

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAWANDA BRYSON,

Plaintiff,

v

Hon. John A. Murphy
Case No.: 2021-008517-NI

JOHN JACKSON, JOHN L. JACKSON, and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

Lawrence C. Falzon (P30655)
Connor Cloherty (P84485)
WIGOD & FALZON, P.C.
Attorneys for Plaintiff
25899 W. Twelve Mile Road, Suite 200
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Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorneys for Defendant John Jackson
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Dianna Lynn Caywood (P68352)
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Attorneys for State Farm
30680 Montpelier Dr. Ste. 250
Madison Heights, MI 48071
(248) 291-6184
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dcaywood@scarfone-geen.com

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendant John Jackson's Motion to Set Aside Default and for Costs will be brought on for hearing before the Honorable John A. Murphy, Friday, December 17, 2021 at 8:30 a.m., or as soon thereafter as counsel may be heard.

Respectfully submitted,
CARDELLI LANFEAR, P.C.

/s/ Robert A. Kaatz
Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorney for Defendant
322 W. Lincoln
Royal Oak, MI 48067
(248) 544-1100
rkaatz@cardellilaw.com

Dated: November 23, 2021

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**DEFENDANT JOHN JACKSON'S MOTION
TO SET ASIDE DEFAULT AND FOR COSTS**

Defendant John Jackson (incorrectly listed as two defendants), through his attorneys, Cardelli Lanfear, P.C., hereby states his motion to set aside default pursuant to MCR 2.603(D) and for costs pursuant to MCR 1.109(E)(6) as follows:

1. This case concerns an automobile accident involving Plaintiff and

Defendant John Jackson. (Exhibit A, Police Report). Defendant's middle initial is L and his driver's license identifies him as "John L. Jackson." (Exhibit B, Affidavit).

2. Plaintiff filed a First Amended Complaint improperly naming Defendant twice: John Jackson and John L. Jackson. (Exhibit C, First Amended Complaint). This was erroneous because Defendant was the driver and sole owner of the vehicle involved in the accident. (Exhibit B). John Jackson and John L. Jackson are the same person. (*Id.*).

3. Defendant filed a timely Answer to the First Amended Complaint on October 12, 2021 which expressly stated that he was improperly named as a defendant twice. (Exhibit D, Answer).

4. Plaintiff apparently ignored Defendant's Answer and subsequently filed a Request for Default against "John L. Jackson" on November 1, 2021, which was entered by the Court on November 10, 2021. (Exhibit E, Default).

5. Defendant's counsel contacted Plaintiff's counsel and explained that Defendant was improperly named twice and that a timely Answer was already filed. (Exhibit F, E-mail). Defendant also provided a copy of declaration page for the insurance policy on the vehicle showing that it was in the name of Defendant. (Exhibit G, Declaration Page).

6. Plaintiff's counsel nevertheless apparently believed, based on a report from LexisNexis and a report from the U.S. Post Office, that Defendant's son John L. Jackson, Jr. owned the vehicle and lived at the same address as Defendant. (Exhibit F). Significantly, the LexisNexis report warns users at the end that: "Before relying on any

data this system supplies, it should be independently verified.” (Exhibit H at p. 59).¹ To date, Plaintiff has offered no evidence that the LexisNexis report was independently verified as it relates to ownership of the vehicle involved in this accident.

7 Defendant’s counsel explained to Plaintiff’s counsel that Defendant’s son was never an owner of the vehicle and did not live at the same address as Defendant. (*Id.*). In any event, Plaintiff’s First Amended Complaint did not list “John L. Jackson, Jr.” as a defendant. It only listed “John Jackson and John L. Jackson,” who had already filed a timely Answer to the First Amended Complaint.

8. To date, Plaintiff has refused to set aside the default which was improperly entered against Defendant.

9. Plaintiff’s request for default was procedurally in error and lacks any factual basis. (Exhibit B).

10. Accordingly, the Court should set aside the default improperly entered and assess costs against Plaintiff for refusal to set it aside.

WHEREFORE, Defendant requests that the Court set aside the default and award costs to Defendant.

Respectfully submitted,
CARDELLI LANFEAR, P.C.

/s/ Robert A. Kaatz
Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorney for Defendant
322 W. Lincoln
Royal Oak, MI 48067
(248) 544-1100
rkaatz@cardellilaw.com

Dated: November 23, 2021

¹ For brevity, only the first and last page of Exhibit H is attached to this motion.

STATE OF MICHIGAN
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Plaintiff,

v

Hon. John A. Murphy
Case No.: 2021-008517-NI

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**BRIEF IN SUPPORT OF DEFENDANT JOHN JACKSON'S
MOTION TO SET ASIDE DEFAULT AND FOR COSTS**

INTRODUCTION

Defendant, John Jackson, moves to set aside the default improperly entered against him. Several weeks before Plaintiff filed a request for default, Defendant had already filed a timely Answer. Thus, there was no basis for entry of the default and

Defendant has therefore shown good cause. In addition, Defendant has a meritorious defense to Plaintiff's claims. The Court should therefore set aside the default.

In addition, the Court should assess costs against Plaintiff for refusing to set aside the default. Plaintiff's counsel knew that a timely Answer had already been filed and that Defendant's Answer explained that Defendant was improperly named as a defendant twice. Defendant John Jackson and John L. Jackson are the same person – and only Defendant owned the vehicle involved in this accident. Plaintiff's counsel has nevertheless refused to set aside the default and costs should be awarded for having to file this motion.

FACTUAL BACKGROUND

On August 30, 2021, Plaintiff filed a First Amended Complaint which improperly listed Defendant twice. (Exhibit C). Plaintiff alleged that "Defendant, John Jackson, was operating a motor vehicle with the express and/or implied knowledge and consent of its owner, Defendant, John L. Jackson[.]" (*Id.* at ¶ 8). Thus, Plaintiff apparently believed that the driver and owner of the vehicle were two separate people.

On October 12, 2021, Defendant filed a timely Answer to the First Amended Complaint. (Exhibit D). In his Answer, Defendant stated that: "Plaintiff has incorrectly listed him as two defendants in this case." (*Id.* at ¶ 4). Plaintiff should have received a copy of the Answer by the Court's electronic service system and noted that the allegations in the First Amended Complaint were in error.

On November 1, 2021, Plaintiff nevertheless filed a Request for Default against "John L. Jackson." (Exhibit E). The request was improper as Defendant had already filed a timely Answer and further explained that both named defendants were the same

person.

Defendant's counsel immediately contacted Plaintiff's counsel and requested that the default be set aside. (Exhibit F). Defendant explained that "John Jackson and John L. Jackson" were the same person; that only Defendant owned the vehicle; and that the vehicle was insured by Defendant. (Exhibit G).

