

MEMORANDUM

TO: James Valenta, Director
Transportation Department

FROM: Daniel J. Cullen, Risk/Training Manager

Daniel J. Cullen

CC: Del D. Borgsdorf, City Admin.
Donald L. Mason, Asst. City Admin., Bdgt. & Admin. Svcs.

DATE: November 28, 1988

SUBJECT: **LIABILITY EXPOSURE AT ANN ARBOR MUNICIPAL AIRPORT**

Per your request, I have evaluated the City's loss exposure to claims arising from either an accident or noise generated by aircraft utilizing the Ann Arbor Municipal Airport. It is my understanding the Airport is used by aircraft requiring balanced field take off length in excess of the length provided. These aircraft, along with other aircraft, required balanced field length that are adequately accommodating. My observations of the Airport generated three sources of concern from a risk management view.

Initially, the safety concern must receive primary attention. The City's exposure to claims arising out of an aeronautical accident are significant. This exposure is reinforced by the fact remedies to the balanced field length issue and the issue of appropriate landing aids have been available to the City at virtually no cost. These remedies have not materialized, to meet minimum Federal Aviation Administration standards, based upon the types of aircraft currently using the facility. The City's loss exposure is compounded by failing to take reasonable measures in response to noted field deficiencies. It is my understanding, as a condition for a prior federal grant, steps to protect the arrivals and departures were to be taken but, as noted, they were not done.

The second risk management concern rests with the issue of noise impact. A number of residential land uses have been developed under the flight path of the paved runway. These land uses exist, or are planned both within the City and Pittsfield Township. The City has again assured the FAA a land use plan would be developed to assure compatible zoning surrounding the Airport. To date, I understand, little has been done by the City to fulfill this obligation. The result is that those residents living under the noise impact footprint, which is known to the City, may make a claim against the City for not following through in establishing a land use plan with Pittsfield Township officials. Thus, any perceived noise damage, mental trauma or imaginable claim, believed to be inflicted upon the local residents, by aircraft, may be a preventable exposure we will have to defend in the future.

The third loss control concern at the Ann Arbor Airport is the fire exposure in the present airport hangers. The Ann Arbor Fire Chief has identified these hangers as a potential loss exposure due to their design and the equipment being stored in these buildings. Mr. Charles Ferguson has been informed of

J. Valenta

LIABILITY EXPOSURE AT ANN ARBOR MUNICIPAL AIRPORT

November 28, 1988

page 2

the fire exposure at these buildings and was requested to seek an appropriate solution to the problem.

I would urge you to consider these areas of concern in your future decisions on Airport issues.

DJC:nlc

RM\AIRPORT.EXP

United States District Court

EASTERN

DISTRICT OF MICHIGAN (SOUTHERN DIVISION)

THERESA BERGMAN SCHULD, Independent
Administrator of the Estate of
THEODORE T. SCHULD, Deceased,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

SUMMONS IN A CIVIL ACTION

92 CV 75977 OT

CASE NUMBER:

PAUL V. CIOGLA

TO: (Name and address of Defendant)

X OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
TENTH & PENNSYLVANIA AVE, N.W.,
WASHINGTON, D.C. 20530

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Mr. Todd A. Smith
CORBOY & DEMETRIO
33 North Dearborn Street, Suite 2100
Chicago, Illinois 60602
(312) 346-3191

Mr. Sheldon L. Miller
LOPATIN, MILLER, FREEDMAN, ET AL.
1301 East Jefferson Avenue
Detroit, Michigan 48207
259-7806 x 250

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

DATE

BY DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and Complaint was made by me!	DATE _____
NAME OF SERVER _____	TITLE _____

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served: _____

- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____

- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date
Signature of Server

Address of Server

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained neither replace nor supplement the filing and service of pleadings and other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of a Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

REGUNEBRG, ERICA PREISS, Independent
Administrator of the Estate of JONATHAN J.
REGUNBERG, Deceased,

DEFENDANTS

United States of America

92 CV 1597

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Cook, ILL
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kevin P. Durkin
ROBERT A. CLIFFORD & ASSOCIATES
2 N. LaSalle Street, Suite 700
Chicago, Illinois 60602
(312) 899-9090

ATTORNEYS (IF KNOWN)

FANCY
1992 OCT 11

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY: U.S. Government Defendant.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 180 Stockholder's Suit <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input checked="" type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Unempl. <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 861 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 136 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HRA (1006d) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/rt. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 876 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Leases & Ejectment <input type="checkbox"/> 240 Tenants Land <input type="checkbox"/> 245 Tenants Liability <input type="checkbox"/> 280 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus. <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 10,000,000.00

Check YES only if demanded in complaint. JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE _____

DOCKET NUMBER _____

TAS/pm 10/05/92 89-255

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERESA BERGMAN SCHULD,)
independent Administrator of the)
Estate of THEODORE T. SCHULD, Deceased,)
)
Plaintiff,)

v.)

