

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY**

SUMMONS

**CASE NO.
23-007288-CD
Hon.Edward J. Joseph**

Court telephone no.:

Plaintiff's name(s), address(es), and telephone no(s)
Pelland, Kenneth

v

Defendant's name(s), address(es), and telephone no(s).
Gross Ile Township

Plaintiff's attorney, bar no., address, and telephone no
Todd F. Flood 58555
155 W Congress St Ste 603
Detroit, MI 48226-3267

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- 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 this court, _____ Court, _____ where it was given case number _____ and assigned to Judge _____.
- The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

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 and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (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.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
6/6/2023

Expiration date*
9/5/2023

Court clerk
Jacqueline Ruff

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (3/23)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



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

KENNETH PELLAND,

Plaintiff,

Case No. 23- -CD
Hon.

-v-

GROSSE ILE TOWNSHIP, a Michigan Municipal Corporation, BRENT HARDIN, in his official and individual capacity, JAMES BUDNY, in his official and individual capacity, CARL BLOETSCHER, in his official and individual capacity, UTE O'CONNOR, in her official and individual capacity, DALE REAUME, in his official and individual capacity, and DAVID NADEAU, in his official and individual capacity,

Defendants.

TODD F. FLOOD (P58555)
Flood Law, PLLC
155 West Congress Street, Suite 603
Detroit, Michigan 48226
PH: (248) 547-1032
tflood@floodlaw.com
Attorneys for Plaintiff

TERESA J. GORMAN (P61001)
Teresa J. Gorman PLLC
5700 Crooks Road, Suite 200
Troy, MI 48098
PH: (248) 763-6943
terigorman@aol.com
Attorneys for Plaintiff

COMPLAINT AND DEMAND FOR JURY TRIAL

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.

NOW COMES Plaintiff, KENNETH PELLAND, by and through counsel and FLOOD LAW, PLLC, and for his Complaint against the above-named Defendants, states as follows:

INTRODUCTION

This is an action brought by Plaintiff, Deputy Chief of Police Kenneth Pelland, a well-respected officer and long-standing pillar of both the Grosse Ile Township Police force as well as the Grosse Ile Township community, in an effort to vindicate him for profound deprivations of his rights by Defendants and other parties who were acting with them and on their behalf. While working in concert and in a conspiratorial manner, Defendants intentionally and wrongfully deprived Plaintiff of a unanimous recommendation for promotion to Chief of Police, subjected him to an improper and biased internal investigation, and cast him into a false light within the tightly knit community of just over 10,000 residents. Defendants' actions, described below, have caused immeasurable loss, both economic and noneconomic, to Plaintiff and his family. For these reasons, Plaintiff asks this Honorable Court to grant him judgment on the following claims and enter an award of damages more specifically described herein.

VENUE, JURISDICTION AND PARTIES

1. Venue is proper pursuant to MCL § 600.1627 as the events giving rise to this cause of action occurred within the Township of Grosse Ile, County of Wayne, State of Michigan, and this matter is otherwise within this Honorable Court's jurisdiction.
2. This Court has subject matter jurisdiction as the amount in controversy exceeds \$25,000.00, exclusive of interest, costs and attorney fees.
3. This Court has general personal jurisdiction over the parties under MCL § 600.711.
4. Plaintiff's Complaint is timely filed within the applicable statute of limitations.
5. Defendants are not immune from suit under the Governmental Tort Liability Act, MCL § 691.1401, *et seq.*, or any other statute.

6. Plaintiff resides, and/or at all times relevant to the instant action, resided in Wayne County, Michigan.

7. Defendant GROSSE ILE TOWNSHIP is a municipal entity existing under the laws of the State of Michigan.

8. Defendant BRENT HARDIN, at all relevant times, was the Deputy Chief or Interim Chief of Police for the Grosse Ile Township Police Department and resided within the County of Wayne, State of Michigan. Defendant Hardin is being sued in both his individual and official capacities.

9. Defendant JAMES BUDNY, at all relevant times, was the Grosse Ile Township Supervisor and resided within the County of Wayne, State of Michigan. Defendant Budny is being sued in both his individual and official capacities.

10. Defendant CARL BLOETSCHER, at all relevant times, was a Grosse Ile Township Trustee and resided within the County of Wayne, State of Michigan. Defendant Bloetscher is being sued in both his individual and official capacities.