Despite this, Plaintiff's counsel has refused to set aside the default against Defendant.

STANDARD OF REVIEW

Pursuant to MCR 2.603(D), a default and a default judgment will be set aside on a showing of good cause and on an affidavit of meritorious defense. The Supreme Court in *Alken-Ziegler, Inc v Waterbury Headers Corp*, 461 Mich 219, 600 NW2d 638 (1999), defined *good cause* as (1) a substantial defect or irregularity in the proceeding on which the default was based or (2) a reasonable excuse for failure to comply with the requirement that created the default.

The decision whether to set aside a default judgment rests within the discretion of the trial court. *Amco Builders & Developers, Inc v Team Ace Joint Venture*, 469 Mich 90; 666 NW2d 623 (2003). However, "[t]he policy of this state favors the meritorious determination of issues and encourages the setting aside of defaults." *Levitt v Kacy Mfg Co*, 142 Mich App 603, 607; 370 NW2d 4 (1985), citing *Wood v Detroit Automobile Inter-Ins Exchange*, 413 Mich 573, 585-586; 321 NW2d 653 (1982); *Bigelow v Walraven*, 392 Mich 566, 574; 221 NW2d 328 (1974) and *Walters v Arenac Circuit Judge*, 377 Mich 37, 47; 138 NW2d 751 (1966).

DISCUSSION

A. Good Cause Exists for Setting Aside the Default

The first element of setting aside a default judgment is good cause. Here, good cause exists for setting aside the default because there was never any basis for a default to be entered. MCR 2.603 only allows a default to be entered if a party has failed to file an Answer:

If a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, and that fact is verified in the manner prescribed by MCR 1.109(D)(3) and filed with the court in the request for default, the clerk must enter the default of that party.

MCR 2.603(A)(1). In this case, Defendant had already filed an Answer prior to the request for default. Thus, the request for default was procedurally improper and should be set aside.

B. Defendant has a Meritorious Defense to the Underlying Action

The second element required to set aside a default is that a meritorious defense to the underlying lawsuit exists. In this case, Plaintiff must show that she sustained injuries to prevail on her claim for negligence. A prima facie case of negligence requires: “(1) a duty owed by the defendant to the plaintiff; (2) a breach of that duty; (3) causation; and (4) damages.” *Case v. Consumers Powers Co.*, 463 Mich. 1, 6; 615 N.W.2d 17 (2000). Here, Defendant observed Plaintiff following the accident and Plaintiff did not report any injuries. (Exhibit B). Accordingly, Defendant has a meritorious defense to this claim.

C. The Court Should Award Costs

The Court should also award costs due to Plaintiff's refusal to set aside the default.

MCR 1.109(E)(6) provides for sanctions if a document filed with the court is signed and the document is not well grounded in fact and warranted by existed law.

Here, Plaintiff had no basis to file the request for default. Defendant's Answer expressly explained that Defendant was improperly named twice. In addition, Defendant's counsel explained these facts to Plaintiff afterwards. Plaintiff still refused to set aside the default, primarily relying on a LexisNexis report which stated on the last page:

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified.

(Exhibit H at p. 59) (underscore added). To date, Plaintiff has offered no evidence that this LexisNexis report was independently verified as it relates to ownership of the vehicle involved in this accident. Plaintiff's counsel therefore had no reasonable basis to rely on this report based on what the report expressly told him. Accordingly, the Court should award costs to Defendant for having to file this motion.

CONCLUSION

For the foregoing reasons, Defendant requests that this Honorable Court set aside the Default and award costs in favor of Defendant.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Robert A. Kaatz
Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorney for Defendant
322 W. Lincoln
Royal Oak, MI 48067
(248) 544-1100
rkaatz@cardellilaw.com

Dated: November 23, 2021

PROOF OF SERVICE

The undersigned hereby certifies that on November 23, 2021, **Defendant's Motion to Set Aside Default and for Costs, Brief in Support**, and this **Proof of Service** were served upon the attorneys of record of all parties to the above cause by:

<input type="checkbox"/> First-Class Mail	<input type="checkbox"/> Email
<input type="checkbox"/> FedEx	<input type="checkbox"/> Hand Delivery
<input checked="" type="checkbox"/> Electronic Filing	

I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

/s/ Julie Ann Green
Legal Assistant

EXHIBIT A

Authority: 1949 PA 300, Sec.257.622
Compliance: Required MSP UD-10E
Penalty: \$100 and/or 90 days (Rev 01/2016)

External #
1395984

Crash ID

Page 1

File Class :

Incident #

1395984

Reviewer

Sgt. Brandon Pierce

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI:
MI8234908

Department Name
Detroit Police Department

Crash Date 07/13/2020	Crash Time 16:00	No. of Units 02	Crash Type Rear End	Special Circumstances <input checked="" type="checkbox"/> None <input type="checkbox"/> Fleeing Police	<input type="checkbox"/> Hit and Run <input type="checkbox"/> Unknown	<input type="checkbox"/> School Bus <input type="checkbox"/> Animal	Special Checks <input type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> ORV/Snowmobile
County 82 - WAYNE	Traffic Control Signal	Relation to Roadway On the Road	Weather Clear	Area Straight Roadway Not Related to Other Selections			
City/Twp 99 - DETROIT	Contributing Circumstances 1st Backup - Reg. Congestion	2nd	Light Daylight	Road Surface Condition Dry	Total Lanes 04	Speed Limit 30	Posted Yes
Work Zone (if applicable) Type	Workers Present No	Activity	Location				

Prefix W	Primary Road Name OUTER	Road Type DR	Suffix	Divided Roadway
Distance/Direction 10.0 Feet E	Trafficway Not Physically Divided			
Prefix SOUTHFIELD	Intersecting Road Name	Road Type FWY	Suffix	Divided Roadway N

