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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MAHMOUD SAAD, Individually, And  
ZIHRA SAAD, Individually,

Plaintiffs

Vs.

MICHAEL KRAUSE, Individually And In His  
Official Capacity, CITY OF DEARBORN  
HEIGHTS, CITY OF DEARBORN HEIGHTS  
POLICE DEPARTMENT, CITY OF  
DEARBORN, CITY OF DEARBORN  
POLICE DEPARTMENT, And JOHN DOE  
OFFICERS I-XXX,

Defendants.

CASE NO.

**COMPLAINT  
&  
JURY DEMAND  
(Honorable)**

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**ATTORNEY FOR PLAINTIFF**

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**PLAINTIFFS' COMPLAINT FOR VIOLATIONS OF 42 U.S.C. §1983 - FOURTH  
AMENDMENT AND FOURTEENTH AMENDMENT, FAILURE TO INTERVENE,  
CONSPIRACY, CONCERT OF ACTION, ASSAULT, INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS, NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS,  
AND FALSE IMPRISONMENT**

1 **NOW COME** the Plaintiffs MAHMOUD SAAD (“Mr. Saad”) and ZIHRA SAAD  
2 (“Mrs. Saad”) (collectively, “Mr. and Mrs. Saad”) by and through their attorneys HADOUSCO.  
3 PLLC, and THE LAW FIRM OF PUCKETT & FARAJ, PC for their Complaint against the  
4 Defendants MICHAEL KRAUSE (“Defendant Krause”); CITY OF DEARBORN HEIGHTS  
5 (“City of Dearborn Heights”), CITY OF DEARBORN HEIGHTS POLICE DEPARTMENT  
6 (“Dearborn Heights Police Department”); CITY OF DEARBORN; CITY OF DEARBORN  
7 POLICE DEPARTMENT (collectively, “City of Dearborn”), and JOHN DOE OFFICERS I-XX  
8 (the “John Does”), alleging the following:

9 **INTRODUCTORY STATEMENT**

10 Mr. and Mrs. Saad reside in the City of Dearborn Heights. They are an elderly married  
11 couple with eighteen grandchildren, including one on active duty with the United States Army  
12 who has served multiple tours of duty in Iraq. Mrs. Saad is seventy-eight (78) years old and  
13 suffers from Diabetes and Hypotension. Mr. Saad is eighty-six (86) years old and suffers from  
14 Alzheimer’s disease, Dementia, and Heart Arrhythmia.

15 This is an action brought by Mr. and Mrs. Saad pursuant to 42 U.S.C. §1983 for the  
16 events occurring on or about Thursday March 10, 2010 in which the unarmed, elderly couple  
17 was terrorized by Dearborn Heights Police officers. Mrs. Saad was held captive at gunpoint on  
18 her own front porch by one of the officers in attempt by that officer to coerce her to consent to  
19 his entry of her home. When Mrs. Saad exercised her Constitutional Right to withhold her  
20 consent, police officers from the cities of Dearborn and Dearborn Heights cordoned her entire  
21 street and surrounded her home with guns and two vicious Police dogs. The officers continued  
22 to threaten and intimidate the terrified elderly woman to give her consent to their entry of her  
23 home by approaching her with vicious Police dogs. When she would not consent to their entry,  
24 officers invaded her home with guns and the vicious Police dogs, entering without a warrant and  
25 without consent through the front door and through a rear bedroom where the disabled Mr. Saad  
26 lay.

27 These acts were precipitated by what was at worse the failure by Mr. and Mrs. Saad’s  
28 elderly son Joseph to come to a complete stop at a stop sign while driving an automobile less  
29 than one hundred feet (100) from their home. These acts were further the product of an ongoing  
30 conspiracy to conduct and operate a “commercial enterprise” to generate municipal revenue  
31 under color of state law, a conspiracy which prompted the pursuit of Mr. and Mrs. Saad’s son

1 and culminated in the egregious and severe violations of Mr. and Mrs. Saad's Constitutional  
2 Rights.

3 This is an action for monetary damages brought by the Mr. and Mrs. Saad against the  
4 officers, the local entities who employed, trained, and supervised the officers, and the cities of  
5 Dearborn and Dearborn Heights for the tortious acts of their officers as well as the  
6 unconstitutional customs, policies, and practices employed by their officers. Because of these  
7 unconstitutional customs, policies, and practices, a pattern of repeated, severe violations of the  
8 Constitutional Rights of citizens has formed. Because of these unconstitutional customs,  
9 policies, and practices, Mr. and Mrs. Saad have suffered serious and palpable harm from  
10 violations of their statutory and Constitutional Rights.

### 11 JURISDICTION AND VENUE

12 1. Mr. and Mrs. Saad file this action under 42 U.S.C. §1983 for violations of due  
13 process under the Fourth and Fourteenth Amendments to the United States Constitution.

14 2. This Court has subject matter jurisdiction over Mr. and Mrs. Saad's claims of  
15 violations of federal Constitutional Rights pursuant to 28 U.S.C. §1331, §1333, and 42 U.S.C.  
16 §1983.

17 3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b), inasmuch as the  
18 unconstitutional, unlawful, and wrongful conduct alleged was committed in this District, one or  
19 more of the defendants reside in this District, and the Plaintiffs reside in this District.

20 4. This Court has supplemental jurisdiction over Mr. and Mrs. Saad's pendent state  
21 law claims pursuant to 28 U.S.C. § 1367 and under the doctrine of pendent jurisdiction as set  
22 forth in United Mine Workers v. Gibbs, 383 U.S. 715 (1966).

### 23 PARTIES

24 5. At all times pertinent to this Complaint, Mr. Saad resided in the City of Dearborn  
25 Heights, County of Wayne, and State of Michigan.

26 6. At all times pertinent to this Complaint, Mrs. Saad resided in the City of Dearborn  
27 Heights, County of Wayne, and State of Michigan.

28 7. At all times pertinent to this Complaint, Defendant Krause was a law enforcement  
29 officer working under color of law for the Defendant Dearborn Heights Police Department, an  
30 entity of the City of Dearborn Heights. Defendant Krause is sued in his individual and official  
31 capacity.