11. Defendant UTE O'CONNOR, at all relevant times, was the Grosse Ile Township Clerk and resided within the County of Wayne, State of Michigan. Defendant O'Connor is being sued in both her individual and official capacities.

12. Defendant DALE REAUME, at all relevant times, was the Grosse Ile Township Manager and resided within the County of Monroe, State of Michigan. Defendant Reaume is being sued in both his individual and official capacities.

13. Defendant DAVID NADEAU, at all relevant times, was the Grosse Ile Township Treasurer and resided within the County of Wayne, State of Michigan. Defendant Nadeau is being sued in both his individual and official capacities.

GENERAL ALLEGATIONS

14. Plaintiff hereby realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

15. Plaintiff has maintained a stellar career of over 30 years in law enforcement serving the Grosse Ile community, with 19 of those years as a Detective.

16. Throughout his service and dedication to the community, Plaintiff was able to establish a well-respected reputation and is highly regarded by the citizens of Grosse Ile Township.

17. The Grosse Ile Police Department serves a community of around 10,000 citizens, a majority of which regularly participate in or stay current with the Grosse Ile Township Board of Trustees (“the Board”), the Board of Trustees meetings, and discussions and decisions held in said meetings.

18. All Grosse Ile Township Board meetings are available to be viewed, streamed and/or replayed by the general public, and many Grosse Ile citizens view, stream and/or replay the Board meetings, if not attend them in-person.

19. Defendant Hardin, on numerous occasions, denied Plaintiff’s input/opinion on matters, or elected not to inform Plaintiff of special assignments/tasks intending to make Plaintiff appear incompetent.

20. In early 2019, Defendant Hardin, then the Deputy Chief of Police for Grosse Ile, was preparing, with the assistance of then Chief Mark Warnick, a presentation for the Board regarding the need to hire a police officer. At the time, Defendant Hardin informed Plaintiff that he (Defendant Hardin) would be giving the presentation so that Plaintiff could not “grandstand” the Board. Less than two hours prior to said presentation, Defendant Hardin directed Plaintiff to deliver the presentation, setting Plaintiff up for failure.

21. In that same year, Plaintiff found an accounting error within the department's pay-outs of two retirees and notified the Finance Manager regarding the same. Defendant Hardin openly accused Plaintiff of going outside the chain of command and that Plaintiff was insinuating that the Township was trying to cheat former employees.

22. On a separate occasion in 2020, Defendant Hardin again informed Plaintiff that he (Plaintiff) would be giving a presentation to the Police Commission. Defendant Hardin gave Plaintiff very limited time to adequately prepare intending that Plaintiff would, again, appear incompetent.

23. Defendant Hardin intentionally belittled Plaintiff in front of supervisors, claiming Plaintiff was working too many hours and comparing Plaintiff to a retired officer with an obsessive-compulsive disorder.

24. On or about December 17, 2020, Plaintiff was informed of then Chief Warnick's submission of his resignation which was to occur on December 31, 2020. The Police Commission Chairman, Paul Anderson, suggested Plaintiff and Defendant Hardin's positions be "ratcheted up" given the Chief's resignation. Plaintiff expressed his desire to become Chief and explained there was a process in place governing promotions and benefits for other members of the police department and outlines the path to success.

25. In response, Defendant Hardin continued to exclude Plaintiff from certain department operations and decisions including, but not limited to, the following:

- a. Plaintiff asked Defendant Hardin about a pending deer cull operation indicating to Defendant Hardin that he (Defendant Hardin) had kept Plaintiff out of discussions. When Plaintiff demanded to be included moving forward, Defendant Hardin essentially denied Plaintiff stating, "That's up to the chief."
- b. On or about January 7, 2021, Defendant Hardin scheduled a department-wide meeting wherein Defendant Hardin openly stated that Plaintiff neglected to answer officers' questions regarding the same deer cull about which Plaintiff had limited information due to being excluded from discussions regarding same.

- c. Defendant Hardin prevented or assisted in the prevention of Plaintiff's opportunity to be included on meetings regarding a bridge emergency plan.
- d. Defendant Hardin refused to permit Plaintiff to assist in the preparation of or view the Township's wildlife management plans.

26. Defendant Budny stated the chief replacement process would be vastly different than in years past even though policies and procedures of Grosse Ile Township for replacement process require taking recommendations of various boards and commissions.