Unit Number 01	Unit Known Yes	State MI	Driver License Number J250429487313	Date of Birth (Age) 04/23/1946 (74)	License Type <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Chauffeur <input type="checkbox"/> Moped	Endorsements <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreation	Sex M	Total Occupants 01	Hazardous Action Unable to Stop in Assured Clear Distance			
Unit Type MV	Driver Information JOHN JACKSON 8119 W OUTER DR DETROIT MI 48219 (313)740-7212				Driver is Owner Yes	Injury O	Position Front - Left	Restraint Restraint Use Unknown				
Driver Condition at Time of Crash 1st Appeared Normal				2nd		Driver Distracted By Unknown	Ejected No	Trapped No	Airbag Deployed Unknown			
Hospital None					Ambulance None							
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type <input type="checkbox"/> Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> PBT <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered			Alcohol Test Results <input type="checkbox"/> Pending Test Results:		Interlock Device No					
Drug Suspected No	Contributing Factor No	Drug Test Type <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Field <input type="checkbox"/> Refused <input type="checkbox"/> Not Offered			Drug Test Results <input type="checkbox"/> Pending Test Results:		Citation Issued <input type="checkbox"/> Hazardous <input type="checkbox"/> Other					
Vehicle Registration A6480	State MI	Vehicle Description 2015	Year	Make LINCOLN	Model		Color BLK					
VIN 3LN6L2J93FR626737		Vehicle Type Passenger Car, SUV, Van	Special Vehicles None		Private Trailer Type		Vehicle Defect					
Automation Systems(s) in Vehicle No		Automation System Level in Vehicle No Automation			Automation System Level Engaged at Time of Crash No Automation							
Insurance Company USAA		Insurance Policy # 015875490C71013			Towed By N/A		Towed To N/A					
Location of Greatest Damage 01	First Impact 01	Extent of Damage (Power Unit and/or Trailers) Minor Damage			Vehicle Direction E	Vehicle Use Private	Action Prior Going Straight Ahead					
Sequence of Events First (• indicates MOST harmful event)• 17 - Motor Vehicle In Transport										Second	Third	Fourth

PASSENGERS	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint
	Injury				Ejected	Trapped	Airbag Deployed	
	Hospital				Ambulance			
	Passenger Information				Date of Birth (Age)	Sex	Position	Restraint
Injury				Ejected	Trapped	Airbag Deployed		
Hospital				Ambulance				
Passenger Information				Date of Birth (Age)	Sex	Position	Restraint	
Injury				Ejected	Trapped	Airbag Deployed		
Hospital				Ambulance				

Carrier Information				USDOT	MC	MPSC		
Driver's CDL Type				Endorsements <input type="checkbox"/> OH <input type="checkbox"/> OP <input type="checkbox"/> OT <input type="checkbox"/> ON <input type="checkbox"/> OS <input type="checkbox"/> OX	CDL Exempt <input type="checkbox"/> Farm <input type="checkbox"/> Other			
GVWR/GCWR <input type="checkbox"/> 10,000 lbs. or Less <input type="checkbox"/> 10,001 - 26,000 lbs. <input type="checkbox"/> Greater than 26,000 lbs.		Vehicle Configuration		Cargo Body Type	Medical Card	Hazardous Material <input type="checkbox"/> Placard <input type="checkbox"/> Cargo Spill	ID #	Class #

Owner Information				Owner Information			
-------------------	--	--	--	-------------------	--	--	--

Damaged Property		Public	Owner & Phone
------------------	--	--------	---------------

Unit Number 02	Unit Known Yes	State MI	Driver License Number B625785023603	Date of Birth(Age) 08/01/1971 (48)	License Type ● Operator ○ Chauffeur ○ Moped	Endorsements ○ Cycle ○ Farm ○ Recreation	Sex F	Total Occupants 01	Hazardous Action None
Unit Type MV	Driver Information TAWANDA BRYSON 19395 INDIAN REDFORD MI 48240 (313)646-1546				Driver is Owner Yes	Injury O	Position Front - Left	Restraint Restraint Use Unknown	
Driver Condition at Time of Crash 1st Appeared Normal				Driver Distracted By Not Distracted		Ejected No	Trapped No	Airbag Deployed Not Deployed	
Hospital None					Ambulance None				
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type ○ Breath ○ Blood ○ Urine ○ Field ○ PBT ○ Refused ○ Not Offered			Alcohol Test Results ○ Pending Test Results:		Interlock Device No		
Drug Suspected No	Contributing Factor No	Drug Test Type ○ Blood ○ Urine ○ Field ○ Refused ○ Not Offered			Drug Test Results ○ Pending Test Results:		Citation Issued ○ Hazardous ○ Other		
Vehicle Registration DUR0799	State MI	Vehicle Description 2014 TOYOTA COROLLA	Year 2014	Make TOYOTA	Model COROLLA		Color WHI		
VIN 5YFBPRHE1EP035667	Vehicle Type Passenger Car, SUV, Van		Special Vehicles None		Private Trailer Type		Vehicle Defect		
Automation Systems(s) in Vehicle No		Automation System Level in Vehicle No Automation			Automation System Level Engaged at Time of Crash No Automation				
Insurance Company STATE FARM		Insurance Policy # 4451965C0422B			Towed By NA		Towed To NA		
Location of Greatest Damage 01	First Impact 01	Extent of Damage (Power Unit and/or Trailers) Minor Damage			Vehicle Direction E	Vehicle Use Private		Action Prior Starting Up on Roadway	
Sequence of Events First		Second		Third		Fourth			
(● indicates MOST harmful event) ● 17 - Motor Vehicle In Transport									

PASSENGERS	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
Hospital			Ambulance				
PASSENGERS	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
	Hospital			Ambulance			
	Passenger Information			Date of Birth (Age)	Sex	Position	Restraint
				Injury	Ejected	Trapped	Airbag Deployed
Hospital			Ambulance				

Carrier Information				USDOT		MC	MPSC
				Driver's CDL Type		Endorsements	CDL Exempt
				OH OP OT ON OS OX		○ Farm ○ Other	
GVWR/GCWR ○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.		Vehicle Configuration		Cargo Body Type	Medical Card	Hazardous Material ○ Placard ○ Cargo Spill	ID # Class #

Owner Information		Owner Information	

Witness Information		Witness Information	

Investigated at Scene No	Reported Date (Time) 07/13/2020 (17:20)	1st Investigator Name (Badge) Off. Scott Povish (3239)	2nd Investigator Name (Badge)	Photos No
Narrative DRIVER OF UNIT 1 STATES THAT WHILE ACCELERATING AT THE INTERSECTION OF WEST OUTER DRIVE AND SOUTHFIELD, HE SPED UP TOO QUICKLY AND STRUCK THE REAR END OF UNIT 2. BOTH VEHICLES HAD MINOR DAMAGE. NO INJURIES WERE REPORTED.			Diagram <p>Diagram showing the intersection of West Outer Drive and Southfield Fwy. Unit 1 is at the intersection, and Unit 2 is on Southfield Fwy. A north arrow points up.</p>	

EXHIBIT B

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAWANDA BRYSON,

Plaintiff,

v

Hon. John A. Murphy
Case No.: 2021-008517-NI

JOHN JACKSON, JOHN L. JACKSON, and
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(248) 291-6487 Fax
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AFFIDAVIT OF JOHN L. JACKSON

STATE OF MICHIGAN)
)
COUNTY OF WAYNE)

John L. Jackson, being duly sworn, states as follows:

1. I am a Michigan resident and have personal knowledge of the facts set forth
in this affidavit.

2. My date of birth is April 23, 1946 and my address is 8119 W. Outer Dr., Detroit, MI 48219. See attached copy of my driver's license.

