

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

The Estate of JOANN MATOUK ROMAIN,  
deceased.

Plaintiff,

**JURY DEMAND**

-vs-

The CITY OF GROSSE POINTE FARMS,  
a municipal corporation;  
DANIEL JENSEN, Chief and Director of  
Public Safety; HOLLY KRIZMANICH,  
Sargent; JACK PATTERSON, Lieutenant;  
ANDREW ROGERS, Lieutenant;  
Grosse Pointe Farms Police Officers:  
ANTONIO TRUPIANO, KEITH  
COLOMBO, MICHAEL McCARTHY,  
RICHARD A. ROSATI, GEOFFREY  
McQUEEN, WESLEY KIPKE,  
JOHN WALKO, FRANK ZIELINSKI,  
RICKY GOOD;

The CITY OF GROSSE POINTE WOODS,  
a municipal corporation;  
Sargent ANDREW PAZUCHOWSKI;  
Lieutenant JOHN KOSANKE;  
Lieutenant JOHN ROSS;  
Grosse Pointe Woods Police Officers:  
KEITH WASZAK, DENNIS WALKER,  
MARTIN MITCHELL, Officer JOHN DOE;  
and SUSPECT ONE;

Defendants.

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**COMPLAINT**

NOW COMES the Plaintiff, by and through its attorneys, 1-800-LAW-FIRM, PLLC, stating as follows:

**JURISDICTION AND VENUE**

1. This action presents various Constitutional, statutory, and common law claims arising under 42 U.S. Code §1983, 42 U.S. Code §1985 and the Michigan Constitution of 1963.
2. Plaintiffs' claims for equitable, declaratory, and injunctive relief are authorized pursuant to, 42 U.S. Code §1983, 42 U.S. Code §1985, and the general legal and equitable powers of this Court.
3. Pursuant to 42 U.S.C. Section 1983, 42 U.S. Code §1985 and other applicable law, this Court is justified to award nominal, compensatory, and punitive damages, and equitable relief against all individual Defendants, in their individual capacity, and against Defendants Grosse Pointe Farms and Grosse Pointe Woods for the past and ongoing violations of Plaintiffs' Constitutional rights and the harm caused by their actions.
4. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. Section 1391 as all Defendants reside within this district and a substantial part of the events giving rise to Plaintiffs' claims occurred within this district. The allegations in this Complaint raise federal issues. The Court has supplemented jurisdiction on state claims.

5. Plaintiff, The Estate of JoAnn Matouk Romain, (“JoAnn”), is the estate of a deceased person, who was a resident of Grosse Pointe Woods, State of Michigan.
6. Defendant City of Grosse Pointe Farms is a Municipal Corporation, organized under the laws of the State of Michigan.
7. Defendant City of Grosse Pointe Woods is a Municipal Corporation, organized under the laws of the State of Michigan.
8. Defendant Daniel Jennings is the Director of the Police of Grosse Pointe Farms Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Farms Police Department.
9. Defendant Holly Krizmanich is the Sargent of the Grosse Pointe Farms Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Farms Police Department.
10. Defendant Jack Patterson is the Lieutenant of the Grosse Pointe Farms Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Farms Police Department.
11. Defendant Andy Rogers is the Lieutenant of the Grosse Pointe Farms Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Farms Police Department.
12. Defendant Michael McCarthy is a retired police officer of the Grosse Pointe Farms Police Department and at all times relevant to this Complaint, was employed by the Grosse Pointe Farms Police Department
13. Defendants Antonio Trupiano, Keith Colombo, Richard Rosati, Geoffrey McQueen, Wesley Kipke, John Walko, Frank Zielinski and Ricky Good are all detectives and/or police officers of the Grosse Pointe Farms Police Department and

are, and at all times relevant to this Complaint were, employed by the Grosse Pointe Farms Police Department.

14. Defendant Andrew Pazuchowski is the Sargent of the Grosse Pointe Woods Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Woods Police Department.

15. Defendant John Kosanke is the Lieutenant of the Grosse Pointe Woods Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Woods Police Department.