1           8.       At all times pertinent to this Complaint, Defendant City of Dearborn Heights was  
2 and is a municipal corporation duly organized and carrying on government functions in Dearborn  
3 Heights, County of Wayne, and State of Michigan. Defendant City of Dearborn Heights is a  
4 suable person under 42 U.S.C. §1983.

5           9.       At all times pertinent to this Complaint, the Defendant Dearborn Heights Police  
6 Department was an entity of the Defendant City of Dearborn Heights acting under color of state  
7 law. The Defendant Dearborn Heights Police Department is a suable person under 42 U.S.C.  
8 §1983.

9           10.      At all times pertinent to this Complaint, Defendant City of Dearborn was and is a  
10 municipal corporation duly organized and carrying on government functions in Dearborn,  
11 County of Wayne, and State of Michigan. The Defendant City of Dearborn is a suable person  
12 under 42 U.S.C. §1983.

13          11.      At all times pertinent to this Complaint, the Defendant Dearborn Police  
14 Department was an entity of the City of Dearborn acting under color of state law. The Defendant  
15 Dearborn Police Department is a suable person under 42 U.S.C. §1983.

16          12.      At all times pertinent to this Complaint, the Defendant John Doe Officers were  
17 employed by the Defendant City of Dearborn Heights and were acting under color of law.

18          13.      The Defendant John Does are individuals whose exact identities are unknown to  
19 Plaintiffs. The Defendant John Does are employed by the Defendant City of Dearborn Heights  
20 via its police department as law enforcement officers. The Defendant John Does may further be  
21 agents or employees of the Defendant City of Dearborn Heights. At all times time pertinent to  
22 this Complaint, the Defendant John Does were acting under color of law for the Defendant City  
23 of Dearborn Heights. The Defendant John Does are sued in their official and individual  
24 capacities. At such times when the identity of the Defendant John Does are known to Plaintiffs  
25 they will substitute the real party in interest for the named Defendant John Doe.

26          14.      All Defendants have acted under color of state law at all times pertinent to this  
27 Complaint.

28          15.      Plaintiffs are entitled to an award of attorneys' fees and costs, pursuant to 42  
29 U.S.C. §1988.

## FACTUAL BACKGROUND

### A. **Police Officers From The Cities of Dearborn And Dearborn Heights Committed Egregious And Severe Violations Of Mr. and Mrs. Saad's Constitutional Rights**

16. Mr. and Mrs. Saad, incorporate, re-allege, and adopt by reference paragraphs 1-15 as though fully set forth herein.

17. On or about Thursday March 10, 2010, Mrs. Saad was at home caring for her eighty-six year old husband who suffers from advanced Alzheimer's disease, Dementia, and Heart Arrhythmia. Mrs. Saad was in one of the bedrooms with her husband and was attempting to move him from his wheelchair to a nearby sofa.

18. At or about the time she was moving her husband, Mrs. Saad's sixty-one year old son Joseph pulled into the driveway and was on the walkway to the front door when a police officer (Defendant Krause) shouted out to him.

19. Startled, Joseph turned around and saw the Defendant Krause. Defendant Krause had parked his police cruiser behind Joseph's automobile. The police cruiser's flashing lights were activated, but its siren had not been used. Joseph, who was only a few steps from his parent's front door, told Defendant Krause that he would retrieve his wallet and driver's license from inside the home. Defendant Krause then pulled his gun out and pointed it at Joseph, threatening to shoot the sixty-one (61) year old man if went through the front door.

20. This caused the elderly Joseph, who suffers from Diabetes, Hypotension, and torn knee ligaments, to rush through his parent's front door in a panic, crying, "The police are going to shoot me!"

21. Mrs. Saad, frightened, left her disabled husband's side and rushed to the front door to see what was going on. As she stepped onto her front porch, Defendant Krause, who is nearly twice her size, **pointed his gun at her chest from point blank range** and demanded to be let into the home.

22. This terrified Mrs. Saad begged Defendant Krause to point his gun away from her and repeatedly asked what her son had done.

23. Defendant Krause would not tell Mrs. Saad what her son had done and **continued to demand entry into the home at gunpoint, insisting that he could lawfully shoot the**

1 **elderly woman.** Mrs. Saad would not consent to the warrantless entry of her home, fearing that  
2 the armed and violent Defendant Krause would shoot her son.

3 24. Joseph witnessed his elderly mother being held at gunpoint and **would not leave**  
4 **his parent's home until there were witnesses, fearing the armed Defendant Krause would**  
5 **follow-up on his threat to shoot him.**

6 25. While Mrs. Saad was still being held at gunpoint, Defendant Krause further  
7 intimidated and to terrorized the elderly woman, threatening that she would be "sorry"  
8 **and that he would flood her street with police officers if she did not let him into her home.**

9 26. Mrs. Saad continued to exercise her Constitutional Right to withhold consent to  
10 the demand of warrantless entry into her home.

11 27. Defendant Krause followed-up on his threat to flood Mrs. Saad's street with  
12 police officers. **Within minutes, a second officer (a John Doe) arrived at the Saad's home**  
13 **and drew his pistol, aiming it at the doorway where Mrs. Saad was being held.**

14 28. **The second officer's arrival was followed by the arrival of an additional ten**  
15 **to fifteen (10-15) John Doe officers and two (2) vicious Police dogs.**

16 29. The John Does blockaded the entire street and surrounded the Saad residence.

17 30. Mrs. Saad was still being held at gunpoint and continued pleading with Defendant  
18 Krause to point his gun away from her.

19 31. The John Does began to demand that Mrs. Saad's let them into her home,  
20 threatening to "break down the door" if they had to.

21 32. The John Does even threatened one of Mrs. Saad's neighbors; telling the  
22 concerned neighbor that she would be arrested if they searched her purse and found a key to the  
23 Saad's home.

