

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

INEZ MARIE STARKS,

Plaintiff,

vs

File # NO 08-3487-NO
Judge:

D. VIVIANO
P56467

CITY OF WARREN, a municipal corporation,
DEFENDANT WARREN POLICE OFFICERS: RANDY S. BAIRD(#063),
SCOTT TAYLOR(#191), C. LIVINGSTON(#138), D. SCOTT(#106), T. SCUILLO(#188),
M. WOODS(#189), K. NORTHRUP(#022), A. GILL(#163), W. ROSS(#069), AND
DOG LIBERTY AND/OR ALTO (K-9),

Defendants.

Law Offices of Lawrence Radden, PLLC
Lawrence Nathaniel Radden, (P39839)
Attorney For Plaintiff
607 Shelby, Suite 200-B
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CLERK OF COURT
MACOMB COUNTY

COMPLAINT AND JURY DEMAND

Plaintiff, Inez Stark for her cause of action and jury demand states:

Introduction

1. On **April 7, 2007**, at 7592 Hudson, in the city of Warren, MI 48091 a police dog (K9), owned by the city of Warren's Police Department, named Liberty and/or given the name Alto by its handler Warren Police Officer Randy S. Baird (#063), attacked Inez Stark, the Plaintiff, without provocation. The K9 went out of control and viciously and brutally bit Inez Stark's right buttocks cheek, as well as biting Warren Police Officer Taylor's leg. The dog bite to Ms. Stark's right buttocks cheek, generally maimed her, causing injury to her sacroiliac nerve, which is very painful and impairs her ability to walk. Ms. Stark also sustained severe and permanent injury and is forced to take Vicodin and other pain medications.

Common Allegations

2. Plaintiff at the time of the incident was a resident of the city of Warren, in Macomb County, State of Michigan, located at 7592 Hudson, Warren, MI 48091.
3. Defendant city of Warren is liable to Plaintiff pursuant to MCLA 287.351, MSA 12.544, as owner of the police dog either named (Alto, and/or Liberty) (hereinafter K-9) that was owned and employed by the city of Warren's Police Department.
4. Defendant city of Warren, as owner of the police dog employed by the city of Warren's Police Department and the dog handler, Randy Scott Baird (#063), are liable to Plaintiff pursuant to MCLA 287.351, MSA 12.544.
5. Defendant city of Warren police officers are clearly liable for Plaintiff's injuries and damages under MCLA 691.1407(2), MSA 3.996(107)[2].
6. At all material times Defendant city of Warren was the owner of the K-9 police dog.
7. The city of Warren is a municipal corporation, located within the County of Macomb.
8. The County of Macomb Circuit Court has proper jurisdiction over all parties, and all incidents which occurred within the County of Macomb, city of Warren and the amount in controversy exceeds \$ 25,000.00.

**Count 1 -Statutory Dog Bite Claim -
City of Warren and Police Officer Randy Scott Baird (#063) are liable pursuant to
MCLA 287.351, MSA 12.544**

9. Plaintiff incorporates by reference the preceding paragraphs.
10. On **April 7, 2007**, Defendant K-9 police dog, named Alto and/or Liberty (hereinafter K-9) attacked Plaintiff, without provocation and viciously bit her right buttocks cheek.

11. On **April 7, 2007**, Defendant Warren Police Officer R. Baird (#063), did handle and lose control of the (K-9).
12. Defendant city of Warren, as owner of the police dog employed by the city of Warren's Police Department and the dog handler, Randy Scott Baird (#063), are liable to Plaintiff pursuant to MCLA 287.351, MSA 12.544.
13. The city of Warren Police Department dog (K-9), did bite and lunge at plaintiff Ms. Starks.
14. As a result of the vicious attack described above, Plaintiff has sustained severe and permanent injuries that include, but are not limited to, **physical, psychological, emotional, monetary, incidental, and other injuries**, causing her severe and permanent injury especially to her sacroiliac nerve.
15. PLAINTIFFS REQUEST that this court enter a judgment against the Defendants in an amount that exceeds \$ 25,000.00 and that she may be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

Count 2- Common-Law Dog Bite Claim

Defendants city of Warren and dog handler, Warren Police Officer R. Baird (#063), are liable

16. Plaintiff incorporates by reference the preceding paragraphs.
17. Defendants city of Warren and dog handler, Warren Police Officer R. Baird (#063), are liable to Plaintiff, because at all material times, Defendant knew, or through the exercise of reasonable care should have known, the K-9 dog (known as Liberty or Alto) was vicious, violent, and/or prone to attack persons or property that would likely result in injury.

