

STATE OF MICHIGAN
3rd CIRCUIT COURT IN THE COUNTY OF WAYNE

CROWN ENTERPRISES, LLC
a Michigan limited liability company,

Plaintiff/Counter-Defendant,

Case No. 25-001954 -CH
Hon. Muriel Hughes

v.

MATTHEW TOMASZ,

Defendant/Counter-Plaintiff.

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**CROWN ENTERPRISES, LLC’S ANSWER TO AMENDED COUNTER-COMPLAINT
AND AFFIRMATIVE DEFENSES**

Plaintiff/Counter-Defendant Crown Enterprises, LLC (“Crown”) through counsel,
and for its Answer to Defendant/Counter Plaintiff Matthew Tomasz’s (“Tomasz”) Amended Counter-Complaint and Affirmative Defenses, states as follows:

PARTIES, VENUE, AND JURISDICTION

1. Admitted
2. Admitted that Crown is a Michigan limited liability company doing business in Wayne County, that Crown owns the property on which the “Kronos” plant sits, and that Crown leases the property to Kronos Concrete, LLC. The remaining allegations in ¶ 2 are denied as untrue. Crown lacks knowledge or information sufficient to form a

belief as to the truth of the allegations in Footnotes 1-2 of ¶ 2 and therefore denies them.

3. Denied as untrue.
4. Upon information and belief, admitted.
5. Crown does not contest jurisdiction or venue.

GENERAL ALLEGATIONS¹

The Kronos Concrete Plant and Crown's 11 Acres of Neglected Parcels to the West of the Plant

1. Denied as untrue.
2. Exhibit 4 speaks for itself. Further answering, Crown is and has been in compliance with all applicable codes at all relevant times.
3. Exhibit 4 speaks for itself. Further answering, Crown is and has been in compliance with all applicable codes at all relevant times.
4. Exhibit 4 speaks for itself. Further answering, Crown has complied with applicable code at all relevant times.
5. Admitted that Crown obtained all necessary and required permits but denied that Crown operates the Kronos plant. Further answering, Kronos' operations are a by-right use, fully permitted and authorized, and compliant with all legal requirements.
6. Denied as untrue.
7. Admitted that Crown owns residential lots in the Cadillac Heights neighborhood. The remaining allegations in ¶ 7 are denied as untrue.

¹ The paragraph numbering in this Answer corresponds to the paragraph numbering in the Amended Counter-Complaint.

8. Denied as untrue.
9. Admitted that Crown has demolished certain structures. Crown lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in ¶ 9 and therefore denies them.
10. Denied as untrue.
11. Denied as untrue.
12. Denied as untrue as to the alleged “impact on the surrounding community” and “Moroun-owned truck terminal.” Crown lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in ¶ 12 and therefore denies them.
13. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 13 and therefore denies them.
14. Denied as untrue.
15. Denied as untrue.
16. Denied as untrue.
17. Denied as untrue.
18. Denied that Tomasz is entitled to any relief. Crown lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in ¶ 18 and therefore denies them.
19. Denied as untrue.
20. Denied as untrue.
21. Denied as untrue.
22. Denied as untrue.

Encroachment Into a Residential Community

23. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 23 and therefore denies them.

24. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 24 and therefore denies them.

25. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 25 and therefore denies them.

26. Denied as untrue.

27. Denied as untrue.

28. Denied as untrue.

29. Denied as untrue.

30. Denied as untrue.

31. Denied as untrue.

32. Denied as untrue.

33. Denied as untrue.

Fugitive Dust

34. Denied as untrue.

35. Denied as untrue and denied that there is any “fugitive dust.”

36. Denied as untrue.

37. Admitted that Crown has demolished “older homes” as that term is understood. The remaining allegations in ¶ 37 are denied as untrue.

38. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 38 and therefore denies them.

39. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 39 and therefore denies them.

40. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 40 and therefore denies them.

41. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 41 and therefore denies them.

