



May 2, 2014

FOR IMMEDIATE RELEASE

Lawsuit against Secretary of State, City of Saginaw Seeks to Ensure Proper Notification of Vehicle Impoundment

BAY CITY, Mich. – Center for Civil Justice filed a lawsuit in federal court May 1, on behalf of Saginaw resident John L. Boyd, seeking to ensure that vehicle owners are properly notified of vehicle impoundment in a timely manner. Impoundment fees accrue daily, and any untimely notices can result in steep costs to get a vehicle returned.

The lawsuit filed in the federal district court names Secretary of State Ruth Johnson, City of Saginaw, Clerk of the 70th District Court and Mike's Wrecker, Inc. as defendants.

"Though this is an especially pertinent issue for low-income persons, lack of timely impoundment notices affects the due process rights of all Michigan vehicle owners," said Elan Nichols, staff attorney for Center for Civil Justice. "Getting notice a few days late can be pricey for anyone. In Mr. Boyd's case, delays resulted in astronomical fees."

In September 2013, Mr. Boyd's vehicle was taken from his yard and was subsequently seized and impounded by the City of Saginaw's Police Department in connection to a crime in which Mr. Boyd was found to have no involvement. Notice of the vehicle's impoundment and the procedure for contesting it was not provided until 45 days after the police seized the vehicle. The notice contained incomplete information about the grounds for impoundment and no information about the fees required in order to get a hearing. The state district court refused to file Mr. Boyd's petition for a hearing, as he was unable to pay the required court fees of \$40 and the impoundment fees, which at the time totaled about \$1,400.

"For Mr. Boyd and other indigent individuals, this also represents a constitutional issue," said Ms. Nichols. "Regardless of whether the car was to be returned, access to the courts merely for a hearing on the issue should not depend on paying such a high fee."

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Center for Civil Justice is seeking certification for the lawsuit to become a class action lawsuit. Persons whose cars were impounded under Michigan Compiled Laws (MCL) 257.252-.254, especially those on public assistance or otherwise living below the poverty level, and who think they have been affected by untimely or improper impoundment notices, should contact Center for Civil Justice at (810) 244-8044. More information about the case can be found on CCJ's website at www.ccj-mi.org.

Center for Civil Justice is a non-profit group advocates on behalf of low-income clients.

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