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PROFILE IN BRIEF

By SHEILA PURSGLOVE
Legal News

Lee Alan Sartori Consulting Business



Lee Alan Sartori

Lee Alan Sartori learned business skills at a young age around the kitchen table, from parents who started and operated a successful small business and managed several real estate investments with little capital but lots of headaches.

An attorney with Howard & Howard in metro Detroit and an adjunct law professor at Michigan State University College of Law and Walsh College, Sartori ran a small business in his later high school and early college years. When budding entrepreneurs sought his advice, he discovered his passion for talking to people about business. He also was impressed with the depth of business knowledge shown by his CPA and attorneys.

"Those experiences and interactions morphed into the idea of becoming a 'business consultant'— whatever that may mean," Sartori says. "I actually sat down in a public library and researched a list of credentials I believed were necessary to realize that goal and then set about working on the list."

"After a few years I realized that certain knowledge related to some credentials I was obtaining by experience and via other credentials I'd already obtained, and frankly, that I may not live long enough to finish the list."

Focusing instead on major areas of knowledge, Sartori earned a bachelor's degree in accounting and an MBA from Oakland University, a master's degree in taxation from Walsh College, and his juris doctorate *summa cum laude* from MSU College of Law mainly at night while working during the day.

"I really don't view myself as an attorney, CPA, business person, or instructor—I simply view myself as a business consultant that happens to be practicing in a law firm and perhaps an adjunct professor to some very fine colleges who ask me to speak when they believe I've something beneficial to say."

Academics and experience go hand-in-hand, and one without the other is only one-half of an education, he says. He mixes a lot of real world experiences into classes so his students not only get the flavor of real life, but also can use their knowledge immediately on the job.

The "light bulb" going off over students' heads is gratifying, as is the opportunity to affect their lives in a positive way, according to Sartori.

"Anyone who is sincerely into teaching can attest to the electricity in the air when knowledge is gained and, if they're honest, their sheer enjoyment in participating in that experience," he says. "I'd like to think that if I'm teaching, or 'selling' something, it's really inspiration, confidence, and problem solving and that the subject matter is only the means of conveying those items. No matter what the subject matter is, I believe one of the main purposes of academics should be to solve peoples' problems."

After 25 years of practice and 11 years of teaching, the teacher is still a student, learning every day from pretty much everyone he encounters.

"Fortunately, I've been blessed to work with a number of extraordinary, knowledgeable, and ethical senior attorneys and business persons over the years from whom I've not only learned a lot about business but about life in general—I'll do my best to pass along the gifts they've shared with me," Sartori says.

See PROFILE, Page 3

INSIDE DLN

Business News	2
Calendar	28
City Request for Bids	5
Classified Ads	4
Crossword	4
Legal Notices	5
Mortgages	4
Ordinances	5



6 5255 1015 9

Parade Rest



Photo by John Meiu

Members of the Hellenic Bar Association took part in the Greek Independence Day Parade on Sunday, March 25. Happy to march down the streets of Detroit on a sunny afternoon were (l-r) Christina Panagoulia Triantafyllopoulos, Natalie Zimmer, Rep. Robert J. Constan, Hellenic Bar President Lana Panagoulia, Wayne County 28th District Court Judge James Kandrevas, Wayne County Circuit Court Judge Eric Cholack, Wayne County 35th District Court Judge James Plakas, Basil Simon of Simon, Stella, & Zingas PC, and Nick Soulas.

Pipeline to Power

Symposium explores gender equality in the legal profession

Annoyance and concern over the portrayal of a woman nominated to the U.S. Supreme Court prompted two law scholars to examine the question of "how formidable are the barriers women face when climbing the steps to real power in the legal profession?"

They concluded that the answer was "pretty formidable."

That study eventually led to a major symposium. "More women enter the law profession every day, but the 'glass ceiling' that keeps them from achieving success comparable to their male counterparts is the subject of the symposium 'Gender and the Legal Profession's Pipeline to Power.'"

