

Grand Trunk loses appeal

By Tim Richard
staff writer

The state Court of Appeals has upheld a \$1.66 million Oakland Circuit Court jury verdict in a car-train crash case.

The award was made to plaintiffs David and Deborah Petrove and their daughter Janette, Loser, is Grand Trunk Western Railroad Co. "We have filed for leave to appeal to the state Supreme Court," said Earl Oppertbauer, Farmington Hills resident and an attorney for Grand Trunk.

He said the amount of the award is reduced to \$554,000 by the jury's finding that Mrs. Petrove, the driver, was 66 percent at fault.

But the award is increased by 12 percent annual interest, which accrues from the date the case was

filed. (A 1986 state law, not applicable here, starts the interest clock running from the date of the jury verdict.)

MRS. PETROVE was seriously injured on a snowy, slippery morning in January 1982 while driving her Volkswagen on Elmwood Road in the northern Oakland village of Leonard. She was traveling at 25-31 mph in a 35 mph zone. The train was traveling at 28 mph. Her view of the train was partly obstructed by a factory.

The Petroves filed suit against the village and VW. A mediation panel proposed an award totalling \$935,000 against all three defendants.

• \$35,000 against the village, which settled for that amount.
• \$750,000 against VW, which

settled for \$643,000.

• \$150,000 against Grand Trunk, which took the case to trial.

The family's attorney, James R. Porritt of Lake Orion, said she suffered closed head injuries, a broken hip, facial paralysis and other injuries. Now able to walk, she is unable to work. "There were funds recovered," he said, but declined to reveal how much.

Porritt said Mrs. Petrove had completed work on a degree at Oakland University prior to the accident and received her diploma in a wheelchair.

THE APPEALS panel — Judges Walter Cynar, Harold Hood and William B. Murphy — upheld Circuit Judge Fred Mester on seven contested points involving jury instructions and admissibility of evidence.

The appeals court said Mester correctly instructed the jury that Grand Trunk could have agreed with the village to install additional signs at the Elmwood Street crossing.

"There was some evidence that the operators of the train could have avoided the collision," the appeals court said.

Oppertbauer said a major appeal point will be the admission of testimony by a state Department of Transportation official, who said MDOT would have granted permission to install crossing signals.

"We once tried to erect a 'yield' sign and got charged criminally for it," Oppertbauer said.

Mester said, "Any judge would be pleased at having his or her decision upheld by the Court of Appeals. I feel good about that. The jury came back with a good decision."

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OU gets planning funds for building

The state Legislative Capital Outlay Committee has authorized \$325,000 to prepare schematic plans for Oakland University's \$28 million Science and Technology Center.

"We are extremely pleased that the state has recognized this critical need that will allow us to expand our role in the sciences, an area so vital to the state of Michigan," OU president Joseph E. Champagne said. He said the "approval of our Science and Technology Center also recognizes the outstanding research capabilities of this university."

OU RECOMMENDED the architectural firm of Hatley Ellington Pierce Yee Associates, Inc., be chosen to design the building. The Department of Management and Budget will award the architectural contract for the state.

Choral group sets program

The Madrigal Choral of Southfield will give a program of Lenten music at 8 p.m. Friday, March 17, at First Baptist Church, 300 Willets at Bates, Birmingham.

There is no admission charge.

The 170,000 square-foot facility will "have a domino effect on the entire campus as it eases shortages of classroom, laboratory and office space, provides state-of-the-art facilities for numerous disciplines," Champagne said.

Building occupants will include the health sciences, mathematics, portions of the basic sciences including biology, chemistry, physics, some engineering, computerized experiment centers, as well as animal care laboratories.

Champagne said the release of funds was the important first step in

a process that will lead to construction of one badly needed facility.

"This is a large and complicated structure, and the financial health of the state of Michigan will play a major part in the release of capital outlay funds for construction," the president said.

HARLEY ELLINGTON Pierce Yee Associates, Inc. has many major local area buildings to its credit. They include the Comerica Operations Center, GMF Robotics headquarters and the new ITT Automotive world headquarters in the Oakland Technology Park.

land Technology Park.

The firm is doing the interior design for the Chrysler Technology Center, also in the Oak Tech Park.

The new OU Science and Technology Center is planned for an area adjacent to the existing Hannah Hall of Science and the John F. Dodge Hall of Engineering at the northwest section of campus near University Drive and Squirrel Road.

The current student body — about 12,000 students — is nearly triple the Hannah Hall's design capacity and more than double Dodge Hall's design capacity, Champagne said.

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