

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

SACHA FARELLE NICOLE JARRETT,
as Personal Representative of the
Estate of MYRON A. JARRETT, Deceased,

Case No: 16

NI

Hon.

Plaintiff,

vs.

STEVEN PATRICK GUZINA,

Defendant.

16-015838-NI

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CATHY M. GARRETT

_____/

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_____/

COMPLAINT

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. MCR 2.113(C)(2)(b).

/s/ Michael J. Morse

Michael J. Morse P-46895
Eric M. Simpson P-57232

NOW COMES Plaintiff, Sacha Farelle Nicole Jarrett, as Personal Representative of the Estate of Myron A. Jarrett, Deceased, by and through her attorneys, Mike Morse Law Firm, by Michael J. Morse, and for her Complaint against the above named Defendant, Steven Patrick Guzina, states as follows:

COMMON ALLEGATIONS

1. That Plaintiff, Sacha Farelle Nicole Jarrett, is a resident of the City of Warren, County of Macomb, State of Michigan.

2. That at the time of the incident, Plaintiff's Decedent, Myron A. Jarrett, was a resident of the City of Warren, County of Macomb, State of Michigan.

3. That Plaintiff, Sacha Farelle Nicole Jarrett, has been appointed as Personal Representative of the Estate of Myron A. Jarrett by the Probate Court of the County of Macomb, State of Michigan, File Number 2016-222164-DE.

4. That Defendant, Steven Patrick Guzina, upon information and belief, is a resident of the City of Lincoln Park, County of Wayne, State of Michigan.

5. That the amount in controversy exceeds \$25,000.00, exclusive of interest and costs, and is otherwise within the jurisdiction of this Honorable Court.

COUNT I
NEGLIGENCE CLAIM AS TO DEFENDANT,
STEVEN PATRICK GUZINA

6. That Plaintiff, Sacha Farelle Nicole Jarrett, as Personal Representative of the Estate of Myron A. Jarrett, Deceased, hereby adopts and incorporates by reference each and every allegation contained in paragraphs 1 through 5 of this Complaint as if more specifically set forth herein word for word, paragraph for paragraph.

7. That on or about October 28, 2016, Plaintiff's Decedent, Myron A. Jarrett, was a pedestrian, standing in a careful and prudent manner on Puritan Avenue, at or near the intersection of Monica Street, in the City of Detroit, County of Wayne, State of Michigan.

8. That at the aforementioned place and time, Defendant, Steven Patrick Guzina, was the operator of a 2016 Ram motor vehicle, bearing Michigan license plate number DNE4244, which motor vehicle said Defendant was driving in a careless, reckless and negligent manner in an easterly direction on Puritan Avenue, at or near the intersection of Monica Street, in the City of Detroit, County of Wayne, State of Michigan, when said Defendant did strike Plaintiff's Decedent, Myron A. Jarrett, causing fatal injuries to Plaintiff's Decedent as hereinafter alleged.

9. That on the aforementioned day and date, Defendant, Steven Patrick Guzina, owed a duty to operate his vehicle in a safe and careful manner in accordance with the Motor Vehicle Code of the State of Michigan and the Common Law and the Ordinances for the City of Detroit.

10. Contrary to the duties owed to Plaintiff's Decedent, Defendant, Steven Patrick Guzina, was negligent, careless and reckless in several respects, including the following:

- (a) Failing to operate the motor vehicle with due care and caution in violation of MCL 257.627;
- (b) Driving the vehicle carelessly and heedlessly with willful and wanton disregard for the safety and rights of others, MCL 257.626(a);
- (c) Failing to keep the motor vehicle constantly under control;
- (d) Failing to drive the vehicle on the roadway with due diligence and circumspection and to not endanger or be likely to endanger other persons or property, MCL 257.626(b);
- (e) Failing to attempt to stop the vehicle when Defendant knew or should have known that failure to do so would naturally and probably result in injury to Plaintiff's Decedent;

- (f) Failing to observe the roadway in front of Defendant's vehicle when Defendant knew, or should have known, that failure to observe Plaintiff's Decedent would endanger the life or property of other persons using the roadway;
- (g) Failing to yield to a pedestrian, MCL 257.612;
- (h) Failing to exercise reasonable and ordinary care to keep sharp lookout so as to avoid striking Plaintiff's Decedent, in violation of MCL 257.40l;
- (i) Failing to operate the motor vehicle on the roadway in a manner and at a rate of speed that would permit it to be stopped within a safe distance, MCL 257.627(l);
- (j) Failing to make timely use of the braking system with which said vehicle is equipped;
- (k) Failing to give audible warning of said motor vehicle when reasonably necessary to ensure its safe operation in violation of MCL 257.706;
- (l) Operating said motor vehicle in excess of the posted limit in violation of MCL 257.628;
- (m) Failing to stop for a steady red traffic light before entering an intersection in violation of MCL 257.612;
- (n) Failing to reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution in violation of MCL 257.653a;
- (o) Striking and killing a uniformed officer of the law; and
- (p) Operating his motor vehicle under the influence of and while impaired from alcohol or a controlled substance.

11. That as a result of said collision, Plaintiff's Decedent, Myron A. Jarrett, was caused to suffer severe, grievous and fatal personal injuries, which include but are not limited to: **multiple blunt traumatic injuries**, among others, which injuries ultimately resulted in his death.

12. That in the event it should be determined that Plaintiff's Decedent was suffering from any pre-existing conditions on the day and date of the incidents set forth in this Complaint, then, and in such event, it is averred that the negligence of Defendant exacerbated, precipitated and aggravated any such pre-existing conditions.

13. That Plaintiff, Sacha Farelle Nicole Jarrett, as Personal Representative of the Estate of Myron A. Jarrett, Deceased, seeks all economic and non-economic damages allowed under the Michigan Wrongful Death Act, MCL 600.2922, including, but not limited to:

- a) Reasonable medical, hospital, funeral and burial expenses for which the Estate is liable;
- b) Reasonable compensation for the pain and suffering, while conscious, undergone by the deceased during the period intervening between the time of the injury and the death;
- c) Damages for loss of financial support;
- d) Damages for the loss of society and companionship.

WHEREFORE, Plaintiff, Sacha Farelle Nicole Jarrett, as Personal Representative of the Estate of Myron A. Jarrett, Deceased, respectfully requests that this Court enter a judgment against Defendant, Steven Patrick Guzina, for an amount in excess of Fifteen Million (\$15,000,000.00) Dollars, to fairly, adequately and fully compensate the Estate for Decedent's injuries and damages, together with court costs, interest and attorney fees so wrongfully incurred.

Respectfully submitted,

MIKE MORSE LAW FIRM
Attorneys for Plaintiff

/s/ Michael J. Morse

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Dated: December 5, 2016