16. Defendant John Ross is the Lieutenant of the Grosse Pointe Woods Police Department and is and at all times relevant to this Complaint was employed by the Grosse Pointe Woods Police Department.

17. Defendants Keith Waszak, John Kosanke, Dennis Walker, Martin Mitchell and John Doe are all detectives and/or police officers of the Grosse Pointe Woods Police Department and are, and at all times relevant to this Complaint were, employed by the Grosse Pointe Woods Police Department.

18. All individually named Defendants were acting within the scope of their employment, under their authority as law enforcement officers and under color of law at all times relevant to this Complaint.

#### FACTUAL BACKGROUND

19. On or after January 12, 2010, JoAnn was murdered. The police departments named as Defendants in this case conspired to cover up her murder. After a lacking forty-eight hour investigation, the Grosse Pointe Farms Police Department turned the case over to Grosse Pointe Woods Police Department, despite the disappearance

occurring in Grosse Pointe Farms. Both departments treated the investigation as a suicide by drowning from the moment JoAnn went missing. JoAnn did not commit suicide; none of the facts or evidence support the absurd conclusion that she committed suicide; and the named police departments ignored witness statements, falsified their police reports and their investigation to make her murder appear to be a suicide. The following are the facts upon which this Complaint is based:

20. On January 12, 2010 at 9:25 p.m. Michelle Romain (“Michelle”), one of JoAnn’s daughters, was surprised by a knock on her door by police officer, John Doe, from the Grosse Pointe Woods Police Department who asked if her mother was missing, and proceeded to inform her that her mother’s car, JoAnn’s car, was found in the parking lot of St. Paul’s church, during a routine patrol. At this point, it had been approximately two hours since anyone had last seen JoAnn at the end of the church service.
21. Officer John Doe informed Michelle that there were police at the scene of the church, searching for clues regarding JoAnn’s disappearance, and that Michelle and her family should stay at their residence and let the police conduct their investigation.
22. After making numerous, desperate attempts to reach their mother by telephone, and after calling and speaking with some of JoAnn’s closest friends to ask if they had seen or heard from their mother, JoAnn’s children then drove to the church where she found that the Lexus their mother had been driving that day, had been taped off with police tape and the police were attempting to enter the vehicle. This was at approximately 10:00 PM. JoAnn’s children and other witnesses further

observed divers in the water across the street and a helicopter circling above with a spotlight searching the water.

23. When Michelle asked why the police were looking in the water, Michelle was told there were foot prints, on dry pavement, leading from JoAnn's vehicle down the church driveway, across the street and down into the lake.
24. Michelle found it very odd that the police were searching the water and she and her family begged and pleaded over and over that the police bring their K-9 units to the scene using dogs to track the scent of JoAnn. She was advised by the police that dogs cannot detect scent in the cold; something she later learned was a lie.
25. After divers spent several hours searching the area of the lake where the police asserted JoAnn had entered the water, the search was called off for the evening with no sign of JoAnn, despite the water in that area being less than two feet deep, with zero current.
26. JoAnn's body was found by two fishermen in Amherstburg, Ontario, Canada, on March 20, 2010, who immediately contacted the Ontario Police. Strangely, Defendants McCarthy and Rosati of the Grosse Pointe Farms police department, the department who had closed the case on January 14, 2010 when they turned it over to the Grosse Pointe Woods Police Department, immediately rushed over to Canada and falsely informed them that JoAnn was "extremely paranoid, suffered from severe mental health issues" and that "no foul play was suspected." Defendants McCarthy and Rosati further stated that JoAnn had committed suicide, to prevent the Ontario police from investigating her murder as a homicide and to influence the coroner's opinion regarding the manner of JoAnn's death.