Despite increasing numbers of women attorneys and law students, leadership roles continue to be elusive for women in the profession. They comprise only 6 percent of managing partners in law firms and hold less than 15 percent of equity partnerships in those firms. Only 20 percent of general counsels for Fortune 500 companies and 20 percent of law school deans are women.

"Prof. Renee Newman Knake and I engaged in a research project about the time Elena Kagan was being considered for the U.S. Supreme Court," Hannah Brenner, a law lecturer at Michigan State University College of Law. "We exchanged e-mails expressing our concern about some of the ways that Kagan was being portrayed in the media. She was being questioned about her marital status, motherhood and her appearance. We decided to conduct an empirical study on how nominees to the Supreme Court had been portrayed depending

on gender." Brenner and Knake's study suggested that a big part of the problem is the continued distorted views on women that are perpetuated, at least in part, by media representations.



"Our hope in creating this project was that it would give us a better understanding of what's happening 'on the ground.'"

— Hannah Brenner

"We went back to Justices Rehnquist and Powell in the 1970s up to the nomination of Elena Kagan," Brenner said. "Our research looked at a number of factors and we evaluated every article on the nominations in the New York Times and the Washington Post from the date they were mentioned as a potential nominee until the day they were confirmed. We looked at mentions of appearance, parental sta-

tus, family life, and motherhood. The research culminated in an article for the Temple Law Review, which was really the impetus for creating this symposium."

The event is presented by the Michigan State Law Review and Michigan State University College of Law's Frank J. Kelley Institute of Ethics and the Legal Profession and brings together experts from the fields of law, gender studies, political science and journalism. It will be held at the Westin Book Cadillac Hotel in downtown Detroit on Thursday, April 12, and Friday, April 13.

Topics will include Gender, Race and the Judiciary; Gender Equality: From the Boardroom to the Electorate; Rethinking Our Understanding of Gender Inequity; and Bringing it Closer to Home: The Pipeline to Power for Women Lawyers in Michigan.

Working with those scholars was a learning experience even for Brenner and Knake.

"Our hope in creating this project was that it would give us a better understanding of what's happening 'on the ground,'" she said. "In doing this research, we learned about the extraordinary work of so many scholars across the country who are continuing to advance this conversation about gender equality in the legal profession."

Linda Greenhouse will deliver the keynote lecture at 6 p.m. on Thursday, April 12. Greenhouse was a journalist and covered the U.S. Supreme Court for the New York Times from 1978 to 2008. She is now Senior Research Scholar in Law, Knight Distinguished Journalist in Residence and Joseph Goldstein See POWER, Page 2

ABA to honor State Bar with Grassroots Advocacy Award

The State Bar of Michigan will receive the American Bar Association Grassroots Advocacy Award for its outstanding efforts to increase funding for the Legal Services Corporation, which helps provide legal aid for low-income Americans. The award will be presented on April 18 during a reception at the United States Supreme Court.

With 63 million Americans—including 22 million children—qualifying for assistance, LSC is the nation's single largest provider of civil legal aid to citizens who live on incomes below or near the poverty line. Independent LSC-funded local programs, such as Legal Services of Eastern Michigan, help meet the overwhelming legal needs of struggling families, veterans, disaster victims and the elderly, among others, in every state. In 2010, LSC-funded aid providers in Michigan closed nearly 17,315 cases including child custody matters, foreclosures and veterans' benefits.

Last year, the State Bar of Michigan played an exemplary role in advancing access to justice by successfully advocating for adequate funding for LSC during the congressional budget allocation for fiscal year 2012. The State Bar of Michigan advocated for LSC funding through an ongoing grassroots legislative advocacy campaign that included urging congressional members on the Joint Select Committee on Deficit Reduction to push for increased LSC funding.

The State Bar of Michigan would be prevented a potentially devastating \$104.2 million (25.7 percent) proposed cut to the LSC budget of \$404.2 million in fiscal year 2010. While the House of Representatives proposed funding LSC at \$300 million, the Senate favored an allocation of \$396 million. Ultimately, funding was set at \$348 million, thanks in large part to efforts such as the State Bar of Michigan's.

