



Materials Prepared for:

**Grosse Pointe
Public Schools
Board of
Education**



GEORGE P. BUTLER

Member/Partner

500 Woodward Avenue
Suite 4000
Detroit, MI 48226

Tel: 313-223-3134

Email: GButler@dickinsonwright.com

CHRISTOPHER A. CORNWALL

Member/Partner

500 Woodward Avenue
Suite 4000
Detroit, MI 48226

Tel: 313-223-3530

Email: CCornwall@dickinsonwright.com

DICKINSONWRIGHT.COM

ARIZONA CALIFORNIA FLORIDA ILLINOIS KENTUCKY MICHIGAN NEVADA OHIO TENNESSEE TEXAS WASHINGTON DC TORONTO



500 WOODWARD AVENUE, SUITE 4000
DETROIT, MI 48226-3425
TELEPHONE: 313-223-3500
FACSIMILE: 844-670-6009
<http://www.dickinsonwright.com>

GEORGE P. BUTLER III
GButler@dickinsonwright.com
313-223-3134

CHRISTOPHER A. CORNWALL
CCornwall@dickinsonwright.com
313-223-3530

January 17, 2023

Grosse Pointe Public School System
ATTN: Sean P. Cotton
Treasurer
20601 Morningside Drive
Grosse Pointe Woods, MI 48236

Re: Request for Proposal for General Counsel Legal Services

Dear Members of the Board and Mr. Cotton:

Thank you for affording us this opportunity to issue our proposal for representing the Board of Education ("the Board") of Grosse Pointe Public Schools (the "District") with respect to all areas of its legal needs. We are capable and interested in being considered for representation of the District with respect to all of its needed legal services.

We are experienced in all of the practice areas required to fully represent the District and we include in our representation of our public educational institutions an enormous amount of "no charge" services such as the extensive, no charge in-servicing program we provide to our clients, and which is detailed later in this proposal; our attendance at a number of open meetings of the Board at no charge when called upon to do so, and our inclusion of District personnel on our Legal FYI list. In addition, when first engaged by a school district, we review the district's policies and guidelines, collectively bargained agreements, service and other significant contracts, budget, bond and finance documents, and codes of conduct at no charge to the client so the client is not paying us to "get up to speed".

Law Firm Name and Location

The name of the firm submitting this proposal is Dickinson Wright PLLC. Our office address is 500 Woodward Avenue, Suite 4000, Detroit, Michigan, 48226. Dickinson Wright is a national firm with six Michigan offices in Ann Arbor, Detroit, Troy, Ann Arbor, Lansing, Grand Rapids and Saginaw.

Length of time in business and representing Michigan Public School Districts

Founded in 1878, Dickinson Wright is a full-service law firm headquartered in Detroit, Mich., with more than 475 lawyers serving clients out of 19 offices throughout the United States and Canada, and offers more than 40 practice areas and industries. We take great pride in our history of diversity and inclusion, our emphasis on client service, and a longstanding tradition of success. From our founding in Detroit to our expansion across North America, the firm has evolved and prospered by remaining focused on the core value of our client needs, while staying on the leading edge of legislative and technological developments.

Dickinson Wright has a decades-long tradition of providing superior legal services to school districts, intermediate school districts, community colleges, colleges, and universities throughout the United States. With this breadth of experience and vision, we provide our clients with creative problem solving techniques that effectively minimize risks while maximizing rewards. Our education team serves as general counsel to both public and private educational entities, including public school districts, private schools, colleges, universities and other governmental and quasi-public bodies.

We ensure that our clients are made aware in advance of and upon any change in laws that affect them and we often include training on significant changes in our no charge in-services of our clients. In addition, we have been extensively involved over the years in efforts to change laws to meet the needs of our clients, garner favorable interpretations of them in courts or before relevant agencies, and we have represented consortia of clients and client organizations for the same purposes. We also ensure that our client's policies, procedures and contracts reflect current law and we draft contracts that always permit change based upon change in the law. We have exceptionally good relationships with all levels of government on both sides of any issue and a well-founded reputation for expertise on all legislative matters. Alumni of our Firm sit on the bench, serve in government and government agencies at every level.

