

Gregory P. LaVoy

Mr. LaVoy has experience litigating matters in Michigan state and federal courts in cases involving construction defect litigation, tort and automobile liability, employment law, premises liability, and contract dispute. This representation has resulted in dispositive relief and favorable settlements for his clients. Further, drawing on his experience as a law clerk on the Michigan Supreme Court, Mr. LaVoy has also successfully represented clients in Michigan's appellate courts, bringing an insider's perspective to this unique area of legal practice.

Areas of Practice:

- Appellate Law
- Civil Litigation
- Construction Defect Litigation
- Employment Law and FLSA Litigation
- Premises and General Liability
- First- and Third-Party Automobile Liability

Education:

- Ave Maria School of Law (J.D., *magna cum laude*, 2009)
- Kalamazoo College (B.A., 2006)
- American University in Rome, Italy (study abroad, 2004)

Bar Admissions:

- State Bar of Michigan (2009)
- U.S. District Court for the Eastern District of Michigan (2013)
- U.S. District Court for the Western District of Michigan (2015)
- U.S. Court of Appeals for the Sixth Circuit (2017)
- Supreme Court of the United States (2015)

Employment:

- Harvey Kruse P.C., Attorney
 - Partner (2018 - present)
 - Associate Attorney (2013 - 2018)
- Michigan Supreme Court, Law Clerk to the Hon. Robert P. Young, Jr., Chief Justice (2009- 2013)

Organizations:

- State Bar of Michigan's Appellate and Civil Litigation sections
- Michigan Defense Trial Counsel
- Oakland County Bar Association
- Federalist Society

Awards & Honors:

- Senior Editor, Ave Maria Law Review
- Excellence in Written Advocacy (graduation award, selected by faculty)

Publications

- LaVoy, G. & Choulagh, M., “The ‘Coming and Going’ Rule: Employer Liability for Negligent Acts of Traveling Employees”; reported in *LACHES, the Official Publication of the Oakland County Bar Association*, Number 640 (August 2021)

Representative Matters:

- ***Binder v Major Cement (Wayne County Circuit Court, 2022)*** – voluntary dismissal of plaintiff’s personal injury lawsuit following the filing of motion for summary disposition in arising from injuries incurred at a construction work site. Following vigorous investigation and discovery of Plaintiff’s claims, filed a motion for summary disposition arguing that there was no evidence that the defendant was responsible for the hazard allegedly causing injury or, alternatively, that because the mechanism of injury was open and obvious, the claim failed as a matter of law. Plaintiff agreed voluntarily to dismiss her case.
- ***Memberselect Insurance Company v Clawson Pizza Company (Oakland County Circuit Court, 2021)*** – in a declaratory judgment insurance coverage lawsuit where the insurance carrier had denied coverage to the client, the carrier ultimately agreed to assume coverage for the client following discovery and the filing of a motion seeking a declaration of insurance coverage.
- ***Ditmore v Major Cement Company (Wayne County Circuit Court, 2021)*** – summary disposition granted in employer liability/premises liability action where plaintiff was involved in an automobile accident with an employee on the company’s premises. The Court granted summary disposition on the vicarious liability claim where we established that the employee was not acting within the scope of his employment at the time of the accident. The court granted the premises liability claim where we established that the plaintiff was not injured by any hazardous condition of the property itself and thus plaintiff could not plead a valid claim for premises liability.
- ***Macon v Mr. Pizza Ypsilanti, Inc. (Michigan Court of Appeals, 2020) (unpublished)*** - unanimous reversal of lower court’s order, remand to trial court for entry of summary disposition on negligence and vicarious liability claims. In automobile negligence action, established through investigation that Plaintiff’s theory of the case was erroneous, and even when she adopted new theories of alleged negligence, developed positive evidence that our client complied with all duties imposed on him as a Michigan driver, while Plaintiff was in fact at fault for accident by attempting to cross the busy street as a pedestrian at night, contrary to traffic with the legal right of way.
- ***Krolczyk v Hyundai Motor America (Michigan Court of Appeals, 2019) (unpublished)*** - acting as appellate counsel, achieved unanimous reversal of lower

court's judgment based on defect in subject matter jurisdiction identified on post-trial review of appellate issues.