27. The police did not find it interesting enough to warrant reevaluating their conclusion that JoAnn's death was a suicide, even though her body would have had to float over thirty miles in nine weeks, in a mostly frozen lake which has virtually zero current. The level of current in the lake has been confirmed by multiple reports by Midwest Technical Recovery Team, a search and recovery company.
28. Upon recovering JoAnn's body, an Ontario coroner performed an autopsy and found nothing strange about her body or her clothing.
29. Michelle had an autopsy performed by the head of forensic pathology of the University of Michigan Hospital, Jeffrey Jentzen, who was NOT involved in the conspiracy alleged in this Complaint, and that autopsy has several interesting conclusions suggesting that foul play was, in fact, involved in JoAnn's death:
  - a. JoAnn had contusions on her upper left arm where she carried her purse, suggesting a struggle further bolstered by the fact that JoAnn's brand new purse was found with a portion near the handle visibly torn, as if it were grasped in a struggle;
  - b. JoAnn's boots were brand new with absolutely not a single scuff mark, in spite of the police's conclusion that JoAnn would have had to have walked down a very steep cement embankment around the water's edge, and walk over at least several hundred feet of rocks by the water's edge. Still the police stuck to their absurd conclusion that JoAnn's death was a suicide.
30. On January 14, 2010, Michelle and her sister Kellie met with Grosse Pointe Farms Officers McCarthy and Rosati, and told them about an incident that took place several weeks before. Michelle and JoAnn were sitting on the couch in JoAnn's

home when JoAnn's phone rang. JoAnn then spoke to an individual who we will refer to as Suspect One, for some time when suddenly JoAnn turned white and hung up the phone. JoAnn turned to Michelle and told her that if she were to go missing, Michelle should tell the police to look into Suspect One, who happened to be a police officer for the City of Harper Woods at the time. The police dismissed Michelle's allegations without so much as conducting an interview of Suspect One.

31. This investigation has always been ruled a suicide. This was partially based on an anonymous tip that JoAnn was paranoid, depressed, and suicidal, an allegation the police failed to substantiate with ANY of JoAnn's medical records or social tendencies. This tip was later discovered and confirmed by phone records to have been made by none other, than Suspect One.
32. On January 14, 2010, just two days after JoAnn went missing, the investigation was, for some reason unknown to JoAnn's family, turned over from the Grosse Pointe Farms police department to the Grosse Pointe Woods police department. Grosse Pointe Woods kept the investigation open and active for over seventy days until it's status was changed to open but inactive according to police report 1000000037.32. Then, after Michelle reached out to the Grosse Pointe Woods Police Department in writing, in a final plea to re-activate the case (and after a news story made national headlines on television), The Grosse Pointe Woods Police Department responded in writing stating the investigation was now back in the hands of the Grosse Pointe Farms Police Department. It is still unclear why the two departments, located less than three miles apart, continue to state that the other is responsible for this investigation. One is lead to believe that the two

departments are aware that the conspiracy has been uncovered and they are each trying to save face.

33. Michelle, suspecting that the police were intentionally covering up her mother's murder, hired her own lawyers and her own investigators to investigate her mother's murder. Immediately, the lawyers began making numerous requests for information and police reports under the Freedom of Information Act which all went ignored by both police departments. Due to both police departments repeatedly ignoring the requests, Michelle she was forced to file a FOIA lawsuit, which she won and for which she was awarded attorney's fees. The following facts are just some of what was discovered after the FIOA lawsuit, further proving the conspiracy to cover-up her mother's murder:

- a. The license plate on the Lexus JoAnn was driving was not ran until more than thirty minutes after the police appeared at her home;
- b. The "routine patrol" that led the police to stop and inspect the Lexus was in no way routine;
- c. There were, in fact, *no* foot prints in the driveway or street, and the only foot prints in the snow were not that of JoAnn's;
- d. The police never at any time tested JoAnn's vehicle or purse for possible DNA or fingerprint evidence;
- e. The police gave the United States Coast Guard inaccurate information in order to have them launch a search into the lake; and
- f. There were numerous witness statements that went completely ignored or were fabricated to make the murder appear to be a suicide.