Law Firm Expertise Providing General Counsel Services to Boards of Education

Dickinson Wright serves as outside general counsel for a wide variety of clients, in particular public, private and quasi-public entities. We also have an unmatched depth and breadth of municipal expertise. With lawyers throughout the firm in a variety of specialties serving its many municipal clients, we can find the perfect, cost effective match between your problem and our expert. We also have knowledgeable, talented and responsive lawyers at different levels of experience, allowing us to leverage lower-cost expertise under the supervision of experienced, senior attorneys. Dickinson Wright will manage and coordinate our expertise to resolve your issues in creative and cost-effective means.

Our role as general counsel for other clients includes extensive experience in the identified needs in the RFP, including:

- Attending board meetings,
- Reviewing meeting minutes,
- Advising on all applicable Federal State and Local government laws and regulations,
- Advising non-profit and tax-exempt organizations,
- Serving as counsel in matters relating to real estate, bond financing, government grants and contracts, general business operations and civil rights.
- Attending administrative meetings or conferences and advising the Board on legal matters when requested.
- Negotiating and preparing legal documents and other drafting duties.
- Providing superior litigation representation when necessary in court on legal matters, and in rendering legal opinions.

As we do with several clients for which we serve as general counsel, when requested Dickinson Wright attorneys will be present at the District's Board meetings. We are experienced in handling various aspects of board governance and will ensure adherence to the District's policies, procedures, by-laws and actions.

We frequently manage Michigan Open Meetings Act (OMA) and Freedom of Information Act ("FOIA") questions that "come with the territory" in representation of public schools. Some of our tools include in-service training for our boards or new, incoming board members and administrations on board governance and, in particular, the nuances of the OMA at no charge to our clients. The OMA, like no other in our view, really sets the parameters and methodology for sound board governance. We have a state-wide reputation for our expertise on this law, how to coordinate it with our clients' policies, bylaws and the default most have to Roberts Rules of Order. We have extensive, no charge handbooks we distribute to our clients that go into great detail on all aspects of the OMA including noticing meetings, meeting governance, board offices, the purposes for closed sessions, permissible types and media for communication between board meetings (email, telephone, written, etc.), televising/recording of meetings, and compliance with all the other laws that require coordination with the OMA.

References of the Law Firm

Dickinson Wright is proud of its impressive roster of public school clients. Please find our list of references included with our proposal under Tab A of the appendix.

Individual Attorney Profiles

To ensure the implementation of our Firm's philosophy of "total quality management" in the providing of quality legal services to our public school clients on a timely basis and at a reasonable cost, the Firm always assigns to each client a primary contact attorney for all matters. Please find professional biographies for all proposed attorneys included with our proposal under Tab B of the appendix.

Mr. George Butler and Ms. Aimee Gibbs will fill this role in your case because their primary Firm roles include acting as general counsel to the many of the Firm's largest educational institution clients. Both work primarily out of our Detroit, Troy and Ann Arbor offices, they head the Firm's Michigan education law practice and their day-to-day practices are devoted primarily to the servicing of public educational institutions clients throughout the State.

Both have extensive experience in all aspects of education law. And also maintain and supervise an extensive litigation, construction, transactional and real estate practice. Both have authored and conducted numerous seminars over the years on education law topics for Lorman Educational Services, National Business Institute, Professional Development Network, MASB, Michigan Association of School Administrators (MASA), Michigan Community College Business Officials Association (MCCBOA), Michigan School Public Relations Association (MSPRA), Council of Chief Negotiators (CCN); Michigan and Oakland Associations of School Personnel Administrators, Lenawee County ISD Leadership Academy, Macomb ISD, numerous District inservice trainings, Berrien County Superintendents, the Metropolitan Detroit Bureau of School Studies (Metro Bureau), the Construction Association of Michigan (CAM), the Association of General Contractors (AGC), the National Association of Women in Construction (NAWIC), the Circle of Food Allergic Families (COFAF), the Michigan Government Finance Officers Association (MGFOA), the Michigan Public Purchasing Officers Association (MPPOA), the Wayne County Association of Administrators of Special Education (WCAASE) and the Department of Corrections.

