

Bond Case Briefs

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Wigfall v. City of Detroit

Supreme Court of Michigan - July 16, 2019 - N.W.2d - 2019 WL 3211325

Motorcyclist brought action against city alleging he was injured in a motorcycle accident after striking pothole.

The Circuit Court denied city's motion for summary disposition. City appealed. The Court of Appeals reversed and remanded. Motorcyclist applied for leave to appeal. Pedestrian brought action against city alleging she was injured after she tripped on pothole and fell. The Circuit Court granted city's motion for summary disposition. Pedestrian appealed. The Court of Appeals affirmed. Pedestrian filed application for leave to appeal.

The Supreme Court held that motorcyclist and pedestrian complied with requirements of highway exception to governmental tort immunity by sending notices of injuries sustained and of highway defects to Law Department of city.

Motorcyclist and pedestrian complied with requirements of highway exception to governmental tort immunity by sending notices of injuries sustained and of highway defects to Law Department of city in their separate actions against city alleging injuries due to potholes; Law Department was agent of Corporation Counsel, as city acknowledged that Counsel was administrative head of Department and had right to control Department, fact that Department had authority to receive notice on behalf of Counsel was supported by practical reality the Counsel was not individually capable of receiving notice for every claim filed against city, receiving notice was necessary for Department to exercise its express authority to receive and review claims, and Department's receipt of notices was usual practice to which Counsel knowingly acquiesced.