24 33. **Mrs. Saad was further intimidated and terrorized by Defendant Krause and**  
25 **the John Does when one of the John Does brought a vicious Police dog within a few feet of**  
26 **the terrified, elderly woman. The Police was barking viciously and lunging forward.**

27 34. Several of the John Does then headed to the backyard with one of the vicious  
28 Police dogs. **Mrs. Saad warned the officers that her disabled husband was inside, and**  
29 **begged them not to enter her home, stating, "There's an eighty-six year old man in there,**  
30 **you'll kill him, please don't do this."** A John Doe responded, "I don't care."

1           35. Mrs. Saad rushed back to her husband's side where he lay clinging to his  
2 wheelchair. Defendant Krause and one or more of the John Does followed Mrs. Saad into her  
3 home with the vicious Police dog **without her consent** and **without a warrant**.

4           36. Within seconds of reaching her husband, several of the armed John Does and the  
5 other vicious Police dog invaded the rear bedroom entering through a back door **without consent**  
6 **and without a warrant**. **This officers' invasion so terrified Mrs. Saad, that the elderly**  
7 **woman left her disabled husband lying on the floor to run screaming out of her own home.**

8           37. Mr. Saad, who was conscious at the time, began to wail, crying out, "What's  
9 happening," and "Who killed him, who's going to kill him?"

10          38. With Mrs. Saad forced out of her own home and Mr. Saad lying helpless, the John  
11 Does searched the ground floor of Mr. and Mrs. Saad's home with the vicious Police dog looking  
12 for their son.

13          39. Joseph, terrified, had sought shelter in his parent's basement.

14          40. The John Does began shouted and **threatened to unleash the vicious, barking**  
15 **Police dog inside the home.**

16          41. Joseph, who now feared for his parent's life, slowly walked up the basement stairs  
17 with his hands up.

18          42. The John Does paraded the elderly Joseph out of his parent's home, dragging and  
19 pushing him along.

20          43. As witnesses gathered, the John Does shouted at them, **demanding that they**  
21 **leave.** These witnesses included Mr. and Mrs. Saad's other son, Sam, and several of their  
22 neighbors.

23          44. **The John Does began to taunt Joseph.** One or more of the John Does instructed  
24 Joseph to put his hands up, while one or more of the John Does instructed Joseph to put his  
25 hands down.

26          45. A Defendant Doe Officer opined, **throw him on the ground and "beat the fuck**  
27 **out of him."**

28          46. One or more of the John Does led Joseph to a police cruiser. Joseph was then  
29 pressed against the vehicle and handcuffed.

1           47.     The Defendant Doe Officer applied the handcuffs so tight that normal circulation  
2 to Joseph's hands was cut off, **causing Joseph to suffer numbness in his hands for two (2)**  
3 **weeks.**

4           48.     The John Does then pulled Joseph away from the vehicle and repeatedly kicked  
5 the elderly man until he was inside the police cruiser.

6           49.     Mrs. Saad witnessed all of what was happening to her son and begged Defendant  
7 Krause and the John Does to stop hurting her son.

8           50.     A John Doe **responded by telling her to "shut up" and threatening to arrest**  
9 **her if she did not.**

10          51.     While in the backseat of the police cruiser, Defendant Krause informed Joseph  
11 that he was **lucky his gun had jammed, and that if it had not, Joseph "would not be here."**  
12 Defendant Krause further stated that **Joseph should have just "shut his mouth and took a**  
13 **ticket like the twenty-two (22) citizens before him."**

14          52.     The next morning, Mrs. Saad, trembling, and still in shock over what happened  
15 the day before, drove to the Dearborn Heights Police Department to pick up her son. The  
16 Department refused to release her son and turned Mrs. Saad away.

17          53.     This caused Mrs. Saad further distress and as she attempted to drive home, she  
18 inadvertently headed toward her previous home in Dearborn, Michigan. At some point during  
19 this commute, Mrs. Saad became involved in a vehicular collision. The Dearborn policeman who  
20 responded to the scene **sensed her visibly shaken and distressed state** and did not issue her a  
21 citation for the accident.

22          54.     Mrs. Saad continues to live in a state of **perpetual fear, terror and anxiety**  
23 because of the incident described herein. She is **afraid to leave her windows open and is often**  
24 **unable to sleep at night.** She continues to **suffer embarrassment, shame, humiliation, and**  
25 **indignity and refrains from contact with her neighbors.**

26          55.     **Mr. Saad has not recovered.** His medical conditions have been aggravated and  
27 upon information and belief, his life expectancy has been reduced. Since the events described  
28 herein, he remains withdrawn and barely cognizant of reality. **The John Does showed**  
29 **absolutely no mercy or regard for his life, safety and welfare despite their knowledge of his**  
30 **fragile state.**



1           **B. The City Of Dearborn Heights And Dearborn Heights Police**  
2           **Department Are Engaged In A Conspiracy To Conduct And Operate**  
3           **An Unconstitutional Commercial Enterprise Under Color Of State Law**  
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5           56. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-55  
6 as though fully set forth herein.

7           57. Upon information and belief, the Dearborn Heights Police Department is one of  
8 the highest ticket writing police departments per capita in the United States. Upon further  
9 information and belief, such ticket writing is committed pursuant to a conspiracy and/or  
10 concerted action to conduct and operate an unconstitutional "**commercial enterprise**" under  
11 color of state law. This is further to and in accordance with a custom, practice, or policy of  
12 "**revenue generation**" implemented by the City of Dearborn Heights and carried out by its  
13 police department and officers, a scheme not uncommon in the State of Michigan<sup>1</sup>.

14           58. Upon further information and belief, in furtherance of the commercial enterprise  
15 described herein, the City of Dearborn Heights **artificially sets its speed limits too low and/or**  
16 **has failed to conduct studies mandated by Michigan Public Act 85 of 2006** to determine the  
17 proper speed limits on its roads.