3. I was involved in an automobile accident on July 13, 2020 while driving my 2015 Lincoln MKZ. The license plate of my vehicle was A6480 and the VIN was 3LN6L2J93FR626737.


4. I was the sole owner of that vehicle and sold it after the accident.

5. I have an adult son named John L. Jackson, Jr. He has not lived with me for several decades and he never owned the 2015 Lincoln MKZ involved in this accident.

6. The automobile accident on July 13, 2020 was minor and the other driver did not claim any injuries at the accident scene.


John L. Jackson

Subscribed and sworn to before me
This 15th day of November, 2021


Notary Public Sarah E. Doyle
My Commission expires: 5-4-24

MICHIGAN MI USA
ENHANCED
DRIVER LICENSE

J 250 429 487 313
DOB 04-23-1946

ISS 03-09-2021
EXP 04-23-2025

JOHN L JACKSON
8819 W OUTER DR
DETROIT, MI 48219-3565

Sex M Hgt 509 Eyes BRO
Lic Type E,0 End NONE

Restrictions Corrective Lens

DD: 9005609560287

Rev 07-01-2012

EXHIBIT C

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAWANDA BRYSON,

Plaintiff,

vs.

Case No: 21-008517-NI
HON.: JOHN A. MURPHY

JOHN JACKSON, JOHN L. JACKSON, and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign insurance
corporation, jointly and severally,

Defendants.

WIGOD & FALZON, P.C.
LAWRENCE C. FALZON (P30655)
BRIAN K. VOORHEIS (P81834)
Attorneys for Plaintiff
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Southfield, MI 48034
Phone: 248-356-3300
Fax: 248-356-3377
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camille@falzonlaw.com
rdowns@falzonlaw.com

PLAINTIFF'S FIRST AMENDED COMPLAINT
ADDING PARTY DEFENDANT

NOW COMES the above-named Plaintiff, by and through her attorneys, WIGOD &
FALZON, P.C., and for her Complaint against the Defendants, states as follows:

JURISDICTIONAL AVERMENTS

1. That the amount in controversy is in excess of Twenty-Five Thousand (\$25,000.00)

Dollars, exclusive of costs, interest and attorney fees.

2. That the Plaintiff, at all times material hereto, was a resident of the Township of Redford, County of Wayne, State of Michigan.

3. That the Defendant, John Jackson, at all times material hereto, was a resident of the City of Detroit, County of Wayne, State of Michigan.

4. That the Defendant, John L. Jackson, at all times material hereto, was a resident of the City of Detroit, County of Wayne, State of Michigan.

5. That the Defendant, State Farm Mutual Automobile Insurance Company (hereinafter "State Farm"), is a foreign insurance corporation licensed and certified to issue/sell automobile insurance policies by the State of Michigan Commissioner of Insurance, and issues such insurance and conducts continuous and systematic business in the City of Detroit, County of Wayne, State of Michigan, including the issuance of an automobile insurance policy covering Plaintiff on the date of this accident.

6. That the incident giving rise to this cause of action occurred in the City of Detroit, County of Wayne, State of Michigan.

COUNT I- NEGLIGENCE

7. That on or about July 13, 2020, at or about 4:00 p.m., the Plaintiff was operating a motor vehicle on Outer Drive, at or near the intersection of the Southfield Freeway, in the City of Detroit, County of Wayne, State of Michigan.

8. That at that time and place, the Defendant, John Jackson, was operating a motor vehicle with the express and/or implied knowledge and consent of its owner, Defendant, John L. Jackson, on Outer Drive, at or near the intersection of the Southfield Freeway, in the City of Detroit,

County of Wayne, State of Michigan and owed the Plaintiff, and the public in general, the duty to obey and drive in conformity with the duties embodied in the Common Law, the Motor Vehicle Code of the State of Michigan, as amended, and the ordinances of the City of Detroit.

9. That the Defendant, John Jackson, did then and there display negligence and misconduct by striking the rear of Plaintiff's vehicle.

10. That at the said time and place, Defendant, John Jackson, was guilty of negligence and misconduct as follows:

- A. In driving at an excessive rate of speed, under the conditions then and there existing;
- B. In following too closely;
- C. In driving in such a manner as to be unable to stop within the assured clear distance ahead;
- D. In failing to keep a reasonable lookout for other persons and vehicles using said highway;
- E. In failing to have the vehicle equipped with proper brakes and/or failing to apply said brakes in time;
- F. In failing to drive with due care and caution;
- G. In failing to take all possible precautions to avoid any collision with other motor vehicles;
- H. In failing to make and/or renew observations of the conditions of traffic on the highway;
- I. Other acts of negligence which will be named during discovery.

11. The Defendant, John Jackson, was further negligent in failing to obey and drive in conformity with the Common Law and the Motor Vehicle Code of the State of Michigan as amended and ordinances of the City of Detroit.

12. That among those Statutes Defendants, John Jackson and John L. Jackson, violated are:

M.C.L. 257.401	Owner liability;
M.C.L. 257.626	Reckless driving;
M.C.L. 257.626(b)	Careless or negligent driving;
M.C.L. 257.628	Speed limits;
M.C.L. 257.643	Following too closely;
M.C.L. 257.677	View or control of driver;
M.C.L. 257.705	Brakes;
M.C.L. 257.706	Horns and warning devices;

13. That as a proximate cause of Defendants, John Jackson and John L. Jackson's, negligence, Plaintiff was seriously injured and suffered a serious impairment of body function and/or permanent serious disfigurement as follows: injuries to the head, neck, shoulders, arms, knees, back, chest and to other parts of the body both externally and internally, and some or all of which interfere with Plaintiff's enjoyment of life and caused the Plaintiff great pain and suffering.

14. That as a proximate result of said injuries, Plaintiff suffered traumatic shock and injury to the nervous system, causing severe mental and emotional anguish, which interfere with Plaintiff's enjoyment of life and may require medical treatment, and have caused Plaintiff to become more generally sick and disabled, and some or all of said injuries, as set forth herein, may be permanent in nature.

15. That should it be determined at the time of trial that the Plaintiff was suffering from any pre-existing conditions, at the time of the aforesaid collision, then and in such event, it is averred

that the negligence of Defendants, John Jackson and John L. Jackson, precipitated, exacerbated and/or aggravated any such pre-existing conditions.

