair.

Moreover, defendant's argument ignores the portion of plaintiff's deposition testimony where she states that the hole in which she stepped has since been "covered over" but was at least three inches at the time she fell. While defendant's superintendent denies any knowledge of repair at the site of the fall, these issues serve only to create a genuine factual dispute about whether plaintiff's original estimate of the hole's depth was inaccurate or whether the depth of

[1] For purposes of this opinion, the term "plaintiff" refers only to Kristina Force.

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the hole changed. MCR 2.116(C)(10). The cases defendant cited in its brief regarding measurement as opposed to estimate are inapposite because they involved discrepancies between measurements and estimates of an unchanged condition, not a condition before and after alteration. Therefore, defendant was not entitled to summary disposition solely on the basis of the "two-inch" rule.

Defendant next argues that the trial court erred when it denied its summary disposition motion based on plaintiff's allegedly infirm notice. We agree. According to MCL 691.1404, a plaintiff must "within 120 day from the time the injury occurred . . . serve a notice on the governmental agency of the occurrence of the injury and the defect." The statute further states that, "notice shall specify the exact location and nature of the defect, the injury sustained and the names of the witnesses known at the time by the claimant." MCL 691.1404. While compliance with the statute is a condition to receiving a waiver of governmental immunity, technical noncompliance with the statute will not bar recovery unless the defendant also demonstrates prejudice from the noncompliance. *Brown v Manistee Co Rd Comm*, 452 Mich 354, 358-359, 366; 550 NW2d 215 (1996).

In this case, plaintiff filed a notice that stated that, "she stepped off of the curb into a pothole directly in front of Ristro Bistro's [sic, Ristro's Bistro] on South Washington Street." Defendant claims that it sent out its superintendent to inspect and repair the pothole, but the only "pothole" he found that matched plaintiff's description was four feet out from the curb. The superintendent took pictures of the hole and repaired it. Plaintiff later pointed out the site of her fall to defendant's attorney, and explained that it had photographed and filled the wrong hole.

Defendant claims that it was prejudiced by plaintiff's failure to properly identify the exact location of the hole, because now it has no timely measurements and photographs of the particular area plaintiff later described. Plaintiff claims that defendant brought the prejudice on itself by unreasonably investigating and photographing a pothole four feet from the curb when she specifically claimed that she stepped off the curb into a pothole. While we agree that the four-foot distance from the curb does not fit the description of a single, normal step, plaintiff's vague and somewhat misleading description of the defect as a "pothole" in front of Ristro's Bistro did not convey the defect's "exact location" as the statute required.[2]

Plaintiff demonstrated her ability to provide an exact description of the site of the defect more than a year after her fall when she returned to the scene during a pause in her deposition. When the deposition resumed, she was able to describe the site's relationship to several landmarks, including the curb, a lamppost, a tree, and a gas cap with a concrete collar. Unlike her notice, this description, complete with respective measurements, would have provided the city with an exact location. Because plaintiff failed to provide these landmarks and measurements in her notice, as the statute required, defendant failed to properly investigate and understandably focused on the wrong defect.

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[2] Of course, we understand the possibility that the supervisor did not evaluate the correct area near the curb because there was no major defect in that area. Nevertheless, we resolve this factual dispute in plaintiff's favor.

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The trial court excused plaintiff's failure by alluding to plaintiff's state of mind at the time of the injury and her consequential inability to immediately mark the defect's precise location. Notwithstanding any temporary shock, however, the Legislature allotted plaintiff 120 days to provide notice of the defect's exact location to defendant, and she did not comply with the statute despite her later ability to identify the site of the defect. Therefore, we will not excuse plaintiff's lack of compliance based solely on her initial shock. We might hold differently if defendant had so neglected its highway that substantial defects existed all around the site of the fall, making it impossible to point out the exact location because of the number of defects and confusion of the moment. Plaintiff did not face that challenge, however, and there was no evidence reasonably explaining why plaintiff did not more specifically identify the site of her fall within the proper time frame.