"The State Bar of Michigan is honored to be named a 2012 recipient of the ABA Grassroots Advocacy Award. We have a committed staff that works very hard to advance the bar's interests on the legislative front, and we value our relationship with the ABA when opportunities arise to work together on issues of mutual interest," said State Bar of Michigan President Julie Freshman.

"The State Bar of Michigan has been at the front, leading on a variety of issues, including the effort to preserve funding for legal services. Their immense contributions on behalf of Michigan lawyers have strengthened our sense of justice," said ABA President Wm. T. (Bill) Robinson III.

The State Bar of Michigan will receive one of the five ABA Grassroots Advocacy Awards that will be given as part of the ABA's annual effort to connect policymakers with constituents in the legal profession. ABA Day 2012 brings distinguished lawyers from 50 states to Washington, D.C., to discuss issues such as funding for the Legal Services Corporation, the Violence Against Women Act, and the collection of overdue state court-ordered fees.

Other recipients of 2012 ABA Grassroots Advocacy Awards include George Cauten, Nelson Mullins et al.; L. Jonathan Ross, Primer Pip Eggleston & Cramer PC; the Supreme Court of Texas; and Betty Balli Torres, Texas Access to Justice Foundation.

DAILY BRIEFS

Bradley announces candidacy for seat on 36th District Court



Andrea J. Bradley

Andrea J. Bradley has announced her candidacy for judge for the 36th Judicial District Court in Detroit.

"I am running because Detroit is in transition and now is the time for strong leaders to step up and serve our community. We need judges that have the strength of character to impart equal justice, for every person, every day."

A Campaign Kickoff and Fundraiser to elect Andrea J. Bradley to 36th District Court will be held on Thursday at Cutters Bar and Grill from 5:30-8 p.m.

Tickets are \$50 (cash bar and hors d'oeuvres) and can be purchased in advance by calling Palencia Mobley at (313) 605-6544 or De'Rone Buffington at (313) 622-8291. Tickets may also be purchased at the door. More information can be found about the campaign by visiting www.facebook.com/bradley4judge or www.brady4judge.com.

Bradley is currently an administrative law judge for the State of Michigan and is a former associate of Honigman Miller Schwartz and Cohen, LLP and Dykema Gossett, PLLC.

Judge Matthew Sabaugh to hold court at Lincoln Middle School

37th District Court Judge Matthew P. Sabaugh will preside over a special court session at Lincoln Middle School in Warren on Friday, April 13 at 9 a.m. The 37th District Court has received approval from the State Court Administrator's office to hear cases off-site at local schools. Sabaugh began holding court in schools as part of his mission to create public awareness of the court system. "Court in School" has proved to be a great success at local high schools and Sabaugh has expanded it to include middle schools in the district.

"The response from the middle school students has been tremendous. The students have many questions and they get an eye-opening experience about our legal system," said Sabaugh.

In addition, Sabaugh has invited a representative of the Macomb County Juvenile Court Probation Department to speak to the students. Sabaugh believes this special court session will hold great educational value to Lincoln Middle School students.

"Middle school students are already facing heavy peer pressure to abuse drugs and alcohol. It's never too early to educate students about the dangers of violence and drug and alcohol use. When the students see the consequences, they can learn from mistakes of others and make better decisions in their own lives," said Sabaugh. "I would much rather come to the school and speak to these students about the dangers of criminal behavior than to have them appear before me on a criminal matter." Sabaugh said the docket will include several criminal cases scheduled for sentencing.

Official Newspaper:

- City of Detroit
- Wayne Circuit Court
- U.S. District Court
- U.S. Bankruptcy Court

■ Taking Stock
Malcolm Berko
on TIAA-CREF
Page 2

■ Law Life
Nicole Black on
police, social media
Page 3

■ The Firm
Law firms are at high
risk of embezzlement
Page 27



LawLife

NICOLE BLACK, THE DAILY RECORD NEWSWIRE

Are police unlawfully accessing social media accounts?