UNITED STATES OF AMERICA,)
)
Defendant.)

Case Number:

Plaintiff Demands Trial by Jury

COMPLAINT AT LAW

COUNT I

Airplane Crash - Wrongful Death - FAA Controller's Negligence:

Plaintiff, THERESA BERGMAN SCHULD, Independent Administrator of the Estate of THEODORE T. SCHULD, complaining of defendant, UNITED STATES OF AMERICA, (hereinafter "USA"), states:

1. On October 7, 1989, there existed an airport commonly known as the Ann Arbor City Airport in the Township of Pittsfield, State of Michigan.

2. At the aforesaid time and place, defendant, USA, had as its agents and employees certain Air Traffic Controllers located at the traffic control tower at the aforementioned airport.

3. On October 7, 1989, plaintiff's decedent was a passenger in an aircraft operated by one, Daron Z. Regunberg, as it approached the aforementioned airport.

4. At the aforesaid time and place, the plane in which plaintiff's decedent was a passenger, had been cleared for landing by the aforementioned controllers on Runway #24.

5. At the aforesaid time and place, the aforementioned controllers also had operating on a dirt "cross wind" runway, certain Banner Towing operations.

6. At the aforesaid time and place, the aircraft in which plaintiff's decedent was a passenger crashed in its attempt to land immediately adjacent to the beginning of Runway #24.

7. At the aforesaid time and place the defendant, USA, was negligent in one or more of the following respects:

- a. Failed to keep a proper lookout on the approach of plaintiff's decedent's aircraft;
- b. Allowed aircraft to be entering from both right and left down wind legs;
- c. Allowed aircraft to obstruct the dirt "cross wind" runway when they knew or should have known of the necessity for aircraft to utilize the runway;
- d. Failed to alert aircraft, including the one in which plaintiff's decedent was a passenger, to the dangerous wind gusting occurring at the approach end of Runway #24;
- e. Allowed aircraft to enter the pattern of Runway #24 when they knew or should have known that congestion and wind conditions created an extremely hazardous condition for landing.


8. As a proximate result of one or more of the aforesaid, THEODORE T. SCHULD, sustained injuries which resulted in his death on October 7, 1989.

9. THEODORE T. SCHULD left surviving him THERESA BERGMAN SCHULD, his wife, who has sustained pecuniary loss and the loss of his society and companionship as a result of his death.

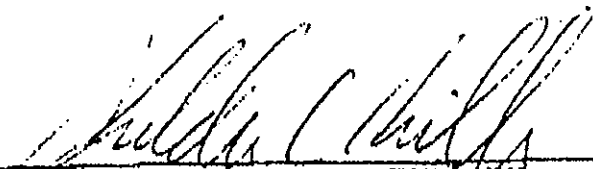
10. Plaintiff, THERESA BERGMAN SCHULD, is a duly appointed Administrator pursuant to Order of Court from County of Cook, State of Illinois and brings this wrongful death action in her capacity.

11. Plaintiff has caused to be served upon the defendant, a Form 95 Claim for Damage, Injury or Death. Said claim has been filed in October of 1991. (Form 95 attached hereto as "Exhibit A".)

WHEREFORE, plaintiff, THERESA BERGMAN SCHULD, Administrator of the Estate of THEODORE T. SCHULD, demands judgment against defendant, UNITED STATES GOVERNMENT, for a sum in excess of TEN MILLION (\$10,000,000.00) DOLLARS.


CORBOY & DEMETRIO
BY: TODD A. SMITH

Todd A. Smith.
CORBOY & DEMETRIO
Attorneys for Plaintiff
33 North Dearborn Street, 21st Floor
Chicago, Illinois 60602
(312) 346-3191


LOPATIN, MILLER, FREEDMAN,
BLUESTONE & HERSKOVIC, P.C.
BY: SHELDON L. MILLER

Sheldon L. Miller
LOPATIN, MILLER, FREEDMAN,
BLUESTONE & HERSKOVIC, P.C.
1301 East Jefferson Avenue
Detroit, Michigan 48207
259-7806 x 250

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL DISTRICT
22nd JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

CASE NO. *10*
92- 7640-NO
Melinda Morris
P17986
phone no.
(313)994-2551

Court address

101 E. Huron, P.O. 8645, Ann Arbor, Michigan 48107

Plaintiff name(s), address(es), and telephone no(s).

Erica P. Regunberg, *Independent Administrator*
4530 N. Paulina
Chicago, IL 60640

Defendant name(s), address(es), and telephone no(s).

