UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

C. MCCADDEN, by his next friend, CHRYSTAL MCCADDEN

Plaintiff,

v

CITY OF FLINT, et al.,

Defendants.
_____/

Case No. 2:18-cv-12377-DPH-MKM
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CITY DEFENDANTS' PARTIAL MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

The City of Flint and Chief Timothy Johnson (collectively, "City Defendants") respectfully request that this Court DISMISSS Plaintiff's Complaint as applied to them. The Complaint fails to state a claim against either the City or Chief Johnson on which relief can be granted and they are entitled to dismissal as matter of law, pursuant to Fed. R. Civ. P. 12(b)(6). Concurrence in this motion was requested, accompanied by an explanation of the motion's nature and legal basis, on October 9, 2018. Concurrence was not granted.

Respectfully submitted,

Dated: October 9, 2018

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BRIEF IN SUPPORT OF CITY DEFENDANTS' PARTIAL MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

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STATEMENT OF THE ISSUES PRESENTED

1) Should an official-capacity claim against a municipal official be dismissed when it is duplicative of a claim against a municipality?
2) Should a *Monell* claim be dismissed where the plaintiff has failed to plausibly allege an unconstitutional policy or a failure to train?
3) Should a Title II ADA claim be dismissed if the actual policy contradicts the plaintiff's allegations?
4) Should a Title II ADA claim be dismissed if there was no discriminatory policy directed at the plaintiff in particular?
5) Should a Title II ADA claim be dismissed if the defendant named does not fall within the scope of the statute?
6) May a Section 504 Rehabilitation Act claim survive where the plaintiff has failed to allege a claim under the ADA on which relief could be granted?
7) May a Section 504 Rehabilitation Act claim survive where a plaintiff fails to allege that he was discriminated against solely because of his disability?
8) May a claim under Michigan's Persons With Disabilities Civil Rights Act survive where a plaintiff fails to establish a claim under Title II of the ADA?

CONTROLLING AUTHORITY SUPPORTING MOTION

Movants rely primarily upon the following most controlling or persuasive authority in support of this motion:

Cases

Anderson v. City of Blue Ash, 798 F.3d 338 (6th Cir. 2015) 10, 12

Burgess v. Fischer, 735 F.3d 462 (6th Cir. 2013) 9

Doe v. Claiborne Cty., 103 F.3d 495 (6th Cir. 1996) 5

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Rondigo, L.L.C. v. Twp. of Richmond, 641 F.3d 673 (6th Cir. 2011) 3, 4

S.S. v. E. Ky. Univ., 532 F.3d 445 (6th Cir. 2008).....14

Smith v. City of Troy, 874 F.3d 938 (6th Cir. 2017).....6

Sutton v. Metro. Gov't of Nashville and Davidson Cnty., 700 F.3d 865 (6th Cir. 2012).....4

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I. INTRODUCTION

This is a civil action arising out of an incident that occurred on or about October 12, 2015. Plaintiff C. McCadden, seven years old on that date, alleges that, while attending an after-school program run by the Flint & Genesee Chamber of Commerce, he was handcuffed by Officer Terrence Walker for approximately one hour. McCadden further alleges that this occurred pursuant to a policy of the City of Flint ("City") and Chief Timothy Johnson ("Chief Johnson") of the Flint Police Department ("FPD") who is named here only in his official capacity (collectively, "City Defendants"). As a matter of law, McCadden has failed to state a claim on which relief can be granted, and the City Defendants respectfully request that this Court dismiss all counts against them pursuant to Fed. R. Civ. P. 12(b)(6).

II. FACTUAL BACKGROUND

The Complaint's factual (as opposed to conclusory) allegations are accepted as true for the purposes of this motion, as required under FED. R. CIV. P. 12(b)(6). In October 2015, C. McCadden was seven years old. Compl., Dkt 1 at ¶26. He was previously diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and has an individualized education plan (IEP). Compl., Dkt 1 at ¶28-29.