It's undeniable: social media use has permeated our culture. People are sharing information about all aspects of their lives via social networking sites. Some of these disclosures are broadcast publicly while others are limited to select friends and followers.

This broad scale sharing of information has not gone unnoticed by the legal profession. In past columns I've discussed the recent efforts of lawyers to mine social media for evidence, resulting in a number of ethics opinions that attempt to provide guidance and establish ethical boundaries for lawyers as they wade into the electronic minefield of social media.

But, as an attendee asked when I recently spoke at a seminar sponsored by the Monroe County Public Defender's Office, what about law enforcement? How far can police officers go when seeking to obtain access to social media evidence in order to prove the guilt of an accused?

I thought it was a great question and suggested that it was an issue that the courts would eventually have to address, with law enforcement stampeded into uncharted social media territory.

And, an example of just such a decision arrived a few weeks later. I received an email from one of the attendees, well-known Rochester criminal defense attorney and prolific author, Gary Muldoon and he advised me of a recent case on point, *People v. Munck*, 92 A.D.3d 63, 937 N.Y.S.2d 334 (3d Dept. 2011).

One issue addressed by the court was whether, during a police interrogation, police had unlawfully obtained access to the defendant's MySpace account. The court briefly addressed the issue, holding that the officer's conduct was lawful, and cited a New York Court of Appeals decision as the basis for its holding:

"While defendant received oral Miranda warnings, which he agreed to waive, that interview was voluntary and noncoercive, and cited a New York Court of Appeals decision as the basis for its holding:

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PROFILE:

'Business Divorce' class may be only one of its type around

From Page 1

After involvement in many contentious disputes amongst business owners, Sartori put together a class in "Business Divorce," that he believes is the only free standing course of its type in the country.

The natural outgrowth of a closely held business transactional practice, business divorce is generally a product of poor planning, under-legal representation, and just plain greed — not necessarily in that order — and tends to use every bit of his knowledge in business, law, accounting, taxation, and human relations, he says.

"Good or bad — right or wrong — I always feel I'm help-

ing people make the best of what generally is always a bad situation no matter which side I'm representing," he says.

His diversified transactional practice lets him work with people trying to move their businesses and lives forward, and who are interested in protecting their wealth, their job, or both.

"The main job of a transactional attorney should be geared toward that end and I try to keep things simple and clear for my client or project I'm working on."

Transactional attorneys with a tax background make the best transactional attorneys, and utilizing one minimizes duplication of effort and helps businesses minimize costs, he says.

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In the Courts

WASHINGTON

Obama setting up Supreme Court as a campaign issue

Democratic strategy is to paint the high court as extreme

BY ANNE GEARAN
Associated Press

WASHINGTON (AP) — President Barack Obama is laying groundwork to make the majority-conservative U.S. Supreme Court a campaign issue this fall, taking a political page from Republicans who have long rallied against liberal judges who don't vote their way.

The emerging Democratic strategy to paint the court as extreme was little noted in last week's hubbub over Obama's assertion that overturning his health care law would be "unprecedented."

His statement was not completely accurate, and the White House backedtracked. But Obama was making a political case, not a legal one, and he appears ready to keep making it if the high court's five-member majority strikes down or curbs the heart out of his signature policy initiative.

The court also is likely to consider several other issues before the November election that could stir Obama's core Democratic supporters and draw crucial independent voters as well. Among those are immigration and rights and a revisit of a campaign finance ruling that Obama already has criticized as an outrage.

"We haven't seen the end of this," said longtime Supreme Court practitioner Tom Goldstein, who teaches at Stanford and Harvard universities. "The administration seems to be positioning itself to be able to run against the Supreme Court if it needs to or wants to."

While Obama has predicted victory in the health care case now before the court, his administration could blame overreach by Republican-appointed justices if the law does not get rejected, said Goldstein, who wrote a brief supporting the law's constitutionality.

