

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 2016-156180-NI JUDGE DANIEL OBRIEN
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Court address: 1200 N. Telegraph Rd., Dept. 404, Pontiac, MI 49341
 Court telephone no.: (248) 858-0344

Plaintiff's name(s), address(es), and telephone no(s).
EBONY MITCHELL and AVANTE MITCHELL
 C/O Bashore Green Wix Law Group

Plaintiff's attorney, bar no., address, and telephone no.
GREGORY W. WIX (P65424)
 Bashore Green Wix Law Group
 49100 Van Dyke
 Shelby Twp., Michigan 48317
 (586) 803-0500

v

Defendant's name(s), address(es), and telephone no(s).
ANDRE JAMAL DRUMMOND

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

- You are being sued.
- YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
- If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Beverly Hills, Oakland County, MI	Defendant(s) residence (include city, township, or village) Bloomfield Hills, Oakland County, MI
Place where action arose or business conducted Bloomfield Twp., Oakland County, MI	

11/28/2016
 Date

/s/ Gregory W. Wix (P65424)
 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

PROOF OF SERVICE

SUMMONS AND COMPLAINT
Case No. 2016- -NI

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
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- I served personally a copy of the summons and complaint,
 I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,
 together with _____
List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments
 _____ on _____
Day, date, time
 _____ on behalf of _____
 Signature

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/Pages/efiling.

STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT

EBONY MITCHELL and
AVANTE MITCHELL

Plaintiff,

v

Case No. 2016-156180-NI
Hon: JUDGE DANIEL OBRIEN

ANDRE JAMAL DRUMMOND

Defendant.

GREGORY W. WIX (P65424)
Bashore Green Wix Law Group
Attorneys for Plaintiff
49100 Van Dyke Avenue
Shelby Township, Michigan 48317
PH (586) 803-0500 / FX (586) 803-0501
e-Mail: greg@bgwlawgroup.com

COMPLAINT and JURY DEMAND

There is no other pending civil action arising out
of the transaction or occurrence alleged in this Complaint

NOW COME Plaintiffs EBONY MITCHELL and AVANTE MITCHELL, by and
through their attorneys, and for their Complaint against the above-named Defendant
state as follows:

1. At all times relevant to this lawsuit, Plaintiffs EBONY MITCHELL ("Ebony")
and AVANTE MITCHELL ("Avante") lived in the City of Beverly Hills, County of Oakland,
State of Michigan.

2. At all times relevant to this lawsuit, Ebony was the operator of a 2013
Chevrolet Tahoe, Michigan license plate number 0J3958, VIN 1GNSK2E06DR219514.

3. At all times relevant to this lawsuit, Defendant ANDRE JAMAL DRUMMOND ("Defendant") lived in the City of Bloomfield Hills, County of Oakland, State of Michigan.

4. At all times relevant to this lawsuit, defendant was the owner and operator of a 2014 Mercedes Benz, Michigan license plate number DAW8327, VIN WDDUG8FBXEA052585.

5. The amount in controversy exceeds \$25,000 exclusive of costs, interest and attorney fees.

6. On Monday August 22, 2016 approximately 4:44 p.m., Ebony was driving her 2013 Chevrolet Tahoe northbound on Lasher Road in Bloomfield Township, Michigan.

7. At the same time, Defendant was driving his 2014 Mercedes Benz southbound on Lasher Road in Bloomfield Township, Michigan.

8. Defendant turned from southbound Lasher Road headed for the Bloomfield Commons Plaza parking lot. However, Defendant turned in front of Ebony without warning and caused a collision between Ebony and Defendant's vehicles. Ebony was severely injured.

9. Defendant was issued a Hazardous Action of "Failure to Yield" and by the Bloomfield Township Police Department.

10. As a direct and proximate result of Defendant's negligence, gross negligence and/or willful and wanton misconduct, Ebony has suffered serious and permanent impairments of vital bodily functions, as well as physical and emotional injuries.

COUNT I
AUTOMOBILE NEGLIGENCE

11. Plaintiffs reassert and re-allege the allegations contained in paragraphs 1 thru 22 set forth above, as if fully stated herein.

12. At the time of the crash, Defendant owed certain duties to the general public, but to Plaintiffs in particular, to operate his vehicle in a safe and reasonable manner so as to avoid unnecessary accidents and collisions as well as to refrain from violating traffic laws, including, but not limited to, speeding, failure to yield the right of way and to stop in an assured, clear distance.

13. At the time of the crash, Defendant breached the above duties in the following manners, including, but not limited:

- a. Negligently committed a moving violation that causes serious impairment of a body function to another person. MCL 257.601d;
- b. Driving in a reckless manner in violation of MCL 257.626;
- c. Failure to yield in violation of MCL 257.647 and MCL 257.650
- d. Driving in a careless and negligent manner in violation of MCL 257.626(B);
- e. Exceeding speed limits in violation of MCL 257.627 – MCL 257.633;
- f. Failure to keep a proper lookout in violation of MCL 257.627;
- g. Failure to stop in an assured clear distance in violation of MCL 257.627;
- h. All other acts of negligence that may be learned or discovered through the course of discovery.

14. As a direct and proximate result of Defendant's negligence, gross negligence and/or willful and wanton misconduct, Ebony has suffered serious and permanent impairments of vital bodily functions, physical and emotional injuries, including but not limited to:

- a. Severe hand, wrist and arm injuries;
- b. Bulging and/or herniation disc in lumbar spine;
- c. Severe nerve damage and impingement;
- d. Injuries to the Cervical Spine;
- e. Injuries to the Thoracic Spine;
- f. Chronic Headaches;
- g. Physical pain and suffering, past, present, and future;
- h. Emotional distress; past, present, and future;
- i. Mental anguish; past, present, and future;
- j. Fright and shock; past, present, and future;
- k. Denial of social pleasure and enjoyment;
- l. Humiliation and mortification;
- m. Serious impairment of body function and serious disfigurement pursuant to MCL 500.3135.

all with the involvement of the surrounding muscles, tendons, ligaments, soft tissues and nerves, causing pain, discomfort, disability, emotional distress and mental anxiety; that all of the above injuries, conditions and sequelae are permanent except those of a superficial nature.

COUNT IV
LOSS OF CONSORTIUM

15. Plaintiffs reassert and re-allege the allegations contained in paragraphs 1 thru 14 set forth above, as if fully stated herein.

16. That at all times relevant hereto, the Plaintiff, Avante, was the lawful spouse of the Plaintiff, Ebony, and as a direct and proximate result of the aforesaid

injuries sustained by Ebony, Plaintiff, Avante has suffered the loss of society, services, love, affection, companionship, comfort and consortium of Plaintiff, Ebony and said damages will continue into the future.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter a Judgment in their favor and against Defendant in an amount in excess of \$25,000, together with costs, interest and attorney fees so wrongfully incurred.

Respectfully submitted,

/s/ Gregory W. Wix
GREGORY W. WIX (P65424)
Attorney for Plaintiffs

Dated: November 17, 2016

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STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT

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AVANTE MITCHELL

Plaintiff,

v

Case No. 2016-156180-NI
Hon: JUDGE DANIEL OBRIEN

ANDRE JAMAL DRUMMOND

Defendant.

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Bashore Green Wix Law Group
Attorneys for Plaintiff
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e-Mail: greg@bawlawgroup.com

JURY DEMAND

Plaintiffs EBONY MITCHELL and AVANTE MITCHELL, by and through their attorneys, hereby demand a trial by jury.

Respectfully submitted,

/s/ Gregory W. Wix
GREGORY W. WIX (P65424)
Attorney for Plaintiffs

Dated: November 17, 2016