Both are also responsible for fulfilling the Firm's annual, free in-servicing commitments to its school clients (see the description of this aspect of our service below). Mr. Butler also serves on MERC's Advisory Committee, acts as adjunct counsel to the Metropolitan Bureau of School Studies, he attends the Council of Chief Negotiators meetings, and has served as a Board Member of the Merrill Palmer Skillman Institute, Matrix Human Services and Student Leadership Services.

Mr. Christopher Cornwall will also be a member of the team servicing the District. He focuses his practice on complex Commercial and Business Litigation and Construction law. With a depth of experience in litigation, Mr. Cornwall represents entities involved in various business disputes, including breach of contract, tort claims, fraud, and discrimination matters, in addition to providing strategic advice to avoid or minimize legal exposure on sensitive matters. His extensive construction experience will also provide valuable guidance to the Board and the District in the assessment, development, planning, negotiation, contract drafting and monitoring of construction projects and existing facilities.

Even though all of our lawyers are committed to excellence in performance, it is essential that the contact and coordinating attorneys ensure that the priorities and workloads are handled in such a way that the District is thoroughly pleased with the response time, quality, results, fees, interpersonal relationships and overall service. Initial contacts with your primary contact are not charged, nor is coordination between him and others in his role as the overseer of District work.

Your primary contact will be available 24/7 (including weekends, holidays and after hours) and he will coordinate his availability even while on vacation. In addition, your primary contact will be available through a direct dial office number, a cell number, a home number, a fax number, and via office and home e-mail address.

Our Firm's size and depth provide us with an unsurpassed ability to craft appropriate legal teams for each client. We have identified the following Firm members as those we anticipate will likely be involved, along with your primary contact, in rendering services to the District and each has had experience working with more than 2 of our school clients and most, with all of them:

Name	Practice Areas
Christopher Cornwall George Butler Joe DeLave Timothy Stoecker Peter Webster Dawn Singer Nicole Sappingfield	Real Estate, Construction, Environmental Law
Craig Hammond Eric McGlothlin Laura Bassett	Tax Exempt Bonds; Finance, Elections, Tax
George Butler Aimee Gibbs Laura Bassett Brandon Hubbard Aaron Burrell Tim Howlett Pete Webster Deborah Grace Craig Hammond Brandon Debus Jared Christensen Dave Deromedi Tim Stoecker	Education Law

Deborah Grace	Trust/Estate Planning, Employee Benefit Plans
George Butler David R. Deromedi Tim Howlett Katie Wood Bill Thacker Brandon Hubbard	Employment Law, Human Resources, Wages and Hours
George Butler Tim Howlett Katie Wood Bill Thacker Brandon Hubbard Jared Christensen	Labor Union Issues
Deborah Grace Dave Deromedi Cynthia Moore	Employee Benefits
Christopher Cornwall Pete Webster George Butler Joseph DeLave Timothy Stoecker Scott Petz Phil DeRosier Brandon Hubbard Tim Howlett Brandon Debus Scott Hamilton	Litigation
Elise Levasseur Suzanne Sukkar	Immigration
John S. Artz Christian Michel	Business Technology Services; E-commerce, and Intellectual Property

Michael C. Hammer
James Plemmons
Steve Howell

Creditor Rights; Bankruptcy

Annual Inservicing

In line with Dickinson Wright's perception of its role and responsibility as a General Counsel to all of its school clients, Dickinson Wright provides each of its public school clients and any segments of the client's community desired (e.g., board members, staff, students, administrators, hourly workers, salaried personnel, tenured personnel, students, volunteers, etc.) with three annual seminars or in-services on legal topics of interest and/or concern at no charge to the district.