34. The police knocked on Michelle's door at 9:25 PM and informed her that the vehicle her mother was driving was found at the church during a routine patrol and that a LEIN search showed where her mother lived. This is impossible for the reason that the LEIN was not run until after 10:00 PM, and the police were at her door at 9:25 PM. Further the vehicle that they found was registered to Kathy Matouk and Michelle Romain, NOT JoAnn Matouk Romain, so this was clearly a big lie by the police, which begs the question: How did they REALLY know whose vehicle it was and whom were they lying to protect?
35. The "routine patrol" that the police claimed resulted in the police finding the vehicle JoAnn had been driving that evening, within two hours of church services ending, was later proven false by the following means: On three different occasions, Michelle's investigators left a car parked over-night in the exact same location that the Lexus was found in on January 12, 2010 on their "routine patrol," with a purse left on the front passengers' seat identical to how JoAnn's was that night, with a wallet and cash inside the purse. Not once, did the test car receive so much as a parking ticket. This strongly indicates that the evening of January 12, 2010 was indeed NOT a routine patrol, and that individuals that were supposedly doing a routine patrol and investigation this evening were in fact aware of the events occurring. This further begs the question: Why were the police lying about the routine patrol taking place and whom were they lying to protect? On the one hand, JoAnn's car was left alone for less than two hours, and the police already had a helicopter in the air, divers in the water, police tape surrounding JoAnn's car, and were forcibly attempting to gain entry to her vehicle. On the other hand, the cars were left alone all night long without so much as a parking ticket.

36. The entire basis for why the police believed JoAnn had entered the lake was fabricated. There were in fact, no visible foot prints on the pavement in the driveway of the church, or the street. Photographs taken that evening show that the pavement was completely dry. Photographs also show that the only foot prints found that night were in the snow, and they did not appear to be that of a woman with small (size five) feet, wearing high-heels, but rather of a much larger size shoe, possibly an athletic or business attire shoe. Furthermore, police never measured, molded or casted the footprints at the scene the evening JoAnn disappeared, nor did they measure, mold or cast the boots JoAnn was wearing once her body was recovered.
37. At no point, ever, did the police of either department check for fingerprints in the interior or exterior of the vehicle JoAnn was driving the evening she disappeared. Defendants insinuated to Michelle that they dusted for and processed a fingerprint analysis on the vehicle; however, no documentation of an analysis was ever turned over to the family by either police department, even after the FOIA lawsuit. Furthermore, Plaintiff's lead investigator questioned Defendants regarding the possibility of any prints found in the vehicle, and the detective stated "The only fingerprints that were collected from the vehicle were that of JoAnn and her children." However, neither JoAnn's nor any of her children's fingerprints were on file at that time, thus, there were no prints available for a comparison, so how could the police possibly know who the fingerprints belonged to?
38. The Defendants, when contacting the United States Coast Guard asking for a search of the lake, relayed completely inaccurate and fabricated information, such as:

- a. That JoAnn had been missing since 5:00 that day. Firstly, *nobody* in JoAnn's family had reported her missing. It had only been approximately two hours since she was last seen. Secondly, she was not missing at 5:00; at 5:00 that day, JoAnn was still with her family after a court proceeding where she was the Plaintiff in a black mold case.
  - b. That there was a hole in the ice in the lake, indicating that someone had entered. There was no hole in the lake, there was broken ice the entire length of the edge of that area of the lake
39. The Defendants ignored the numerous statements made by JoAnn's friends, family, doctors and attorney's office staff, all stating that JoAnn was in no way depressed or suicidal. The statements speak to the fact that JoAnn was a loving mother of three, a devout catholic who took an absolute stand against suicide, and would have never taken her own life.
40. The Defendants ignored a statement made by a key witness, Mary-Louise Orsini, who was the last person to leave the church the night JoAnn disappeared. Ms. Orsini left the church at approximately 7:45 PM that night, and she is certain that JoAnn's vehicle was not in the driveway of the church where the vehicle was parked when the police found it. She will testify that there were in fact no vehicles left in the parking lot or driveway of the church, by the time she left. When Ms. Orsini drove her vehicle out of the church driveway that night, she drove through the exact spot JoAnn's vehicle was later found by police. JoAnn's vehicle had left the driveway, and was later returned to a location approximately six car lengths from where it was originally parked.