On or about October 12, 2015, while attending the YouthQuest after-school program at Brownell STEM Academy, McCadden alleges that he was handcuffed by FPD Officer Terrence Walker for approximately one hour. Compl., Dkt 1 at ¶31-

46. While this incident occurred at Brownell STEM Academy (a public school in the Flint Community Schools system), the YouthQuest after-school program is run by the Flint & Genesee Chamber of Commerce. Compl., Dkt 1 at ¶25; *see also* Elementary Schools, FLINT COMMUNITY SCHOOLS (*available at https://tinyurl.com/yc32ccsm*) (last accessed October 9, 2018).

As to the City of Flint, McCadden factually alleges only that the City is located in Genesee County, Michigan, and that it operates the Flint Police Department. Compl., Dkt 1 at ¶22. McCadden concludes, without factual support, that his alleged constitutional deprivations were caused by "deliberately indifferent policies, customs, and established practices, including inadequate training, by the City of Flint." Compl., Dkt 1 at ¶66. McCadden also alleges, without further factual support, that that the City "maintained and continues to maintain, with deliberate indifference, a policy and practice of imposing unnecessary mechanical restraints such as handcuffs on children with disabilities," "failed with deliberate indifference to implement the nondiscrimination and reasonable modification requirements of Title II of the ADA," and "authorized SROs, including Officer Walker, to discriminate against children with disabilities." Compl., Dkt 1 at ¶74-75; *see also* Compl., Dkt 1 at 82, 97 (making similar allegations against the City). As to Chief Timothy Johnson, McCadden alleges only that Chief Johnson is Chief of Police, with the authority to set FPD policy. Compl., Dkt 1 at ¶23.

III. ANALYSIS

The Complaint alleges five counts against either the City or Chief Johnson. Count I alleges an unconstitutional seizure claim under 42 U.S.C. §1983 against Chief Johnson.[1] Count II alleges a *Monell* claim against the City. Count III alleges a disability-based discrimination claim against the City, under Title II of the Americans with Disabilities Act, 42 U.S.C. §12132, while the first Count IV (sic) alleges a disability-based discrimination claim under Section 504 of the Rehabilitation Act, 29 U.S.C. §794.[2] Finally, Count V alleges a state-law claim under the Persons with Disabilities Civil Rights Act, M.C.L. §37.1101 *et seq*., against the City.[3]

A. STANDARD OF REVIEW

A 12(b)(6) motion tests if a Complaint states a claim on which relief can be granted. FED. R. CIV. P. 12(b)(6). The allegations in the Complaint are generally accepted as true and all reasonable inferences drawn in favor of the plaintiff. *Rondigo, L.L.C. v. Twp. of Richmond*, 641 F.3d 673, 680 (6th Cir. 2011). However, "'a legal conclusion couched as a factual allegation' need not be accepted as true."

---

[1] Officer Walker, separately represented in this action, is also named in Count I.
[2] The Complaint's second "Count IV" appears to be a separate claim alleged only against the Flint & Genesee Chamber of Commerce, and will be ignored for the purposes of this motion. All further references to "Count IV" in this brief refer only to the Rehabilitation Act claim against the City of Flint.
[3] Officer Walker is named in Count V as well.

Id. In contrast, such conclusory allegations are not entitled to the assumption of truth. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009); *see also Eidson v. Tenn. Dep't of Children's Servs.*, 510 F.3d 631, 634 (6th Cir. 2007).

In addition to the pleadings, a court may take judicial notice of public records establishing facts "not subject to reasonable dispute." *Jones v. City of Cincinnati*, 521 F.3d 555, 562 (2008). Consideration of exhibits attached to a motion to dismiss is also permitted "so long as they are referred to in the [c]omplaint and are central to the claims contained therein." *Kreipke v. Wayne State Univ.*, 807 F.3d 768, 774 (6th Cir. 2015) (*citing Bassett v. NCAA*, 528 F.3d 426, 430 (6th Cir. 2008)).

