

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

OLAJIDE AKUNROUNMU

Plaintiff,

Case #: NO
Hon:

v.

Dearborn Mayor JOHN B. O'REILLY, JR, Officially and
Individually,

Dearborn Police Chief RONALD HADDAD, Officially and
Individually,

Dearborn Police Officer GARY MANN, Officially and
Individually,

Dearborn Police Officer ISSA SHAHIN, Officially and
Individually,

Dearborn Police Officer JOHN DOE #1 and JOHN DOE #2,
Officially and Individually,

The City of DEARBORN, a Political Subdivision

FIRST PUBLISHING CORPORATION, D/B/A
The Arab American News, a Michigan Corporation

OUSSAMA SIBLANI,

HASSAN KHALIFEH, and

ZAHRAA FARHAT

Defendants.

18-001251-NO
FILED IN MY OFFICE
WAYNE COUNTY CLERK
2/1/2018 8:51:11 AM
CATHY M. GARRETT

LORELLI & LORELLI
By: Vincent Lorelli (P 47007)
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There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in previously filed and dismissed or transferred, or otherwise dispose of after having been assigned to a judge in this court.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY

NOW COME the Plaintiff, OLAJIDE AKUNROUNMU {hereinafter referred to as "Plaintiff"} , by and through his attorney Vincent Lorelli of the law firm of Lorelli & Lorelli, and for his Complaint against the Defendants state unto this Honorable Court as follows:

INTRODUCTORY AND JURISDICTIONAL STATEMENTS

I. The nexus of this action involves a press conference/press release in which the Defendants, jointly and falsely, maliciously and/or recklessly broadcasted Plaintiff's image throughout the entire Detroit Metropolitan area and the world as being that of Tete Oniago, the doctor who Defendants recently arrested on federal drug charges. These Defendants, through their involvement in a joint agency task force, had a long history of involvement with Dr. Oniago, the doctor they arrested. That long history included:

- A. A personal interview with Dr. Oniago on June 6, 2017;
- B. A search of Dr. Oniago's offices on June 6, 2017;
- C. Arresting Dr. Oniago on an unknown date at the end of June 2017.



Despite having this information and coupled with the possession of a "mug-shot" of Dr. Tete Oniago, these Defendants knowingly held a press conference in which they disseminated the following image of your Plaintiff as being that of Dr. Tete Oniago:



Dearborn Doctor Arrested For Supplying Narcotics To Local Drug Dealers

Oniago operated a small medical office at Golden Triangle Rehabilitation Services, on Haggerty Street in Dearbo
detroit.cbslocal.com


One will note that the image of your Plaintiff was "photoshopped" off of a private photograph of your Plaintiff in which he was one of the individuals in a group photo. This photo was altered by the City of Dearborn for their own wrongful use. The following is the actual press release that accompanied the press conference:



The Dearborn Police Narcotics Unit began recognizing common identifiers in numerous narcotics investigations in 2014 and 2015. They were able to identify a common supplier of prescription narcotics as Dr. Tete ONIANGO who operated a small medical office at Golden Triangle Rehabilitation Services in Dearborn.

The Dearborn Police Narcotics Unit partnered with the FBI, the Department of Health and Human Service Department of the Inspector General's Office, and the Detroit Police conducted a joint investigative operation. It was determined that Dr. ONIANGO was the facilitator of a large prescription narcotic operation in Metro Detroit and was the main source for prescription narcotics to a local narcotics dealers.

After and extensive investigation, a federal search warrant was executed at Dr. ONIANGO's office, located on Hoggerty Street in Dearborn, and a great deal of evidence was seized. Dr. ONIANGO was charged federally with Distribution of Controlled Substance and is awaiting trial.



Dr. Tete Oniango

As a result of this willful, malicious, reckless and/or negligent conduct on that part of these Defendants, the Plaintiff has suffered great injury to his body and mind as well as financial hardship in his practice as a physical therapist.