Given plaintiff's original vagueness and relatively new claim that the depth of the defect changed from over three inches to about half an inch deep, defendant would now need to defend against a defect that admittedly no longer exists.[3] Therefore, the vague description prejudiced defendant's ability to contradict plaintiff's description of the original defect, and the prejudice stemmed directly from plaintiff's failure to fulfill her statutory obligation. *Blohm v Emmet Co Bd of Co Rd Comm'rs*, 223 Mich App 383, 388, 391; 565 NW2d 924 (1997). Therefore, the trial court erred when it denied defendant's summary disposition motion. *Brown, supra* at 358-359; MCR 2.116(C)(7).

Reversed.

/s/ Peter D. O'Connell
/s/ Kathleen Jansen

[3] At oral arguments both plaintiff and defendant admitted that the defect in the road no longer exists. Plaintiff's contention that the expansion and contraction of the road may have filled in the pothole is speculative and lacks evidentiary support.

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STATE OF MICHIGAN

COURT OF APPEALS

NORMAN CHAMPINE,

Plaintiff-Appellant,

v

DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

UNPUBLISHED
April 16, 2020

No. 347398
Court of Claims
LC No. 18-000028-MZ

Before: CAMERON, P.J., and SHAPIRO and LETICA, JJ.

PER CURIAM.

Plaintiff, Norman Champine, appeals as of right the Court of Claims' order granting summary disposition under MCR 2.116(C)(7) to defendant, the Department of Transportation (MDOT), because plaintiff's notice to bring a suit for a highway defect was inadequate under MCL 691.1404. We affirm.

I. BACKGROUND

In December 2017, plaintiff was driving west on I-696 in Macomb County when a large piece of concrete became dislodged from the road's surface and smashed through the windshield of plaintiff's vehicle. The concrete struck plaintiff, causing severe injuries to his head and face. On December 28th, plaintiff mailed a notice to defendant to inform it of the highway defect, but he did not file this notice with the Clerk of the Court of Claims.

On February 6, 2018, plaintiff filed a complaint in the Court of Claims. Plaintiff argued that defendant owed him a duty to maintain the highway in reasonable repair so it was reasonably safe and convenient for public travel under MCL 691.1402(1), and that defendant breached its duty. The next day, plaintiff mailed an amended notice to defendant and attached the police report regarding the incident. Once again, plaintiff did not file this notice with Clerk of the Court of Claims.

Defendant moved for summary disposition under MCR 2.116(C)(7), arguing that plaintiff failed to comply with the notice requirements under MCL 691.1404 prior to bringing a suit under

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the highway exception to governmental immunity. The Court of Claims granted defendant's motion for summary disposition.

This appeal follows.

II. DISCUSSION

Plaintiff argues that the Court of Claims erred when it granted summary disposition to defendant because his complaint, which he filed in the Court of Claims within the 120-day statutory notice period, constituted adequate notice. We disagree.

A. STANDARD OF REVIEW AND LEGAL STANDARDS

We review a ruling on a motion for summary disposition de novo. *Odom v Wayne Co*, 482 Mich 459, 466; 760 NW2d 217 (2008). "We also review de novo the application of a statutory exception to governmental immunity." *Reed v Michigan*, 324 Mich App 449, 452; 922 NW2d 386 (2018). Summary disposition is proper under MCR 2.116(C)(7) when the moving party has "immunity granted by law." The moving party may support a motion brought under MCR 2.116(C)(7) with documentation. *Maiden v Rozwood*, 461 Mich 109, 119; 597 NW2d 817 (1999). The allegations in the complaint must be taken as true unless other documentation contradicts them. *Odom*, 482 Mich at 466.

The purpose of statutory interpretation "is to ascertain and give effect to the Legislature's intent." *Burise v Pontiac*, 282 Mich App 646, 650; 766 NW2d 311 (2009). Statutory construction begins with "the language of the statute itself." *Rowland v Washtenaw Co Rd Comm*, 477 Mich 197, 202; 731 NW2d 41 (2007). "When undertaking statutory interpretation, the provisions of a statute should be read reasonably and in context." *McCahan v Brennan*, 492 Mich 730, 739; 822 NW2d 747 (2012).