41. The Defendants ignored statements made by at least two members of the church who told JoAnn's family that they saw JoAnn's car alarm going off for at least 10 seconds, while they were exiting the church.
42. The Defendants ignored a written statement given to Grosse Pointe Farms police department on January 19, 2010 from key witness Mr. Paul Hawk who will testify that while driving on Lakeshore Drive the evening JoAnn disappeared, he witnessed two cars parked illegally on the lake side of the road, and two men standing near the seawall. Mr. Hawk stopped to see if they needed help, thinking one of their cars had broken down, but was aggressively told by one of the men to "get the hell out of here!" Mr. Hawk also believed based on the way that one of the men was motioning to him, that he had a gun in his coat pocket.
43. The Grosse Pointe Farms police report number 1000000014.4 entered by Officer Michael McCarthy on January 13, 2010 included a witness statement from a Ms. Martyna Novak who claimed to see a *woman* standing near the lake around the time JoAnn went missing. Upon Plaintiff's interview of this witness, she stated that she actually told the police that she had seen a six-foot tall, medium build *man* at the scene, dressed in all black. The Defendants blatantly changed the witnesses' statement so that it would fit their suicide theory when, in fact, all of the facts and evidence point to a homicide.
44. The same police report, number 1000000014.4, mentions a concerned citizen, Ms. Michelle Alt, who reported seeing a suspicious vehicle, a white Mercedes SUV, parked next to the church the night JoAnn disappeared. In the report, Officer McCarthy states that Ms. Ault did not believe anything appeared to be suspicious until she saw the morning news report, which is another blatant lie. Plaintiff's

investigators have spoken to Ms. Alt who is an employee of Grosse Pointe Academy, a school located directly next to the church, and she is willing to testify that she immediately found the vehicle parked in the school's parking lot suspicious. Ms. Alt was the last person to leave the school the evening JoAnn disappeared, and there should have been no other vehicles parked in the lot. She had never seen the vehicle at the school before and has never seen it again since that night. Ms. Alt further stated that as she was leaving the school's parking lot, she saw a man running along Lakeshore Drive near the church. Although it was dark, she vividly remembers seeing that he was wearing a scarf and appeared to not be wearing a coat. The Defendants failed to investigate this tip.

45. In the same police report, number 1000000014.4, on January 19, 2010, Officer McCarthy states that he informed Sargent Pazuchowski that the Midwest Technical Recovery Team has exhausted their search efforts and that they do not believe JoAnn was in the lake, and still the investigation continued to be that of a suicide, not a homicide. The expert divers had canvassed the entire area where JoAnn's body would have been found, if she did in fact kill herself in that lake that evening, and they found nothing. The dive team told police that JoAnn was not in the lake, and the Defendants ignore yet another important detail pointing the investigation toward a murder.

46. In the same police report, number 1000000014.4, Officer McCarthy states that Michelle told him that a witness from the church, Sheryl Solar, told her that she witnessed JoAnn's panic alarm go off for a period of approximately ten seconds. The police never contacted Ms. Solar to investigate this further.

47. The Grosse Pointe Woods police report number 1000000037.9 entered by Officer John Ross on January 17, 2010 included a witness statement from a retired FBI agent Theresa Mack, a friend of JoAnn's, who told the police that Suspect One and a second individual who we will refer to as Suspect Two, should be people of interest in the murder of JoAnn. Further, Grosse Pointe Farms police report number 1000000014.4 also documents that Michelle also told the police that the same two people should be considered people of interest. Yet still Defendants conducted no investigation at all into Suspect One, whatsoever, and only information obtained from Suspect Two involved his banking and financial information, and a polygraph report that was never turned over to JoAnn's family.
48. The Grosse Pointe Woods police report number 1000000037.23 entered by Officer Keith Waszak on February 5, 2010 confirms that two polygraph tests were performed; one with Suspect Two and one with John Matouk, JoAnn's brother. Even after the FOIA lawsuit, the polygraph of Suspect Two has never been turned over to Michelle, and the results of are unknown. John Matouk's polygraph results revealed that he was telling the truth regarding knowing nothing about what happened to JoAnn.
49. The Grosse Pointe Woods police report number 1000000037.2 entered by Officer John Kosanke on January 13, 2010 states that a witness from the church service, Mrs. Elizabeth Fisher, called the police station to tell them that she saw JoAnn leaving the church around 7:20 the night she disappeared, and that her body language indicated that she was depressed. This is another lie. Plaintiff's investigators have interviewed Mrs. Fisher and she swears that she never said anything of the sort. In fact, Mrs. Fisher actually told police that she simply saw

JoAnn exiting the church, but that her friend, Theresa Brown, later told her that she witnessed JoAnn's panic alarm on her car go off for approximately ten seconds which was also witnessed by Sheryl Solar, mentioned in paragraph 37.