This can be dangerous ground, as Obama discovered. Since Franklin Delano Roosevelt in the 1930s, few presidents have assailed the Supreme Court directly. In Obama's case, he issued an indirect challenge, but the former constitutional law professor tripped over the details.

Obama told a news conference on Monday that he was "confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress."

The Supreme Court sometimes does overturn laws passed by Congress. Obama later clarified that he was referring to a narrow class of constitutional law, but even then Republicans and some court scholars took issue. What's not in question is that the vote was a slim 219 to 212 in the House of Representatives.

A Republican-appointed federal judge took umbrage at the suggestion that federal courts might be powerless to overturn such laws and ordered the Justice Department to prepare a written assurance. He named the response be at least three pages, single-spaced.

Attorney General Eric Holder took on that task himself, telling the judge that "the longstanding, historical position of the United States regarding judicial review of the constitutionality of federal legislation has not changed."

He also took the opportunity to cite Supreme Court case law supporting the premise that laws passed by Congress are "presumptively constitutional."

The Supreme Court heard a rare three days of argument on the 20 health care overhaul last week by the court's conservative majority appeared deeply skeptical of

the central provision, a requirement for individual health insurance. Justice Antonin Scalia, for one, appeared strongly in favor of striking down the entire law. A decision is expected by July.

Senate Republican Leader Mitch McConnell had his say on presidents and the Supreme Court.

"The president did something that as far as I know is completely unprecedented. He not only tried to publicly pressure the court into deciding a pending case in the way he wants it decided; he also questioned its very authority under the Constitution," McConnell said.

The constitutional issue aside, Obama made clear that the thrust of his argument is political. He ticked off popular elements of the law that are already in force, and said the consequences of losing those protections would be grave for young people and the elderly, in particular.

"I'd just remind conservative commentators that for years what we've heard is, 'The biggest problem on the bench was judicial activism or a lack of judicial restraint.' But that an unelected group would somehow overturn a duly constituted and passed law," Obama said. "Well, this is a good example. And I'm pretty confident that this court will recognize that and not take that step."

Obama narrowed and clarified his original statement under questioning at the annual meeting of The Associated Press. His spokesman spent the next two days explaining and defending both statements on both legal and political grounds.

As a former law professor, "the president understands judicial precedent. He has a little experience with it, and the importance of judicial review," White House press secretary Jay Carney said Thursday.

University of Texas Law School professor and Supreme Court scholar Lucas Powe said Obama's original statement suggests he is probably knowing the law is in trouble and is seeking political high ground.

"My instinct is that he was laying predicate for a campaign statement," Powe said.

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"People said he was threatening the court. You can't threaten the Supreme Court."

It wasn't the first time Obama criticized the court. He blasted the court's then-fresh campaign finance ruling in his 2010 State of the Union address.

"The Supreme Court reversed a century of law to open the floodgates for special interests, including foreign corporations, to spend without limit in our elections," Obama said then.

That earned an on-the-spot rebuttal from conservative Justice Samuel Alito. Alito, sitting in the front row, was seen to mouth, "Not true."

Democrats and many constitutional scholars also were appalled by the court's actions in 2000, when it took on the disputed presidential election and effectively called the race for Republican George W. Bush. Justice John Paul Stevens, a lifelong Republican appointed by President Gerald Ford, warned in a bitter dissent that the court risked undermining its own authority by appearing nakedly political.

The current back-and-forth turns a standard Republican rallying cry on its head. During the past three decades, Republicans have increasingly criticized judges as liberal and unaccountable, charging "judicial activism" has infected the court system.

The Supreme Court was a regular target, even during the tenure of conservative Chief Justice William H. Rehnquist.

The court has had a conservative majority for more than a decade. But while the court was far from a rubber stamp for Bush, it took the election of Democrat Obama to draw a sharp contrast between the court and the executive.

Both Democrats and Republicans are being discouraged by using the court as a political instrument, said Orr Kerr, a prominent conservative Supreme Court expert.

