

**JURY FEE PAID
DEC 10 2008**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

GOODFELLAS WEAR, L.L.C. A Michigan
Limited Liability Company and
WISSAM AOUN.

Plaintiffs.

-vs-

CASE NO: *cc*

WAYNE COUNTY, WAYNE COUNTY
SHERIFF'S DEPARTMENT, WARREN C. EVANS
WAYNE COUNTY SHERIFF, MACY'S RETAIL
HOLDINGS, INC., a New York Corporation and
DOUGLAS BUCHER.

HON.

Defendants.

CYRIL C. HALL, P.C.
CYRIL C. HALL (P 29121)
TIMMOTHY J. YOUSIF (P 64538)
Attorneys for Plaintiffs
149 Franklin Blvd.
Pontiac, Mi 48341
(248) 335-7880

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a Judge, nor do I know of any civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred or otherwise disposed of after having been assigned to a Judge in this Court.

Timothy J. Yousif
Timothy J. Yousif (P 64538)

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiffs, GOODFELLAS WEAR, L.L.C., A Michigan Limited Liability Company, and WISSAM AOUN, by and through their attorneys of record, CYRIL C. HALL,

P.C., by TIMMOTHY J. YOUSIF, and in support of their instant complaint state as follows unto this Honorable Court:

1. That Plaintiff Goodfellas Wear, LLC ("Goodfellas") is a Michigan Limited Liability Company doing business in the City of Detroit County of Wayne State of Michigan.
2. That Plaintiff Wissam Aoun ("Aoun") is an adult resident of the County of Wayne State of Michigan.
3. That Wayne County is a political subdivision of the State of Michigan.
4. That the Wayne County Sheriff's Department is a subdivision of the County of Wayne, State of Michigan.
5. That Defendant Warren C. Evans ("Evans"), is the Sheriff of the Wayne County Sheriff Department located in the County of Wayne.
6. That Defendant Macy's Retail Holdings, Inc., ("Macy's") is a New York Corporation doing business in the County of Wayne State of Michigan.
7. That Defendant Douglas Bucher is the organized retail crime investigations manager for Defendant Macy's and does business in the County of Wayne and State of Michigan.
8. That the incident complained of herein occurred in the County of Wayne, State of Michigan.
9. That the amount in controversy exceeds \$25,000, and therefore jurisdiction and venue are proper in this Court.

COMMON ALLEGATIONS

10. Plaintiff's incorporate by reference Paragraphs 1 through 9.
11. That Plaintiff Aoun is the sole member and owner of Goodfellas Wear, LLC.

12. That Goodfellas is a men's and women's clothing store located at 18334 W. Warren, in the City of Detroit, selling clothing, shoes, hats, and other apparel.

13. That on or about December 12, 2007, members of the Wayne County Sheriff's Department, with the assistance of representatives from Macy's, and Defendant Bucher, raided Goodfellas, looking for clothing that were stolen and/or of a counterfeit nature.

14. That members of the Wayne County Sheriff Department, Macy's, and Bucher spent hours in Goodfellas searching and seizing thousands of items, which were clearly outside the scope and spirit of the search warrant ordering the search.

15. That, pursuant to the Affidavit for Search Warrant, Defendants were searching for only two items, a pair of pants and a tee shirt.

16. That notwithstanding the knowledge, that only two items of stolen property would be at Goodfellas, said Defendants seized seventy-four boxes of clothing and assorted records.

17. That Defendants seized invoices, which clearly evidenced Plaintiffs' legal and legitimate entitlement to said chattel.

18. That after the raid, Sheriff Evans appeared on different news channels making false and malicious comments that Goodfellas was committing the crime of selling stolen and/or counterfeit clothing and further advising viewers to not shop at that store.

19. That all Defendants knew or should have known that none of the items seized were stolen and/or of a counterfeit nature.

20. That Plaintiffs were forced to close their store for business due to the amount of inventory seized.

21. That no criminal charges were ever brought against either Plaintiff.

22. That the Plaintiffs were forced to hire an attorney to defend against the actions of all Defendants.

23. That several months were spent attempting to have Plaintiffs' inventory returned

24. That finally upon return of the inventory, all inventory were virtually unsaleable.

COUNT 1- DEFAMATION

25. Plaintiffs incorporate by reference Paragraphs 1 through 24.

26. The accusations that Plaintiffs committed a crime are false.

27. That Defendant Evans published the remarks to third parties with knowledge of the falsity of the statements or in reckless disregard of their truth or falsity.

28. The publication was not privileged.

29. The publication of the remarks has resulted in damage to Plaintiffs' reputation in the community and economic loss, including but not limited to, the following:

- a. loss of business revenue due to the clothing being unsaleable upon its return to Plaintiffs.
- b. loss of goodwill, harm to its business reputation, loss of esteem and standing in the community, and loss of business opportunities;
- c. emotional distress;
- d. humiliation, mortification, and embarrassment; and
- e. other damages that may arise during the course of discovery.

30. Sheriff Evans' accusations were defamation per se.

31. That Sheriff Evans was given an opportunity to retract his statement upon notice that the items seized were not stolen and failed to retract said statements.