27. On or about February 1, 2021, interviews to fill the Chief of Police position were held in front of the Grosse Ile Township Police Commission ("the Commission"), with Plaintiff and Defendant Hardin as the only two candidates.

28. Following their respective interviews, Plaintiff was informed by the Commission's Chairman and Township Trustee Mike Jurecki that Plaintiff had received the Commission's unanimous recommendation to be promoted to Chief of Police.

29. On or about that same time, Plaintiff met with Defendant Hardin, wherein the two exchanged the following:

Defendant Hardin: "Congratulations, but I'm in charge until its official."

Plaintiff: "Regardless of the outcome, we have to work together."

Defendant Hardin: "We will see."

30. Despite the unanimous recommendation from the Commission, Defendant Hardin was promoted to Interim Police Chief by Defendant Reaume until the promotional process could be completed.

31. A certain promotional process had been utilized for several decades, however Defendant Budny cited budgetary restraints as a reason why the process could not proceed as it has in previous years.

32. In an effort to circumvent the “budgetary restraints” cited by Defendant Budny, Plaintiff voluntarily offered to maintain his salary at that time until the new fiscal year started.

33. Defendant Hardin continued to exclude Plaintiff from regular department matters including, but not limited to, meetings involving a change in working conditions for Grosse Ile’s Animal Control Officer and modifications to department policies.

34. On or about February 26, 2021, Plaintiff requested to be included in a budget meeting, to which Defendant Hardin replied, “we are competing for the same position and I’m not going to allow you to cloud what I’m trying to accomplish.” In the process, Defendant Hardin also removed the Deputy Chief position without the knowledge or consent of the Commission.

35. On or about February 13, 2021, one of Grosse Ile’s citizens, Jeff Pirlot, who has a negative history of assaultive behavior with the Grosse Ile Police Department, made a call demanding officers come to his residence. At the time of the call, and upon information and belief, Mr. Pirlot was either extremely intoxicated or under the influence of drugs. Hereinafter this will be referred to as the “Pirlot matter.”

36. Plaintiff arrived to Mr. Pirlot’s residence to find Mr. Pirlot verbally assaulting Plaintiff’s subordinate officers. Plaintiff subsequently ordered his officers to leave the premises due to Mr. Pirlot’s demeanor coupled with his history of aggressiveness towards Grosse Ile police. Mr. Pirlot continued to advance on and make obscene comments to officers, even as they retreated to their vehicles.

37. Mr. Pirlot subsequently filed a complaint with the Grosse Ile Township Board of Trustees regarding alleged conduct by the responding police officers. Mr. Pirlot was provided Plaintiff’s name by Defendant Hardin.

38. Shortly following the Pirlot matter, Defendant Hardin contacted Plaintiff and spoke with him for about one minute regarding the incident before hanging up.

39. Defendant Hardin sent two follow-up emails to Plaintiff requesting that all responding officers produce a narrative of the Pirlot matter. Plaintiff indicated to Defendant Hardin that this was not proper protocol and that there was a procedure in place if a complaint had been submitted. Defendant Hardin stated he would “get back to” Plaintiff; however, this would not happen until March 3, 2021.

40. On March 3, 2021, Defendant Hardin seized Plaintiff’s cell phone indicating that it was being turned over to the Michigan State Police. In the process, Defendant Hardin stated that the investigation was being conducted “as a result of something [Plaintiff] did” relating to his involvement with the Pirlot matter. Defendant Hardin provided no further explanation for the seizure of Plaintiff’s phone.

41. During this conversation, Defendant Hardin admitted to a complaint being filed regarding the Pirlot Matter but lied when he indicated that only he and Plaintiff were aware of it, as Defendant Hardin had numerous conversations with Michigan State Police, and Defendants Budny and Reaume regarding the same.

42. Defendant Hardin, with the assistance of Defendants Reaume and Budny, spearheaded an internal investigation into the Pirlot Matter and wrongfully incriminated Plaintiff due to their mutual competition for the Chief of Police position.

43. The Wayne County Prosecutor’s Office ultimately declined to issue any criminal charges against Plaintiff. Plaintiff later learned that, despite Defendants’ investigation into Plaintiff’s actions, he was never listed on the warrant recommendation subsequently submitted to the Wayne County Prosecutor’s Office.

44. Defendants Budny, Hardin and Reaume used the investigation to tarnish Plaintiff’s name, delay the promotion process and bolster Defendant Hardin’s status as Interim Chief.