42. Crown lacks knowledge or information sufficient to form a belief as to the truth of what Tomasz “believes” and therefore denies those allegations. The remaining allegations are denied as untrue.

43. Denied as untrue.

44. Denied as untrue.

45. Denied as untrue.

46. Denied as untrue.

47. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 47 and therefore denies them.

48. Denied as untrue.

49. Denied as untrue.

50. Denied as untrue.

51. Denied as untrue.

52. Denied as untrue.

53. Denied as untrue.

54. Denied as untrue.

55. Denied as untrue.

56. Denied as untrue.

57. Denied as untrue.

58. Denied as untrue.

59. Denied as untrue.

60. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 60 and therefore denies them.

61. Denied as untrue.

62. Denied as untrue.

Excessive Noise, Truck Traffic, and Vibrations

63. Denied as untrue.

64. Denied as untrue.

65. Admitted that trucks haul materials to and from the Kronos plant.

66. Denied as untrue.

67. Denied as untrue.

68. Denied as untrue.

69. Denied as untrue.

70. Denied as untrue.

71. Denied as untrue.

72. Denied as untrue.

73. Denied as untrue.

74. Denied as untrue.

Stormwater Runoff and Flooding

75. Denied as untrue.

- 76. Denied as untrue.
- 77. Denied as untrue.
- 78. Denied as untrue.
- 79. Denied as untrue.
- 80. Denied as untrue.
- 81. Denied as untrue.
- 82. Denied as untrue.

Illegal Tree Removal

- 83. Denied as untrue.
- 84. Denied as untrue.
- 85. Denied as untrue.
- 86. Denied as untrue.

Loss of Use and Enjoyment of Home

- 87. Denied as untrue.
- 88. Denied as untrue.
- 89. Denied as untrue.
- 90. Denied as untrue.
- 91. Denied as untrue.

Community-Wide Impact and Notice to Crown

- 92. Denied as untrue.
- 93. Denied as untrue.
- 94. Denied as untrue.

95. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 95 and therefore denies them.

96. Crown lacks knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 96 and therefore denies them.

97. Denied as untrue.

98. Denied as untrue.

Crown's Wrongful Conduct and the Interplay with the City of Detroit

99. Denied as untrue.

100. Denied as untrue.

101. Denied as untrue.

102. Denied as untrue.

103. Denied as untrue.

104. Denied as untrue.

105. Denied as untrue.

106. Denied as untrue.

107. Denied as untrue.

108. Denied as untrue.

109. Denied as untrue.

110. Denied as untrue.

111. Denied as untrue.

112. Denied as untrue.

113. Denied as untrue.

114. Denied as untrue.

115. Denied as untrue and denied that Tomasz is entitled to any relief.

**COUNT I – PRIVATE NUISANCE
(COMMON LAW NUISANCE AND NUISANCE PER SE)**

116. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

117. Denied as untrue.

118. Denied as untrue.

119. Denied as untrue.

120. Denied as untrue.

121. Denied as untrue.

122. Denied as untrue.

123. Denied as untrue.

124. Denied as untrue.

125. Denied as untrue.

126. Denied as untrue.

127. Denied as untrue.

128. Denied as untrue.

129. Denied as untrue.

130. Denied as untrue.

131. Denied as untrue.

132. Denied as untrue.

133. Denied as untrue.

134. Denied as untrue.

135. Denied as untrue.

136. Denied as untrue.

137. Denied as untrue.

138. Denied that Tomasz is entitled to any relief.

COUNT II - NEGLIGENCE

139. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

140. No response to ¶ 140 is required because it states a legal conclusion. If a response is deemed required, Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 140 and therefore denies them.

141. No response to ¶ 141 is required because it states a legal conclusion. If a response is deemed required, Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 141 and therefore denies them.

