

News & Insights

Mark Magyar Secures Win for Kalamazoo Memorial Park Client

Circuit Court Judge Dismisses Lawsuit that Claimed Gross Negligence

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Mark Magyar, a senior attorney in Dykema's Business and Commercial Litigation Group and resident in the firm's Grand Rapids office, recently won a civil case in the Ninth Judicial Circuit Court, Kalamazoo County, Michigan, in which a Tennessee woman claimed that Mount Ever-Rest Memorial Park (represented by Magyar) had been "grossly negligent" by allegedly misplacing a headstone for the claimant's parents' burial plot. The claimant had sought \$10 million in compensatory and punitive damages.

In the motion for summary disposition, Magyar contended that the opposition's claims of negligence, gross negligence, breach of contract and misrepresentation were barred by Michigan's statute of limitations. He also presented the court with papers that proved that Memorial Park had correctly fulfilled its obligations.

In granting the summary disposition motion, Circuit Judge Pamela L. Lightvoet dismissed the case "with prejudice," effectively ending this suit and denying further action on the claim. The Court also granted Magyar's request for attorney fee sanctions against the opposing law firm and the plaintiff for the complaint being without basis in law or fact.

To read the *Kalamazoo Gazette* news article on this judgment, [click here](#).

Attorneys

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Practice Areas

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