At these seminars, extensive written materials (manuals) will be furnished to each attendee which are designed to serve as user-friendly reference materials the attendees will be able to use with confidence long after the seminar. An example of such a manual can be furnished upon request.

This no cost service is designed to reduce the consumption of and, therefore, the overall cost of legal services by increasing the legal knowledge of those who most often trigger the consumption of those services. Examples of seminars the Firm has conducted for other school clients and which have demonstrably reduced the consumption of legal services are:

"Academy Board Governance", "Authorizer Compliance", "The No Child Left Behind Act", "The Law of Student and Non-School Authority Communication and Interface", "Workplace/Campus Harassment – How to Identify, Report and Investigate Harassment and How to Avoid Liability through Responsibility", "The Family Educational Rights and Privacy Act and the Freedom of Information Act – Compliance and Coordination", "Student Due Process – Expression, Speech, Discipline and Religion", "Contract Basics – What Every Contract Must Contain", "Public School District Bidding and Purchasing", "The Open Meetings Act", "The Freedom of Information Act", "Incoming Teachers - Everything You Need To Know About FERPA, FOIA, Harassment, Emergencies, Sex Abuse and Child Neglect, District Policies and Liability", "Special Education" "Criminal History and Prior Unprofessional Conduct Checking," "Permissible Expenditure," and "Copyright Compliance".

The Dickinson Wright attorneys who conduct the seminars are veteran presenters who actually practice in the areas being presented, who truly enjoy teaching and who have proven to be effective teachers. The materials that we prepare and donate at each inservice are extensive -- each inservice we conduct at no charge to our school clients represents an average cost we absorb in excess of \$7,000). Examples of brochures from these inservices can be provided upon request.

Law Firm's Philosophy

Dickinson Wright is a growing, full-service law firm of experienced, creative, diverse and dedicated legal professionals. Our lawyers are respected by their peers, honored by industry endorsements and recognized through significant appointments to bar associations and the judiciary system. Our firm philosophy is built upon the following four pillars:

Consistency and Staffing for Legal Matters

Having a principal contact who is a member/partner of the firm ensures that the same lawyers in each field of expertise will directly handle or directly supervise (whichever is most appropriate and cost effective) each matter. When it is cost effective to have a junior associate research a matter, this will be the approach. Nonetheless, the lawyer who is the key contact for the area of law involved will be in direct contact with the appropriate client official and will supervise the project involved.

Strategy Plans and Outcomes Will Always be Thoroughly Reviewed with the Client

Before any substantive action or communication is undertaken by any lawyer in the Firm on behalf of a client, the advantages, disadvantages, strategy considerations, objectives, projected costs and the like are thoroughly and clearly reviewed so that client officials are comfortable with the plan and execution of legal action. Each result on every matter is critically examined for appropriate responses and alternatives, again ensuring that the client is making an informed management decision based on sound legal advice.

We Place the Highest Emphasis on Ethical and Moral Integrity

Although it is almost too basic to state, in light of the unfortunate trend in some sectors of our society to disregard ethics, we believe that it is appropriate to commit in writing that Dickinson Wright will always maintain the highest moral and ethical standards in dealing with all legal matters referred to us by the District. We appreciate that as an educational institution; the District may sometimes face a variety of political influences and yet is expected to be an exemplar of moral integrity. Dickinson Wright has always been cognizant of its obligation and duty to provide objective and appropriate legal advice outlining the advantages, disadvantages and strategy considerations to be taken into account to reach the legitimate objectives of the District when addressing legal matters, regardless of any political pressures that may be involved. One of our Firm's distinguishing features is the ethical integrity of its members and reputation for providing candid, objective advice while being sensitive to the political realities which our educational institution clients face.