Rule 8(a)(2) requires "a short and plain statement of the claim showing that the pleader is entitled to relief." FED. R. CIV. P. 8(a)(2). This standard, while not requiring "detailed factual allegations," requires more than "labels and conclusions" or "a formulaic recitation of the elements of a cause of action." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Instead, the complaint must allege "sufficient facts that, accepted as true, 'state a claim to relief that is plausible on its face.'" *Sutton v. Metro. Gov't of Nashville and Davidson Cnty.*, 700 F.3d 865, 871 (6th Cir. 2012) (*citing Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the . . . plead[ed] factual content allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678

Plausibility requires more than the sheer possibility that a defendant has acted unlawfully. *Id.* "Where a complaint pleads facts that are 'merely consistent with' a defendant's liability, it 'stops short of the line between possibility and plausibility of entitlement to relief." *Id.* In other words, when a defendant's alleged actions are consistent with both legal and illegal conduct, a plaintiff has failed to satisfy their burden to state a claim on which relief can be granted. *See id.*

B. DISMISSAL OF AN OFFICIAL-CAPACITY CLAIM IS APPROPRIATE WHEN CLAIMS ARE BROUGHT AGAINST BOTH A MUNICIPAL OFFICIAL, IN HIS OR HER OFFICIAL CAPACITY, AND THE MUNICIPALITY ITSELF

An official-capacity suit is merely an alternative method of pleading an action against the governmental entity that employs a government official. *See, e.g.*, *Kentucky v. Graham*, 473 U.S. 159, 166, 105 S. Ct. 3099, 3105 (1985) ("An official-capacity suit is, in all respects other than name, to be treated as a suit against the entity"); *Peatross v. City of Memphis*, 818 F.3d 233, 241 (6th Cir. 2016) ("An official-capacity claim against a person is essentially a claim against the municipality"). As such, a claim against both a municipality and a municipal official in his or her official capacity is duplicative. Dismissal is appropriate for such duplicative claims. *Doe v. Claiborne Cty.*, 103 F.3d 495, 509 (6th Cir. 1996). In *Doe*, the Sixth Circuit, as a matter of law, upheld a District Court's dismissal of official capacity claims against various officials because their governmental entity was also named as a defendant. *Id.*

Here, Count I, an unlawful seizure claim, is the only claim made against Chief Johnson, who is named only in his official capacity. *See* Compl., Dkt 1 at ¶23. Count II, the *Monell* claim, is made against the City of Flint, the municipality employing Chief Johnson. *Id.* Count II's *Monell* claim alleges an unspecified constitutional claim, *see* Compl., Dkt 1 at ¶65, and the only constitutional claim set forth in the Complaint is Count I. Assuming that McCadden, through Count II, intended to hold the City liable for Count I, the claim against Chief Johnson in his official capacity is duplicative of his claim against the City.[4] Dismissal of Count I, as to Chief Johnson, is thus warranted pursuant to Fed. R. Civ. P. 12(b)(6).

C. ***MONELL* LIABILITY, BASED ON AN OFFICIAL POLICY OR FAILURE-TO-TRAIN, CANNOT EXIST WITHOUT THE PLAUSIBLE ALLEGATION OF AN OFFICIAL POLICY OR A PRIOR HISTORY OF CONSTITUTIONAL VIOLATIONS**

Count II arises under the municipal liability doctrine established in *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978). "[A] local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents." *Id.* at 694. A municipality is liable under §1983 only when "execution of a government's policy

[4] To the extent that McCadden intended to bring claims against Chief Johnson in his individual capacity, such claims necessarily fail due to his failure to allege any action by Chief Johnson whatsoever, much less any unconstitutional behavior. There can be no reasonable dispute that *respondeat superior* liability does not exist under 42 U.S.C. §1983. *See, e.g.*, Smith v. City of Troy, 874 F.3d 938 (6th Cir. 2017) ("§ 1983 does not impose *respondeat superior* liability on municipalities"); *Peatross v. City of Memphis*, 818 F.3d at 241 ("[S]upervisory liability requires some 'active unconstitutional behavior' on the part of the supervisor.").

or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury." *Id.* at 694-95. A plaintiff must show that that municipal policy or custom caused the alleged violation by identifying "(1) the municipality's legislative enactments or official policies; (2) actions taken by officials with final decision-making authority; (3) a policy of inadequate training or supervision; or (4) a custom of tolerance or acquiescence of federal violations." *Winkler v. Madison Cty.*, 893 F.3d 877, 901 (6th Cir. 2018).