The scope of governmental immunity is construed broadly, while the exceptions are narrowly interpreted. *Milot v Dep't of Transp*, 318 Mich App 272, 276; 897 NW2d 248 (2016). "It is well established that statutory notice requirements must be interpreted and enforced as plainly written and that no judicially created saving construction is permitted to avoid a clear statutory mandate." *Atkins v Suburban Mobility Auth for Regional Transp*, 492 Mich 707, 714-715; 822 NW2d 522 (2012). "However, when notice is required of an average citizen for the benefit of a governmental entity, it need only be understandable and sufficient to bring the important facts to the governmental entity's attention." *Plunkett v Dep't of Transp*, 286 Mich App 168, 176; 779 NW2d 263 (2009). "Thus, a liberal construction of the notice requirements is favored to avoid penalizing an inexpert layman for some technical defect." *Id*.

The governmental tort liability act, MCL 691.1401 *et seq*., generally immunizes state agencies from tort liability, subject to certain enumerated exceptions, when they are "engaged in the exercise or discharge of a governmental function." MCL 691.1407(1). One exception is the "highway exception," which permits claims arising from defective highways. *Nawrocki v Macomb Co Rd Comm*, 463 Mich 143, 158; 615 NW2d 702 (2000). MCL 691.1402(1) sets forth the governmental agency's responsibility to maintain the highway and the exception to governmental immunity:

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> Each governmental agency having jurisdiction over a highway shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for public travel. A person who sustains bodily injury or damage to his or her property by reason of failure of a governmental agency to keep a highway under its jurisdiction in reasonable repair and in a condition reasonably safe and fit for travel may recover the damages suffered by him or her from the governmental agency[.]

In turn, the relevant notice[1] provision, MCL 691.1404, provides:

> (1) As a condition to any recovery for injuries sustained by reason of any defective highway, the injured person, within 120 days from the time the injury occurred, except as otherwise provided in subsection (3) shall serve a notice on the governmental agency of the occurrence of the injury and the defect. The notice shall specify the exact location and nature of the defect, the injury sustained and the names of the witnesses known at the time by the claimant.
>
> (2) The notice may be served upon any individual, either personally, or by certified mail, return receipt requested, who may lawfully be served with civil process directed against the governmental agency, anything to the contrary in the charter of any municipal corporation notwithstanding. In case of the state, such notice shall be filed in triplicate with the clerk of the court of claims. Filing of such notice shall constitute compliance with [MCL 600.6431], requiring the filing of notice of intention to file a claim against the state.

"Accordingly, *before bringing suit*, a claimant must provide, within 120 days from the time of injury, notice to the governmental agency that (1) specifies the exact location and nature of the defect, (2) identifies the injuries sustained, and (3) provides the names of any known witnesses." *Burise*, 282 Mich App at 653 (emphasis added). "The principal purposes to be served by requiring notice are simply (1) to provide the governmental agency with an opportunity to investigate the claim while it is still fresh and (2) to remedy the defect before other persons are injured." *Plunkett*, 286 Mich App at 176-177. In the event that a plaintiff's notice is deficient, it will be fatal to his or her claim against a governmental agency. *Goodhue v Dep't of Transp*, 319 Mich App 526, 535; 904 NW2d 203 (2017).

Our Supreme Court has previously stated that "MCL 691.1404 is straightforward, clear, unambiguous, and not constitutionally suspect" and, thus, that "it must be enforced as written." *Rowland*, 477 Mich at 219. Subsection (1) of MCL 691.1404 sets forth the deadline for filing notice of the claim and the contents of the notice, while subsection (2) "details how that notice is

[1] There are two notice provisions implicated here. MCL 691.1403 states that a governmental agency is not liable for injuries and damages caused by a defective highway unless the governmental agency knew, or should have known, of the defect and had a reasonable time to repair the defect prior to the injury. However, defendant did not argue that plaintiff's notice under this provision was defective and asserts that the notice requirement discussed herein is the only one at issue. Thus, we decline to address this provision further. See *Wilson v Alpena Co Rd Comm*, 474 Mich 161, 165 n 6; 713 NW2d 717 (2006).

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to be effectuated." *Goodhue*, 319 Mich App at 535. The reference to "such notice" in MCL 691.1404(2) refers to the notice described in MCL 691.1404(1). *Id*. at 536-537. When the state is the defendant, MCL 691.1404(2) does not require service and filing of the notice on the responsible governmental agency; rather, service on the state "is effectuated by filing the notice in triplicate in the Court of Claims." *Reed*, 324 Mich App at 457.

