

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN

JUDICIAL DISTRICT

7th

JUDICIAL CIRCUIT

Genesee

COUNTY

SUMMONS

CASE NO.

24.120566.CZ

B. CHRIS CHRISTENSON
P-61009
Court telephone no.

Court address

900 S. Saginaw Street, Flint, Michigan 48502

Plaintiff's name, address, and telephone no.
ERIC HAKEEM DEONTAYE MAYS
331 Abbie Street S.E.
Grand Rapids, Michigan 49548
(616) 304-4147

v

Defendant's name, address, and telephone no.
CITY OF FLINT, MICHIGAN,
CITY OF FLINT HUMAN RESOURCES DIRECTOR ED
SMITH,
MAYOR SHELDON NEELEY, and
CITY ATTORNEY WILLIAM KIM

Plaintiff's attorney, bar no., address, and telephone no.
John A. Fernandez, Esq. (P68029)
Lento Law Group, P.C.
The Ferris Wheel
615 Saginaw Street, Flint, Michigan 48502
(810) 542-6522

City of Flint, Law Department
ATTN: William Kim
1101 S. Saginaw Street, 3rd Floor
Flint, Michigan 48502

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 (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 (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 of Michigan).
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 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 3-8-24	Expiration date* 6-7-24	Court clerk <i>Debra A. ...</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court

STATE OF MICHIGAN
IN THE 7TH JUDICIAL CIRCUIT COURT FOR GENESEE COUNTY

ERIC HAKEEM DEONTAYE MAYS,

Plaintiff,

v.

CITY OF FLINT, MICHIGAN,

CITY OF FLINT HUMAN RESOURCES
DIRECTOR ED SMITH, in his official and
individual capacities,

MAYOR SHELDON NEELEY, in his official and
individual capacities, and

CITY ATTORNEY WILLIAM KIM, in his
official and individual capacities,

Defendants.

No. 24- 120565 - CJ

HON. B. CHRIS CHRISTENSON
P-61009

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF

A TRUE COPY
GENESEE COUNTY CLERK

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jafernandez@lentolawgroup.com
Attorney For Plaintiff

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

Plaintiff ERIC HAKEEM DEONTAYE MAYS ("Plaintiff"), by and through their undersigned counsel, John A. Fernandez, Esq. of Lento Law Group, P.C., hereby file this Complaint against Defendants CITY OF FLINT, MICHIGAN, CITY OF FLINT HUMAN

RESOURCES DIRECTOR ED SMITH, MAYOR SHELDON NEELEY, and CITY ATTORNEY WILLIAM KIM, and in support thereof, avers as follows:

PARTIES, JURISDICTION, AND VENUE

1. At all times relevant herein, Plaintiff ERIC HAKEEM DEONTAYE MAYS, is an adult resident citizen of the City of Grand Rapids, County of Kent, and State of Michigan.
2. ERIC HAKEEM DEONTAYE MAYS is the natural son of Eric Bradford Mays, deceased. *See*, a true and correct copy of Plaintiff’s Birth Certificate and Affidavit of Parentage collectively annexed hereto as **EXHIBIT “A”**.
3. Defendant, CITY OF FLINT MICHIGAN is a municipal entity and body politic created under and by virtue of the laws of the state of Michigan.
4. Defendant, ED SMITH, is the CITY OF FLINT HUMAN RESOURCES DIRECTOR. At all times material hereto, he was acting in both his official and individual capacities.
5. Defendant, SHELDON NEELEY, is the MAYOR of the CITY OF FLINT. At all times material hereto, he was acting in both his official and individual capacities.
6. Defendant, WILLIAM KIM, is the CITY ATTORNEY for the CITY OF FLINT. At all times material hereto, he was acting in both his official and individual capacities.
7. This Court has jurisdiction over this matter pursuant to, *inter alia*, Mich. Comp. Laws Serv. § 600.601 (LexisNexis, Lexis Advance through Act 11 of the 2024 Regular Legislative Session).
8. The Seventh Judicial Circuit Court for Genesee County has venue over this matter as all of the events giving rise to this litigation and the Defendants occurred in and reside and/or work in Genesee County, Michigan.