18           59. Because of this unconstitutional commercial enterprise, the City of Dearborn  
19 Heights and the Dearborn Heights Police Department and its officers have engaged in a pattern  
20 of systematic abuse of the rights of citizens and commuters within Dearborn Heights in violation  
21 of the United States Constitution. Upon information and belief, Dearborn Heights officers being  
22 compensated pursuant to a ticket-writing quota which provides the officers with additional  
23 compensation (*i.e.*, a commission) via increased pay and/or working hours determined in whole  
24 or in part by the number of traffic tickets issued by an officer. Upon further information and  
25 belief, this ticket quota requires Dearborn Heights officers to write a **minimum of twelve (12) to**

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<sup>1</sup> House Bills 6164 and 6165 to amend the Michigan Vehicular Code are currently pending in the Michigan State Legislature and would require cities to comply with Michigan Public Act 85 of 2006 when setting speed limits. The Bills' co-sponsor, State Representative, Rick Jones, R-Grand Ledge, told the *Detroit News*, "My reason for the legislation is simple—to end this practice of speed traps." George Hunter, "*Bill proposed to outlaw speed traps*," *Detroit News* (April 28, 2010). The Bills are also supported by the Michigan State Police, Lieutenant Gary Megge, stated, "I think money is a part of it, and I find it reprehensible that communities aren't following the law."

1 **fifteen (15) traffic tickets per week<sup>2</sup>**. Officers are further incentivized to participate in this  
2 unconstitutional commercial enterprise by being offered retirement benefits which are  
3 determined by using the average of an officer's highest three (3) years' pay, which pay is  
4 bolstered by an officer's ticket writing. Moreover, officers can elect to participate in a deferred  
5 retirement program ("DROP"), **which permits officers to work full-time for up to five (5) full**  
6 **years while simultaneously collecting a full pension, which pay and/or pension is increased**  
7 **by the number of traffic tickets written by an officer**. Upon information and belief, DROP  
8 was adopted in or about 2006/2007 and has provided **considerable** incentive for the officers to  
9 violate the United States Constitution.

10 60. This scheme and its incessant tendency to result in persistent and severe violations  
11 of the United States Constitution is evident by the amount and frequency of: (i) traffic tickets  
12 issued by the City of Dearborn Heights since the inception of DROP and (ii) officers positioned  
13 at "speed traps" located throughout the city.

14 61. The Dearborn Heights Police Department's stated mission is as follows:

15 "The mission of the Dearborn Heights Police Department is to  
16 **protect life and property, preserve the peace, prevent crime,**  
17 **aggressively pursue violators of the law and enhance the quality**  
18 **of life of the residents of Dearborn Heights. To accomplish this**  
19 **mission, the members of this department will work in cooperation**  
20 **with the community and other law enforcement agencies in a**  
21 **manner, which reflects the highest degree of integrity and**  
22 **professionalism and will strive to make the Dearborn Heights**  
23 **Police Department a premier 21st century police department,**  
24 **which is progressive, proactive and professional (bold and**  
25 **underline emphasis added).**

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27 62. The Dearborn Heights Police Department and its officers are currently in  
28 violation of their own, stated mission.  
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<sup>2</sup> As reported by George Hunter, "Cops' jobs tied to ticket totals," Detroit News (November 18, 2008).

**COUNT ONE**  
**42 U.S.C. §1983**  
**VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**  
**(Unconstitutional Use of Excessive Force)**  
**(Defendant Krause and the John Does)**

63. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-64 as though fully set forth herein.

64. Mr. and Mrs. Saad are entitled to be free and are protected from the unconstitutional use of excessive force by and pursuant to the parameters of the Fourth and Fourteenth Amendments to the United States Constitution.

65. Defendant Krause and the John Does' acts violated Mr. and Mrs. Saad's protected rights and were extreme, excessive, and unjust, and were objectively unreasonable based on the totality of the circumstances and violated the rights held by Mr. and Mrs. Saad to their life, liberty, and integrity, those rights fully protected by the Fourth and Fourteenth Amendments to the United States Constitution.

66. The specific acts of Defendant Krause and the John Does individually and acting in concert with each other alleged to be objectively unreasonable are more particularly set forth below:

- i. Defendant Krause purposefully, maliciously, recklessly, unjustly, and unreasonably held Mrs. Saad captive at gunpoint from point blank range.
- ii. While holding Mrs. Saad captive at gunpoint, Defendant Krause threatened the innocent and unarmed elderly woman in an attempt to coerce her to consent to his entry of her home.
- iii. The John Does used a vicious Police dog to frighten, intimidate and terrorize Mrs. Saad in an attempt to coerce her to consent to their entry into her home.
- iv. Defendant Krause and several of the John Does invaded Mr. and Mrs. Saad's home with guns and the vicious Police dogs, entering **without a warrant** and **without consent**.
- v. A John Doe unreasonably, unjustly, and wrongfully threatened to arrest Mrs. Saad if she did not "shut up."

1           67. Defendant Krause and the John Does committed the foregoing acts under color of  
2 Michigan state law while on active duty as law enforcement officers.

3           68. As a consequence of the violations of the Constitutional standards set forth herein,  
4 Mrs. Saad suffered and continues to suffer living in a **perpetual state of fear, terror and**  
5 **anxiety.**

6           69. As further consequence of the violations of the Constitutional standards set forth  
7 herein, Mrs. Saad suffered and continues to **suffer embarrassment, shame, humiliation, and**  
8 **indignity and refrains from contact with her neighbors.**

9           70. As further consequence of the violations of the Constitutional standards set forth  
10 herein, Mr. Saad suffered and continues to suffer fear and terror.

11           71. As further consequence of the violations of the Constitutional standards set forth  
12 herein, Mr. Saad’s medical conditions have been aggravated.

13           72. As a consequence of these Constitutional violations to Mr. and Mrs. Saad and the  
14 injuries each incurred, Mr. and Mrs. Saad seek compensation set forth more specifically in the  
15 section of this Complaint entitled “Prayer For Relief.”

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**COUNT TWO**  
**42 U.S.C. §1983**  
**VIOLATIONS OF FOURTH AMENDMENT**  
**(Unlawful And Unreasonable Seizure)**  
**(Defendant Krause and the John Does)**

22           73. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-74  
23 as though fully set forth herein.

24           74. Mr. and Mrs. Saad are entitled to be free and are protected from unlawful seizure  
25 of their person by and pursuant to the parameters of the Fourth and Fourteenth Amendments to  
26 the United States Constitution.