3. Plaintiff **OLAJIDE AKUNROUNMU** was at all times pertinent hereto a citizen of the United States of America, State of Michigan, County of Wayne and within the venue and jurisdiction of this Court.

4. Defendant **JOHN B. O'REILLY, JR** was at all times relevant to this Complaint the mayor of the City of Dearborn and was at all times relevant to this Complaint acting in the scope of his employment and under color of law and is a resident of the City of Dearborn, County of Wayne, State of Michigan.

5. Defendant **RONALD HADDAD** was at all times relevant to this

Complaint a police officer employed by Defendant City of Dearborn and was at all times relevant to this Complaint acting in the scope of his employment and under color of law and is a resident of the City of Dearborn, County of Wayne, State of Michigan..

6. Defendant GARY MANN was at all times relevant to this

Complaint a police officer employed by Defendant City of Dearborn and was at all times relevant to this Complaint acting in the scope of his employment and under color of law and is a resident of the City of Dearborn, County of Wayne, State of Michigan..

7. Defendant ISSA SHAHIN was at all times relevant to this

Complaint a police officer employed by Defendant City of Dearborn and was at all times relevant to this Complaint acting in the scope of his employment and under color of law and is a resident of the City of Dearborn, County of Wayne, State of Michigan..

8. Defendants JOHN DOE #1 and JOHN DOE #2 were at all times relevant to this

Complaint police officers/police employees employed by Defendant City of Dearborn and were at all times relevant to this Complaint acting in the scope of their employment and under color of law and is a resident of the City of Dearborn, County of Wayne, State of Michigan..

9. Defendant City of DEARBORN ("City") is a political subdivision of the State of Michigan.

10. Defendant FIRST PUBLISHING CORPORATION (doing business as the Arab American News) is a Michigan Corporation with a principal place of business in the City of Dearborn, County of Wayne, State of Michigan.

11. Defendants OUSSAMA SIBLANI, HASSAN KHALIFEH and ZAHRAA FARHAT, are upon information and belief, residents of the City of Dearborn, County of Wayne, State of Michigan.

12. The facts underlying this action arose in the County of Wayne, State of Michigan.

13. The amount in controversy exceeds \$25,000.00 exclusive of costs, interest and Attorney's fees.

GENERAL AVERMENTS

14. Plaintiffs re-allege each and every paragraph stated above as if said paragraphs were more fully and specifically set forth herein.
15. According to the Defendants, in 2014, they began to notice a connection between narcotic activity in the City of Dearborn and a medical doctor, Tete Oniago.
16. That information was developed that allegedly Dr. Oniago was a common supplier of narcotics through his Dearborn medical office.
17. That Dr. Oniago's office was in the same medical building in which your Plaintiff works in a wholly separate and distinct medical practice as a physical therapist.
18. That the Defendants then partnered with different law enforcement agencies in a joint investigation of Dr. Oniago's practice.
19. That as a result of their investigation, the Defendants allegedly found that Dr. Oniago was a large source of prescription narcotics being supplied to local narcotics dealers.
20. That during the course of this investigation, Defendants interviewed Dr. Oniago, searched his medical practice and eventually arrested Dr. Oniago on drug charges. These investigatory actions clearly established to these Defendants what Dr. Oniago actually looked like.
21. That based on their lengthy investigation, these Defendants had personal knowledge of the image of Dr. Oniago as well as possession of a *mug shot* of the doctor when he was actually arrested.
22. That despite this knowledge, the Defendants (several days/weeks after Dr. Oniago was arrested and photographed) prepared a news release and press conference in which they wrongfully used the image of the totally innocent Plaintiff as that of the arrested, allegedly drug-dealing Dr. Oniago. Defendants photo-shopped the Plaintiff's image into the news release and

press conference even though their own police files had the mug shot of Dr. Oniago , which they could have easily and correctly been used.