- ***Liang v Chan's Chinese Restaurant*, 328 Mich App 302 (Michigan Court of Appeals, 2019) (published)** - unanimous reversal of lower court's order, remand to trial court for entry of partial summary disposition on negligence and premises liability claims as barred by the doctrine of parental immunity, representing the first Michigan case applying parental immunity doctrine in a business context and rejecting the Plaintiff's request to extend exceptions to the immunity doctrine to Michigan businesses.
- ***Westfield Ins. Co. v Royal Roofing Co.* (Oakland Co. Circuit Court, 2018)** - summary disposition granted on Plaintiff's claims for breach of contract, negligence, and breach of warranty in \$1.1 million construction defect and negligence maintenance liability action, with the court finding as a matter of law that there was no breach of contract or any other basis for liability based on record developed in litigation.
- ***Metropolitan Hospital v Architectural Glass & Metal, et.al.* (Kent Co. Circuit Court, 2018)** - motion to dismiss granted in major construction defect litigation at the onset of litigation after identifying applicable statutes of limitation and repose to claims, Plaintiff's inability to plead in avoidance of barred claims.
- ***King v MICCO Construction, et.al.* (U.S. District Court, Western Dist. Michigan, 2018)** - motion to dismiss granted in construction negligence action at the onset of litigation based on lack of pleadings or evidence alleged as to negligence, failure of plaintiff to establish basis for litigation against our client.
- ***Horylev v Occidental Development, LLC, et.al.* (52nd District Court, 2018)** - motion to dismiss granted, Plaintiff's case alleging violations of Michigan's dogbite statute and premises liability dismissed as a matter of law where Plaintiff could not establish the legal requirements for claims against our client.
- ***Citizens Ins. Co. v AAIC* (Wayne Co. Circuit Court, 2018)** - motion for summary disposition granted in insurance coverage dispute, Plaintiff's case dismissed as a matter of law where Plaintiff could not establish a basis for coverage or liability against our client.
- ***Jaafar v Ziolkowski* (U.S. District Court, Eastern Dist. Michigan, 2018)** - case dismissed following motion for summary judgment filed in general tort liability action (assault/battery, intentional infliction of emotional distress).
- ***Lasalla v United Lawnscape, et.al.* (Macomb Co. Circuit Court, 2018)** - summary disposition granted on premises liability action based on the fact that our client (landscaping company) was not responsible for and did not proximately cause Plaintiff's accident.
- ***Burman v Everkept, Inc.* (U.S. District Court, Western District Michigan, 2017)** - Advocating on behalf of Plaintiffs and collective action members, counter-motion for partial summary judgment granted certifying matter under FLSA; case thereafter achieved favorable settlement resolution in favor of our Plaintiff clients.

- ***Chojnowski v Huron Clinton Metropolitan Authority, et.al. (Michigan Court of Appeals, 2015) (unpublished)*** - summary disposition granted by lower court unanimously affirmed on appeal, approving dismissal of a variety of employment-related claims, including gender discrimination, sexual harassment, retaliation, assault, and intentional infliction of emotional distress.
- ***Center Street Lofts v Sachse Construction Co. (Oakland Co. Circuit Court, 2015)*** - partial summary disposition granted as to nearly all claims in construction defect litigation based on the parties' contract and limitation on remedies provided, with full dismissal of attendant fraud, unjust enrichment, and indemnity claims.
- ***Frankenmuth Co. v TimberPro, Inc. (U.S. District Court, Western District Michigan, 2015)*** - Partial summary judgment granted in this products liability and contract law action, with the court agreeing that Plaintiff's tort claims were precluded by the economic loss doctrine and any recovery was thereby capped at the limited contractual warranty.
- ***Harris v Trailer Tech (35th District Court, 2015)*** - Plaintiff dismissed his lawsuit after the filing of our motion for summary disposition arguing that the Plaintiff's claims were precluded by the parties' contractual language, and there could be no liability as a matter of law under the various statutes pleaded.
- ***Wittman v Huron Clinton Metropolitan Authority, et.al. (U.S. District Court, Eastern Dist. Michigan, 2014)*** - summary judgment granted on the basis of the doctrine of res judicata and/or under the principles of federal abstention.
- ***Juncaj v Porter (Macomb Co. Circuit Court, 2014)*** - motion to dismiss granted at onset of litigation on claims for negligence, premises liability, and employer liability.
- ***Rubner v Smart Start Michigan, et.al. (Ingham Co. Circuit Court, 2014)*** - summary disposition granted based on the parties' franchise contract, request for indemnity ordered as a matter of law.
- ***Main Street Lofts v Sachse Construction Co (Oakland Co. Circuit Court, 2014)*** - summary disposition granted on appeal from arbitration ruling, favorable arbitration award confirmed by the Court in construction defect litigation..
- ***Ferrin v HDV-Greektown, LLC (Wayne Co. Circuit Court, 2013)*** - summary disposition granted and subsequent appeal dismissed in negligence/wrongful death action in which the court agreed that Defendant did not owe a legal duty to Plaintiff and thus the claims were precluded as a matter of law.