27           75. Defendant Krause and the John Does’ acts violated Mr. and Mrs. Saad’s protected  
28 rights and were an extreme, excessive, unjust, and unreasonable seizure of their person without  
29 probable cause, were objectively unreasonable based on the totality of the circumstances and  
30 violated the rights held by Mr. and Mrs. Saad to their life, liberty, and integrity, those rights fully  
31 protected by the Fourth and Fourteenth Amendments to the United States Constitution.

1           76. The specific acts of Defendant Krause and the John Does individually and in  
2 concert with each other alleged to be objectively unreasonable are more particularly set forth  
3 below:

- 4           i. Defendant Krause and the John Does blockaded Mr. and Mrs. Saad's  
5 entire street.
- 6           ii. Defendant Krause purposefully, maliciously, recklessly, unjustly, and  
7 unreasonably held Mrs. Saad captive at gunpoint from point blank range.
- 8           iii. Defendant Krause and the John Does purposefully, maliciously,  
9 recklessly, unjustly, and unreasonably surrounded Mr. and Mrs. Saad's  
10 home while armed with guns and a vicious Police dog.
- 11           iv. Defendant Krause and several of the John Does invaded Mr. and Mrs.  
12 Saad's home with guns and the vicious Police dogs, entering **without a**  
13 **warrant** and **without consent**.

14           77. Defendant Krause and the John Does committed the foregoing acts under color of  
15 Michigan state law while on active duty as law enforcement officers.

16           78. As a consequence of the violations of the Constitutional standards set forth herein,  
17 Mrs. Saad suffered and continues to suffer living in a **perpetual state of fear, terror and**  
18 **anxiety**.

19           79. As further consequence of the violations of the Constitutional standards set forth  
20 herein, Mrs. Saad suffered and continues to **suffer embarrassment, shame, humiliation, and**  
21 **indignity and refrains from contact with her neighbors**.

22           80. As further consequence of the violations of the Constitutional standards set forth  
23 herein, Mr. Saad suffered and continues to suffer fear and terror.

24           81. As further consequence of the violations of the Constitutional standards set forth  
25 herein, Mr. Saad's medical conditions have been aggravated.

26           82. As a consequence of these Constitutional violations to Mr. and Mrs. Saad and the  
27 injuries each incurred, Mr. and Mrs. Saad seek compensation set forth more specifically in the  
28 section of this Complaint entitled "Prayer For Relief."  
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**COUNT THREE****42 U.S.C. §1983****VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS****(Monell Claim - Informal Custom and Policy)****(City of Dearborn Heights and Dearborn Heights Police Department)**

83. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-84 as though fully set forth herein.

84. The City of Dearborn Heights and the Dearborn Heights Police Department have an informal custom, practice or policy of using color of law to generate municipal/departamental revenue. This custom, practice or policy has resulted in a pattern of systematic abuse of residents and commuters within Dearborn Heights in violation of the United States Constitution.

85. As part of this custom, practice or policy of the City of Dearborn Heights and the Dearborn Heights Police Department, Dearborn Heights officers engage in a mass ticket writing scheme whose primary objective is revenue generation and not the public health, safety and welfare.

86. The custom, practice or policy of using color of law for revenue generation is evidenced by:

- i. The amount and frequency of traffic tickets issued by Dearborn Heights officers.
- ii. The existence of a compensatory scheme that incentivizes and rewards Dearborn Heights officers based on the number of citations issued rather than an objective standard of performance evaluations consistent with the stated mission of the Dearborn Heights Police Department.
- iii. The frequency and concentration of Dearborn Heights officers positioned at "speed traps" throughout the city.
- iv. The failure of the City of Dearborn Heights conduct studies mandated by Michigan Public Act 85 of 2006 and/or its intentional posting of artificially low speed limits to operate "speed traps."

87. As a consequence of this custom, practice or policy, the City of Dearborn Heights, its Police Department, and agent officers repeatedly and regularly violated and continue to commit serious, offensive, and invidious violations of the Constitutional Rights of citizens, residents, and commuters within Dearborn Heights.

1           88. As further consequence of this custom, practice or policy as more particularly  
2 alleged above, Mr. and Mrs. Saad suffered and continue to suffer from the events described  
3 herein, events precipitated by the unconstitutional custom, practice or policy employed by  
4 Dearborn Heights officers, especially, Defendant Krause.

5           89. As further consequence of this custom, practice or policy as more particularly  
6 alleged above, Mrs. Saad continues to live in a **perpetual state of fear, terror and anxiety**  
7 because of the incident described herein.

8           90. As further consequence of the violations of the Constitutional standards set forth  
9 herein, Mrs. Saad suffered and continues to **suffer embarrassment, shame, humiliation, and**  
10 **indignity and refrains from contact with her neighbors.**

11           91. As further consequence of the violations of the Constitutional standards set forth  
12 herein, Mr. Saad suffered and continues to suffer fear and terror.

13           92. As further consequence of the violations of the Constitutional standards set forth  
14 herein, Mr. Saad's medical conditions have been aggravated.

15           93. As a consequence of these Constitutional violations to Mr. and Mrs. Saad and the  
16 injuries each incurred, Mr. and Mrs. Saad seek compensation set forth more specifically in the  
17 section of this Complaint entitled "Prayer For Relief."

#### **COUNT FOUR**

#### **42 U.S.C. §1983**

#### **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**

#### **(Monell Claim - Informal Custom and Policy)**

#### **(City of Dearborn Heights and Dearborn Heights Police Department)**

18  
19  
20  
21           94. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-95  
22 as though fully set forth herein.  
23

24  
25           95. The City of Dearborn Heights and the Dearborn Heights Police Department have  
26 an informal custom, practice or policy regarding the use of police force. The custom, practice or  
27 policy includes improper training and supervision of officers in the use of force rather than  
28 training officers to assess the totality of circumstances in an objectively reasonable manner.  
29

30           96. As part of the custom, practice or policy of the City of Dearborn Heights and the  
31 Dearborn Heights Police Department, Dearborn Heights officers confront, detain, and endanger  
32 peaceful, law-abiding citizens using unnecessary and unreasonable force.