45. Defendant Hardin would not disclose that Mr. Pirlot had submitted a formal complaint despite Defendant Hardin's personal knowledge that he did.

46. Over the following year, Defendants intentionally delayed reviewing Plaintiff's recommendation for promotion to Chief continuing to cite budget reasons, as well as the internal investigation.

47. Defendants intentionally delayed Plaintiff's promotion review by removing the matter on at least two separate occasions from the Board meeting agendas, in July and August 2021.

48. In July of 2021, Defendant Reaume drafted and disseminated a letter to the Township Board alleging, without proof, Plaintiff had conspired with the police officer's union and the Commission to manipulate the promotional process despite the fact that Defendant Reaume later appointed Defendant Hardin as interim Chief immediately following the Commission's recommendation in February 2021. Again, Plaintiff received prior unanimous recommendations to be chief but was not promoted.

49. On or about October 25, 2021, Defendant Bloetscher, ignoring the February 2021 unanimous recommendation for Plaintiff's promotion, recommended to the Township Board that the Township proceed with a new process to promote or hire a chief of police. His recommendation was supported by Defendants Budny, O'Connor and Nadeau. Defendant Bloetscher blamed Plaintiff's alleged health condition¹ as one of the primary reasons for the new process, citing that he had spoken with several doctors about rehab, loss of body weight, medical issues and the inability to recover from COVID-19 from the "rumors that I've been hearing" regarding Plaintiff's condition.

¹ On August 12, 2021, Plaintiff was diagnosed with Covid-19 resulting in being placed on life support for approximately 6 weeks.

50. The new promotion process put into place by Defendants Budny, Bloetscher, O'Connor and Nadeau subjected Plaintiff to an unprecedented and scrutinizing vetting process in which the Plaintiff was subjected to a litany of testing, including but not limited to physical and psychological evaluations, background check, and receiving a tetanus shot, some of which was done, in part, by an outside agency and Defendant's own detective bureau.

51. The new promotion process also included the vetting of more than 20 applications from internal and external candidates and an intensive interview from a panel developed by Defendant Budny. Despite this new process, Plaintiff was one of the top three candidates to appear in front of the Commission for a final interview, where the Plaintiff again received the unanimous recommendation from the police commission.

52. Shortly thereafter, on February 28, 2022, the Township of Grosse Ile held a Board Meeting at which Defendants Budny, Bloetscher, O'Connor and Nadeau were present. In total, the Board consists of seven individuals and the meeting was a full capacity with over 50 Grosse Ile residents in attendance.

53. Of the Action Items to be discussed at this meeting was the appointment of Chief of Police and the Commission's unanimous recommendation for Plaintiff's promotion.

54. At the February 28, 2022 meeting, Trustees Michael Jurecki, Jamison Yager, and Joseph Porcarelli spoke at length in favor of appointing Plaintiff to Chief of Police, citing numerous reasons in support of Plaintiff's appointment, including but not limited to Plaintiff being "head and shoulders" above the other candidates.

55. In response, Defendants Bloetscher, Nadeau, Budny and O'Connor vehemently argued in opposition of Plaintiff's appointment without providing reasonable justifications.

56. Among the reasons, Defendant Bloetscher cited that the morale of the police department was allegedly low and further that "politics" had created a division within the department.

57. The department's political division cited by Defendant Bloetscher was created by Defendants working in concert with each other in an unlawful attempt to maintain majority and control of Grosse Ile Township.

58. When Defendant Nadeau spoke in opposition of Plaintiff's promotion, he stated that Plaintiff was unfit to handle the Township's budget and to supervise 24 employees, despite Plaintiff's training, experience and years in supervisory positions, such as supervising the activities of road patrol and being the lead officer for the Downriver Task Force in hostage negotiations.

59. Defendant O'Connor voiced her opposition by transforming Plaintiff's unanimous recommendation into an alleged intimidation effort by claiming Plaintiff has an "organized vocal campaign" that was "shocking, intimidating" and "weaponized" against the Board.

60. Defendant O'Connor openly admitted that Plaintiff "could have easily been Chief on his merits alone but this steamroller overshadowed his candidacy." Defendant O'Connor concluded her diatribe stating that she would not be "held hostage" and not support Plaintiff's promotion.