32. That Plaintiffs are entitled to punitive and exemplary damages.

COUNT II- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33. Plaintiffs incorporate by reference Paragraphs 1 through 32.

34. Defendant Sheriff Evans' conduct as outlined above was intentional.

35. Defendant Sheriff Evans' conduct as outlined above was extreme, outrageous, and of such character as not to be tolerated by a civilized society.

36. Defendant Sheriff Evans' conduct as outlined above was for an ulterior motive or purpose.

37. Defendant Sheriff Evans' conduct resulted in severe and serious emotional distress.

38. As a direct and proximate result of Defendant Sheriff Evans' conduct, Plaintiffs have been damaged in the manner outlined above.

COUNT III GROSS NEGLIGENCE

39. Plaintiffs incorporate by reference Paragraphs 1 through 38.

40. That Defendant Sheriff Evans, Wayne County, and the Wayne County Sheriff Department's had a duty of care to adhere to and that their conduct was so reckless as to demonstrate a substantial lack of concern for whether an injury results to Plaintiffs.

41. That Defendant Sheriff Evans, Wayne County, and the Wayne County Sheriff Department's gross negligence was the proximate cause of the damages suffered by Plaintiffs.

COUNT IV - CONCERT OF ACTION

42. Plaintiffs incorporate by reference Paragraphs 1 through 41.

43. That Defendants Macys and Bucher acted in concert with Defendant Sheriff Evans, Wayne County, and the Wayne County Sheriff Department, when accomplishing the raid and later defamatory statements of Plaintiffs.

44. All Defendants acted in concert to pursue a common design, specifically negligence and defamation.

COUNT V- CIVIL CONSPIRACY

45. Plaintiffs incorporate by reference Paragraphs 1 through 44.

46. That all Defendants engaged in a concerted action to which was designed to accomplish either a criminal or unlawful purpose, or a lawful purpose by criminal or unlawful means

COUNT VI- TORTIOUS INTERFERENCE WITH A CONTRACT OR ADANTAGEOUS BUSINESS RELATIONSHIP OR EXPECTANCY

47. Plaintiffs incorporate by reference Paragraphs 1 through 46.

48. That Defendants Macy's and Bucher falsely informed several of Plaintiffs' vendors that Plaintiffs were selling stolen and/or counterfeit items.

49. That this information was given to companies that Plaintiffs' had a contract or business relationship or expectancy.

50. That the business relationships and expectancies had a reasonable likelihood of future economic benefits for Plaintiffs.

51. Defendants Macy's and Bucher knew of the contracts and business relationships and expectancies between Plaintiffs and their vendors.

52. By its conduct described herein, Defendants Macy's and Bucher intentionally and improperly interfered with the contracts and business relationships and expectancies between Plaintiff and its vendors.

53. The false accusations made by Defendants Macy's and Bucher were intended to, and did, interfere with the contracts and business relationships and expectancies, causing their breach, disruption, and/or termination.

54. As a direct and proximate result of Defendants Macy's and Bucher's wrongful conduct, Plaintiffs have suffered substantial economic injury, loss of goodwill, harm to its business reputation, loss of esteem and standing in the community, and loss of business opportunities.

COUNT VII- CONVERSION

55. Plaintiffs incorporate by reference Paragraphs 1 through 54.

56. Plaintiffs at no time authorized any Defendant to take or use any of the inventory which was outside the scope and spirit of the search warrant.

57. All Defendants in fact did take and/or use the inventory taken from Plaintiffs.

58. Plaintiffs demanded on numerous occasions the return of all said inventory.

59. Defendants have refused to return the inventory, and when said inventory was returned, same was unsaleable and useless.

60. The inventory had an approximate value of \$300,000.00.

61. Plaintiffs have sustained damages to the extent that the inventory is now useless and unsaleable.

62. The acts described above constitute an unlawful conversion of Plaintiffs' property, resulting in damages to Plaintiffs in an amount in excess of \$300,000.

63. Pursuant to MCLA 500.2919a and MSA 27A.2919(1), Plaintiffs are entitled to 3 times the amount of actual damages sustained, plus costs and reasonable attorney's fees, in addition to any other right and remedy this Honorable Court finds that Plaintiffs are entitled to.

54. As a direct and proximate result of Defendants Macy's and Bucher's wrongful conduct, Plaintiffs have suffered substantial economic injury, loss of goodwill, harm to its business reputation, loss of esteem and standing in the community, and loss of business opportunities.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to grant them a judgment against all Defendants in an amount in excess of \$25,000, plus costs and attorney fees so wrongfully sustained.

Respectfully submitted:

CYRIL C. HALL, P.C.

Timothy J. Yousif
Timothy J. Yousif (P-44538)
Attorneys for Plaintiffs

Dated: December 8, 2008

DEMAND FOR TRIAL BY JURY

Plaintiffs herein demand a trial by jury in the within cause of action.

Respectfully Submitted:

CYRIL C. HALL, P.C.

Timothy J. Yousif
Timothy J. Yousif (P-44538)
Attorneys for Plaintiffs
149 Franklin Blvd.
Pontiac, MI 48341
(248) 333-7880

Dated: December 8, 2008