1 97. The custom, policy or practice of using unnecessary and unreasonable force  
2 includes:

- 3 i. Vehicular pursuits at reckless speeds to issue traffic tickets for minor civil  
4 infractions on well-travelled roads and through busy intersections.  
5 ii. Officers' failure to activate their police cruiser's flashing lights and/or sirens  
6 during these reckless, high-speed pursuits of minor traffic violators, which  
7 failures having caused one or more vehicular collisions.  
8 iii. Use of unnecessary and unreasonable coercion, intimidation, physical force and  
9 threats.

10 98. As a consequence of the foregoing custom, practice or policy of using  
11 unnecessary and unreasonable force as more particularly alleged above, a pattern of repeated,  
12 severe violations of the Constitutional Rights of citizens has formed.

13 99. As further consequence of the foregoing custom, practice, or policy of using  
14 unnecessary and unreasonable force, Mr. and Mrs. Saad's Constitutional Rights have been  
15 violated and each seeks compensation for their injuries incurred as set forth more specifically in  
16 the section of this Complaint entitled "Prayer For Relief."

17 **COUNT FIVE**  
18 **42 U.S.C. §1983**

19 **VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**  
20 **(Monell Claim – Failure to Train and Supervise)**  
21 **(City of Dearborn Heights and Dearborn Heights Police Department)**  
22

23 100. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
24 101 as though fully set forth herein.

25 101. The failure of the City of Defendant Heights and Dearborn Heights Police  
26 Department to adequately train and supervise Defendant Krause and the John Does regarding the  
27 appropriate and reasonable use of force amounts to **deliberate indifference** to the rights of Mr.  
28 and Mrs. Saad to be free from excessive force and unreasonable seizures under the Fourth and  
29 Fourteenth Amendments to the United States Constitution.

30 102. As a consequence of this **deliberate indifference** to Mr. and Mrs. Saad's rights,  
31 Mr. and Mrs. Saad's Constitutional Rights have been violated and each seeks compensation for  
32 their injuries incurred as set forth more specifically in the section of this Complaint entitled  
33 "Prayer For Relief."



**COUNT SIX**  
**42 U.S.C. §1983**  
**VIOLATION OF FOURTH AND FOURTEENTH AMENDMENTS**  
**(Failure To Intervene)**  
**(City of Dearborn and John Does)**

103. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-104 as though fully set forth herein.

104. City of Dearborn officers and John Doe officers were present while the events described herein occurred.

105. City of Dearborn officers and John Doe officers participated during the events described herein by aiding in the acts alleged herein and/or acquiescing thereto.

106. City of Dearborn officers and John Doe officers knew or witnessed uniformed officers using excessive force against Mrs. Saad.

107. City of Dearborn officers and John Doe officers witnessed uniformed law enforcement officers violating Mr. and Mrs. Saad's constitutionally protected rights.

108. City of Dearborn officers and John Doe officers witnessed uniformed law enforcement officers unlawfully and maliciously harassing, intimidating, threatening, and terrorizing a citizen who was acting in accordance with her constitutional and statutory rights, privileges, and immunities.

109. City of Dearborn officers and John Doe officers had a realistic opportunity to prevent the uniformed law enforcement officers from (i) using excessive force, (ii) violating Mr. and Mrs. Saad's constitutionally protected rights, and (iii) otherwise harassing, intimidating, threatening and terrorizing Mrs. Saad.

110. As a consequence of the City of Dearborn officers and the John Doe officers failure to intervene, Mr. and Mrs. Saad's Constitutional Rights have been violated and each seeks compensation for their injuries incurred as set forth more specifically in the section of this Complaint entitled "Prayer For Relief."

**COUNT SEVEN****42 U.S.C. §1983****MICHIGAN COMMON LAW****CIVIL CONSPIRACY AND CONCERT OF ACTION**

(City of Dearborn Heights, Dearborn Heights Police Department, Defendant Krause, John Does)  
(Collectively, the "Conspirator Defendants")

111. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-112 as though fully set forth herein.

112. Upon information and belief, the Conspirator Defendants acted in concert pursuant to a common design to unconstitutionally, unlawfully, and wrongfully conduct and operate a commercial enterprise under color of state law; a commercial enterprise which **deducts** from the public health, safety, and welfare by causing Dearborn Heights officers to commit reckless acts of public endangerment and to violate the United States Constitution.

113. Upon further information and belief, **Defendant Krause was acting in furtherance of this unconstitutional, unlawful and wrongful commercial enterprise immediately prior to and during the events on or about Thursday May 10, 2010 described herein.**

114. The specific acts of Defendant Krause alleged to be in furtherance of this unlawful conspiracy and which occurred on or about Thursday March 10, 2010 are more particularly set forth below:

- i. Defendant Krause concealed his police cruiser at Mr. and Mrs. Saad's neighbor's home with the intention of issuing a high number of traffic tickets in the peaceful residential neighborhood.
- ii. The neighbor's home was located at the corner of N. Melborn Street and Meadlawn Street. Upon information and belief, Defendant Krause parked his police cruiser on the neighbor's driveway, which adjoined Meadlawn Street.
- iii. Upon further information and belief, Defendant Krause did **not** have the neighbor's consent to enter or use of the property.
- iv. Defendant Krause detained citizens and issued tickets to them under the pretext of law enforcement. Upon information and belief, Defendant Krause detained several citizens by alleging that the citizens failed to

1           come to a complete stop at a stop sign. One such citizen was Mr. and Mrs.  
2           Saad's other son, Sam Saad, who was issued a ticket by Defendant Krause  
3           earlier that day because Defendant Krause alleged that Sam's vehicle had  
4           not "rocked back" at the stop sign.

5           v.    Upon further information and belief, Defendant Krause pursued Joseph for  
6           the failure to come to a complete stop at a stop sign, yet Defendant Krause  
7           did not and could not see whether Joseph had come to a complete stop in  
8           his automobile.