23. That given the overwhelming evidence that these Defendants knew what Dr. Oniago looked like, the inclusion of the Plaintiff's photograph in the press conference release as being that of Dr. Oniago could have only been done for malicious and vindictive reasons. Defendants FIRST PUBLISHING CORPORATION, d/b/a The Arab American News, a Michigan Corporation, OUSSAMA SIBLANI, HASSAN KHALIFEH, and ZAHRAA FARHAT continued to broadcast the image of your Plaintiff even after allegedly being told by the other Defendants that the image was questionable.

24. That as a result of the willful, reckless and/or negligent actions/inactions of your Defendants, your Plaintiff was proximately caused to suffer great damages in an amount be determined at trial for his bodily injury and resulting pain and suffering, disability, mental anguish, loss of reputation, loss of capacity for the enjoyment of life, expenses for his care and treatment in an effort to alleviate and cure his physical and mental injuries, and will continue to incur additional expenses in the future, loss of earnings, loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future. Plaintiff also seeks reasonable attorneys' fees and costs, pre-judgment interest and further relief as the Court deems appropriate, including punitive damages.

COUNT I

FALSE LIGHT--INVASION OF PRIVACY VIOLATION OF THE MICHIGAN CONSTITUTIONAL RIGHT TO PRIVACY

25. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint.

26. By virtue of their positions as law enforcements officers, the Defendants are tasked with the duties of investigating crimes.

27. By informing the general public that the Plaintiff had engaged in serious drug dealing by wrongfully using his medical license as a conduit for his illegal drug activities, these Defendants have attributed characteristics or conduct of Plaintiff that were false; i.e., drug dealing and using his medical license to procure drugs for individuals who did not need said drugs.

28. That the Defendants actions have created a false portrayal of Plaintiff as a felon who violated the terms of his medical license in the commission of his crime.

29. Defendants published this false information about Plaintiff to the general public and the media which has resulted in posting on the Internet websites, television news accounts and newspapers, social media and worldwide electronic news sites.

30. Plaintiff has been damaged in that he suffered humiliation, embarrassment, anxiety, stress and anger. The Plaintiffs' right to privacy as guaranteed by the United States Constitution has been violated by these Defendants' publication of misleading information to the general public, which led to the Plaintiff to suffer great humiliation.

31. The damages described above were directly and proximately caused by the conduct of the Defendants.

COUNT II

DEFAMATION/ DEFAMATION PER SE

32. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint

33. Defendants, without good faith, did maliciously/ intentionally /recklessly or with gross negligence broadcast to the entire world that your Plaintiff committed the crime of drug dealing by a medical profession ; a per se violation.

34. That said statement was false and not privileged.

35. That said false broadcast did proximately cause actual harm to your Plaintiff.

COUNT III

INTENTIONAL, RECKLESS, OR NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS AGAINST ALL INDIVIDUAL DEFENDANTS

36. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint.

37. Defendants intentionally, recklessly, and/or negligently directly and proximately caused Plaintiff's good name to be ruin by the public broadcast that he violated his medical license to deal drugs.

38. Defendants' actions caused Plaintiffs to suffer physical harm.

39. The Defendants' actions caused Plaintiffs to experience severe emotional distress.

40. Defendants' conduct is beyond the bounds of any standard of decency, so as to be utterly intolerable in a civilized society.*

COUNT IV

CIVIL CONSPIRACY UNDER MICHIGAN COMMON LAW

41. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint.

42. As described more fully in the preceding paragraphs, Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

43. In furtherance of the conspiracy, the Defendants committed overt acts and were otherwise willful participants in joint activity, including but not limited to the malicious

slandering of Plaintiff's good name, constitutional violations and the intentional infliction of emotional distress upon them.

44. The misconduct described in this Count was undertaken with malice, willfulness and reckless indifference to Plaintiff's rights.

45. As a proximate result of Defendants' conspiracy, Plaintiffs suffered damages, including physical harm, severe emotional distress and anguish, and financial losses, as more fully alleged herein.

46. Defendants' actions caused Plaintiffs to suffer physical harm, including physical ailments.

COUNT V

ABUSE OF PROCESS UNDER MICHIGAN COMMON LAW

47. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint.

