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NEWS

Livonia settles suit with Oakland County woman, guardians for \$125K

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The City of Livonia has settled a lawsuit with an Oakland County woman and her guardians stemming from an incident that took place in 2014 at one of the city's retail centers.

The \$125,000 settlement was reached with John and Wendy Kozma, who sued the city on behalf of their daughter, Jodi Kozma, after they say police mishandled a situation that happened in August 2012 at Walmart, 29574 Seven Mile. The settlement information was provided to the city council before a meeting last month.

A complaint filed in court claimed police acted unlawful in detaining her after store employees believed she had taken some hair ties without paying for them. After police investigated, it was determined Jodi Kozma, who has hypoxia and persistent fetal circulation and requires supervision when out in public, did not unlawfully take anything and she was released at the scene.

The lawsuit was originally filed in May 2014 and named the city, Walmart and several police officers as defendants. The settlement with the city was approved without comment by the city council during its March 7 regular meeting, though it was finalized once approved by Wayne County Circuit Judge David Allen April 1 with his order declaring the settlement fair coming this past Monday, according to records from the court.

The case with Walmart was settled a few months earlier, said Bloomfield Hills attorney Deborah Gordon, who represented the family in the lawsuit. The settlement covers both cases that were in both Wayne County Circuit Court and U.S. District Court, which is where part of the case was moved to after its initial filing in state court.

In a letter to the city council detailing the amount of the settlement, the city's law department said the settlement was a precautionary measure against drawing a jury that could have awarded even more if the case were to have gone to trial.

“Even though it is our firm belief that the Livonia Police Department acted very professionally at all times, if this matter were to proceed to jury trial, it is possible that (a) sympathetic jury could overlook that and award damages in excess of the proposed settlement among as well as substantial attorney fees and costs,” the letter reads. “When we know that the Livonia Police Department does an outstanding job, for the reasons discussed in the closed committee of the whole meeting held on January 25, 2016, the law department recommends approval of this settlement agreement.”

Gordon said she's hopeful the suit was a “learning experience” for the police department and that Jodi Kozma has had a difficult time trying to move forward after the incident.

“It was needless and I'm sorry the taxpayers have to foot the bill for this,” she said. “This was needless. I would hope that there's some good to come from it.”

Livonia city attorney Don Knapp said the decision to settle was not an admission of wrongdoing by the city over the handling of the situation by the police department, and that the city still believes the officers acted appropriately given the information they had.

“We believe our officers acted professionally at all time and exercised good discretion,” he said.

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