9           vi.   Upon further information and belief, Defendant Krause did not and could  
10          not see whether one or more of the citizens he issued tickets to had come  
11          to a complete stop at the stop sign and issued civil infractions on **false**  
12          **pretenses under color of law** for no other purpose than to generate  
13          revenue in furtherance of the unconstitutional, unlawful, and wrongful  
14          commercial enterprise described herein.

15          115.   As a direct and proximate result of the conspiracy and concerted action  
16          described herein, the Conspirator Defendants violated Mr. and Mrs. Saad's Constitutional  
17          Rights to be free from excessive force, unreasonable seizure, their right to their life,  
18          liberty, and integrity, those rights fully protected by the Fourth and Fourteenth  
19          Amendments to the United States Constitution.

20          116.   As a direct and proximate result of the conspiracy and concerted action described  
21          herein, Mrs. Saad suffered and continues to suffer living in a **perpetual state of fear, terror and**  
22          **anxiety.**

23          117.   As a direct and proximate result of the conspiracy and concerted action described  
24          herein, Mrs. Saad suffered and continues to **suffer embarrassment, shame, humiliation,**  
25          **indignity, and refrains from contact with her neighbors.**

26          118.   As a direct and proximate result of the conspiracy and concerted action described  
27          herein, Mr. Saad suffered and continues to suffer fear and terror.

28          119.   As a direct and proximate result of the conspiracy and concerted action described  
29          herein, Mr. Saad's medical conditions have been aggravated.

1 120. As a direct and proximate result of conspiracy and concerted action described  
2 herein, Mr. and Mrs. Saad seek compensation set forth more specifically in the section of this  
3 Complaint entitled "Prayer For Relief."

4 121. Defendant Krause and the John Does committed the foregoing acts deliberately,  
5 maliciously, willfully and wantonly.

6 122. Defendant Krause and the Defendant Doe Officer's actions demonstrated their  
7 reckless disregard for Mr. and Mrs. Saad's life, health, safety, and welfare.

8 123. Mr. and Mrs. Saad are therefore entitled to recover exemplary damages in  
9 addition to compensatory damages.

10 **COUNT EIGHT**

11 **ASSAULT**

12 (Defendant Krause and John Does)

13  
14 124. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
15 125 as though fully set forth herein

16 125. Mrs. Saad is a reasonable person.

17 126. Mrs. Saad is an elderly woman in fragile health; this is visible and apparent by her  
18 appearance.

19 127. Defendant Krause purposefully created an apprehension of immediate physical  
20 harm by pointing a gun at Mrs. Saad's chest from point blank range while verbally threatening  
21 her and attempting to coerce her consent to his entry into her home.

22 128. Any reasonable person, particularly and elderly one, would be apprehensive in the  
23 face of Defendant Krause's threatening conduct.

24 129. One or more of the John Does purposefully created an apprehension of immediate  
25 physical harm by approaching Mrs. Saad with a vicious Police dog while attempting to coerce  
26 her to consent to their entry into her home.

27 130. Any reasonable person, particularly an elderly one, would be apprehensive in the  
28 face of the Defendant Doe's conduct.

29 131. Defendant Krause and the John Does committed the foregoing acts deliberately,  
30 purposefully, maliciously, violently, willfully, and wantonly.

31 132. Defendant Krause and the Defendant Doe Officer's actions demonstrated their  
32 reckless disregard for Mrs. Saad's life, health, safety, and welfare.

1 133. Mrs. Saad is therefore entitled to recover exemplary damages in addition to  
2 compensatory damages.

3 **COUNT NINE**  
4 **ASSAULT**  
5 **(The John Does)**  
6

7 134. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
8 135 as though fully set forth herein.

9 135. Mr. Saad is a reasonable person.

10 136. Mr. Saad is a disabled elderly man; this is visible and apparent by his appearance.

11 137. The John Does intentionally created an apprehension of immediate physical harm  
12 by invading his bedroom with a vicious Police dog while the elderly man lay in a dazed, helpless  
13 state.

14 138. Any reasonable person, particularly and elderly one, would be apprehensive in the  
15 face of the Defendant Doe Officer's conduct.

16 139. The John Does committed the foregoing acts deliberately, maliciously, violently,  
17 willfully, and wantonly.

18 140. The John Does' actions demonstrated their reckless disregard for Mr. Saad's life,  
19 health, safety, and welfare.

20 141. Mrs. Saad is therefore entitled to recover exemplary damages.  
21

22 **COUNT TEN**  
23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
24 **(Defendant Krause and the John Does)**  
25

26 142. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
27 143 as though fully set forth herein.

28 143. Mrs. Saad is a reasonable person.

29 144. Mrs. Saad is an elderly woman in fragile health; this is visible and apparent by her  
30 appearance.

31 145. Mr. Saad is a reasonable person.

32 146. Mr. Saad is a disabled elderly man, this is apparent by his appearance and was  
33 **made known** to Defendant Krause and the John Does prior to their into Mr. Saad's home.

1           147. Defendant Krause and the John Does' conduct were extreme and outrageous,  
2 beyond all possible bounds of decency and utterly intolerable in a civilized community.

3           148. The specific acts of Defendant Krause and the John Does alleged to be extreme  
4 and outrageous, beyond all possible bounds of decency and utterly intolerable in a civilized  
5 community are more particularly set forth below:

6           i. Defendant Krause purposefully, maliciously, recklessly, unjustly, and  
7 unreasonably held Mrs. Saad, an innocent, unarmed elderly woman, captive at gunpoint  
8 from point blank range.

9           ii. While holding Mrs. Saad captive at gunpoint, Defendant Krause  
10 threatened the unarmed, elderly woman and then attempted to coerce her to consent to his  
11 entry of her home.

12           iii. Defendant Krause and the John Does maliciously, recklessly, unjustly, and  
13 unreasonably surrounded Mr. and Mrs. Saad's home while armed with guns and two (2)  
14 vicious Police dogs.

15           iv. The John Does used a vicious Police dog to frighten, intimidate and to  
16 terrorize Mrs. Saad.

17           v. The John Does used a vicious Police dog to attempt to coerce Mrs. Saad to  
18 consent to their entry of her home.