Here, McCadden does not appear to allege that there were "actions taken by officials with final decision-making authority," nor does he allege that there was "a custom of tolerance or acquiescence of federal violations." Instead, he alleges that there was an official policy of "humiliating, outrageous, discriminatory, and belittling actions toward children" and "imposing unnecessary mechanical restraints such as handcuffs on children." Compl., Dkt 1 at ¶66(a)-(b). He also alleges that the municipality "failed to train" its officers. Compl., Dkt 1 at ¶66(c)-(e). These allegations are not entitled to the presumption of truth.

His "official policy" allegations are deficient because the FPD, contrary to his unfounded allegations, has promulgated a policy addressing officer interactions with juveniles. *See* **Exhibit A: FPD Juvenile Offenders Policy**. This policy is a public record, referred to, in the negative, throughout the Complaint, and may thus be considered as part of this 12(b)(6) motion. *See KBC Asset Mgmt. N.V. v. Omnicare,*

Inc. (In re Omnicare, Inc. Sec. Litig.), 769 F.3d 455, 466 (6th Cir. 2014) ("[I]f a plaintiff references or quotes certain documents, or if public records refute a plaintiff's claim, a defendant may attach those documents to its motion to dismiss, and a court can then consider them").

The FPD Juvenile Offenders Policy explicitly sets forth that "[i]t shall be the policy of the Flint Police Department to deal with juvenile offenders in the least coercive manner possible." *See* Exhibit A at 1, Section I. To this end, the FPD Juvenile Offenders Policy allows officers to "exercise reasonable discretion as outlined in this policy in deciding on appropriate actions." *Id.* at 2, Subsection III.A. In particular, the FPD Juvenile Offenders Policy guides officers in this use of this discretion by stating that, "Release without further action or following informal counseling, referral to community resources or parents may be appropriate in incidents where property damage or personal injury is not involved but intervention is necessary to avoid potential delinquent actions and when the youth has had no prior enforcement contacts with the police." *Id.* at 2, Subsection III(B)(1).

McCadden's "official policy" allegations are thus contradicted by the existence and content of FPD's Juvenile Offenders Policy itself. His unfounded and inaccurate allegations regarding FPD Policy are not entitled to the presumption of truth. *Everson v. Leis*, 556 F.3d 484, 494 (6th Cir. 2009) ("While the facts are normally taken as alleged by the plaintiff, facts that absolutely contradict the record

will not be considered as claimed by the plaintiff"); *compare* Compl., Dkt 1 at ¶66(a)-(b) *with* Exhibit A. Absent those inaccurate and conclusory allegations, McCadden has failed to plausibly allege an "official policy" of unconstitutional behavior that caused his constitutional deprivation, and his *Monell* claim cannot be established on that basis.

McCadden's "failure to train" claim is also deficient. Such claims require a "prior instances of unconstitutional conduct demonstrating that the [municipality] ha[d] ignored a history of abuse and was clearly on notice that the training in this particular area was deficient and likely to cause injury." *Burgess v. Fischer*, 735 F.3d 462, 478 (6th Cir. 2013) (internal citations omitted). Here, McCadden does not allege, even in a conclusory fashion, a pattern of similar constitutional violations. Absent such an allegation, the City could not have been "clearly on notice" of the need for additional training or policies. Without a plausible, non-conclusory allegation of prior incidents, McCadden has failed to allege facts establishing that a failure to train by the City caused the alleged constitutional violation. As a result, that basis for establishing causation that would justify *Monell* liability also fails.

The Complaint thus fails to allege that a constitutional violation was caused by either an unconstitutional official policy or a failure-to-train. Instead, Count II, effectively seeks to impose liability on the City for an injury allegedly inflicted by a City employee, without showing how the City itself caused that injury. At best, the

factual allegations in the Complaint are only *consistent with* McCadden's claim that the City violated his Constitutional rights, without showing how he is entitled to relief. His failure to plausibly allege causation is fatal to any attempt to impose *Monell* liability. McCadden's *Monell* claim is thus without merit, and dismissal of Count II is therefore warranted pursuant to Fed. R. Civ. P. 12(b)(6).

