

~~TE TO COUNCIL:~~ THIS MATTER WILL BE

BROUGHT INTO COMMITTEE

ON JUL 23 1979



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Law Department
City-County Building
Detroit, Michigan 48226
(313) 224-4550

Coleman A. Young, Mayor
City of Detroit

July 19, 1979

HONORABLE CITY COUNCIL

Re: Henry Duvall vs Virgil A. Starkey, Ronald H. Martin, James R. Harris, Dennis Shiemki, David Marshall and the City of Detroit, Jointly and Severally.
Civil Action No. 75 053 713 NO

The above captioned lawsuit was tried before Judge Gilbert H. Zitselberger and jury at the conclusion of the proofs a verdict was returned in favor of the plaintiff, Henry Duvall, in the amount of \$100,000.00.

We have thoroughly reviewed the matter and it is our considered opinion that there are no appealable issues and that payment of said judgment plus costs and interest is appropriate at this time.

We, therefore, request your Honorable Body to direct the Finance Director to issue his draft in the amount of \$100,000.00 judgment fee plus \$1,302.48 for costs and interests totalling \$101,302.48 payable to Henry Duvall and Thomas M. McGuire, his attorney, pursuant to the Entry of Judgment.

Respectfully submitted,

THOMAS H. GALLAGHER
Assistant Corporation Counsel

THG:jkg

Attachments

cc: Budget Department

1979 JUL 19 PM 12 00

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CITY CLERK'S OFFICE

MEMORANDUM

Re: Henry Duvall vs City of Detroit
Officers Starkey, Martin, Harris,
Marshall and Shiemki.
Circuit Court No. 75 053 713 NO

A jury in the court of visiting Judge Gilbert H. Zitselberger returned a judgment and verdict in the amount of \$100,000.00 against all defendants on or about March 11th.


Mr. Duvall was one of the deputy sheriffs wounded in the Rochester Street incident. He incurred a gunshot wound in the leg and offered proofs of permanent continuing psychic trauma as a consequence of the acts of our clients.

I filed a motion for new trial which was heard on April 27. The new trial motion was denied.

I have reviewed the record of this trial and am convinced that we would be unsuccessful in an appeal.

Accordingly, it is recommended that your Honorable Body authorize the finance director to disburse to Henry Duvall and his attorney the sum of \$100,302.48 as follows:

| | |
|---------------------------|---------------|
| Judgment | \$100,000.00 |
| Costs | 576.70 |
| Interest (To August 1979) | <u>725.78</u> |
| | \$101,302.48 |


 THOMAS H. GALLAGHER
 Assistant Corporation Counsel

THG:jkg