16. That the Plaintiff has had to incur expenses for hospital, doctor, domestic and other miscellaneous expenses and will incur more such expenses in the future and has suffered a loss of income, past, present and future, all as a proximate result of Defendants', John Jackson and John L. Jackson's, negligence.

WHEREFORE, Plaintiff now claims judgment against Defendants, John Jackson and John L. Jackson, for whatever amount Plaintiff is found to be entitled, plus court costs, attorney fees and interest from the date of filing this Complaint.

COUNT II-OWNER LIABILITY

NOW COMES Plaintiff, and adds Count II as follows:

17. Plaintiff hereby realleges, reaffirms, and incorporates herein by reference all allegations and paragraphs previously contained in this Complaint.

18. That the Defendant owner, John L. Jackson, is hereby guilty of negligence under MCL 257.401, the Owner's Liability Statute of the Michigan Vehicle Code, independent, to Plaintiff.

WHEREFORE, Plaintiff, now claims judgment for whatever amount she is found to be entitled, plus court costs, attorney fees and interest from the date of filing this Complaint.

COUNT III-NEGLIGENT ENTRUSTMENT

NOW COMES Plaintiff and adds Count III as follows:

19. Plaintiff hereby realleges, reaffirms, and incorporates herein by reference all allegations and paragraphs previously contained in this Complaint.

20. That the Defendant owner, John L. Jackson, carelessly, recklessly and negligently entrusted said motor vehicle and the operation thereof to the Defendant driver, John Jackson, the latter being a person incompetent and unfit to drive a motor vehicle upon the highway of the State of Michigan by reason of inability, inexperience, and consistently negligent driving, all of which were known by the Defendant owner, John L. Jackson, or should have been known in the exercise of reasonable care and caution by the Defendant owner, John L. Jackson, and that the Defendant owner, John L. Jackson, is hereby guilty of negligence, independent, to Plaintiff.

WHEREFORE, Plaintiff now claims judgment for whatever amount she is found to be entitled, plus court costs, attorney fees and interest from the date of filing this complaint.

COUNT IV-EXCESS ECONOMIC/NON-ECONOMIC DAMAGES

NOW COMES Plaintiff and adds Count IV as follows:

21. Plaintiff hereby realleges, reaffirms, and incorporates herein by reference all allegations and paragraphs previously contained in this Complaint.

22. Plaintiff hereby claims damages for allowable expenses and work loss in excess of the daily, monthly, and three (3) year limitations plus all other economic damages allowable under the Michigan No-Fault Law.

23. Plaintiff hereby claims all non-economic damages for the serious impairment of body function and/or permanent serious disfigurement as more clearly set out in the injuries previously listed in this Complaint.

WHEREFORE, Plaintiff now claims judgment against the Defendants for whatever amount Plaintiff is found to be entitled, plus court costs, attorney fees and interest from the date of filing this Complaint.

COUNT V-NO-FAULT PIP BENEFITS

NOW COMES Plaintiff and adds Count V as follows:

24. Plaintiff hereby realleges, reaffirms, and incorporates herein all by reference all allegations and paragraphs previously stated in this Complaint.

25. That at that said time and place, there existed a policy of automobile insurance issued by the Defendant, State Farm, and covering the Plaintiff for all allowable personal protection insurance benefits as provided by the Michigan No-Fault Act, said policy of insurance having been written under the terms of Public Act No. 294 of the Public Acts of 1972, being commonly known as the Michigan No-Fault Law.

26. That as a result of the aforementioned automobile accident, the Plaintiff incurred reasonable and necessary expenses as provided for in the Michigan No-Fault Act, M.C.L.A. 500.3101, *et seq.*

27. That pursuant to the appropriate statutes and the subject insurance policy, Plaintiff made timely application to Defendant, State Farm, through its employees and agents, for payments of Plaintiff's No-Fault benefits as provided by the policy and the Michigan No-Fault Law under Claim Number 22-08X9-06W.

28. That despite the above-stated requests, the Defendant, State Farm, has neglected and/or refused to pay the No-Fault benefits now due and owing to and/or on behalf of Plaintiff, despite the fact that said payments have been repeatedly demanded from the Defendant, State Farm.

WHEREFORE, Plaintiff prays this Honorable Court enter a judgment against Defendant, State Farm, pursuant to the Michigan No-Fault Act, MCL 500.310 *et. seq.*, in the total amount found to be due and owing at the time of trial, as provided by the No-Fault Law, plus court costs, statutory interest of twelve (12%) percent and actual attorney fees sustained in this case.

WIGOD & FALZON, P.C.

BY: *Lawrence C. Falzon*
LAWRENCE C. FALZON (P30655)
BRIAN K. VOORHEIS (P81834)
Attorneys for Plaintiff
25899 W. Twelve Mile Road, Suite 200
Southfield, MI 48034
248-356-3300

DATED: August 30, 2021

EXHIBIT D

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAWANDA BRYSON,

Plaintiff,

v

Hon. John A. Murphy
Case No.: 2021-008517-NI

JOHN JACKSON, JOHN L. JACKSON, and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

Lawrence C. Falzon (P30655)
Brian K. Voorheis (P81834)
WIGOD & FALZON, P.C.
Attorneys for Plaintiff
25899 W. Twelve Mile Road, Suite 200
Southfield, MI 48034
(248) 356-3300
(248) 356-3377 (fax)
bvoorheis@falzonlaw.com
camille@falzonlaw.com
rdowns@falzonlaw.com

Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorneys for Defendant John Jackson
322 W. Lincoln Ave
Royal Oak, MI 48067
(248) 544-1100
(248) 544-1191 Fax
rkaatz@cardellilaw.com

**DEFENDANT JOHN JACKSON'S ANSWER TO FIRST AMENDED COMPLAINT,
AFFIRMATIVE DEFENSES, AND JURY DEMAND**

Defendant John Jackson (incorrectly listed as two defendants), through his attorneys, Cardelli Lanfear, P.C., hereby states his Answer as follows:

1. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.
2. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.
3. Admitted.

4. Admitted. Defendant further states that Plaintiff has incorrectly listed him as two defendants in this case.

5. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

6. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

COUNT I – NEGLIGENCE

7. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

8. Defendant admits that he was driving a motor vehicle and that he owed said duties to the public in general. Defendant neither admits nor denies the remaining allegations of the paragraph as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

9. Denied in the manner and form stated for the reason that it is not true.

10. Denied in the manner and form stated for the reason that it is not true.

11. Denied in the manner and form stated for the reason that it is not true.

12. Denied in the manner and form stated for the reason that it is not true.

13. Denied in the manner and form stated for the reason that it is not true.

14. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

15. Denied in the manner and form stated for the reason that it is not true.

16. Denied in the manner and form stated for the reason that it is not true.

WHEREFORE, Defendant John Jackson requests this Honorable Court dismiss Plaintiff's Complaint and award Defendant costs and attorney fees.