City of Ann Arbor
100 N. Fifth Avenue
Ann Arbor, MI 48107
(313)994-2700

Plaintiff attorney, bar no., address, and telephone no.

Kevin P. Durkin (91869)
ROBERT A. CLIFFORD & ASSOCIATES
2 N. LaSalle Street, Suite 700
Chicago, IL 60602
(312) 899-9090

FILED
JUL 6 4 33 PM '92
COURT H. HAINES
INTY CLERK/REGISTRAR

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

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. 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 <i>10/6/92</i>	This summons expires <i>JAN 5 1993</i>	Court clerk	1992
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*This summons is invalid unless served on or before its expiration date.

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 _____ . The docket number and assigned judge are:

Docket no.	Judge	Bar no.
------------	-------	---------

The action remains is no longer pending.

VENUE

Plaintiff(s) residence Erica P. Regunberg 4530 N. Paulina Chicago, IL 60640	Defendant(s) residence City of Ann Arbor 100 N. Fifth Avenue Ann Arbor, MI 48107
Place where action arose or business conducted City of Ann Arbor, Michigan	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date *10/6/92*

Todd A. Durkin and Kevin P. Durkin
Signature of attorney/plaintiff

COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

ERICA P. REGUNBERG, Independent)
Administrator of the Estate of)
JONATHON J. REGUNBERG, Deceased,)
Plaintiff,)

v.)

CITY OF ANN ARBOR,)
Defendant.)

No.: 92 7640 Code NO
Melinda Morris
P17986
Plaintiff demands Trial by Jury

Kevin P. Durkin
Attorney for Plaintiff
ROBERT A. CLIFFORD & ASSOCIATES
2 N. LaSalle Street, Suite 700
Chicago, Illinois 60602
(312) 899-9090

FILED
1989 OCT 14 33 PM '89

COMPLAINT AT LAW

COUNT I

AIRPLANE CRASH - WRONGFUL DEATH - CITY OF ANN ARBOR

Plaintiff, ERICA P. REGUNBERG, Independent Administrator of the Estate of JONATHON J. REGUNBERG, Deceased, complaining of Defendant, CITY OF ANN ARBOR, states:

1. On and before October 7, 1989, Defendant, CITY OF ANN ARBOR, owned, operated, managed, maintained and controlled for profit an airport, commonly known as Ann Arbor Municipal Airport.

2. On October 7, 1989, Daron Z. Regunberg piloted a Piper Cherokee 180 aircraft from the Lansing Municipal Airport, Lansing, Illinois, to the Ann Arbor Municipal Airport, Ann Arbor, Michigan.

3. On October 7, 1989, Plaintiff's decedent, JONATHON J. REGUNBERG, was a passenger on said flight.

4. On October 7, 1989, while in the process of landing, said plane crashed at the Ann Arbor Municipal Airport.

5. On and prior to October 7, 1989, Defendant, CITY OF ANN ARBOR, was negligent in one or more of the following respects:

- a. Allowed small general aviation aircraft to utilize Runway #24 when they knew or should have known of the need to provide an alternative runway due to the wind conditions;
- b. Failed to provide a "cross wind" runway when they knew or should have known, based upon numerous complaints, recommendations and criticisms, that a "cross wind" runway was necessary at the aforesaid time and place;
- c. Allowed the only possible "cross wind" runway to be obstructed by Banner Towing operations when they knew or should have known of the need for the runway;
- d. Failed to take necessary to alter the configuration and location of structures near Runway #24 to do so safely.

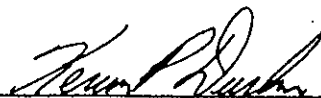
6. As a proximate result of one or more of the aforesaid, JONATHON J. REGUNBERG, sustained injuries which resulted in his death on October 7, 1989.

7. JONATHON J. REGUNBERG left surviving him ERICA P. REGUNBERG, his wife, and his children, JESSICA REGUNBERG and J. AARON REGUNBERG, each who have sustained pecuniary loss and the loss of his society and companionship as a result of his death.

8. Plaintiff, ERICA P. REGUNBERG, is a duly appointed Administrator pursuant to Order of Court from County of Cook, State of Illinois and brings this wrongful death action in her capacity.

WHEREFORE, Plaintiff, ERICA P. REGUNBERG, Independent Administrator of the Estate of JONATHON J. REGUNBERG, Deceased,

demands judgment against Defendant, CITY OF ANN ARBOR, for a sum in excess of TEN MILLION (\$10,000,000.00) Dollars.



