



DAVID B. ROTH

HARVEY KRUSE, P.C.

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Education:

Michigan State University College of Law
Juris Doctor, 2013

Michigan State University
B.A. 2010

Bar Admissions:

State of Michigan (2013)

U.S. District Court, Eastern District of Michigan (2014)

U.S. Court of Appeals for the Sixth Circuit (2019)

Employment:

Attorney at Harvey Kruse, PC.

(November 2018-Present)

Attorney at Collins & Blaha, PC.

(April 2016-November 2018)

Assistant City Attorney, City of Flint

(November 2013-April 2016)

Experience:

At Harvey Kruse, Mr. Roth has developed experience litigating matters in Michigan state and federal courts and has received favorable results for his clients, which have included successfully drafting and arguing various motions for summary disposition in numerous courts and obtaining favorable settlements. Mr. Roth has experience defending various civil matters, including auto negligence claims, no-fault claims, insurance coverage disputes, premises liability claims, 1983 excessive force and other constitutional rights violations claims, and employment claims brought under the Elliott-Larsen Civil Rights Act and Whistleblower Protection Act.

As an associate attorney at Collins & Blaha P.C., Dave represented Michigan school districts before the Teacher's

Tenure Commission and in litigation of labor arbitrations before the American Arbitration Association, and also conducted investigations of employee misconduct, including complaints of harassment and hostile work environment.

As an Assistant City Attorney, Dave represented the City of Flint in various employment matters including defense of claims brought in State Court for discrimination under the Elliot-Larsen Civil Rights Act, Constructive Discharge, the Whistleblower Protection Act, and administrative hearings before the Michigan Department of Civil Rights and the Equal Employment Opportunity Commission.

Areas of Practice:

Civil Litigation

Insurance Defense

Automobile Negligence

No-Fault PIP/UM/UIM

Employment Law

Premises Liability

Civil Rights, Excessive Force, and Constitutional Claims

Municipal/Governmental Liability

Trial Practice

Appellate Practice

Representative Matters:

- *Relief Physical Therapy & Rehab, Inc. (Alfonso Waller) v Amerisure Insurance Company*, Washtenaw County Circuit Court Case No. 19-1029-NF. (July 2020) In this matter, Plaintiff, a provider of Alfonso Waller (See below), allegedly provided the underlying plaintiff physical therapy services. Mr. Roth filed a motion for summary disposition arguing that Defendant was not provided notice of the alleged accident within one year of its occurrence, as required by the No-Fault Act, and so dismissal was mandated. After filing the motion for summary disposition, the case was voluntarily dismissed in its entirety with prejudice, when the prior demand was \$28,000.00.
- *Laura Joseph vs. Edward Rose Assoc., LLC*, Genesee County Circuit Court, Case No.19-113526-NO. (May 2020) Mr. Roth obtained summary disposition for Defendant where Plaintiff had

asserted claims of premises liability, failure to keep a common area fit for its intended use, failure to keep premises in reasonable repair, and breach of contract. Defendant argued that Plaintiff tripped and fell when she was attempting to walk across a landscaping timber, which was located between an exterior sidewalk and a private patio. We further argued this timber was open and obvious, and was not meant for pedestrian travel but was fit for its use as a landscaping timber, and there was no breach of the lease agreement. The Court agreed with our arguments, finding that the timber was open and obvious, fit for its intended use as landscaping, and that there was no breach of the lease agreement, and dismissed Plaintiff's claims in their entirety.

- *Bryan Burke v Home-Owners Insurance Company and Auto-Owners Insurance Company*, District Court Case No 19-002817-GC (January 2020). Mr. Roth obtained summary disposition for Defendants where Plaintiff had brought a claim for no-fault benefits. Plaintiff failed to provide responses to written discovery, or otherwise participate in the prosecution of his case, after being compelled by Court order to do so. Mr. Roth argued the above was cause for dismissal and the Court agreed and dismissed Plaintiff's claims in their entirety.
- *True Scan, LLC, D/B/A Scan True, LLC, Assignee of Alfonso Waller vs. Amerisure Insurance Company*, District Court 52-4, Case No. 19-CO-0806-GC, (October 2019) In this matter, plaintiff, a medical provider of Alfonso Waller (See below) filed a suit for PIP benefits related to MRI diagnostic testing it had rendered to Mr. Waller. Following the grant of summary disposition in *Waller v. Amerisure*, Mr. Roth argued the No-Fault Act's statute of limitations also barred Plaintiff's claims, where it was as an assignee of the underlying PIP plaintiff, and the case was voluntarily dismissed in its entirety with prejudice.
- *Alfonso Waller vs. Amerisure Insurance Company*, Macomb County Circuit Court, Case No. 19—0008—NF, Hon. Michael E. Servitto. (September 2019). Mr. Roth obtained summary disposition, where the plaintiff filed suit on March 1, 2019, alleging nonpayment of No-Fault Benefits arising out of an accident allegedly occurring on February 7, 2018. Receipt of the lawsuit was the first notice Defendant received of Plaintiff's alleged injuries and claim for PIP benefits. Defendant's argued on their motion for summary disposition that plaintiff's suit was barred by MCL

500.3145 of the No-Fault Act, which precludes an action for recovery of PIP benefits commenced more than one year after the date of the accident causing injuries, unless written notice of the injury was provided within one year of the accident. The Court, after oral argument granted summary disposition on Defendant's motion and dismissed Plaintiff's suit in its entirety.

- *Sherri M. Stawick v Charles A. Bobay, and Sheplers Inc.* (June 2019). Mr. Roth obtained summary disposition for Defendants, arguing that Plaintiff did not sustain a threshold injury after receiving a facial scar in a bicyclist vs. automobile accident. The Court agreed with Defendant's arguments and dismissed Plaintiff's claims in their entirety, where the settlement demand was \$65,000.00.