The Role of our Firm Should and Will be to Minimize the Need for Outside Counsel

Mindful of the limited public and private resources available for and devoted to education, and our fiduciary duty when serving as outside general counsel, we view it as a professional imperative to advise and consult with client officials so as to minimize the need for our legal services. To that end, we view ourselves as serving in a supporting role to the District's professional staff members, including providing background guidance and information to such members and participating in such meetings and proceedings as are necessary.

Law Firm's Fees and Billing Procedures

Our billing philosophy is: Efficiency and fairness. We evidence this up front by exceptional rates, what we do not charge for and our no-cost in-servicing program. We do not need any retainer and we do not make up for low rates by "going to school" on every matter. In addition, we do not charge for contacts to coordinate other attorney involvement. Finally, we are willing to renegotiate terms in the midst of a contract if the client needs assistance or would prefer to move to our "not to exceed" arrangement.

The Firm will cap all firm attorney rates at \$180.00 (normally, Mr. Butler's is \$550.00). If an attorney's rate is lower than the cap, the lower rate will be charged. Said rates will apply to all work except bond counsel services, which will be billed in accordance with the size of the issue and decided when the issue is determined but always at a 20% discounted rate or fee, non-insured adversarial proceedings in a court or tribunal, the rates for which will be 20% off standard rates applicable at the time the matter is commenced, and special real estate projects, the rates for which will be negotiated at the time of the project. Mr. Butler's rate will always be at the capped rate even for work he performs in the excepted areas. We will commit to these rates for a period of 3 years.

We will track all attorney time (we bill in increments of .1, not .25). We will not charge for the coordination of matters after initial contact, for the three annual in-services we will provide (see above), or for necessary attendance at regular open board meetings (see above). Costs are discussed below and please especially note the costs listed below which we will not be passing on to the District – they are substantial.

- We will invoice in any form requested and will change that format at any time if requested by you. We can also accommodate any form of electronic billing.
- We will not bill for attendance at or for travel to and from a regular, open board meeting.
- Your primary contact attorney will not bill for time spent in coordinating assignments with other attorneys.
- We will not bill for routine correspondence or telephone calls which are not completed (i.e., no minimum billing increments or hidden fixed charges).

- We will bill in increments of 1/10th of an hour and not .25 or .5 as many firms do.
- We will not charge for receiving faxes, or for non-extraordinary copying (e.g., less than 50 pages at a time of non-custom copying). For any costs charged, same will be limited to those agreed upon and which we incur through a third-party vendor – we do not add a premium to or mark up such costs.
- We will not charge for computer legal research you have not approved in advance.
- We will not charge for expedited deliveries that are our fault.
- We will not charge for travel, lodgings or meals unless approved by you in advance.
- We will not charge for the three, annual in-services or the materials written and produced for them or for unsolicited F.Y.I.'s from us.

Other Fee Arrangements We are willing to Consider.

We are also prepared, in lieu of the arrangement proposed above, to offer the District a "consulting fee arrangement" in which we would bill a flat annual rate for education law consultation services and contract review. This rate would be agreed upon after you provide us with an estimate of the volume of consultation and contract review required (based upon historic expenditure data) and a description of the nature of the contracts in addition to those anticipated by the Request for Proposal. We propose that any such consultation fee arrangement be reviewed quarterly in the first year to determine whether it was satisfactory and fair to the District and our Firm. This consulting fee arrangement would provide a cost efficient way for the District to obtain quick answers to questions from attorneys who are knowledgeable without the need to engage in a cost benefit analysis prior to every contact. Further, such an arrangement would encourage frequent and early communication to help avert expensive entanglements, mistakes, arbitrations and litigation. For other services extending beyond such consultations or contract review, we would provide such services at the rates and pursuant to the exceptions quoted and noted above. The bullet points above would, of course, still apply as stated. The fee could be payable pursuant to any installment schedule acceptable and no retainer would be required to secure the obligation.