D. A TITLE II ADA CLAIM CANNOT BE SUSTAINED UNLESS DISCRIMINATION, AIMED AT THE PLAINTIFF IN PARTICULAR, IS PLAUSIBLY ALLEGED, AND THE DEFENDANT NAMED FALLS WITHIN THE STATUTORY SCOPE

Count III arises under Title II of the American with Disabilities Act (ADA), 42 U.S.C. §12132, which reads that, "[s]ubject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or **be subjected to discrimination by any such entity**." 42 U.S.C. §12132 (emphasis added). An ADA Title II "plaintiff must make a *prima facie* showing that: (1) [he] has a disability; (2) [he] is otherwise qualified; and (3) [he] was being excluded from participation in, denied the benefits of, or subjected to discrimination under the program because of [his] disability." *Anderson v. City of Blue Ash*, 798 F.3d 338, 357 (6th Cir. 2015). In other words, as the Sixth Circuit notes, "the plaintiff must show that the defendant took action because of the plaintiff's disability." *Id.* In addition, a "plaintiff must show that the discrimination was intentionally directed toward him or her in particular." *Id.*

The City does not contest the first or second elements of McCadden's *prima facie* ADA claim. However, McCadden fails to plausibly allege the third element. In an attempt to allege that third element, he cites Title II's prohibition on discriminating against individuals on the basis of disability. Compl., Dkt 1 at ¶70. He further argues that various policy failings by the City constitute discrimination, in violation of Title II of the ADA. *Id.* at ¶¶74-76. This argument is without merit for four reasons.

First, as previously explained, McCadden's unfounded and conclusory allegation, that the Flint Police Department has a policy of imposing unnecessary mechanical restraints on juveniles is contradicted by the FPD's Juvenile Offenders Policy itself. *See* Exhibit A. This policy directs that FPD officers utilize "the least coercive manner possible" and specifically authorizes officers to "exercise reasonable discretion . . . in deciding on appropriate actions." *See* Exhibit A, at 1-2, Subsections I, III(A). In addition, even assuming *arguendo* that FPD's Juvenile Offenders Policy is discriminatory, McCadden has not and cannot allege that the Juvenile Offenders Policy was enacted for the purpose of discriminating against juveniles with ADHD. These pleading deficiencies demonstrate that McCadden has failed to plausibly allege the existence of a discriminatory City policy enacted for discriminatory purposes, and Count III must be dismissed for that reason alone.

Next, McCadden fails to allege that the discriminatory policy was aimed at him in particular. *See Anderson*, 798 F.3d at 357 (requiring that discrimination be intentionally directed towards an individual). Instead, he alleges policy and training failures affecting "children with disabilities" generally. Compl., Dkt 1 at ¶¶74-76. Under binding Sixth Circuit precedent, such generalized allegations are insufficient to sustain an ADA claim. *See Dillery v. City of Sandusky*, 398 F.3d 562, 568 (6th Cir. 2005) (holding that where an alleged failure of policy and training affected all similarly-situated disabled persons, individualized discrimination was not alleged). Count III thus fails for this reason as well.

Finally, McCadden also fails to allege that the City is a proper defendant under Title II of the ADA. His ADA claim arises from alleged discrimination in the provision of educational programming, specifically the YouthQuest after-school program. Compl., Dkt 1 at ¶72 ("disruptive exclusions from educational programming"); *see also* ¶29 (discussing McCadden's IEP), ¶32 (alleging communication of McCadden's IEP to YouthQuest staff), ¶50 (alleging that McCadden has not returned to YouthQuest). However, Title II of the ADA prohibits denial of the "benefits of the services, programs, or activities of a public entity or be[ing] subjected to discrimination by any such entity." 42 U.S.C. §12132.

Importantly, Title II limits its scope to prohibiting discrimination "by any such entity." Under the plain statutory language, "such entity" clearly refers to the entity

previously described in the statute – the public entity providing the service, program, or activity. *See Mich. Flyer LLC v. Wayne Cty. Airport Auth.*, 860 F.3d 425, 428 (6th Cir. 2017) (Statutory interpretation "must begin with the plain language of the statute because the 'language of the statute is the starting point for interpretation, and it should also be the ending point if the plain meaning of that language is clear.'"). Claims of discriminatory practices under the ADA must therefore be made against the public entity providing the service, program or activity.