61. In an effort to rebut Defendants' unfounded accusations and smear campaign against Plaintiff, Trustee Porcarelli stated that the only reason Defendants were voting against Plaintiff was because they still held a grudge against Plaintiff after losing in a recent lawsuit, costing Grosse Ile hundreds of thousands of taxpayer's dollars.² Plaintiff testified against the Board in a deposition in that matter.

62. Per a press release by Trustee Porcarelli on June 29, 2020, the Michigan Court of Appeals issued a 10-page scathing opinion rejecting the Township Board's lawsuit against the Grosse Ile Police Officers Association resulting in over \$180,000.00 of taxpayers' money spent in the matter. This press release was issued to every resident of Grosse Ile Township.

² *Grosse Ile T'ship v. POAM, et al.*, COA No. 348379.

63. Trustees Porcarelli, Yager and Jurecki criticized Defendants for their abhorrent behavior during the meeting, using Plaintiff's prior medical issues against his eligibility, and condemning the public's right to comment.

64. The Board has a history of circumventing the Commission and its decisions/recommendations at the direction of Defendants. In 2018 the Township Board promoted Mark Warnick to Chief of Police by circumventing the police commission.

65. Roll call was taken at the conclusion of said meeting with Trustees Jurecki, Porcarelli and Yager voting in favor of Plaintiff's promotion and Defendants all voting against it.

66. Due to Defendants' objections, Plaintiff was not promoted to Chief of Police.

67. During the public comment portion of said meeting, a resident stated that this was the very first occasion since 1974 that the Commission's recommendation was rejected by the Board.

68. For the next thirty minutes of the public section, comments were provided almost unanimously in favor of Plaintiff receiving the promotion.

69. Defendants held majority for voting purposes and schemed in a successful plan to prevent Plaintiff's rightful and unanimous recommendation for promotion to Chief of Police.

70. Defendants Bloetscher, Nadeau, Budny and O'Connor, working in concert with each other, voted against Plaintiff's promotion due to personal vendettas each held against Plaintiff.

71. Defendants never engaged Plaintiff in conversation about his career accomplishments, leadership style, or vision for the police department.

72. Prior to the instant matter, Plaintiff applied for a promotion to Deputy Chief in 2018 but ultimately withdrew his application because Defendant Bloetscher was, at the time, negatively impacting his benefits. Defendant Bloetscher manipulated the Township Board to agree not to offer a labor agreement or letter of understanding that Plaintiff be entitled to the same benefits as the Animal Control Officer/Dispatchers/Officers.

73. On or about March 16, 2022, Plaintiff was appointed to Deputy Chief of Police by a unanimous vote through the Board of Trustees, of which includes Defendants Budny, Bloetscher, O'Connor and Nadeau.

74. Defendants' actions and statements disseminated during public meetings have severely and negatively impacted Plaintiff and his family.

75. Subsequent to the aforementioned Board meeting, residents regularly approached Plaintiff, whether they knew him personally or not, and expressed their condolences for not receiving the promotion as well as their frustration with Defendants.

76. Plaintiff has since looked for employment outside the Grosse Ile community only to be turned away due to the resounding effect of Defendants' actions and statements made publicly against Plaintiff.

COUNT I
DISABILITY DISCRIMINATION IN VIOLATION OF THE
PERSONS WITH DISABILITIES CIVIL RIGHTS ACT
AGAINST ALL DEFENDANTS

77. Plaintiff incorporates by reference herein the foregoing paragraphs and allegations.

78. At all relevant times, Plaintiff was an individual with a disability within the meaning of the Persons With Disabilities Civil Rights Act. Specifically, Plaintiff has a physical or mental impairment that substantially limits one or more of his major life activities, has a record of the impairment, and/or is regarded by Defendants as having the impairment.

79. On August 12, 2021, Plaintiff was diagnosed with Covid-19 resulting in a lengthy hospital stay and being placed on life support for approximately 6 weeks.

80. Defendants' decision to revoke the unanimous vote to promote Plaintiff to chief of police because he has a record of an impairment, constitutes discrimination against Plaintiff in respect

to the terms, conditions, and/or privileges of employment in violation of the Persons With Disabilities Civil Rights Act.

81. Defendants' decision to thwart any possibility of Plaintiff being promoted to chief of police because they regarded Plaintiff as disabled constitutes discrimination against Plaintiff in respect to the terms, conditions, and/or privileges of employment in violation of the Persons With Disabilities Civil Rights Act.