We are also prepared to commit to an annual, not to exceed fee or our standard hourly rates, whichever proves to be less at the end of the year, for performing all of the District's legal work, except bond counsel work, which we would quote at the time such work is needed, special real estate projects and uninsured litigation. We would need to analyze your past legal fee and cost expenditures to develop the cap and we could, in an effort to keep the cap as low as possible, agree to exclude certain other types of matters from the arrangement in addition to bond work (such as uninsured litigation) and bill those on a pay as you go basis at rates to be then agreed upon for such work. In addition, some sort of quarterly payment would have to be made subject to a final reconciliation to establish whether the aggregate hourly charges plus disbursements were less than the cap. All time would be tracked and reported to the District as if billed hourly so the District can see the value of what it is receiving regardless of whether the total exceeds or is less than the cap. Arrangements such as this type would be annual and subject to review and

renegotiation annually. The bullet points as stated above would, of course, also apply to any such arrangement.

We are also prepared to look at the District's last 5 years of legal fees and develop an annual guaranteed, not to exceed fee structure going forward 3 years which fee will not exceed 90% of the 5 year average figure or our actual fees, whichever is less. Certain exclusions would apply or anomalies taken into account such as negotiation cycles, bond projects and the like.

Contracts | Engagement Letter

Please find a copy of Dickinson Wright's Standard Terms of Engagement under Tab C of the Appendix.

Evidence of Law Firm's Insurance to Practice Law in the State of Michigan

Please find Dickinson Wright's confirmation of insurance under Tab D of the appendix.

Summary of Conflicts of Interest

Dickinson Wright honors the ethical rules that govern the practice of law. We approach each conflict that arises on an individual basis to assess if the conflict can or should be waived. We are not aware of any conflicts that may arise out of our proposed representation of the District.

Conclusion

Thank you again for the opportunity to submit our proposal for legal services to the District. We believe that Dickinson Wright has the depth and experience and a commitment to superior client service in the area of public education law to meet and exceed the District's expectations. I am available to discuss with you any aspects of this proposal. I look forward to speaking with and hearing from you.

Sincerely,



George P. Butler III
Member

Dickinson Wright Client References

Entity Name	Address	Contact Name	Phone Number
Clarkson Community Schools	6389 Clarkston Road - Clarkston, MI 48346	John Lucido Executive Director of Human Resources	248.623.5419
Oakland Schools	2111 Pontiac Lake Road Waterford, MI 48328	Sherry McMillan Executive Director, Legal Affairs	248.209.2000
Macomb Intermediate School District	44001 Garfield Road Clinton Twp., MI 48038	Michael De Vault Superintendent	586.228.3300
Oakland Community College	2480 Opdyke Road Bloomfield Hills, MI 48304	Peter Provenzano Chancellor	248.341.2000
Henry Ford College	5101 Evergreen Road Dearborn, MI 48128	Mr. Russ Kavalhuna, President Ms. Amy Clark, Vice President, Legal Affairs	313-845-9600
Ecorse Public Schools	27225 W. Outer Drive Ecorse, MI 48229	Dr. Josha Talison Superintendent	313-294-4750



George P. Butler III

Member | DETROIT

Email: gbutler@dickinsonwright.com Phone: 313-223-3134 Fax: 844-670-6009

Representative Clients

- Clarkston Community Schools
- Hamtramck Public Schools
- Armada Area Schools
- Jonna Construction, Rotondo Construction
- Mott Community College
- Lansing Community College
- Redford Union Schools
- Schoolcraft College
- Miller College
- Kellog School District
- Oakland Schools
- Hazel Park Schools
- Macomb Intermediate School District
- Ferndale Public Schools
- Glen Oaks Community College
- Avondale Public Schools

Areas Of Practice

- Education Law
- Labor & Employment
- Government Contracts
- Real Estate
- Construction
- Automotive and Mobility

Education & Credentials

Education

Drew University

B.A., 1978

New England School of Law

J.D., 1983

Bar Admission

Michigan, 1990

Massachusetts, 1983

Professional Involvement

- Michigan and National Council of School Attorneys
- State Bar of Michigan
- Massachusetts Bar
- Michigan Defense Trial Counsel
- All Federal Courts in the 1st and 6th Circuits
- National School Board Association
- National Council of School Attorneys