ROBERT A. CLIFFORD & ASSOCIATES
BY: Kevin P. Durkin

Mr. Kevin P. Durkin
ROBERT A. CLIFFORD & ASSOCIATES, P.C.
Two North LaSalle Street
Suite 700
Chicago, Illinois 60602
(312) 899-9090
Attorney Code: 91869

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL DISTRICT
22nd JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

CASE NO. 16

92-7641-ND

Donald E. Shotton

(313) P23920
Court telephone no.

Court address

101 E. Huron, P.O. Box 8645, Ann Arbor, Michigan 48107

Plaintiff name(s), address(es), and telephone no(s).

Theresa Bergman Schuld, *Independent Administrator*
801 S. Plymouth Court
Unit H
Chicago, IL 60605

Defendant name(s), address(es), and telephone no(s).

City of Ann Arbor
100 N. Fifth Avenue
Ann Arbor, MI 48107
(313)994-2700

Plaintiff attorney, bar no., address, and telephone no.

Todd A. Smith (02329)
CORBOY & DEMETRIO
33 North Dearborn St.
Suite 2100
Chicago, IL 60602 (312)346-3191

FILED
JAN 4 32 PM '92
CLERK OF COURT
MICHIGAN

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

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. 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 <u>10/6/92</u>	This summons expires <u>JAN 5 1993</u>	Court clerk
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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 _____ . The docket number and assigned judge are:

Docket no.	Judge	Bar no.
------------	-------	---------

The action remains is no longer pending.

VENUE

Plaintiff(s) residence Theresa Bergman Schuld 801 S. Plymouth Court, Unit H Chicago, IL 60605	Defendant(s) residence City of Ann Arbor 100 N. Fifth Avenue Ann Arbor, MI 48107
Place where action arose or business conducted City of Ann Arbor, Michigan	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date 10/4/92

Todd A. Smith
Signature of attorney/plaintiff

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

THERESA BERGMAN SCHULD,
Independent Administrator of the
Estate of THEODORE T. SCHULD, Deceased,

Plaintiff,

v.

CITY OF ANN ARBOR,

Defendant.

Donald E. Shelton

P23520

No. 92 7647 Code NO

Plaintiff Demands Trial by Jury

Todd A. Smith, Attorney for Plaintiff
CORBOY & DEMETRIO
33 North Dearborn Street
Suite 2100
Chicago, Illinois 60602
(312) 346-3191

FILED
OCT 6 4 33 PM '92
COUNTY CLERK/REG.

COMPLAINT AT LAW

COUNT I

Airplane Crash - Wrongful Death - City of Ann Arbor

Plaintiff, THERESA BERGMAN SCHULD, Independent Administrator of the Estate of THEODORE T. SCHULD, Deceased, complaining of defendant, CITY OF ANN ARBOR, states:

1. On and before October 7, 1989, defendant, CITY OF ANN ARBOR, owned, operated, managed, maintained and controlled for profit an airport, commonly known as Ann Arbor Municipal Airport.
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CORBOY & DEMETRIO
BY: TODD A. SMITH

Todd A. Smith
CORBOY & DEMETRIO
Attorneys for Plaintiff
33 North Dearborn Street, 21st Floor
Chicago, Illinois 60602
(312) 346-3191

CONFIDENTIAL

M E M O

To: Del Borgsdorf

October 26, 1989

From: R. Bruce Laidlaw *R.B.L.*

cc: Joan Knoertzer
Colleen Conrad

Re: Development Near
City Airport

John Wolter
Martin Overhiser
Jim Valenta ✓

On Tuesday, October 24, 1989, I met with several members of the Airport Advisory Committee. They are very concerned about the progress of plans for a single-family residential development across Lohr Road from the Airport. Apparently, Pittsfield Township is very close to final approval of the proposed development. The Committee members came to me because they feel that a lawsuit may be the only way to stop a development that they perceive to present serious dangers to the Airport. I indicated that such a lawsuit had some chance of success, but could be initiated only at the direction of the City Council.

It appears that the concerns of the Committee members are well founded. Martin Overhiser indicates that the Township Supervisor feels that the project will be approved in the near future. Based on the information I was given on the location of the dwellings, I think there is a real hazard that the occupants might take legal action to restrict operations of the Airport. In addition to the legal problems, there may be the political problems that would arise if the City proposed to expand or alter the Airport.

A lawsuit in this situation might be compared to a polluting factory trying to prevent people from living on adjacent land. Accordingly, relief might be conditioned on the City's paying the reduced value of the adjacent land. However, there might be a serious question of whether there would be any reduction in value because there are a number of other uses that could be made of the property which should be compatible with a nearby airport.

The Committee's members indicated that another alternative that should be seriously considered would be the purchase of a portion of the property. Apparently, a portion of such a purchase could be financed with federal funds.

RBL:lw

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