

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CLARENCE STRICKLAND, as Next Friend of
XAVIER STRICKLAND, a deceased minor, and
LUCILLIE STRICKLAND

Plaintiffs,

Case No: 15- - NO
Hon.

v

GENEKE LYONS, individually, and
GENIQUE REAL ESTATE MANAGEMENT COMPANY LLC
Defendant.

THE SAM BERNSTEIN LAW FIRM, PLLC
MARK J. BERNSTEIN (P56528)
BRIAN R. ZAID (P72104)
Attorneys for Plaintiff(s)
31731 Northwestern Highway Ste 333
Farmington Hills, MI 48334-2519
248-538-5907

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, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COME Plaintiffs, CLARENCE STRICKLAND, as Next Friend of XAVIER STRICKLAND, a deceased minor, and LUCILLIE STRICKLAND by and through their attorneys **THE SAM BERNSTEIN LAW FIRM** by MARK J. BERNSTEIN and BRIAN R. ZAID and for their cause of action against the Defendants GENEKE LYONS, and GENIQUE REAL ESTATE MANAGEMENT COMPANY, LLC, respectfully show unto this Honorable Court as follows:

THE
SAM BERNSTEIN
LAW FIRM

31731 NORTHWESTERN HIGHWAY

SUITE 333

FARMINGTON HILLS,

MICHIGAN 48334-1669

(800) 225-5726

A PROFESSIONAL LIMITED
LIABILITY COMPANY

1. That Plaintiffs are residents of the City of Detroit, County of Wayne, State of Michigan.

2. That Defendant GENEKE LYONS is a resident of the Township of Commerce, County of Oakland, State of Michigan

3. That Defendant GENIQUE REAL ESTATE MANAGEMENT COMPANY LLC is a Michigan Corporation, registered to do business in the City of Dearborn Heights, County of Wayne, State of Michigan.

4. That all of the acts and occurrences arose in the City of Detroit, County of Wayne, State of Michigan.

5. That the amount in controversy in this litigation exceeds the sum of Twenty Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

6. That on or about the 2nd day of December, 2015, the minor Plaintiff, XAVIER STRICKLAND and his mother Plaintiff LUCILLIE STRICKLAND, were lawfully walking down the street, at or near 15500 Baylis, when they were brutally attacked. Minor Plaintiff being dragged across the street, under a fence, and into the yard of Defendants and killed by multiple pit bulls owned, harbored, kept, and allowed to remain on the premises owned by Defendants.

7. That the aforementioned biting and attack took place without provocation on the part of the minor Plaintiff, XAVIER STRICKLAND and LUCILLIE STRICKLAND.

8. That Defendants are liable for the damages sustained by the minor Plaintiff, XAVIER STRICKLAND and LUCILLIE STRICKLAND, by virtue of the terms of MCLA 287.351, a statute of the State of Michigan in full force and effect.

9. That Defendants owed a duty of care to the minor Plaintiff, XAVIER STRICKLAND and LUCILLIE STRICKLAND, and those like them to exercise reasonable care and precautions in the supervision, training and securing of their dogs so as to prevent

THE
SAM BERNSTEIN
LAW FIRM

31731 NORTHWESTERN HIGHWAY
SUITE 333
FARMINGTON HILLS,
MICHIGAN 48334-1669

(800) 225-5726
A PROFESSIONAL LIMITED
LIABILITY COMPANY

foreseeable harm to those like the Plaintiffs but that notwithstanding said duties, Defendants did breach and violate same in manners including, but not necessarily limited to, the following:

- a. In negligently, carelessly and recklessly failing to take reasonable precautions to secure the aforementioned dogs from attacking and biting said Plaintiffs;
- b. In negligently, carelessly and recklessly failing to adequately restrain, leash, muzzle, cage or otherwise secure such dogs when Defendants knew or had reason to know the dogs' prior vicious propensities and the likelihood of its biting and attacking said Plaintiffs;
- c. In negligently, carelessly and recklessly allowing the aforementioned dogs to attack a member of the public by failing to adequately restrain such dogs;
- d. In negligently, carelessly and recklessly failing to train, tend and supervise such dogs;
- e. In allowing the aforementioned dogs to run at large in violation of MCL 433.12 and without a license, tags or leash as required by MCL 287.262;
- f. In allowing the aforementioned dogs to run at large in violation of City of Detroit municipal ordinances including but not limited to Section 6-1-6 owning, harboring, keeping, or sheltering vicious animals, Section 6-1-8, 6-1-9 Animals determined to be dangerous animals; Dangerous Animals, Section 6-2-6 Dog Restraint;
- g. In allowing the aforementioned dogs to remain, stay, live, and/or be kept on potentially leased property while knowing the extent of the damage said dogs can cause due to their prior vicious tendencies and living conditions;
- h. In otherwise negligently failing to exercise that degree of care, diligence, caution and reasonable precautions as would be demonstrated by a reasonably prudent person under the same or similar circumstances so as to prevent any risk of foreseeable harm to minor Plaintiff and those like him; and