18. Defendants negligence is a direct and proximate cause of Plaintiff's injuries described in the aforementioned paragraphs.
19. PLAINTIFFS REQUEST that this court enter a judgment against the Defendants in an amount that exceeds \$ 25,000.00 that she may be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

Count-3 - Assault and Battery

(Defendant Warren Police Officers: D. Scott(#106), S. Taylor(#191), C. Livingston(#138), T. Scullo(#188), M. Woods(#189), R. Baird(#063), K. Northrup(#022), A. Gill(#163), W. Ross(#069), and dog Alto and/or Liberty (K-9))

20. The preceding paragraphs are adopted herewith as if stated, word for word.
21. On **April 7, 2007**, at 7592 Hudson, Warren, MI 48091, at that time and place, the threat to Plaintiff Inez Starks was made under circumstances that created in her a well-founded fear of imminent peril.
22. Defendant Warren Police Officers: D. Scott(#106), S. Taylor(#191), C. Livingston(#138), T. Scullo(#188), M. Woods(#189), R. Baird(#063), K. Northrup(#022), A. Gill(#163), W. Ross(#069), and (K-9) had the apparent ability to carry out the acts of assault and battery, if not prevented and did subsequently complete the act.
23. The act was not prevented, and Defendant Warren Police Officers: D. Scott(#106), S. Taylor(#191), C. Livingston(#138), T. Scullo(#188), M. Woods(#189), R. Baird(#063), K. Northrup(#022), A. Gill(#163), W. Ross(#069), and (K-9) willfully and intentionally used unreasonable force against the Plaintiff.

24. As a direct and proximate result of the assault and battery, Plaintiff suffered injury and damage, past, present and future, including the following:
- a. pain, suffering, and emotional distress
 - b. humiliation, mortification, and embarrassment
 - c. other injuries and damages and consequences that are developed or manifest themselves during the course of discovery and trial.
25. PLAINTIFFS REQUEST that this court enter a judgment against the Defendants in an amount that exceeds \$ 25,000.00 that she may be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

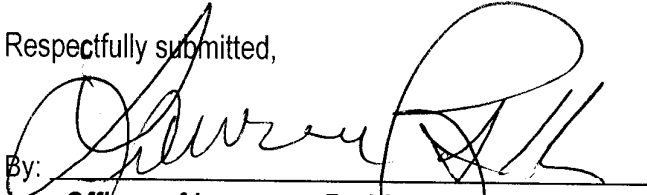
Count-4 Gross Negligence

(Defendant Warren Police Officers: D. Scott(#106), S. Taylor(#191), C. Livingston(#138), T. Scullo(#188), M. Woods(#189), R. Baird(#063), K. Northrup(#022), A. Gill(#163), W. Ross(#069), and dog Alto and/or Liberty (K-9))

26. Plaintiff adopts the preceding paragraphs, as if set forth here word for word.
27. Defendant Warren Police Officers: D. Scott(#106), S. Taylor(#191), C. Livingston(#138), T. Scullo(#188), M. Woods(#189), R. Baird(#063), K. Northrup(#022), A. Gill(#163), W. Ross(#069), and dog Alto and/or Liberty (K-9), did create disturbances and were so aggressive that the officers did cause the K-9 to lose control that it bit a police officer (Taylor) and did bite and lunge at plaintiff Ms. Starks.
28. The aforementioned Defendant Warren Police Officers and (K-9), were Grossly Negligent, pursuant to MCLA 691.1407(2), MSA 3.996(107)[2] and their conduct, was the proximate cause of Plaintiff's injuries and damages.

29. And that conduct was so reckless that it demonstrated a substantial lack of concern for whether Plaintiff would be injured.
30. Defendant Warren Police Officers: D. Scott(#106), S. Taylor(#191), C. Livingston(#138), T. Scullo(#188), M. Woods(#189), R. Baird(#063), K. Northrup(#022), A. Gill(#163), W. Ross(#069), and (K-9), substantially injured Plaintiff and disregarded her rights, thus making them liable for Plaintiff's injuries and damages under MCLA 691.1407(2), MSA 3.996(107)[2].
31. Aforementioned Defendant Warren Police Officers" conduct, proximately caused Plaintiff's injuries and damages, and was grossly negligent because it was so reckless that it demonstrated a substantial lack of concern for whether Plaintiff would be injured.
32. Aforementioned Defendant Warren Police Officers" grossly negligent actions, did cause Plaintiff to suffer injuries, as well as other damages, including, but not limited to, emotional distress, pain and suffering, humiliation, and embarrassment.
33. As a result of the vicious attack described above, Plaintiff has sustained severe and permanent injuries that include, but are not limited to, **physical, psychological, emotional, monetary, incidental, and other injuries** .
34. PLAINTIFFS REQUEST that this court enter a judgment against the Defendants in an amount that exceeds \$ 25,000.00 that she may be entitled, together with interest, costs, reasonable attorney fees, and such other relief as the court deems just under the circumstances.

Respectfully submitted,

By: 

Dated: August 12, 2008

Law Offices of Lawrence Radden, PLLC

Lawrence Nathaniel Radden, (P39839)

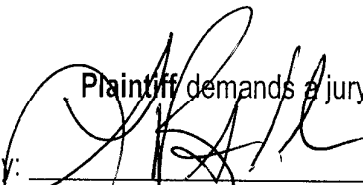
Attorney for Plaintiff

607 Shelby Street, Suite 200-B

Detroit, MI 48226

(313) 962-8000

JURY DEMAND

 Plaintiff demands a jury trial.

By: _____

Dated: August 12, 2008

LAWRENCE NATHANIEL RADDEN, (P39839)

ATTORNEY FOR PLAINTIFF

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