50. Grosse Pointe Woods police department, report number 1000000037.10 entered by Officer Keith Waszak states that he had a conversation with witness Mrs. Elizabeth Fisher, and that she stated that what her friend, Theresa Brown, had seen and heard was not a panic alarm, but rather the sound of the car doors being locked, two audible chirps. Again, why a witness' statement was blatantly changed is a mystery and very concerning.

51. A witness by the name of Suzanne Owsiany was interviewed by Plaintiff's investigator and was outraged that she was completely ignored by police when she tried to give a statement that she saw a man walking in a strange manner on Lakeshore Road near the church at approximately 8:25 PM on the night JoAnn disappeared, on the water side, dressed in non-athletic apparel. When passed him and looked back in her rear view mirror he was crossing over into the church. The next morning, on January 13, 2010, Ms. Owsiany had gone to the scene where the divers were that next morning on her way to work to explain what she had seen the night before, but the police wouldn't listen to her or give her the time of day so she got back into her car left. She also called the Grosse Pointe Woods police department, but nobody would take her statement. She is not even mentioned in any of the police reports from either department.

52. The Grosse Pointe Farms police report number 1000000014.1 entered by Officer Antonio Trupiano on January 13, 2010 makes reference to evidence found at the scene of JoAnn's disappearance. Two items mentioned in the report are a purse

that belonged to JoAnn and a scarf that was found in the street across from the church, which did not belong to JoAnn and could have possibly belonged to the murderer. Both items were secured into an evidence locker. The purse was eventually returned to JoAnn's family, without ever being dusted for fingerprints or tested for possible DNA evidence and the scarf, which could have belonged to JoAnn's murderer, was never tested for DNA evidence and was never turned over to JoAnn's family. The whereabouts of the scarf are unknown.

53. Grosse Pointe Woods police department, report number 1000000037.17 entered by Officer Andrew Pazuchowski on states that he discovered that K-9 units were not requested on the night of JoAnn's disappearance, based on the assumption that JoAnn had entered the lake. This confirms the Defendants did in fact conspire to hide a murder. Defendants did not request K-9 search dogs because they knew that the dogs would NOT point to the water, but rather in the direction of JoAnn's murderer.

**COUNT I – VIOLATION OF CIVIL RIGHTS 42 U.S. CODE § 1983**  
**(Denied Right of Access to the Courts)**

54. Plaintiff restates and incorporates by reference each and every allegation set forth in all prior paragraphs and further alleges as follows:

55. This Complaint sets forth claims for deprivation of civil rights pursuant to 42 U.S. Code § 1983 for violation of Plaintiff's rights under the Fourteenth Amendment of the United States Constitution. These claims are made on behalf of JoAnn Matouk Romain, through her Estate.

56. The individually named Defendants acted under color of the statutes, ordinances, regulations and/or customs of the County of Wayne at the time

they subjected the Plaintiff to deprivation of the rights, privileges and immunities secured and afforded to her the Constitution and laws of the United State.

57. The Civil Rights Act, 42 USC §1983, provides for civil liability for the deprivation of any right, privilege or immunity secured by the Constitution and laws of the United States, while committed under color of law.

58. Defendants are liable to Plaintiff pursuant to 42 USC §1983, because their actions were committed under the color of law and pursuant to the customs, policies and/or practices of County of Wayne, all of which subjected the Plaintiff to deprivation of the rights, privileges and immunities secured and afforded to her by the United State Constitution.

