

MICHIGAN Lawyers Weekly

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VERDICTS & SETTLEMENTS

NoFault

6-year battle for benefits ends in multimillion-dollar verdict

■ \$2,135,991 verdict



Jon Marko



Manny Chahal

HARBANS KAUR, a 76-year-old wife, mother and grandmother, was walking in a residential neighborhood of Canton. She was struck while crossing the street by a vehicle owned and operated by a driver insured by defendant Citizens Insurance Company. Kaur, a Canadian citizen, stayed with her son in Michigan six months out of the year, and stayed in Canada with her other children the other six months. She suffered catastrophic injuries, including a TBI. The driver told police at the scene that he hit Kaur and he apologized to the family. He was given a hazardous action by the police. Kaur could not remember anything from the accident. Her husband, who was walking with her, did not see her get hit because he was talking to a neighbor, but he heard a loud “thump” when her body was hit. The defendant driver changed his story after the accident and claimed Kaur simply “fell over” 1-2 feet in front of his vehicle.

He called the police officer and told him his police report was wrong and asked him to change it. Kaur’s family made a claim for no-fault insurance benefits with Citizens. Citizens did a minimal investigation over 13 days and denied the claim on the basis that, under the no-fault act, Kaur had to go through her son’s insurance. Kaur’s family made a claim with her son’s insurance, Meemic, which paid a small amount of benefits before cutting Kaur off for the reason that it determined Citizens was the responsible insurer.

The conflict between the insurer companies was based on domicile. The insurance companies fought each other for six years. The case went to the Michigan Court of Appeals twice on this and other issues.

At trial, the insurance companies pointed fingers at each other. The jury did not believe the driver. Before trial, plaintiff’s counsel obtained a court order allowing a forensic examination of the driver’s cell phone. The exam revealed the driver was Googling things like “what is my liability for a car accident in Michigan.” The driver deleted this search history prior to giving his phone to the forensic examiner, but this was able to be recovered. The driver’s phone records indicated he talked to the insurance company

36 minutes prior to calling the police officer to change his story. The jury was out about 2.5 hours before coming back with a unanimous verdict. A motion for attorney fees and costs is pending. Plaintiff expects more than \$1 million in extra attorneys’ fees and costs. Jon Marko, counsel for the plaintiff, provided case information.

Type of action: No Fault

Injuries alleged: Attendant care, medical bills, replacement services
Name of case: Kaur v. Citizens and Meemic Insurance Company

Court/Case no./Date: Wayne County Circuit Court; 17-014352-NI; 11/16/2022

Tried before: Jury

Name of judge:

Hon. Dana Hathaway

Demand: \$2.5 million (inclusive of fees)

Highest offer: \$0

Case evaluation: \$200,000

Verdict amount: \$2,135,991.03, plus no fault attorneys’ fees and costs

Most helpful experts:

Tim Robbins, accident reconstruction;
Dr Jeffrey Rosenberg, treating PMR;
Dr. Mark Hake, treating ortho

Insurance carrier: Citizens

Attorneys for plaintiff:

Jon Marko, Detroit; Manny Chahal, Bingham Farms