COUNT II – OWNER LIABILITY

17. Defendant incorporates his responses to the preceding paragraphs.

18. Denied in the manner and form stated for the reason that it is not true.

WHEREFORE, Defendant John Jackson requests this Honorable Court dismiss Plaintiff's Complaint and award Defendant costs and attorney fees.

COUNT III – NEGLIGENT ENTRUSTMENT

19. Defendant incorporates his responses to the preceding paragraphs.

20. Denied in the manner and form stated for the reason that it is not true.

WHEREFORE, Defendant John Jackson requests this Honorable Court dismiss Plaintiff's Complaint and award Defendant costs and attorney fees.

COUNT IV – EXCESS ECONOMIC/NON-ECONOMIC DAMAGES

21. Defendant incorporates his responses to the preceding paragraphs.

22. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

23. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

WHEREFORE, Defendant John Jackson requests this Honorable Court dismiss Plaintiff's Complaint and award Defendant costs and attorney fees.

COUNT V – NO-FAULT PIP BENEFITS

24. Defendant incorporates his responses to the preceding paragraphs.

25. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

26. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

27. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

28. Defendant neither admits nor denies the allegations as Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations.

WHEREFORE, Defendant John Jackson requests this Honorable Court dismiss Plaintiff's Complaint and award Defendant costs and attorney fees.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Robert A. Kaatz
Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorney for Defendant
322 W. Lincoln
Royal Oak, MI 48067
(248) 544-1100
rkaatz@cardellilaw.com

Dated: October 7, 2021

AFFIRMATIVE DEFENSES

Defendant, JOHN JACKSON, by and through his attorneys, CARDELLI LANFEAR, P.C., for his Affirmative Defenses states as follows:

1. Plaintiff has failed to state a claim for which relief can be granted.
2. Plaintiff was comparatively at fault.
3. Investigation and discovery may reveal that Plaintiff has failed to mitigate her damages.
4. Investigation and discovery may reveal that Plaintiff spoliated evidence to Defendant's detriment.
5. The injuries complained of were the results of the intervening, superseding negligence of some other party.
6. Investigation and discovery may reveal that the accident was caused by Plaintiff's use of alcohol or other controlled substances and thus precluding Plaintiff from non-economic damages.
7. Investigation and discovery may reveal that Plaintiff was more than 50% at fault for the accident and is precluded from economic damages.
8. Plaintiff may have failed to sustain a threshold injury as defined by the No-Fault Act and interpreted case law.
9. Plaintiff's claims, or part of them, may be barred by release, estoppel, waiver, laches, or agreement of the parties.
10. Plaintiff's claims may be barred by the statute of limitations.
11. Defendant shall supplement these affirmative defenses as further investigation and discovery merit.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Robert A. Kaatz
Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorney for Defendant
322 W. Lincoln
Royal Oak, MI 48067
(248) 544-1100
rkaatz@cardellilaw.com

Dated: October 7, 2021

JURY DEMAND

Defendant, by his attorneys, hereby respectfully request a trial by jury in the above entitled cause of action.

Respectfully submitted,

CARDELLI LANFEAR, P.C.

/s/ Robert A. Kaatz
Robert A. Kaatz (P65394)
CARDELLI LANFEAR, P.C.
Attorney for Defendant
322 W. Lincoln
Royal Oak, MI 48067
(248) 544-1100
rkaatz@cardellilaw.com

Dated: October 7, 2021

CERTIFICATE OF SERVICE

I, Alicia Hawkins-Brown, hereby certify that on the 12th day of October 2021 a copy of **Defendant John Jackson's Answer to First Amended Complaint, Affirmative Defenses, and Jury Demand** were served upon counsel of record via the Court's ECF system. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge, and belief.

/s/Alicia Hawkins-Brown
Alicia Hawkins-Brown, Legal Assistant

EXHIBIT E

Approved, SCAO

Original - Court
1st copy - Applicant
Copies - All other parties

STATE OF MICHIGAN JUDICIAL DISTRICT 3rd JUDICIAL CIRCUIT	DEFAULT REQUEST AND ENTRY	CASE NO. 21-008517-NI
--	--	---------------------------------

Court address 2 Woodward Ave., Detroit, MI 48226 Court telephone no. (313) 224-0157

Plaintiff name(s), address(es), and telephone no(s).
Tawanda Bryson
19395 Indian Rd.
Redford, MI 48240

(313) 646-1546

Plaintiff's attorney, bar no., address, and telephone no.
WIGOD & FALZON, P.C.
CONNOR M. CLOHERTY (P84485)
25899 W. Twelve Mile Rd. Suite 200
Southfield, MI 48034

(248) 356-3300

v

Defendant name(s), address(es), and telephone no(s).
John L. Jackson
8819 W. Outer Dr.
Detroit, MI 48219

Defendant's attorney, bar no., address, and telephone no.
N/A

Party in default: John L. Jackson

REQUEST

- I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
- The defaulted party is not an infant or incompetent person.
- ☒ It is unknown whether the defaulted party is in the military service. ☐ The defaulted party is not in the military service.
☐ The defaulted party is in the military but there has been notice of pendency of the action and adequate time and opportunity to appear and defend has been provided. Attached, as appropriate, is a waiver of rights and protections provided under the Servicemembers Civil Relief Act. Facts upon which this conclusion is based are: (specify)
- This request is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this request.

I declare under the penalties of perjury that this request has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

11/01/2021
Date

/s/ Connor M. Cloherty P84485
Applicant/Attorney signature Bar no.

NOTE: Default can be entered by a district court clerk without the request of a party.

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

11/10/2021
Date

/s/ Ebony Upshaw
Court clerk

CERTIFICATE OF MAILING

I certify that on this date I served copies of this default on the appropriate parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

Date

Signature

EXHIBIT F

Robert A. Kaatz

From: Robert A. Kaatz
Sent: Wednesday, November 10, 2021 5:55 PM
To: Connor M. Cloherty
Cc: Camille T. Pietrasinski; Ryan P. Downs
Subject: Re: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Connor,
I'll call you tomorrow, what is the best number to reach you?
I am also inclined to file a motion for sanctions, but let's discuss.
Bob

Sent from my iPhone

On Nov 10, 2021, at 4:27 PM, Connor M. Cloherty <ccloherty@falzonlaw.com> wrote:

Just following up on this. Did your client get a copy of the registration? I noticed that you filed an objection with the Court regarding the default that we were discussing last week. It is interesting that you would file such an objection the day after we spoke, at which time you conceded that there were in fact two John Jacksons, father and son. Your objection which is improper on its face, appears to create a legal fiction which you have already acknowledged to be inaccurate. In light of the improper nature of the objection, I would ask that you take immediate steps to withdraw the objection. If you do not, then I will be forced to file a motion to strike the objection and I will pursue sanctions in response to your apparent misrepresentations to the Court.