82. Defendants' acts and/or omissions and those of their agents, representatives, and employees were intentional and constituted willful disregard for Plaintiff's rights and sensibilities.

83. As a direct and proximate result of Defendants' wrongful acts and/or omissions, Plaintiff has sustained loss of earnings, earning capacity, and fringe benefits and has suffered mental anguish, physical and emotional distress, and humiliation and embarrassment.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment against Defendants in an amount consistent with the damages sustained.

COUNT II
CIVIL CONSPIRACY IN VIOLATION OF STATE LAW
AGAINST DEFENDANTS BRENT HARDIN, JAMES BUDNY, DALE REAUME, CARL
BLOETSCHER, UTE O'CONNER AND DAVID NADEAU

84. Plaintiff hereby realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

85. Defendants Brent Hardin, James Budny, Carl Bloetscher, Ute O'Conner, Dale Reaume and David Nadeau (hereinafter incorporated in Count II, only, as "Defendants," unless otherwise specifically identified) illegally, maliciously, and wrongfully conspired with one another with the intent to and for illegal purposes of, including but not limited to, wrongfully initiating a criminal investigation and preventing Plaintiff from receiving promotion to Chief of Police.

86. Defendants, in combination, conspired to fabricate statements, and/or board meeting testimony to place Plaintiff in a false light thereby preventing Plaintiff from further promotion in his employment.

87. Through the course of the internal investigation, it was determined that Plaintiff did not engage in any misconduct despite the assertion of Defendants.

88. Defendants conspired, in part due to their widely reported failure at a previous suit against the township and its police commission wasting in excess of \$180,000.00 of taxpayer money.

89. Defendant Hardin inspired and/or initiated the internal investigation to include Plaintiff.

90. Defendant Hardin further failed to provide exculpatory evidence and information ultimately misleading the criminal investigation as it pertained to Plaintiff.

91. Defendant Hardin led Defendants Budny, Bloetscher, O'Connor, Reaume and Nadeau in a meeting at which time Defendants engaged in making false allegations and representations, which ultimately denied Plaintiff the otherwise unanimous decision to be promoted to Police Chief.

92. Defendants engaged in a concerted effort to deny and/or prevent Plaintiff from becoming Chief of Police.

93. This conspiracy resulted in illegal, unlawful, or tortious activities, including but not limited to invasion of privacy – false light, and/or unjust termination prevention of receiving an otherwise duly appointed promotion.

94. As a result of the conspiracy and Defendants' illegal, wrongful, or tortious acts, Plaintiff sustained the following damages: loss of earnings; earning capacity; fringe benefits; mental anguish; physical and emotional distress; humiliation and embarrassment.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment against Defendants in an amount consistent with the damages sustained.

COUNT III
INVASION OF PRIVACY – FALSE LIGHT
AGAINST DEFENDANTS JAMES BUDNY, DALE REAUME,
CARL BLOETSCHER, UTE O’CONNOR AND DAVID NADEAU

95. Plaintiff hereby realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

96. Defendants James Budny, Carl Bloetscher, Ute O’Connor, Dale Reaume and David Nadeau (hereinafter incorporated in Count III, only, as “Defendants,” unless otherwise specifically identified) disclosed to the general public and/or a large number of people information known to be false concerning Plaintiff, his conduct in regard to the internal investigation, as well as misinformation concerning Plaintiff’s career and tenure with Defendant Grosse Ile Township.

97. Defendants’ statements were patently untrue, as Plaintiff has a stellar career free of the blemishes described by Defendants during public Township Board meetings, particularly at the meeting in which Plaintiff was denied his promotional opportunity for Police Chief.

98. Following Plaintiff’s unanimous promotion decision, Defendants disseminated and/or place false statements on the record at a public Board Meeting for approval of the promotion, only to ultimately prevent Plaintiff from receiving said promotion.

99. Thereafter, Defendants stated to the general public and closely-knit community of Grosse Ile Township in a public Board Meeting that Plaintiff was not the best qualified candidate to receive promotion to Chief of Police.

100. Throughout the months prior to, leading up to, and subsequent to the Board Meeting in questions, Defendants engaged in making statements to other board members and citizens of the

Grosse Il Township community regarding Defendants' concerns about Plaintiff's fitness to be Police Chief, statements that are otherwise inaccurate, misleading and untrue.