48. Defendants, as cited above, acted with an ulterior purpose in broadcasting the results of their subject investigation.

49. Defendants, before pronouncing who was a particular defendant in a criminal case, would verify that the image of said Defendant utilized was, in fact, the image of the same individual that they investigated and arrested.

50. The Defendants did not do this in this cause.

51. That as such, the Defendants' actions were an act in the use of process, which was improper in the regular prosecution of the proceeding.

COUNT VI
NEGLIGENCE/GROSS NEGLIGENCE/RECKLESSNESS
AGAINST ALL INDIVIDUAL DEFENDANTS

52. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint.

53. The individual Defendants named herein, owed a duty to Plaintiffs as imposed by Michigan common law and as described above.

54. Defendants breached their duty to Plaintiff by acting with negligence, gross negligence, and/or recklessness in allowing Plaintiff to be identified as an alleged drug dealing doctor.

55. Defendants further breached their duty to Plaintiff by not acting in some manner to prevent this wrongful information from being broadcast to the general public.

56. As a proximate result of Defendants' negligent/grossly negligent/reckless breach of their respective duties, Plaintiffs were egregiously harmed.

COUNT VII
STATE LAW INVASION OF PRIVACY/MISAPPROPRIATION OF IMAGE

57. Plaintiff incorporates by reference, as if set forth fully herein, each and every averment, allegation, or statement contained in the previous paragraphs of this Complaint.

58. By the Defendants' actions as averred herein, your Plaintiff's image was misappropriated without right or cause by said Defendants as well as invading Plaintiff's privacy with the unauthorized use of his likeness.

59. That the misappropriation of his likeness is actionable under Michigan law as held in the case of Arnold vs Treadwell, Michigan Court of Appeals {docket number 2830903}

60. By the Defendants' actions as averred herein, your Plaintiff's privacy, as protected by Michigan law, was also violated without cause or justification.

61. That the invasion of Plaintiff's privacy is actionable under Michigan law as held in the case of *Lewis vs LeGrow*, 258 Mich App 175 (2003)

62. As a proximate result of Defendants' conduct and/or misconduct, Plaintiff was egregiously harmed; financially, emotionally and physically.

DAMAGES

63. Plaintiffs re-allege and incorporate paragraphs 1-61, as if fully set forth word for word herein.

64. That as the direct and proximate result of each and every one of the named Defendants' actions as set forth within this Complaint, Plaintiff suffered injury and damages, including, but not limited to:

- a. Loss of liberty and property
- b. Humiliation, outrage, indignity, mental distress, anxiety and sleeplessness, and depression;
- c. Embarrassment, shock and trauma;
- d. Physical injuries
- e. Other damages currently unascertainable;
- f. Exemplary damages and reasonable attorney fees.

WHEREAS, Plaintiff prays as follows:

A. That the Court award compensatory damages to them and against the Defendants, jointly and severally, in an amount to be determined at trial;

B. That the Court award punitive and exemplary damages to Plaintiff, and against all individual Defendants, in an amount, to be determined at trial that will deter such conduct by Defendants in the future;

C. For a trial by jury;

D. For pre-judgment and post-judgment interest and recovery of his costs, including reasonable attorneys' fees ; and

E. For any and all other relief to which he may be entitled.

Respectfully Submitted,

Lorelli & Lorelli

/s/ Vincent Lorelli

By: VINCENT LORELLI (P47007)
Attorney for the Plaintiffs
7031 Orchard Lake Rd, Ste 302
West Bloomfield, MI 48322
(248) 538 9696

Dated: This Thirty-first Day of January 2018

JURY DEMAND

NOW COMES Plaintiffs by and through their undersigned attorneys, and hereby demand a trial by jury of each and every matter at issue in the above-entitled cause.

Respectfully Submitted,

Lorelli & Lorelli

/s/ Vincent Lorelli

By: VINCENT LORELLI (P47007)
Attorney for the Plaintiffs

Dated: This Thirty-first Day of January 2018