GENERAL FACTUAL ALLEGATIONS

9. Eric Bradford Mays, deceased, was a duly elected member of the Flint, Michigan City Council, representing its First Ward.
10. On February 24, 2024, Eric Bradford Mays suddenly died at his home.
11. Plaintiff is the natural son of Eric Bradford Mays. (*See, Exhibit "A"*)
12. As an employee and/or duly elected official of the City of Flint, the City provided Eric Bradford Mays, deceased, with a life insurance policy.
13. The aforementioned life insurance policy was active and in force at the time of Eric Bradford Mays', deceased, death.
14. Upon information and belief, Plaintiff was the named beneficiary of said insurance policy.
15. Plaintiff retained the Lento Law Group to represent him in several legal matters, including those related to the aforementioned life insurance policy.
16. Prior to his death, Eric Bradford Mays was the political adversary of Defendant Neeley and his political allies on Flint City Council.
17. Prior to his death, Defendant Neeley and his political allies on Flint City Council engaged in a multi-year campaign to silence Eric Bradford Mays, remove him from his City Council seat, remove him from City Council meetings, defame him, and disenfranchise the citizens of the First Ward which he represented.
18. The aforementioned conduct by Defendant Neeley and his allies on Flint City Council was motivated by both personal and political animus against Eric Bradford Mays and resulted in numerous lawsuits between Mr. Mays and the City of Flint, Defendant Neeley, and others.
19. Defendant Kim is Flint City Attorney, having been appointed by Defendant Neeley, and has been instrumental in assisting Defendant Neeley and his political allies on Flint City Council

in their multi-year campaign to silence Eric Bradford Mays, remove him from his City Council seat, remove him from City Council meetings, defame him, and disenfranchise the citizens of the First Ward which he represented.

20. On March 6, 2024, Plaintiff and representatives of Plaintiff's retained law firm (hereinafter Lento personnel) went to the office of Defendant Smith, the Director of the City of Flint, Michigan Human Resources Department.

21. Plaintiff, by and through the Lento personnel requested (a) a copy of the City policy insuring Eric Bradford Mays' life, (b) instructions on how Plaintiff should or could apply for the insurance benefits as it is his understanding that he is the named beneficiary, and (c) any applications or other documents that Plaintiff needed to apply for the insurance benefits as the presumed beneficiary.

22. Defendant Smith refused to provide any of the information or documentation requested.

23. Defendant Smith stated that Defendant Kim ordered him not to provide this information or documentation.

24. The Lento personnel then went to Defendant Kim's office and made the same requests.

25. Defendant Kim also refused to provide any of the information or documentation requested.

26. Defendant Kim stated that he would not release the information and documentation absent a court order and until an Administrator was appointed for the Estate of Eric Bradford Mays.

27. When Defendant Kim was reminded that life insurance benefits do not pass through the Estate and are not subject to probate, and therefore his requirements of the appointment of an Administrator were arbitrary, capricious, and unreasonable, he continued to balk at providing the requested information and documents.

28. Upon information and belief, the conduct of Defendants Smith and Neeley was based upon the instructions of Defendant Neeley.

COUNT I
INJUNCTIVE RELIEF
(AS TO ALL DEFENDANTS)

29. Plaintiff repeats and realleges all allegations contained herein above, and incorporates same here by reference as though set forth at length.

30. Upon information and belief, Plaintiff is the beneficiary of the City life insurance policy referenced above.

31. At the very minimum, as the natural son of Eric Bradford Mays, deceased, Plaintiff is a potential beneficiary of said life insurance policy.

32. Plaintiff requires a copy of the policy to determine whether he is the beneficiary of said policy.

33. Plaintiff requires an application for benefits under the policy, and any special instructions to apply for the benefits under the policy, to begin the process to identify himself as the beneficiary and to begin the process to obtain the insurance benefits.