B. ANALYSIS

Here, we conclude that the Court of Claims properly construed the procedural requirements of the notice provision by determining that a complaint cannot satisfy the statutory notice requirements.

As an initial matter, we note that the statute does not require the notice to take any particular form, only that it disclose the required information. *Burise*, 282 Mich App at 654. In *Burise*, we specifically rejected the defendant's argument that the plaintiff was required to submit written notice on a preprinted claim form. *Id*. at 648, 654. However, internal documents the agency produces do not constitute notice because those documents were not delivered to or served on the agency, as a comparable notice provision requires. *Fields v Suburban Mobility Auth for Regional Transp*, 311 Mich App 231, 236; 874 NW2d 715 (2015) ("[A] plaintiff cannot rely on the internal documents of a defendant [governmental agency]."). Although a complaint is served on a defendant, we nonetheless must separately determine whether a complaint is an acceptable form of notice within the context of the statutory notice requirements.

The Court of Claims reasoned that the notice provision contemplates the filing of notice before the filing of a complaint. The plain statutory language supports this interpretation. First, service of the notice is a "condition to any recovery for injuries sustained by reason of any defective highway." MCL 691.1404(1). When the Legislature chooses to subject the state to liability, "it may also place conditions or limitations on the liability imposed. Statutory notice provisions are a common means by which the government regulates the conditions under which a person may sue governmental entities." *Atkins*, 492 Mich at 714. The opening clause of MCL 691.1404(1) establishes that notice is a condition precedent to recovering damages, which supports the interpretation that notice must precede the filing of a complaint to recover damages. Moreover, we reject plaintiff's attempt to distinguish the notice required to "recover[]" damages from the notice required to commence a suit. We have previously interpreted the relevant language as referring to the notice requirements to bring a suit, and not merely to recover damages from an alleged injury. *Burise*, 282 Mich App at 653. It also follows that the only purpose for plaintiff to have brought his complaint was to recover damages for his injuries.

Second, the different ways that notice can be served supports the Court of Claims' reasoning that the statute contemplates the filing of separate notice before the filing of a complaint. Notice must be served on an individual on behalf of the responsible governmental agency and it must be filed in the Court of Claims when the state is the defendant. MCL 691.1404(2); *Reed*, 324 Mich App at 457. In the context of MCL 600.6431— which is satisfied by notice compliant with MCL 691.1404 in a highway-defect proceeding like this—our Supreme Court described the purpose of the requirement for filing notice of a claim against the state with the Court of Claims:

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> By naming the Clerk of the Court of Claims as the agent for the receipt of verified notice of potential claims, the Legislature has established a clear procedure that eliminates any ambiguity about whether an attempted notice is effective. A claimant who complies with MCL 600.6431 need not worry about whether a notice was properly received and processed by the correct governmental entity. By the same token, state entities can be secure knowing that only timely, verified claims in notices filed with the Court of Claims can give rise to potential liability, that the proper entity as well as the Attorney General will be notified, and that only such claims need to be investigated in anticipation of potential litigation. [*McCahan*, 492 Mich at 744 n 24.]

Allowing a plaintiff to serve the notice on the state through filing it with the Clerk of the Court of Claims indicates that the statute contemplates that the filing of notice is a separate event from the filing of the complaint. Namely, serving the notice through the Court of Claims is intended to ensure delivery to the proper recipient. In contrast, a complaint filed in the Court of Claims must be served on the defendant independently from filing the complaint. See MCR 2.102 (governing service of a complaint on a defendant). These different procedures demonstrate that the Legislature intended for the filing of the notice and the filing of the complaint to be separate events.

Plaintiff, relying on the medical malpractice notice provision in MCL 600.2912b, argues that a statute requiring pre-suit notice explicitly distinguishes between pre-suit notice and the commencement of an action. MCL 600.2912b is distinguishable from MCL 691.1404 because it provides for a response period for the health professional who received notice of the medical malpractice claim to respond to the notice before the claimant may commence an action. The statutory notice scheme in MCL 600.2912b is unique to medical malpractice claims brought against a health professional. Plaintiff correctly asserts that he could have filed the notice here 120 days after the incident and a complaint 121 days after the incident. However, the absence of an explicit distinction between notice and the commencement of an action in MCL 691.1404, in contrast to in MCL 600.2912b, does not alone demonstrate that a complaint constitutes notice here. See *Donajkowski v Alpena Power Co*, 460 Mich 243, 258; 596 NW2d 574 (1999) (reasoning that legislative silence alone is not persuasive). Therefore, plaintiff's reliance on MCL 600.2912b sheds no light on the interpretation of the plain language of MCL 691.1404.

