

Focus: Law

**Estate Development Co. v. Oakland County Road Commission
Flooded lots**

A developer with six large lots planned for development off Orchard Lake's Mirror Lake was awarded \$2.2 million after the **Road**



Crow

Commission for Oakland County, during a road construction project on Pontiac Trail, blocked the drain serving the lake and caused it to flood.

In the lawsuit, **Estate Development** said it repeatedly asked the road commission to clear the pipe and relieve the floodwaters, but the requests were ignored.

Estate Development's proposed development on six to eight acres around Mirror Lake, which previously was approved by the village of Orchard Lake, was subsequently destroyed by the flooding.

The jury found in favor of the plaintiff. The road commission sued

■ **Venue:** Oakland County Circuit Court, Judge Steven Andrews

■ **Case filed:** March 26, 2004

■ **Verdict:** \$2.2 million, March 18, 2009

■ **Plaintiff:** Estate Development Co., Orion Township

■ **Lead attorney:** **Michael Crow**, Secrest, Wardle, Lynch, Hampton Truex and Morley P.C., Farmington Hills

■ **Defendant:** Road Commission for Oakland County. Third-party defendant: Thompson-McCully Co.

■ **Lead attorney:** **Steven Potter**, Potter, DeAgostino, O'Dea & Patterson, Auburn Hills

■ **Attorney for third party:** **Mary Massaron Ross**, Plunkett Cooney P.C.

contractor **Thompson-McCully**, which sued subcontractors. The jury said the road commission and Thompson-McCully were responsible; the case is next to be reviewed by the **Michigan Court of Appeals**.

— *Brett Callwood*