34. There is no legal basis for the Defendants to deprive Plaintiff of requested documents and information.

35. The Defendants acted in an arbitrary, capricious, unreasonable, and unlawful manner in refusing to provide the Lento personnel, on behalf of the Plaintiff, with the requested information and documentation.

36. Plaintiff is severely harmed by the Defendants' actions because, without the requested information and documentation, he is unable to definitively determine that he is the beneficiary of the City life insurance policy and begin the process to receive the insurance benefits.

WHEREFORE, Plaintiff asks this Honorable Court to enter an affirmative injunction compelling the Defendants to produce and deliver to the Plaintiff, within 48 hours, a copy of the City life insurance policy on the life of Eric Bradford Mays, an application for Plaintiff to apply for the payment of benefits under said policy, and all other information necessary for Plaintiff to apply for the payment of benefits under said policy.

COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(AS TO ALL DEFENDANTS)

37. Plaintiff repeats and realleges all allegations contained herein above, and incorporates same here by reference as though set forth at length.

38. The Defendants, jointly and severally, have refused to provide Plaintiff with the documentation and information requested in furtherance of their long-standing animosity toward Plaintiff's father, Eric Bradford Mays, deceased.

39. Even in death, the Defendants have decided to torment the late Councilman Mays, by interfering with his last wish, i.e., that the Plaintiff receive the benefits under his City life insurance policy.

40. The Defendants know that the Plaintiff is emotionally fragile after the recent death of his father, and the Defendants' arbitrary, capricious, unreasonable, and unlawful refusal to provide the Lento personnel, on behalf of the Plaintiff, with the requested information and documentation is intended to punish the Plaintiff for being the son of the Defendants' political adversary.

41. As such, it is intended to cause Plaintiff severe emotional distress.

42. As a result of the joint and several conduct by the Defendants, Plaintiff has experienced severe emotional distress with resulting physical manifestations.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the value of the insurance policy, an additional sum in excess of One Million Dollars, attorney fees and expenses, treble damages as permitted at law, and such other relief as the Court find appropriate.

COUNT III
UNJUST ENRICHMENT
(AS TO ALL DEFENDANTS)

43. Plaintiff repeats and realleges all allegations contained herein above, and incorporates same here by reference as though set forth at length.

44. “The doctrine of 'unjust enrichment' is that a person shall not be allowed to profit or enrich himself inequitably at another's expense... Unjust enrichment of a person occurs when he has and retains money or benefits which in justice and equity belong to another.” *McCreary v. Shields*, 333 Mich. 290, 294, 52 N.W.2d 853, 855 (1952).

45. Upon information and belief, the City of Flint self-funds the City life insurance policy at issue in this lawsuit.

46. Plaintiff is entitled to the benefits under the subject life insurance policy.

47. By refusing to provide Plaintiff with a copy of the insurance policy, and the application and information necessary to obtain the benefits under the policy, the Defendants are retaining the money or benefits which in justice and equity belong to another, to wit, the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the value of the insurance policy, an additional sum in excess of One Million Dollars, attorney fees and expenses, treble damages as permitted at law, and such other relief as the Court find appropriate.

COUNT IV
CONVERSION
(AS TO ALL DEFENDANTS)

48. Plaintiff repeats and realleges all allegations contained herein above, and incorporates same here by reference as though set forth at length.

49. “Common-law conversion is defined as ‘any distinct act of domain wrongfully exerted over another's personal property in denial of or inconsistent with the rights therein.’” *Lawsuit Fin, LLC v Curry*, 261 Mich App 579, 591; 683 NW2d 233 (2004).

50. The Defendants, by refusing to provide the Plaintiff with a copy of the subject City life insurance policy, application for benefits, and information concerning how to apply for the insurance benefits, are wrongfully exerting their domain over the insurance benefits that rightfully belong to the Plaintiff.