We also reject plaintiff's assertion that we are bound to follow our previous posture in *Goodhue*, 319 Mich App at 535 & n 4, wherein we assumed, without deciding, that a complaint could serve as notice before we concluded that the plaintiff's notice was untimely. In that case, we specifically declined to decide this issue because it was not relevant to the dispositive question. Thus, it is not relevant to the issue before us here.

Lastly, plaintiff argues that the purpose of the notice provision was fulfilled when defendant became aware of the state of the road as a result of the police investigation and the police contact with an MDOT employee immediately after the accident. In essence, plaintiff argues that defendant was not prejudiced by plaintiff's failure to provide notice before filing a complaint. The notice provision requires strict compliance and a showing of prejudice is not required. *Rowland*, 477 Mich at 219. Therefore, plaintiff's argument regarding defendant's immediate knowledge of the condition of the road is meritless.

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In conclusion, the Court of Claims properly interpreted the notice provision at issue, determined that plaintiff failed to comply with it, and dismissed plaintiff's claim under MCL 691.1404.[2]

Affirmed.

/s/ Thomas C. Cameron
/s/ Anica Letica

[2] We decline to address the Court of Claims' alternative determination that, assuming plaintiff's complaint served as proper notice, plaintiff also failed to meet the requirement to describe an exact location of the incident.

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If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

NORMAN CHAMPINE,

Plaintiff-Appellant,

v

DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

UNPUBLISHED
April 16, 2020

No. 347398
Court of Claims
LC No. 18-000028-MZ

Before: CAMERON, P.J., and SHAPIRO and LETICA, JJ.

SHAPIRO J. (*dissenting*).

I respectfully dissent from the majority's holding that the filing of a complaint within 120 days in the Court of Claims does not serve as notice for purposes of MCL 691.1404(1). I also conclude that the complaint sufficiently identified the nature and location of the highway defect.

I. A COMPLAINT FILED WITHIN 120 DAYS AFTER ACCRUAL SATISFIES THE NOTICE REQUIREMENT

MCL 691.1404 provides that as a condition to recovery "the injured person shall, within 120 days, serve a notice on the government agency of the occurrence of the injury and the defect." Notably, the statute does not define "notice" nor does it prescribe any particular form of notice. All agree that the purpose of this 120-day notice requirement is two-fold, namely, it "provide[s] the governmental agency with an opportunity to investigate the claim while it is still fresh," and it allows the governmental agency the opportunity "to remedy the defect before other persons are injured." *Plunkett v Dep't of Transp*, 286 Mich App 168, 176; 779 NW2d 263 (2009). These purposes are fully met by the filing of the complaint within 120 days. If the complaint is filed beyond the 120-day period then it does not accomplish these purposes and so in that situation a separate notice within the 120 days would have been required to preserve the claim. The only additional purpose arguably served by pre-suit notice is that it allows the governmental entity time

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to prepare for the possibility of litigation.[1] However, that carries little weight when one considers that, even under the majority's interpretation, the complaint can be filed the day after pre-suit notice is given or even later the same day.[2]

Significantly, MCL 600.1404 does *not* contain language making notice a condition to filing suit. By contrast, the medical malpractice notice statute, MCL 600.2912b(1), uses exactly such language:

> Except as otherwise provided in this section, a person *shall not commence an action* alleging medical malpractice against a health professional or health facility unless the person has given the health professional or health facility written notice under this section not less than 182 days *before the action is commenced*. [Emphasis added.]

To satisfy the medical malpractice statute, the claimant must provide the notice 182 days before the action is commenced, so it clearly bars the use of the complaint as notice. Similarly, the statute provides that a person "shall not commence an action" unless notice is given. MCL 691.1404 contains no such language. Had the Legislature wished to limit the manner of notice in a highway defect case it could have used that language, but it did not.