142. Denied as untrue including as to all subparagraphs and unnumbered allegations in ¶ 142.

143. Denied as untrue.

144. Denied as untrue.

145. Denied as untrue.

146. Denied as untrue.

147. Denied as untrue.

148. Denied as untrue.

149. Denied as untrue.

150. Denied as untrue.

151. Denied as untrue.

152. Denied as untrue and denied that Tomasz is entitled to any relief.

153. Denied as untrue and denied that Tomasz is entitled to any relief.

154. Denied as untrue and denied that Tomasz is entitled to any relief.

155. Denied as untrue and denied that Tomasz is entitled to any relief.

COUNT III – TRESPASS (PHYSICAL INVASION OF PROPERTY)

156. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

157. Upon information and belief, admitted that Tomasz has the right to possession and use of is property. The remaining allegations in ¶ 157 are denied as untrue.

158. Denied as untrue.

159. Denied as untrue.

160. Denied as untrue.

161. Denied as untrue.

162. Denied as untrue.

163. Denied as untrue.

164. Crown lacks the knowledge or information sufficient to form a belief as to the truth of what Tomasz consents to. Crown denies the remaining allegations as untrue.

165. Denied as untrue.

166. Denied as untrue.

167. Denied as untrue.

168. Denied as untrue.

169. Denied as untrue.

170. Denies as untrue.

171. Denied as untrue and denied that Tomasz is entitled to any relief.

172. Denied as untrue and denied that Tomasz is entitled to any relief.

173. Denied as untrue and denied that Tomasz is entitled to any relief.

COUNT IV – NEGLIGENCE (PER SE – VIOLATIONS OF STATUTES/ORDINANCES)

174. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

175. Admitted that Crown is “subject to various statutes, regulations, and ordinances” but denied that it has violated any of them. The remaining allegations are denied as untrue.

176. Denied as untrue including as to all subparagraphs, footnotes, and unnumbered allegations.

177. Denied as untrue.

178. Denied as untrue.

179. Denied as untrue.

180. Denied as untrue.

181. Denied as untrue and denied that Tomasz is entitled to any relief.

182. Denied as untrue.

183. Denied as untrue.

184. No response to ¶ 184 is required because it states a legal conclusion. If a response is deemed required, Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 184 and therefore denies them.

185. Admitted that the City of Detroit has accepted operational plans for buffering at the Kronos plant, which is otherwise in compliance with all applicable law.

The remaining allegations in ¶ 185 are denied as untrue.

186. Denied as untrue.

187. Denied as untrue.

188. Denied as untrue and denied that Tomasz is entitled to any relief.

COUNT V- VIOLATION OF THE MICHIGAN ENVIRONMENTAL PROTECTION ACT (MEPA), MCL 324.1701 ET SEQ.

189. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

190. No response to ¶ 190 is required because it states a legal conclusion. If a response is deemed required, Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 190 and therefore denies them.

191. No response to ¶ 191 is required because it states a legal conclusion. If a response is deemed required, Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 191 and therefore denies them.

192. No response to ¶ 192 is required because it states a legal conclusion. If a response is deemed required, Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 192 and therefore denies them.

193. Denied as untrue.

194. Denied as untrue.

195. Denied as untrue.

196. Denied as untrue.

197. Denied as untrue.

198. Denied as untrue.

199. Denied as untrue.

200. No response to ¶ 200 is required because it states a legal conclusion. If a response is deemed required, Crown denies that it has caused environmental hazards off-site.

201. Denied as untrue.

202. Denied as untrue.

203. Denied as untrue.

204. Denied as untrue.

205. Denied as untrue.

206. Denied as untrue.

207. Denied as untrue.

208. Denied as untrue including as to all subparagraphs.

209. Denied as untrue.

210. Denied as untrue.

211. Denied as untrue.

212. Denied as untrue and denied that Tomasz is entitled to any relief.

213. Denied that Tomasz is entitled to any relief.

214. Denied that Tomasz is entitled to any relief.

215. Denied that Tomasz is entitled to any relief.

216. Denied that Tomasz is entitled to any relief.

COUNT VI – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

217. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

218. Denied as untrue.

219. Crown lacks the knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 219 and therefore denies them.

220. Denied as untrue.

221. Denied as untrue.

222. Denied that Crown is subjecting a small neighborhood to severe environmental harm and disruption. Crown lacks the knowledge or information sufficient to form a belief as to the truth of the remaining allegations in ¶ 222 and therefore denies them.