59. Defendant John Doe murdered JoAnn.

60. Plaintiff has the right to sue John Doe in court for the murder.

61. Due to Defendants intentionally falsifying police reports, hiding evidence that incriminates John Doe, and actively engaging in covering up JoAnn's murder and calling it a suicide, Defendants, under color of law, blocked Plaintiff's access to courts to proceed with an action against John Doe.

62. Defendants deliberately failed to test several pieces of evidence for fingerprints and DNA from the murderer, which could have revealed his identity. Specifically:

- i. JoAnn's purse
- ii. The interior and exterior of the Lexus
- iii. The scarf found in the road

Thereby, Defendants denied Plaintiff's next of kin's right of access to the courts by denying their right to bring a wrongful death action against her murder.

63. As a direct and proximate result of the blatant and outrageous misconduct of the Defendants, the Plaintiff has suffered damages not only compensatory but punitive damages are appropriate to be awarded, all under 42 U.S.C. § 1983.

**COUNT II – VIOLATION OF THE PLAINTIFF'S CIVIL RIGHTS UNDER  
42 U.S. CODE § 1985**

64. Plaintiff restates and incorporates by reference each and every allegation set forth in all prior paragraphs and further alleges as follows:

65. The individually named Defendants acted illegally, maliciously and wrongfully over a period of time in concert with each other in such a fashion and as outlined in this Complaint to intentionally obstruct the Plaintiff in exercising her rights under the Constitution of the United States and to deny the Plaintiff her day in court as more fully described in Count I.

**COUNT III – VIOLATION OF CIVIL RIGHTS 42 U.S. CODE § 1983  
(State-Created Danger)**

66. Plaintiff restates and incorporates by reference each and every allegation set forth in all prior paragraphs and further alleges as follows:

67. Defendants committed an affirmative act by which they created such a risk that the Plaintiff would be exposed to an act of violence by a third party.

68. Defendants created a special danger to the Plaintiff wherein the Defendants' actions placed the Plaintiff specifically at risk.

69. Defendants knew that its' actions specifically endangered the Plaintiff.

70. The individually named Defendants, acting in concert with each other, acted purposely with the intent of creating a danger to JoAnn by making it known to John Doe that they would immediately cover up the murder and rule it a suicide.

This can be clearly inferred by several facts:

- a. Defendants appeared at Michelle's home at 9:25 PM and told her that JoAnn's car had been discovered in the parking lot of the church during a routine police patrol of the area and that a LEIN check showed that JoAnn lived at that address, which is why they were there.
- b. The circumvention of police protocol and the absurdity of Defendants' statements are self-evident, but there are several points that prove that the police knew about the murder beforehand and had agreed with the killer that they would immediately get on it and rule it a suicide. Further we have absolute proof that almost everything Defendants told Plaintiff's daughter at her door and immediately thereafter was fabricated. Specifically:
  - i. The LEIN check that sent the police to Michelle's door at 9:25 PM but did not actually take place until 10:01 PM.
  - ii. The dogs' scent sniffing ability being downplayed by police.
  - iii. The routine patrol that found the vehicle JoAnn was driving but that was disproved to have taken place.
  - iv. The foot prints on dry pavement that did not exist and the footprints in the snow that could not have been created by JoAnn.

**COUNT IV – VIOLATION OF FOIA**

71. Plaintiff restates and incorporates by reference each and every allegation set forth in all prior paragraphs and further alleges as follows:
72. Plaintiff requested police reports and records from Defendants. Defendants denied Plaintiff's request, which required Plaintiff to sue in Ingham County Circuit Court.
73. The Court ruled in favor of Plaintiff and ordered Defendants to turn over some of the requested records, and required Defendants to pay Plaintiff's attorneys fees. Further, Defendants still have not turned over all records/items, specifically:
  - a. Suspect Two's Polygraph Results
  - b. Fingerprint analysis of the Lexus
  - c. The scarf found at the scene
74. Defendants' failure to turn over the documents is a violation of FOIA and Plaintiff is seeking damages suffered through those violations.

