

Wrongful death suit brought in Leelanau pedestrian crash

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Aug 1, 2023



TRAVERSE CITY — A civil suit filed against a Lake Leelanau woman, who faces criminal charges in the death of a pedestrian and her dog, also seeks action against the owner of the car she was driving.

A personal representative for the estate of the victim, Evelyn Ella Kellogg, filed the civil complaint against Christen Landry from Lake Leelanau, and Karen Christopher from Grand Traverse County. The lawsuit was filed in the Grand Traverse County 13th Circuit Court.

The suit alleges wrongful death and negligent entrustment in the case against Christopher. On the night of the fatal crash, the lawsuit claims Landry was driving Christopher's car with her permission.

The criminal charge was leveled after Kellogg, 43, and her dog were struck and killed on Dec. 8, according to police reports.



Landry

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Kellogg had been walking her dog on the shoulder of East Lingaur Road near South Lake Shore Drive just before 7:30 p.m. at the time the crash occurred, police said.

Landry, who was charged with operating a vehicle under the influence causing death, has pleaded not guilty.

In the civil suit, the lawyer representing the estate, Blake Ringsmuth, is requesting a jury trial and asking for more than \$25,000 in addition to costs, interest, attorney fees and other court fees.

He wrote in the filing that, based on the Michigan Owner Liability statute, Christopher is liable for all the damages that were caused by Landry that night.

“Upon information and belief, defendant Christopher chose to supply her vehicle to defendant Landry and created an unreasonable risk to the Plaintiff and the community,” the filing states.

Kellogg “was clearly visible wearing a headlamp, chest-mounted flashlight and multi colored strobing/reflective vest,” at the time of her death, the filing states.

Moments before Kellogg was killed, Landry is accused of crossing the centerline and hitting Kellogg while she was walking on the shoulder of the road.

The suit claims Landry operated the car in a “careless or negligent manner which endangered the safety of Plaintiff and others in violation of MCL 257.626b.”

Ringsmuth said the primary purpose of this lawsuit is closure for Kellogg’s family, as well as to hold Landry and Christopher accountable for their actions.

“There was no acceptance of responsibility,” he said, “and the criminal process, you never know how that’s going to turn out. And it’s different because [the lawsuit] provides justice for the lost one’s family.”

He described Kellogg as a “very valuable community member” and her death caused aftershocks throughout the community. For her family, this lawsuit is a proceeding over which they can have some control, unlike the prosecution of the criminal charges against Landry.

In a civil lawsuit, Ringsmuth said, he can call Landry to the stand and ask her what really happened that night.

Since this case will be heard after the criminal proceedings, she won’t be able to incriminate herself, he said.

“I think that, because this is such an important issue for our northern Michigan community, we want to find out what happened,” he said. “People want to know and the family, my clients, are entitled to know what happened, and that’s what the civil case will help get to.”

Landry’s final conference hearing for the criminal case is scheduled for 9 a.m. Sept. 5 in Leelanau County.

The defense attorneys in the criminal case, Michael Naughton and Jesse Williams, did not return calls from the Record-Eagle on Monday.

MORE INFORMATION

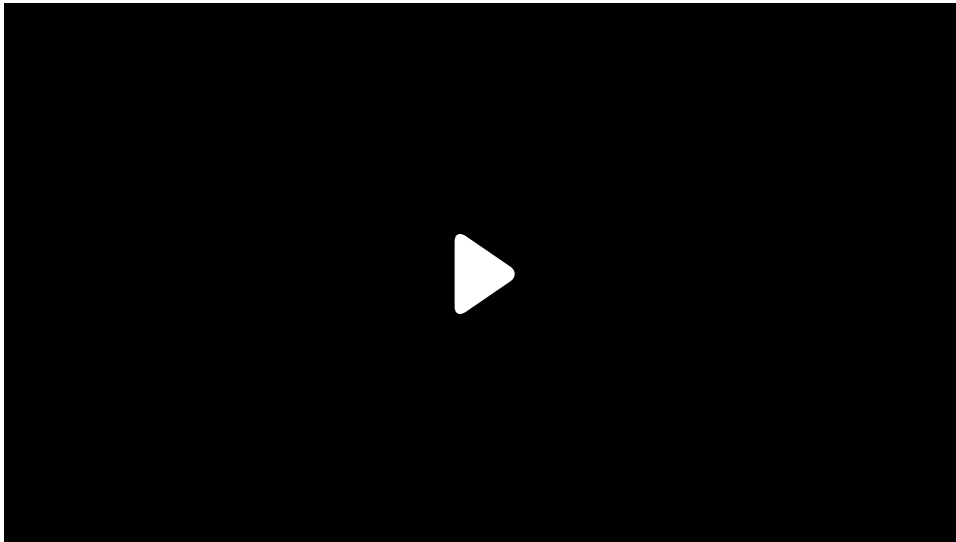
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