101. Through the course of the internal investigation of which Defendants wrongfully accuse Plaintiff of misconduct, it was determined that Plaintiff engaged in no wrongdoing.

102. Defendants nonetheless falsely, with malice and reckless indifference, issued public statements directly impacting Plaintiff's ability to obtain his well-deserved promotion.

103. Defendants' disclosure of the misleading information was highly objectionable to a reasonable person, which attributed to Plaintiff's characteristics, conduct, or beliefs that were false.

104. Defendants' untrue and misleading statements presented Plaintiff in a false light to the Grosse Ile Township community, as well as surrounding communities.

105. Defendants knew that the statements were false and misleading at the time the statements were made and/or published the remarks to third parties with knowledge of the falsity of the statements or reckless disregard of truth or falsity of the disclosed information and the false light in which Plaintiff would be placed.

106. Defendants published the false and misleading statements with malice.

107. Defendants made the statements in order to prejudice Plaintiff in the conduct of his employment duties and to deter Board Members from voting in favor of his promotion to Chief of Police.

108. Defendants also made the statements to deflect attention from their animus still held from a prior lawsuit against the police commission, one that did not work in their favor and cost taxpayers in excess of \$180,000.00.

109. As a result, Plaintiff and his family suffered from harassment, anxiety and depression from the constant and unfounded onslaught from the public, in particular Defendants.

110. Defendants' false statements resulted in serious damage to Plaintiff's reputation and personal well-being.

111. As a direct and proximate result of Defendants' wrongful acts and omissions, Plaintiff has sustained loss of earnings, earning capacity, and fringe benefits and has suffered mental anguish, physical and emotional distress, humiliation and embarrassment.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment against Defendants in an amount consistent with the damages sustained.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANTS BRENT HARDIN, DALE REAUME, JAMES BUDNY, CARL
BLOETSCHER, UTE O'CONNER AND DAVID NADEAU

112. Plaintiff hereby realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

113. Defendants Brent Hardin, Dale Reaume, James Budny, Carl Bloetscher, Ute O'Conner, Dale Reaume and David Nadeau's (hereinafter incorporated in Count III, only, as "Defendants," unless otherwise specifically identified) conduct, including but not limited to disseminating false information to the general public, assisting in initiating an internal investigation as to Plaintiff's conduct with a civilian, preventing Plaintiff from receiving his promotion to Chief of Police and conspiring to do the same.

114. Defendants' conduct including but not limited to disseminating false information to the general public, assisting in initiating an internal investigation as to Plaintiff's conduct with a civilian, preventing Plaintiff from receiving his promotion to Chief of Police and conspiring to do the same was extreme, outrageous, and of such character as not to be tolerated by a civilized society.

115. Defendants' conduct including but not limited to disseminating false information to the general public, assisting in initiating an internal investigation as to Plaintiff's conduct with a civilian,

preventing Plaintiff from receiving his promotion to Chief of Police and conspiring to do the same was for an ulterior motive or purpose.

116. Defendants' conduct including but not limited to disseminating false information to the general public, assisting in initiating an internal investigation as to Plaintiff's conduct with a civilian, preventing Plaintiff from receiving his promotion to Chief of Police and conspiring to do the same resulted in severe and serious emotional distress.

117. As a direct and proximate result of Defendants' unlawful actions against Plaintiff, Plaintiff has suffered depression, emotional and physical distress, mental and physical anguish, loss of reputation, humiliation and embarrassment, and the physical effects associated therewith, and will so suffer in the future.

118. As a direct and proximate result of Defendants' unlawful actions against Plaintiff, Plaintiff's wife and children have also suffered depression, emotional and physical distress, mental and physical anguish, loss of reputation, humiliation and embarrassment, and the physical effects associated therewith, and will so suffer in the future.

119. As a direct and proximate cause of Defendants' unlawful actions against Plaintiff, Plaintiff has been placed in financial distress and has suffered a loss of earnings, benefits, and retirement pay, as well as a loss of and impairment of his earning capacity and ability to work and will so suffer in the future.

120. As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff has been damaged in the manner outlined above.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment against Defendants in an amount consistent with the damages sustained.

COUNT V
DEFAMATION
AGAINST ALL DEFENDANTS

121. Plaintiff hereby realleges and incorporates by reference the allegations contained in the previous and subsequent paragraphs.