From: Robert A. Kaatz <rkaatz@cardellilaw.com>
Sent: Tuesday, November 2, 2021 2:09 PM
To: Connor M. Cloherty <ccloherty@falzonlaw.com>
Cc: Camille T. Pietrasinski <camille@falzonlaw.com>; Ryan P. Downs <rdowns@falzonlaw.com>
Subject: External RE: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Connor,

I just spoke to my client. His adult son has not lived with him for decades, so I don't know what your process server told you. He does not have a copy of the registration because he sold the vehicle.

I am ordering a copy of the vehicle registration through the state of Michigan. My guess is that it will say "John L. Jackson," which is my client's name.

I am not sure why you are refusing to drop your application for default, as I have already provided you proof of the vehicle insurance and your complaint does not state that "John L. Jackson, Jr." is a defendant. Even if it did, he wasn't the owner of the vehicle and wasn't driving it.

But I'll call you once I receive the vehicle registration.

Bob

From: Connor M. Cloherty <ccloherty@falzonlaw.com>
Sent: Tuesday, November 2, 2021 12:36 PM

To: Robert A. Kaatz <rkaatz@cardellilaw.com>
Cc: Camille T. Pietrasinski <camille@falzonlaw.com>; Ryan P. Downs <rdowns@falzonlaw.com>
Subject: RE: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Bob,

The son lives at the Outer Drive address with your client (see attached postal request). He was served personally and identified himself as John L. Jackson (see attached proofs). We know that you represent dad – there is no confusion there. Our application for default was against John L. Jackson (the son) and he is named so in the complaint and is identified as a separate party (“John L. Jackson”). You saying our default is against the father does not make it so. Your client is named in the complaint, which you answered, as simply “John Jackson”. The default does not state “John Jackson” but instead says “John L. Jackson”.

I look forward to seeing the registration.

Best,
Connor

From: Robert A. Kaatz <rkaatz@cardellilaw.com>
Sent: Tuesday, November 2, 2021 11:59 AM
To: Connor M. Cloherty <ccloherty@falzonlaw.com>
Cc: Camille T. Pietrasinski <camille@falzonlaw.com>; Ryan P. Downs <rdowns@falzonlaw.com>
Subject: External RE: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Connor,

I'll ask my client for a copy of the registration.

However, your e-mail below is mistaken - I do represent John L. Jackson (the father). Your application for default was against John L. Jackson (my client), who lives at 8819 W. Outer Drive, Detroit, MI. See also the declaration page which I provided.

Your application for default does not state it was against John L. Jackson, Jr. (the son), who was also not named as a defendant in your complaint.

Bob

From: Connor M. Cloherty <ccloherty@falzonlaw.com>
Sent: Tuesday, November 2, 2021 11:39 AM
To: Robert A. Kaatz <rkaatz@cardellilaw.com>
Cc: Camille T. Pietrasinski <camille@falzonlaw.com>; Ryan P. Downs <rdowns@falzonlaw.com>
Subject: RE: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Bob,

The declaration page does not indicate a DOB. I am not going to agree to an order to set aside the default without further proof on your end. Your client shares the same name as his son – so it seems entirely plausible that when the police report was taken that the responding officer did not put two and two together. Please produce the title and then we will talk further about this. That would really put this issue to rest.

Moreover, the default is not even of your client. You do not represent Mr. Jackson's son. Mr. Jackson's son will need to file such a motion. Your client lacks standing to bring that motion and it would be denied.

Best,
Connor

From: Robert A. Kaatz <rkaatz@cardellilaw.com>
Sent: Tuesday, November 2, 2021 11:12 AM
To: Connor M. Cloherty <ccloherty@falzonlaw.com>
Cc: Camille T. Pietrasinski <camille@falzonlaw.com>; Ryan P. Downs <rdowns@falzonlaw.com>
Subject: External RE: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Connor,

My client is John L. Jackson, Sr. (see declaration page). He owns the car. His son John L. Jackson, Jr. does not own the car - see also the police report (no separate owner listed from the driver).

Your comprehensive report must have mixed up the father and son because they have the same middle initial.

Please confirm you will agree to an order to set aside the default - there doesn't seem to be any reason to file a motion about this.

Bob

From: Connor M. Cloherty <ccloherty@falzonlaw.com>
Sent: Tuesday, November 2, 2021 10:25 AM
To: Robert A. Kaatz <rkaatz@cardellilaw.com>
Cc: Camille T. Pietrasinski <camille@falzonlaw.com>; Ryan P. Downs <rdowns@falzonlaw.com>
Subject: RE: Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Good morning Mr. Kaatz,

Mr. Voorheis is no longer with Wigod & Falzon. This default application is not against your client, but is instead filed against Mr. Jackson's son (John L. Jackson, Jr.). You will find, per the attached comprehensive report, that your client's son was the owner of the vehicle involved in the underlying MVA (his DOB is 9/1971). Per the police report (see attached), your client was the operator of the same motor vehicle (his DOB is cir. 1946).

Mr. Jackson's son was served on 9/21/2021 via personal service. His answer was due on 10/12/2021. As such, the default request is proper. Please let me know if I am missing something.

Best,
Connor

From: Robert A. Kaatz <rkaatz@cardellilaw.com>
Sent: Tuesday, November 2, 2021 9:51 AM
To: Brian K. Voorheis <bvoorheis@falzonlaw.com>; Connor M. Cloherty <ccloherty@falzonlaw.com>
Subject: External Bryson, Tawanda v. Jackson, John, Case No. 21-008517-NI

Brian,

You have improperly filed a default application against my client. As stated in Mr. Jackson's timely answer (see attached) in the caption and in response to paragraph 4, there are not two individuals named John Jackson involved in this case. See also declaration page.

There is only one person named John Jackson involved in this accident.

Please confirm that you will enter an order withdrawing your default application - it seems like a waste of time for us to have to file a motion regarding this.

Bob

Robert A. Kaatz

Attorney

CARDELLI LANFEAR P.C.