The majority relies on *Burise v Pontiac*, 282 Mich App 646; 766 NW2d 311 (2009), but that reliance is wholly misplaced. That case did not address, even remotely, the question whether a complaint filed within 120 days could satisfy the notice requirement of MCL 691.1404(1). The issue in *Burise* was whether an incomplete notice (i.e., missing a necessary component such as the names of any known witnesses) could be cured by filing a second notice to provide the missing information so long as both were filed within the 120-day period. In the course of its discussion, that Court stated: "Accordingly, before bringing suit, a claimant must provide, within 120 days from the time of injury, notice to the governmental agency that (1) specifies the exact location and nature of the defect, (2) identifies the injuries sustained, and (3) provides the names of any known witnesses." *Id*. at 653. The introductory phrase "before bringing suit" was simply that, an introductory phrase to the actual substance of the sentence—whether the contents of the notice were adequate, which was the only issue in the case. Moreover, the phrase "before bringing suit" does not accurately quote MCL 691.1404(1), which makes notice a condition of recovery, not a condition of filing suit. Regardless, there can be no doubt that *Burise*'s use of the phrase "before bringing suit" constitutes dicta since it was not necessary to its resolution of the question before it. I am puzzled by my colleagues' conclusion that we should be bound, or even guided, by a passage of dicta that contains an incorrect paraphrasing of the relevant statute.

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[1] The plaintiff did serve a separate notice on defendant shortly after the accident, but because defendant is a state entity notice to the Court of Claims was required.

[2] The statute generally governing suits against the state is MCL 600.6431. However, in cases involving the highway exception to governmental immunity, a second statute, MCL 691.1404, is implicated and it provides that compliance with it also constitutes compliance with MCL 600.6431.

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Given its holding, the majority declines to address whether the complaint sufficiently specified the location and nature of the defect as required by MCL 691.1404(1). I would hold that the complaint gave defendant adequate notice of those matters. Plaintiff alleges that he was driving west on I-696 between Gratiot and Mound when a 20-pound chunk of concrete that had dislodged from the roadway was projected through his windshield. Because that stretch of highway was estimated to contain thousands of potholes, the precise hole that the chunk of concrete once occupied could not be identified. Defendant's argument—that the failure to identify the exact pothole results in insufficient notice—is untenable. Essentially, defendant argues that when a government agency allows a roadway to become so decrepit that the particular defect causing injury cannot be identified, the claimant is barred from recovery. A governmental agency should not be able to defeat a claim of negligence by letting the defect become "unnoticeable" through extreme negligence. It is difficult to imagine any rationale by which the Legislature could have intended to allow suits against the state only for modest failures of maintenance, but to exclude suits for more severe failures. Moreover, defendant is the only entity with the authority and ability to enter onto the roadway to find the defect. The state may limit government exposure to suit, but requiring the plaintiff to perform the dangerous and likely impossible task of identifying a single pothole on the rutted surface of a stretch of busy highway raises constitutional concerns beyond those considered in *Rowland v Washtenaw Co Road Comm*, 477 Mich 197; 731 NW2d 41 (2007).

We need not address those larger concerns, however, because in this case adequate notice was provided. The complaint describes the chunk of concrete that smashed through plaintiff's windshield and defendant admits that it took possession of it from the local police before suit was filed. Defendant's argument seems to rest on the premise that the defect is the hole in the roadway left after the concrete chunk dislodged. However, plaintiff does not allege that he was injured by a hole in the road. He alleges he was injured by a piece of the road that came loose and was kicked up by traffic causing it to crash into his windshield. The remaining hole in the roadway is not the defect. The 20-pound piece of concrete is the defect and its exact location was provided in the complaint, i.e., it is in the defendant's possession.

II. CONCLUSION

The majority is incorrect. The plain language of the statute does not bar notice in the form of a complaint so long as filed within 120 days, and the majority's reliance on the dicta from *Burise* is unpersuasive. Finally, its decision is wholly inconsistent with the fundamental rule that "the court at every stage of the action or proceeding *shall* disregard any error or defect in the proceedings which do not affect the substantial rights of the parties." MCL 600.2301 (emphasis added). Therefore, I respectfully dissent.

/s/ Douglas B. Shapiro