122. Defendants stated to the media and general public all of the aforementioned reasons Plaintiff was subjected to an internal investigation and subsequently not afforded the promotion to Chief of Police.

123. Defendants stated to the media and general public during Board Meetings all of the aforementioned statements pertaining to Plaintiff's character that were untruthful, misleading and designed to place Plaintiff in a false light.

124. Specifically:

- a. Defendant Bloetscher erroneously blamed Plaintiff solely for the early retirement of Chief Warnick;
- b. Defendant Nadeau stated that he based his decision to deny Plaintiff the promotion because of Plaintiff's alleged inability to run and manage a budget, despite Plaintiff's proven track record establishing his ability to properly manage a budget;
- c. Defendant O'Connor stated that Plaintiff's alleged failure of leadership led to her alleged intimidation by residents;
- d. Defendant O'Connor stated that Plaintiff allegedly led an organized steamroller campaign for the promotion to chief despite the fact that Plaintiff was in the hospital with Covid-19 battling for his life, while at the same time being prohibited from taking action pursuant to department policy;
- e. Defendant Reaume distributed a letter of recommendation accusing Plaintiff of allegedly conspiring with the police officer's union and police commission to manipulate the promotion process, despite Plaintiff both attempting to utilize the promotion process used every year prior, as well as trying to accommodate to Defendants' new and unreasonable promotional process;
- f. Defendant Budny openly and publicly blamed Plaintiff for threats further stating, without a proper basis, that Plaintiff allegedly created a division within the police department while demonstrating that Plaintiff was unable to put the department before himself (Plaintiff);

- g. Defendant Hardin failed to include exculpatory information relative to the investigation of the Pirlot Matter thereby misleading the same as it pertains to Plaintiff.
- 125. Defendants' untrue and misleading statements presented Plaintiff in a false light.
- 126. Defendants knew that the statements were false and misleading.
- 127. Defendants published the remarks to third parties with knowledge of the falsity of the statements or reckless disregard of truth or falsity.
- 128. Defendants made the statements with actual malice.
- 129. Defendants' statements were not privileged.
- 130. Defendants made the statements in order to prejudice Plaintiff in the conduct of his employment duties and to deter others from voting in favor of his promotion to Police Chief.
- 131. Defendants also made the statements to deflect attention from their improper and discriminatory actions.
- 132. Defendants' defamatory statements resulted in serious damage to Plaintiff's reputation.
- 133. As a direct and proximate result of Defendants' wrongdoing, Plaintiff sustained loss of earnings, loss of earning capacity, past and future lost earnings, the value of fringe and pension benefits, lost job and career opportunities, damage to his good name and reputation in the community, mental and emotional distress, humiliation and embarrassment, loss of enjoyment of the ordinary pleasures of everyday life, and loss of the ability to pursue employment of choice.

WHEREFORE, Plaintiff respectfully requests this Court grant him judgment against Defendants in whatever amount greater than twenty-five thousand dollars (\$25,000.00) he is deemed entitled, together with interest, costs, attorney fees, and all other relief this Court deems just and proper.

Respectfully submitted,

FLOOD LAW, PLLC

/s/ Todd F. Flood

TODD F. FLOOD (P58555)

155 West Congress Street, Suite 603

Detroit, Michigan 48226

PH: (248) 547-1032

tflood@floodlaw.com

TERESA J. GORMAN PLLC

/s/ Teresa J. Gorman

TERESA J. GORMAN (P61001)

5700 Crooks Road, Suite 200

Troy, MI 48098

PH: (248) 763-6943

terigorman@aol.com

Attorneys for Plaintiff

Dated: June 6, 2023

DEMAND FOR JURY TRIAL

Plaintiff KENNETH PELLAND, by and through counsel and FLOOD LAW, PLLC, hereby demands a trial by jury in the above-captioned matter.

Respectfully submitted,

FLOOD LAW, PLLC

/s/ Todd F. Flood

TODD F. FLOOD (P58555)

155 West Congress Street, Suite 603

Detroit, Michigan 48226

PH: (248) 547-1032

tfflood@floodlaw.com

TERESA J. GORMAN PLLC

/s/ Teresa J. Gorman

TERESA J. GORMAN (P61001)

5700 Crooks Road, Suite 200

Troy, MI 48098

PH: (248) 763-6943

terigorman@aol.com

Attorneys for Plaintiff

Dated: June 6, 2023