51. The Defendants, by refusing to provide the Plaintiff with a copy of the subject City life insurance policy, application for benefits, and information concerning how to apply for the insurance benefits, are wrongfully exerting their domain over the insurance benefits that rightfully belong to the Plaintiff and are inconsistent with Plaintiff’s rights.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the value of the insurance policy, an additional sum in excess of One Million Dollars, attorney fees and expenses, treble damages as permitted at law, and such other relief as the Court find appropriate.

COUNT V
BREACH OF CONTRACT
(AS TO ALL DEFENDANTS)

52. Plaintiff repeats and realleges all allegations contained herein above, and incorporates same here by reference as though set forth at length.

53. The subject City life insurance policy is a contract between the City and the decedent to pay benefits to the beneficiary named by the decedent.

54. As such, Plaintiff is a third-party beneficiary of the subject City insurance policy.

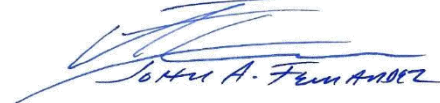
55. By refusing to provide Plaintiff a copy of the insurance policy, the application which Plaintiff must use to obtain the benefits under said policy, and the information necessary to do the same, the Defendants are in effective breach of contract for affirmative thwarting the contract from being fulfilled.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the value of the insurance policy, an additional sum in excess of One Million Dollars, attorney fees and expenses, treble damages as permitted at law, and such other relief as the Court find appropriate.

DEMAND FOR JURY TRIAL ON COUNTS II THROUGH V

Plaintiff demands a jury trial on Counts II through V.

Respectfully Submitted,



Date: March 8, 2024

John A. Fernandez, Esquire (P68029)
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jafernandez@lentolawgroup.com
Attorney For Plaintiff

EXHIBIT

“A”

Mag # 168 C-2304

LF 1066
CF



STATE OF MICHIGAN
DEPARTMENT OF PUBLIC HEALTH

88 0485339
STATE FILE NUMBER

013403

CERTIFICATE OF LIVE BIRTH

CHILD — NAME (FIRST) Eric		(MIDDLE) HaKeem Deontaye	(LAST) Mays
1. SEX Male	THIS BIRTH — SINGLE, TWIN, TRIPLET, ETC. (SPECIFY) 3a. Single	IF NOT SINGLE — BORN 1ST 2ND, 3RD, ETC. (SPECIFY) 3b.	DATE OF BIRTH (MO) (DAY) (YEAR) February 25 1986 4a. 4b. 3:25AM
HOSPITAL NAME — (IF NOT HOSPITAL GIVE STREET AND NUMBER) 5a. Flint Osteopathic Hospital		CITY, VILLAGE, OR TOWNSHIP OF BIRTH 5b. Flint	COUNTY OF BIRTH 5c. Genesee
I CERTIFY THAT THE ABOVE NAMED CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE		NAME AND TITLE OF ATTENDANT AT BIRTH IF OTHER THAN CERTIFIER	
6a. SIGNATURE: /s/ John J. Strobl, D.O.		DATE: Feb. 29, 1986 6b.	
CERTIFIER NAME AND TITLE (PRINT OR TYPE) 6c.		MAILING ADDRESS (ST. NO., CITY OR VILLAGE, STATE, ZIP) 6d. 434 Flushing Rd., Flushing, Michigan 48433	
REGISTRAR'S SIGNATURE 7a. /s/ John H. Trecha		DATE RECEIVED BY LOCAL REGISTRAR — (MO., DAY, YEAR) 7b. March 3, 1986	
MOTHER — MAIDEN NAME 8a. Wendy Colleen Forrest (FIRST) (MIDDLE) (LAST)		SOCIAL SECURITY NUMBER 8b.	AGE (AT TIME OF THIS BIRTH) 8c. 27
RESIDENCE (Check one box and specify) 8e. <input type="checkbox"/> INSIDE CITY LIMITS OF <input type="checkbox"/> INSIDE VILLAGE LIMITS OF <input type="checkbox"/> TWP. OF Flint		COUNTY 8f. Genesee	STATE 8g. Michigan
FATHER — NAME 9a. Eric Bradford Mays (FIRST) (MIDDLE) (LAST)		SOCIAL SECURITY NUMBER 9b.	AGE (AT TIME OF THIS BIRTH) 9c. 27
INFORMANT 10a. /s/ Wendy Forrest		RELATION TO CHILD 10b. Mother	