"Judicial activism is a two-way street, and when the politics switch most people reverse arguments," said Kerr, a professor at George Washington University School of Law. "Liberals are sounding like conservatives and conservatives are sounding like liberals."

Court Roundup

**OREGON
Firefighter settles lawsuit with city for \$285,000**

EUGENE, Ore. (AP) — A firefighter who says she was discriminated against when she returned to work with a heart pacemaker has settled a lawsuit against the city of Eugene for \$285,000.

Carolyn McCann says the city tried to force her to quit after an 18-month absence following an off-duty incident in 2007 when her heart stopped. She had been cleared by her cardiologist to return to work.

The Register-Guard reports \$50,000 goes to McCann for emotional distress; the rest goes to attorney fees.

Fire Chief Randy Groves says McCann's back-to-work process was reasonable. He says the decision to settle was made by a city insurance carrier.

**ILLINOIS
Lawsuit: He failed FBI fitness test by one pushup**

CHICAGO (AP) — An FBI analyst who failed a fitness test by one pushup claims in a federal lawsuit that the test is biased against men.

Jay Bauer's lawsuit says he met other requirements to become a special agent. But Bauer could perform only 29 out of 30 timed pushups. The lawsuit says that meant he was forced to resign from special agent training.

The Chicago Tribune reports that Bauer's lawsuit was filed last week in Chicago.

An FBI spokesman told the newspaper that the agency doesn't usually comment on pending litigation.

Bauer, a Mount Prospect resident, has disputed the FBI decision through the administrative courts.

His attorneys say a female trainee who scored poorly in firearms proficiency was given another shot at the fitness test, but Bauer wasn't.

**IOWA
State lawmaker seeks punitive damages, too**

SIoux CITY, Iowa (AP) — State Sen. Rick Bertrand has asked a court to allow punitive damages in the slander lawsuit he won.

The Sioux City Journal says the Sioux City Republican filed the court paperwork on Monday.

On Friday, a jury awarded

**CALIFORNIA
San Fran attorney: Mayor had right to suspend sheriff**

SAN FRANCISCO (AP) — San Francisco's city attorney says the mayor had the right to suspend the sheriff after the law enforcement official pleaded guilty in a domestic violence case involving his Venezuelan actress wife.

Sheriff Ross Mirkarimi has filed a lawsuit against the city to get his job back after he was suspended following his guilty plea.

He says he shouldn't have been suspended since the incident occurred before he was sworn into office.

City Attorney Dennis Herrera disputed that in court papers Monday, saying that if Mirkarimi were of complete immunity for elected officials between the time they are elected and when they take office.

Mirkarimi was accused of bruising Eliana Lopez's arm on New Year's Eve. He pleaded guilty last month to misdemeanor false imprisonment.

**MONTANA
Woman awarded \$34 million in insurance lawsuit**

BILLINGS, Mont. (AP) — A 90-year-old woman residing in an assisted-living facility in Billings has won a \$34.2 million judgment against her Omaha, Neb.-based insurance company for suspending payments for her dementia care.

Arlene Hull and her daughter sued Ability Insurance Co. in 2010 after the company ended her assisted-living benefits. Ability said Hull no longer qualified after a review found she didn't require "substantial supervision."

Hull's attorney, Mike Abourezk, says the company misinterpreted the policy and misapplied the rules.

The Billings Gazette reports the benefits were restored last year, but the company refused to pay for the time coverage was denied.

The jury awarded Hull \$250,000 for breach of contract; \$2 million for violation of Montana's Unfair Trade Practices law; and \$32 million in punitive damages.

Ability attorney Paul Collins declined comment.

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**PENNSYLVANIA
Woman sues over dad's body found in Pa. mortuary**

BEAVER FALLS, Pa. (AP) — An Ohio woman is suing a western Pennsylvania funeral home where her father's body was found partially embalmed after the building was subject to a sheriff's sale.

The Beaver County-Times says