#### **COUNT V – SPOILIATION OF EVIDENCE**

75. Plaintiff restates and incorporates by reference each and every allegation set forth in all prior paragraphs and further alleges as follows:
76. Defendants were in possession of evidence that they did not preserve, and as a result that evidence has been spoiled.
77. Specifically, Defendants intentionally spoiled three vital pieces of evidence:
  - a. The ripped purse that JoAnn had on her arm which was found torn in her vehicle would have had on it DNA or forensic evidence from JoAnn's attackers who were responsible for tearing the purse and for the contusions later found on her upper left arm, where she used to hold her purse.

- b. The vehicle that the purse was found in was not checked for any DNA or forensic evidence that would have been left by whomever attacked JoAnn and left her purse there.
- c. The scarf found in the road at the scene, which could have been worn by JoAnn's attacker, was also not checked for any DNA or forensic evidence.
- d. The scent that JoAnn left on the night in question would have been found by K-9 units of Defendant Police Departments. Rather than allow the dogs to track JoAnn's scent to preserve that evidence, Defendants opted to tell Plaintiff that dogs can't track scents in the cold. Needless to say, that "fact" is obviously not true. This evidence too has now been spoiled by Defendants.
- e. The footprints in the snow near the area of the lake the police had asserted JoAnn had entered the lake were never measured, molded or casted to possibly compare with those of JoAnn's boots when her body was recovered.

78. Defendants' spoliation of evidence has directly and proximately caused and continues to directly cause damages, compensatory and punitive, to Plaintiff including but not limited to the loss of decedent's future income, funeral and burial expenses, investigative and legal expenses incurred by Plaintiff's family, and any other damages cognizable under the law.

**COUNT VI – VIOLATIONS OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS AND THE FAIR AND JUST TREATMENT DOCTRINE UNDER THE CONSTITUTION OF MICHIGAN OF 1963, ARTICLE 1, § 17**

79. Plaintiff restates and incorporates by reference each and every allegation set forth in all prior paragraphs and further alleges as follows:

80. The individually named Defendants acted illegally, maliciously and wrongfully over a period of time in concert with each other in such a fashion and as outlined in

this Complaint, to intentionally obstruct the Plaintiff in exercising her rights under the Constitution of the State of Michigan of 1963, Article I, § 17, and to deny the Plaintiff her right to due process of law, as more fully described in Count I.

81. Further, Defendants constructively adopted official policies that mandated state action violating Plaintiff's constitutional rights.

82. In addition to Defendants' failure to conduct a full and fair investigation, there were also violations of other recognized constitutional rights including access to courts and FOIA.

### **PRAYER FOR RELIEF**

WHEREFORE, for all of the reasons contained herein, Plaintiff seeks the following relief:

- a. Order the Defendants to turn over all documents\* in any way connected with this case to the Department of Justice in Washington, D.C.
- b. Request that the Department of Justice in Washington, D.C. begin an immediate investigation of the case and to the manner and way that it has been conducted by all Defendants named above.
- c. Award the Plaintiff Judgment in the amount of one-Million Dollars as compensatory damages and Sixty-Million Dollars as punitive damages, for a total Judgment in her favor and against the Defendants of One-Hundred Million Dollars, together with interest, costs and actual attorney's fees pursuant to 42 USC 1988.

Respectfully submitted,

1-800-LAW-FIRM, PLLC

/s/ Ari Kresch (P29593)

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Dated: June 10, 2014

\*The term "document" shall refer to all writings and materials of any kind, including, but not limited to, orders, instructions, reports, directives, summaries, interviews, complaints, statements (whether signed or unsigned), transcripts, regulations, memoranda, notes, correspondence, diagrams, maps, drafts, computer files, computer disks or any other electronic data. "Document" also refers to records including, but not limited to, photographs, microfilm, videotape, audiotape, motion pictures, computer media and any other electronic or mechanical recording. "Document" includes originals and copies.

**JURY DEMAND**

Plaintiff requests a trial by jury on all matters before the Court to the extent allowed by law.

Respectfully submitted,

1-800-LAW-FIRM, PLLC

/s/ Ari Kresch (P29593)

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Dated: June 10, 2014