STATE OF MICHIGAN
JUDICIAL DISTRICT
7TH JUDICIAL CIRCUIT
GENESEE COUNTY PROBATE

CERTIFICATION OF RECORDS/
ATTESTATION OF EXEMPLIFIED COPIES

CASE NO. 86071457

24-120529-CZ
Court telephone no: 810-257-3510

Court address: 900 S. Saginaw St., Room 104, Flint, Michigan 48502

Plaintiff	Defendant
v	

Juvenile In the matter of: _____

Circuit In the matter of: Eric HaKeem Deontaye Mays 02/25/1986

ATTESTATION OF CLERK/REGISTER

I am the clerk/register of the court and I attest that:

A TRUE COPY
GENESEE COUNTY CLERK

1. I am the custodian of the records of the 7th Judicial Circuit – Family Division.
2. I have compared the annexed copies of Affidavit of Parentage from the above case with the originals on file and of record in this court, and I find the copies to be true copies of the whole of such originals.

03/06/2024
Date

Mary Anne Falk
Signature

Clerk/Register (type or print)

By: Mary Anne Falk
Sr. Family Court Clerk (type or print)

CERTIFICATION OF JUDGE

I, _____, judge of the 7th Judicial Circuit - Family Division court, certify that the above attestation is
Name (type or print)
In proper form and that the signature is genuine.

Date

Judge

Bar No.

(SEAL)

NOTE: The Certification of Judge is completed only when records are being sent out of the state.

FORMS WILL NOT BE ACCEPTED

86071457

IF NOT TYPED OR PRINTED AFFIDAVIT OF PARENTAGE

LEGIBLY IN BLACK INK

We affirm that we are the natural parents of HaKeem Deontaye Forrest
(name of child at birth)
who was born in Flint, Genesee, Michigan on 2-25-86
(place of birth; city, county, state) (date of birth)

and that we execute this affidavit for the purpose of acknowledging the paternity of this child. We hereby consent that the name of the natural father may be included on the certificate of birth for this child. We request that this affidavit be presented to the probate court of GENESEE (county of parent's residence) (be/not be) for filing as an acknowledgement of paternity pursuant to MCLA 700.111(4)(a).

The mother states that she was unmarried when this child was born or conceived; or that the child, though born or conceived during a marriage, is not an issue of that marriage as determined by a court of competent jurisdiction and that a certified copy of that court order is attached.

The child's full name should be recorded on the birth certificate as follows:

Eric HaKeem Deontaye Mays
(New name for child)

FATHER

MOTHER

Name Eric Bradford Mays
Date of Birth 9-16-58
Place of Birth Flint, Michigan
Social Security Number [REDACTED]
County of Residence GENESEE
Eric Bradford Mays
Signature of Father

Name Wendy Colleen Forrest
Date of Birth 10-24-58
County of Residence GENESEE
Wendy Colleen Forrest
Signature of Mother
(For court filed affidavits only: When the mother is unable to sign and her signature is not obtained an explanation should be attached to this affidavit)

The foregoing affidavit was attested to before me on 13th day of March 19 86, by Eric Bradford Mays and he on oath stated that all the statements made therein are true and correct.

The foregoing affidavit was attested to before me on 13th day of March 19 86, by Wendy Colleen Forrest and she on oath stated that all the statements made therein are true and correct.

Ruth E. Link
Notary Public, Genesee County, Michigan.

Ruth E. Link
Notary Public, Genesee County, Michigan.

Michigan. My Commission Expires: 1/10/87

Michigan. My Commission Expires: 1/10/87

Signed by the father in the presence of Bonnie J. Hall
Beverley Lasater
Beverley Lasater

Signed by the mother in the presence of: Bonnie J. Hall
Beverley Lasater
Beverley Lasater

JUVENILE DIVISION
PROBATE COURT
REGISTER

CS