322 W. Lincoln

Royal Oak, MI 48067

P: (248) 544-1100

F: (248) 544-1191

rkaatz@cardellilaw.com

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EXHIBIT G

USAA CASUALTY INSURANCE COMPANY

(A Stock Insurance Company)

9800 Fredericksburg Road - San Antonio, Texas 78288

MICHIGAN AUTO POLICY
DECLARATIONS

ADDL INFO ON NEXT PAGE MAIL MCH-M-1

PAGE 12

NEW

State	01	02			Veh	POLICY NUMBER
MI	216	216			Terr	01587 55 13C 7101 2
POLICY PERIOD:						(12:01 A.M. standard time)
FROM JUN 12 2020 TO DEC 12 2020						

OPERATORS

01 JOHN L JACKSON

Named Insured and Address

JOHN L JACKSON
8819 W OUTER DR
DETROIT MI 48219-3565

Description of Vehicle(s)

VEH	YEAR	TRADE NAME	MODEL	BODY TYPE	ANNUAL MILEAGE	IDENTIFICATION NUMBER	SYM		Miles One Way	Days Per Week
01	15	LINCOLN	MKZ	4D	10000	3LN6L2J93FR626737		P		
02	14	KIA	SOUL SW	SW	5000	KNDJN2A24E7081679		P		

The Vehicle(s) described herein is principally garaged at the above address unless otherwise stated. * W/C=Work/School; B=Business; F=Farm; P=Pleasure

VEH 01 DETROIT MI 48219-3565

VEH 02 DETROIT MI 48219-3565

This policy provides ONLY those coverages where a premium is shown below. The limits shown may be reduced by policy provisions and may not be combined regardless of the number of vehicles for which a premium is listed unless specifically authorized elsewhere in this policy.

COVERAGES		LIMITS OF LIABILITY ("ACV" MEANS ACTUAL CASH VALUE)		VEH		VEH		VEH		VEH	
				01 D=DED AMOUNT	6-MONTH PREMIUM \$	02 D=DED AMOUNT	6-MONTH PREMIUM \$	D=DED AMOUNT	PREMIUM \$	D=DED AMOUNT	PREMIUM \$
PART A - LIABILITY											
BODILY INJURY		EA PER \$	100,000								
		EA ACC \$	300,000		93.89		63.51				
PROPERTY DAMAGE		EA ACC \$	100,000		14.60		12.70				
PART B - PERSONAL INJURY PROTECTION											
MEDICAL EXPENSE		UNLIMITED									
DEDUCTIBLE APPLIES				D 300	594.85	D 300	519.52				
PART B - PROPERTY PROTECTION INS					5.21		4.55				
PART C - UNINSURED MOTORISTS											
BODILY INJURY		EA PER \$	100,000								
		EA ACC \$	300,000		8.93		8.48				
PART C - UNDERINSURED MOTORISTS											
		EA PER \$	100,000								
		EA ACC \$	300,000		13.77		13.08				
PART D - PHYSICAL DAMAGE COVERAGE											
COMPREHENSIVE LOSS		ACV LESS		D 250	184.24	D 250	125.67				
BROAD COLL COV		ACV LESS		D 500	493.02	D 500	255.77				
TOTAL PREMIUM -					SEE FOLLOWING PAGE(S)						

VEH 02 ADDNL INTEREST - CO-OWNER THERESA I JACKSON,
DETROIT, MI ENDT A073 APPLIES

LOSS PAYEE

VEH 01 LINCOLN FINANCIAL, ATLANTA GA

VEH 02 ONEMAIN FINANCIAL, ISAOA, KENNESAW GA

ENDORSEMENTS: A073 (05) ACCFOR (01) A402 (01) 5100MI (06)

INFORMATION FORMS: 663MI(07) 88356(01) 56MI(16) 342MI(09) 999MI(13)

H4	1	086	166
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[illegible]

In WITNESS WHEREOF, we have caused this policy to be signed by our President and Secretary at San Antonio, Texas,
on this date JUNE 11, 2020

Isaac Johnson, Secretary

James Syring, President



USAA CASUALTY INSURANCE COMPANY

(A Stock Insurance Company)

9800 Fredericksburg Road - San Antonio, Texas 78288

MICHIGAN AUTO POLICY
DECLARATIONS

State		Veh		POLICY NUMBER
MI		Terr		01587 55 13C 7101 2
POLICY PERIOD: (12:01 A.M. standard time)				
FROM JUN 12 2020 TO DEC 12 2020				

Named Insured and Address

JOHN L JACKSON
8819 W OUTER DR
DETROIT MI 48219-3565

Description of Vehicle(s)

VEH	YEAR	TRADE NAME	MODEL	BODY TYPE	ANNUAL MILEAGE	IDENTIFICATION NUMBER	VEH USE 1	WORKSCHOOL
							SYM	Miles One Way Days Per Week

The Vehicle(s) described herein is principally garaged at the above address unless otherwise stated. * W/C=Work/School; B=Business; F=Farm; P=Pleasure

This policy provides ONLY those coverages where a premium is shown below. The limits shown may be reduced by policy provisions and may not be combined regardless of the number of vehicles for which a premium is listed unless specifically authorized elsewhere in this policy.

COVERAGES ("ACV" MEANS ACTUAL CASH VALUE)	LIMITS OF LIABILITY		VEH		VEH		VEH		VEH	
	D=DED	PREMIUM	D=DED	PREMIUM	D=DED	PREMIUM	D=DED	PREMIUM	D=DED	PREMIUM
	AMOUNT	\$	AMOUNT	\$	AMOUNT	\$	AMOUNT	\$	AMOUNT	\$
VEHICLE TOTAL PREMIUM		1408.51		1003.28						
6 MONTH PREMIUM \$ 2411.79										
PREMIUM DUE AT INCEPTION. THIS IS NOT A BILL, STATEMENT TO FOLLOW.										
EARNED ACCIDENT FORGIVENESS APPLIES WITH FIVE YEARS CLEAN DRIVING WITH USAA.										
MCCA ASSESSMENT PREMIUM	\$ 220.00									
THE FOLLOWING COVERAGE(S) DEFINED IN THIS POLICY ARE NOT PROVIDED FOR:										
VEH 01 - RENTAL REIMBURSEMENT, TOWING AND LABOR										
VEH 02 - RENTAL REIMBURSEMENT, TOWING AND LABOR										

In WITNESS WHEREOF, we have caused this policy to be signed by our President and Secretary at San Antonio, Texas,
on this date JUNE 11, 2020

5000 C 05-12
53383-05-12

Isaac Johnson
Isaac Johnson, Secretary

James D Syring
James Syring, President

Document received by the MI Wayne 3rd Circuit Court.

EXHIBIT H

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🚩 General Information Indicator. These symbols inform you that additional information is provided.

✓ The most recent telephone listing as reported by the EDA source.

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

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