

New trial granted in \$37 million excessive force case

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June 27, 2017

Plunkett Cooney, one of the Midwest's largest and oldest law firms, successfully obtained a new trial on behalf of its client in an excessive force lawsuit where the jury originally awarded \$37 million to the plaintiff.

The above-mentioned case, *Jennings v. Genesee Cnty. Deputies*, is a 42 U.S.C. 1983 excessive force case that was brought against six Genesee County Sheriff's Department officers by the plaintiff William Jennings. The plaintiff was allegedly mistreated while in custody after his arrest for drunk driving on Sept. 18, 2010.

Following a 12-day jury trial in the U.S. District Court for the Eastern District of Michigan, the jury awarded \$17.63 million in compensatory damages and \$19 million in the aggregate in punitive damages.

Partners Robert G. Kamenec and Jeffrey C. Gerish of Plunkett Cooney's Appellate Law Practice Group were retained to represent the defendants in post-trial and appellate proceedings. Nine post-judgment motions were filed, including separate remittitur motions for each defendant. On May 23, the district court granted remittitur and reduced the combined damages to \$11 million, \$5 million in compensatory damages and \$6 million in punitive damages.

As required by federal law, the plaintiff was given the option to accept the remittitur or face a new trial on all issues. The plaintiff failed to accept the remittitur. On June 15, the district court signed an order granting a new trial on all issues.

Kamenec, who is a member of Plunkett Cooney's Bloomfield Hills office, focuses his practice in the area of appellate law, with particular emphasis in the substantive areas of insurance coverage, bad faith, medical malpractice, professional liability, class actions, directors' and officers' liability, drug liability, and title insurance. Having successfully handled appeals of multi-million dollar verdicts, as well as precedent-setting cases, he has briefed and argued hundreds of cases at all levels of the Michigan court system, as well as in the Sixth Circuit Court of Appeals. Kamenec also practices in the areas of special and complex litigation and telecommunications. He is a member of the American Academy of

NEW TRIAL GRANTED IN \$37 MILLION EXCESSIVE FORCE CASE Cont.

Appellate Lawyers and routinely honored in *Best Lawyers* for appellate law.

A member of the firm's Bloomfield Hills office, Jeffrey C. Gerish practices in the areas of appellate law, insurance coverage and commercial litigation. He has successfully represented clients in numerous published decisions issued by the U.S. Court of Appeals for the Sixth Circuit, the Michigan Supreme Court and the Michigan Court of Appeals. He is also a member of the firm's Insurance Coverage Practice Group.

Plunkett Cooney is one of the few Midwest law firms with a dedicated team of appellate attorneys. The firm's appellate lawyers frequently handle cutting-edge appeals involving issues of first impression, and they have been involved in many of Michigan's landmark appellate decisions. They also provide a range of specialized services, including advice and counsel during ongoing trials to optimally position cases for appeal, if necessary.

Established in 1913, Plunkett Cooney employs approximately 140 attorneys in eight Michigan cities; Chicago, Illinois; Columbus, Ohio and Indianapolis, Indiana. The firm has achieved the highest rating (AV) awarded by Martindale-Hubbell, a leading, international directory of law firms and is listed among the U.S. News – Best Lawyers "Best Law Firms" in 2016. Plunkett Cooney has also received numerous awards naming the firm as a top place to work within the legal industry.

For more information about the new trial in Jennings, contact the firm's Director of Marketing and Business Development, John Cornwell, at (248) 901-4008; jcornwell@plunkettcooney.com.

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