223. Denied as untrue.

224. Denied as untrue.

225. Denied as untrue.

226. Denied as untrue.

227. Denied as untrue.

228. Denied as untrue.

229. Denied as untrue.

230. Denied as untrue.

231. Denied as untrue.

232. Denied as untrue.

233. Denied as untrue.

234. Denied as untrue.

- 235. Denied as untrue.
- 236. Denied as untrue.
- 237. Denied as untrue.
- 238. Denied as untrue.
- 239. Denied as untrue.
- 240. Denied as untrue.
- 241. Denied as untrue.
- 242. Denied as untrue.
- 243. Denied as untrue and denied that Tomasz is entitled to any relief.

COUNT VII – PUBLIC NUISANCE

244. Crown incorporates its answers in the preceding paragraphs as though fully restated herein.

- 245. Denied as untrue.
- 246. Denied as untrue.
- 247. Denied as untrue.
- 248. Denied as untrue.
- 249. Denied as untrue.
- 250. Denied as untrue.
- 251. Denied as untrue.
- 252. Denied as untrue.
- 253. Denied as untrue.
- 254. Denied as untrue.
- 255. Denied as untrue.

256. Denied as untrue.

257. Denied as untrue.

258. Denied as untrue.

259. Denied as untrue.

260. Denied as untrue.

261. Admitted that Tomasz home is across the street from the Kronos plant.

The remaining allegations are denied as untrue.

262. Denied as untrue.

263. Denied as untrue.

264. Denied as untrue.

265. Denied as untrue.

266. Denied that Tomasz is entitled to any relief.

267. Denied that Tomasz is entitled to any relief.

268. Denied that Tomasz is entitled to any relief.

269. Denied that Tomasz is entitled to any relief.

270. Denied that Tomasz is entitled to any relief.

271. Denied as untrue and denied that Tomasz is entitled to any relief.

WHEREFORE, Crown respectfully requests that this Court dismiss the Counter-Complaint with prejudice, award Crown its costs and attorneys fees pursuant to MCL § 600.2591 for having to defend the Counter-Claim, and award Crown such additional relief that is just and equitable.

AFFIRMATIVE DEFENSES

Crown will rely upon the following Affirmative Defenses, if applicable, and if established by facts during the course of discovery, if any. Crown does not assume any burden of proof that would otherwise rest on Ghames.

- A. Tomasz has failed to state a claim upon which relief can be granted.
- B. Tomasz's claims are barred by laches, unclean hands, estoppel, and/or waiver.
- C. Tomasz's claims are barred because the Amended Counter-Complaint does not comply with the Michigan Court Rules governing pleadings.
- D. Tomasz's claim are barred because his allegations are redundant, immaterial, impertinent, scandalous, or indecent.
- E. Tomasz's claim for damages is barred in whole or in part by his contributory negligence.
- F. Tomasz's claim for damages is barred because Crown is not the party at fault.
- G. Tomasz's claims are barred for failure to mitigate damages.
- H. Tomasz' claims are barred by the applicable statute of limitations.
- I. Tomasz lacks standing to assert all or a portion of his claims.
- J. Tomasz is not the real party in interest to assert all or a portion of his claims.
- K. Tomasz's claims are barred because he did not have a right of possession at the time of the alleged trespass.
- L. Tomasz's claims are barred under the doctrine of necessity.

M. Tomasz's claims are barred by applicable Michigan law.

N. If not already raised, Crown affirmatively sets forth all of the applicable defenses enumerated in MCR 2.111(F)(3).

Crown reserves the right to add additional affirmative defenses as a result of discovery, if any.

Respectfully Submitted,

Dated: July 8, 2025

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