Here, the City of Flint is not alleged to operate YouthQuest, the program in question. In contrast, McCadden alleges that YouthQuest is operated by the Flint & Genesee Chamber of Commerce. *See* Compl., Dkt 1 at ¶25. The City of Flint is thus not a proper defendant for McCadden's ADA claim, because it is not the public entity providing the service, program, or activity in question. Dismissal of Count III is also warranted on these grounds.

In summary, Count III lacks merit for three separate and independent reasons. First, McCadden fails to plausibly allege a discriminatory policy, because his allegations are contradicted by FPD's Juvenile Offender Policy, nor does he allege that the policy was enacted for a discriminatory purpose. Second, McCadden fails to allege that the City's policies discriminated against him in particular, and instead alleges generalized, non-specific discrimination against persons similarly situated. Finally, McCadden fails to show how the City is a proper defendant under the ADA,

instead alleging that he was discriminated against in relation to a program of another public entity. On any or all of those grounds, dismissal of Count III is therefore warranted pursuant to Fed. R. Civ. P. 12(b)(6).

E. A REHABILITATION ACT CLAIM REQUIRES AN ADDITIONAL ELEMENT - THAT THE DISCRIMINATION OCCURRED "SOLELY" BECAUSE OF DISABILITY

Count IV brings a claim under Section 504 of the Rehabilitation Act, 29 U.S.C. §794. Such a claim is substantially similar to a claim under Title II of the ADA, and differs in only two respects. *Gohl v. Livonia Pub. Sch. Sch. Dist.*, 836 F.3d 672, 690 (6th Cir. 2016). First, Rehabilitation Act claims reach only federally funded entities, instead of all public entities. *Id.* Second, Rehabilitation Act claims apply only to the denial of benefits "'solely' by reason of disability." *Id.* (*citing S.S. v. E. Ky. Univ.*, 532 F.3d 445, 452-53 (6th Cir. 2008)).

As a result, McCadden's Rehabilitation Act claim against the City fails for the same reasons that his ADA claim against the City fails. In addition, McCadden does not allege that he was discriminated against "solely" because of his disability. Count IV thus fails to state a claim on which relief can be granted and dismissal of the Rehabilitation Act claim is warranted pursuant to Fed. R. Civ. P. 12(b)(6).

F. MICHIGAN'S PWDCRA 'SUBSTANTIALLY MIRRORS' THE FEDERAL ADA AND RESOLVING AN ADA CLAIM GENERALLY RESOLVES A PWDCRA CLAIM

Count V arises under the State of Michigan's Persons with Disabilities Civil Right Act (PWDCRA). *See* M.C.L. §37.1101 *et seq.* The Sixth Circuit recognizes

that "[t]he PWDCRA 'substantially mirrors the ADA, and resolution of a plaintiff's ADA claim will generally, though not always, resolve the plaintiff's PWDCRA claim.'" *Donald v. Sybra, Inc.*, 667 F.3d 757, 764 (6th Cir. 2012). As a result, the deficiencies in McCadden's ADA claim apply with equal force to his PWDCRA claim. *See supra* subsection III.D, at 10. Dismissal of McCadden's PWDCRA is thus equally warranted pursuant to Fed. R. Civ. P. 12(b)(6).

IV. **CONCLUSION**

McCadden fails to plausibly allege *Monell* liability as to the City of Flint, and his claims against Chief Johnson are implausible and duplicative. He has also failed to plausibly allege a claim under either Title II of the ADA, Section 504 of the Rehabilitation Act, or Michigan's PWDCRA. The City of Flint and Chief Timothy Johnson respectfully request that this Court DISMISSS all counts of the Complaint, as applied to them, for failure to state a claim on which relief can be granted.

Respectfully submitted,

Dated: October 9, 2018

/s William Y. Kim (P76411)
Assistant City Attorney
Counsel for the City of Flint and Chief Timothy Johnson

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

C. MCCADDEN, by his next friend, CHRYSTAL MCCADDEN

Plaintiff,

v

CITY OF FLINT, et al.,

Defendants.
_____/

Case No. 2:18-cv-12377-DPH-MKM
Hon. Denise Page Hood

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, I electronically filed the foregoing pleadings using the ECF system which will send notification of such filing to the counsels of record.

Dated: October 9, 2018 **/s William Y. Kim (P76411)**