19           vi. Defendant Krause and several of the John Does invaded Mr. and Mrs.  
20 Saad's home with guns and the vicious Police dogs, entering **without a warrant** and  
21 **without consent**.

22           vii. Mrs. Saad **informed** Defendant Krause and the John Does regarding her  
23 husband's age and condition, yet the Defendants' invasion showed **no regard for the**  
24 **life, health, safety and welfare of the helpless and disabled Mr. Saad.**

25           viii. A John Doe unreasonably, unjustly, and wrongfully threatened to arrest  
26 Mrs. Saad if she didn't "shut up" while they kicked and battered her elderly son.

27           149. Defendant Krause and the John Does' extreme and outrageous conduct were the  
28 direct and proximate cause of the injuries Mr. and Mrs. Saad suffered and continue to suffer as  
29 alleged herein.

**COUNT ELEVEN**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
**(Defendant Krause and the John Does)**

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3  
4  
5       150. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
6 151 as though fully set forth herein.

7       151. Mrs. Saad witnessed her elderly son being dragged, kicked, and battered by  
8 several armed John Does.

9       152. Mrs. Saad heard the cries of pain from her elderly son as he was being dragged,  
10 kicked, and battered by one or more of the armed John Does and then kicked and shoved into the  
11 backseat of the police cruiser.

12       153. Mrs. Saad heard the cries of pain from her elderly son as he suffered contusions  
13 from the handcuffs, which were purposefully and maliciously applied too tightly.

14       154. The events described above would naturally and probably result in emotional  
15 distress.

16       155. The events described above caused severe emotional distress to Mrs. Saad.

17       156. The emotional distress suffered by Mrs. Saad physically manifested itself in  
18 symptoms, including, but not limited to:

- 19           i. Tremors;  
20           ii. Sleeplessness;  
21           iii. Increased anxiety;  
22           iv. Crying spells;  
23           v. Nightmares;  
24           vi. Loss of appetite;  
25           vii. Cold sweats;  
26           viii. Confusion and deliria;  
27           ix. Dizziness; and  
28           x. Such other injuries and physical manifestations as may appear during the course  
29 of discovery and at trial in this matter.  
30  
31  
32

**COUNT TWELVE**  
**FALSE IMPRISONMENT**  
(Defendant Krause and the John Does)

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2  
3  
4  
5       157. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
6 158 as though fully set forth herein.

7       158. Defendant Krause and the John Does used the guise of legal authority (a) with the  
8 intention of confining Mrs. Saad within fixed boundaries; (b) their acts directly and/or indirectly  
9 resulted in Mrs. Saad's confinement; and (c) Mrs. Saad was conscious of the confinement.

10       159. The specific acts of Defendant Krause and the John Does alleged to have directly  
11 and/or indirectly resulted in Mrs. Saad's conscious confinement are more particularly set forth  
12 below:

- 13           i. Defendant Krause and the John Does blockaded Mrs. Saad's entire street.  
14           ii. Defendant Krause maliciously, recklessly, unjustly, and unreasonably held  
15 Mrs. Saad captive at gunpoint from point blank range to attempt to coerce  
16 her consent to his entry of her home.  
17           iii. Defendant Krause and the John Does surrounded Mrs. Saad's home with  
18 guns and a two (2) vicious Police dogs.  
19           iv. Defendant Krause and the John Does committed the foregoing acts under  
20 color of Michigan state law while on active duty as law enforcement  
21 officers.

22       160. The John Does committed the foregoing acts deliberately, maliciously, violently,  
23 willfully, and wantonly.

24       161. The John Does' actions demonstrated their reckless disregard for Mr. Saad's life,  
25 health, safety, and welfare.

26       162. Mrs. Saad is therefore entitled to recover exemplary damages.

**PRAYER FOR RELIEF**

27  
28       163. Mr. and Mrs. Saad incorporate, re-allege, and adopt by reference paragraphs 1-  
29 164 as though fully set forth herein.

30       164. Defendant Krause and the John Does actions and omissions related to this  
31 Complaint were tortious, wrongful, objectively unreasonable, deliberately indifferent, negligent,  
32 grossly negligent, oppressive, malicious, reckless and outrageously indifferent to a highly



1 unreasonable risk of harm, consciously indifferent to Mr. and Mrs. Saad's life, health, safety and  
2 welfare, in reckless disregard of their rights, motivated by evil motive or intent, and recklessly or  
3 callously indifferent to Mr. and Mrs. Saad's federally protected rights; said actions and  
4 omissions directly and proximately caused their injuries.

5 **WHEREFORE**, Mr. and Mrs. Saad respectfully request this Honorable Court grant  
6 Judgment in their favor and against Defendants for the following:

- 7 1. Compensatory damages in an amount consistent with the allegations  
8 contained herein and to be proven at trial;
- 9 2. Exemplary damages in an amount consistent with the allegations  
10 contained herein and to be proven at trial;
- 11 3. Punitive damages in a reasonable amount sufficient to adequately punish  
12 Defendant Krause and the John Does in their individual capacities, and to  
13 deter future conduct of the type alleged in this pleading, as allowed by law  
14 in 42 U.S.C. §1983, in an amount to be proved at trial;
- 15 4. Deterrence damages of FIVE MILLION DOLLARS (\$5,000,000.00) to  
16 deter these types of acts and omissions in the future by the parties  
17 involved and others similarly situated;
- 18 5. Attorneys' fees as allowed by law in 42 U.S.C. §1988; and
- 19 6. Such other and further relief as may be just, proper and allowable,  
20 including, pre-judgment and post-judgment interest and costs of this suit.

21  
22 **RESPECTFULLY SUBMITTED** this 2<sup>nd</sup> day of July, 2010.

23  
24 **HADOUSCO. PLLC**

25  
26  
27  
28   
29 **Nemer N. Hadous**

30 16030 Michigan Avenue

31 Suite 200

32 Dearborn, Michigan 48126

33 **ATTORNEY FOR PLAINTIFFS**  
34  
35

1  
2 ORIGINAL of the foregoing filed this 2<sup>nd</sup> day of July 2010 with:  
3

4 **Clerk of the Court**  
5 **United States District Court, Eastern District of Michigan**