THE
SAM BERNSTEIN
LAW FIRM

31731 NORTHWESTERN HIGHWAY

SUITE 333

FARMINGTON HILLS,
MICHIGAN 48334-1669

(800) 225-5726

A PROFESSIONAL LIMITED
LIABILITY COMPANY

- i. In other manners of negligence currently unknown but, which will be ascertained through the course of discovery.

10. That as a direct and proximate result of having been bitten, mauled, attacked and killed by the aforementioned dogs owned by Defendants, the minor Plaintiff, XAVIER STRICKLAND, suffered injuries which lead to his death, including, but not limited to the following:

- a. Any conscious pain and suffering;
- b. Loss of the natural enjoyments of life;
- c. Expenditures for hospital, physicians, medical things and substances past, and present;
- d. Any and all other damages.

11. That as a direct and proximate result of having been bitten, mauled and attacked by another and different dog, owned by Defendants, Plaintiff, LUCILLIE STRICKLAND, suffered and will continue to suffer serious, grievous, severe and permanent injuries, disabilities and damages, the full extent and character of which are not yet fully determined but, which include and are not necessarily limited to the following:

- a. Injuries to and about the entire upper extremity including but not limited to lacerations to her ear and back; and sequalae
- b. Injuries to and about the entire lower extremity including but not limited to lacerations to her leg; and sequalae
- c. Injuries to and about Plaintiff's mental state in watching the brutal murder of her son;
- d. Negligent infliction of emotional distress, nervousness, inability to function day to day; and sequalae
- e. Pain, suffering, discomfort, disability and extreme

THE
SAM BERNSTEIN
LAW FIRM

31731 NORTHWESTERN HIGHWAY

SUITE 333

FARMINGTON HILLS,

MICHIGAN 48334-1669

(800) 225-5726

A PROFESSIONAL LIMITED
LIABILITY COMPANY

physical and emotional suffering;

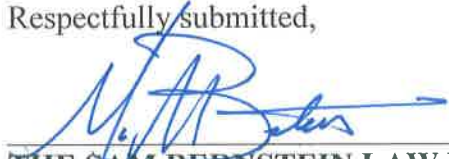
- f. Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- g. Permanent emotional disorders;
- h. Fear of animals;
- i. Loss of the natural enjoyments of life;
- j. Loss of earnings and/or future earnings;
- k. Expenditures for hospital, physicians, medicinal things and substances past, present and future.

WHEREFORE, Plaintiffs, CLARENCE STRICKLAND, as Next Friend of XAVIER STRICKLAND, a deceased minor and LUCILLIE STRICKLAND pray that this Honorable Court award them damages against Defendants in whatever amount in excess of Twenty Five Thousand (\$25,000.00) Dollars to which they are found to be entitled to receive, together with costs, interest and attorney fees.

JURY DEMAND

NOW COME Plaintiffs, CLARENCE STRICKLAND, as Next Friend of XAVIER STRICKLAND, a deceased minor and LUCILLIE STRICKLAND, by and through their attorneys **THE SAM BERNSTEIN LAW FIRM**, by MARK J. BERNSTEIN and BRIAN R. ZAID, and hereby respectfully demand a trial by jury in the above-entitled cause of action.

Respectfully submitted,


THE SAM BERNSTEIN LAW FIRM, PLLC
MARK J. BERNSTEIN (P56528)
BRIAN R. ZAID (P72104)
Attorney for Plaintiff
31731 Northwestern Hwy., Ste. 333
Farmington Hills, MI 48334-2519
(248) 538-5907

Date: December 7, 2015

THE
SAM BERNSTEIN
LAW FIRM

31731 NORTHWESTERN HIGHWAY

SUITE 333

FARMINGTON HILLS,

MICHIGAN 48334-1669

(800) 225-5726

A PROFESSIONAL LIMITED
LIABILITY COMPANY