Community Involvement

- Boy Scout Leader, Boy Scouts of America, Detroit Area Council
- Board Member, Student Leadership Services Inc.
- Group Leader, Detroit Executive Service Corps
- Board of Visitors, Merrill-Palmer Institute

Publications/Presentations

- Lecturer and author of articles related to school/education law
- Frequent lecturer and writer for National Business Institute, Professional Development Network, Metropolitan Bureau of School Studies, Michigan School Public Relations Association, Oakland Association of School Personnel Administrators, Lenawee County ISD, Michigan Association of School Boards, Michigan Public Purchasing Officials Association, Michigan Government Finance Officers Association, Southeast Campus Security Forum, Wayne County Association of Administrators of Special Education and Lormans, Macomb County Superintendents and Personnel Directors
- Lecturer for Construction Association of Michigan, Macomb Association of Personnel Administrators, Department of Corrections, the Michigan Community College Business Officials Association, Michigan Government Finance Officers Association, and the Wayne County Association of Special Education Directors



Joseph W. DeLave

Of Counsel | TROY

Email: jdelave@dickinsonwright.com

Phone: 248-433-7271

Fax: 844-670-6009

Joseph W. DeLave focuses his law practice on Construction and Real Estate matters. For 35 years, Mr. DeLave has represented owners and contractors in a variety of construction matters. He is listed in The Best Lawyers in America for Construction Law. Mr. DeLave is highly skilled at negotiating and drafting commercial and residential contracts for owners (both private and public) including design, construction and design/build. An experienced litigator, he also has prosecuted and defended lawsuits involving a wide array of construction claims and disputes including breach of contract, payment, lien, bonding, construction defects, defaults, terminations, delays, differing site conditions, and builder's trust violations. In his capacity as counsellor, Mr. DeLave assists his clients with project level claims analysis, claim preservation and avoidance counseling. In addition to his construction practice, Mr. DeLave has served as counsel for condemning authorities in right of way condemnation matters under eminent domain and lenders in the foreclosure of commercial properties and workouts.

Mr. DeLave serves on the Legal Advisory Committee for the Greater Detroit Chapter of the Associated General Contractors of America, is a member of the Detroit Area Contractor's Association, and is a certified mediator specializing in construction disputes.

Prominent Assignments

Represented auto maker in defense of a multi-million dollar "cumulative" impact claim asserted by the contractor for the renovation of a facility in Lincoln Park, Michigan.

Defended contractor claims and prosecution of professional negligence claims for a municipality arising from an underground tunnel collapse and 100-year flood during construction of a CSO project.

Represented contractor in the prosecution of claims against the project's architect/engineer arising from the design of a 150 room hotel, conference center and parking garage in Bay City, Michigan.

WWW.DICKINSONWRIGHT.COM

Defended major insurance company against delay and impact claims asserted by the contractor and several subcontractors in connection with company's expansion of its downtown Detroit facilities.

Represented electrical contractor in litigation concerning application of a statutory exemption from the Electrical Administrative Act, with trial court victory affirmed by the Michigan Court of Appeals.

Represented contractor in connection with dispute involving contractor and its surety arising from the design and erection of a tensile roof structure in Pontiac, Michigan.

Represented major Detroit area hospital in connection with the negotiation and drafting of contract to expand and improve its facilities in Farmington Hills, Michigan.

Prepared construction contracts for the developer of a project involving the construction of private garages and a performance race track in Pontiac, Michigan.

Represented energy pipeline and operators regarding acquisition of right of way and permit issues for utility corridors involving hundreds of parcels for the Line 6B project from the Michigan – Indiana border to the Port Huron crossing to Canada.

Represented auto maker in connection with a contract dispute involving extra claims arising out of the construction of a paint shop in Sterling Heights, Michigan.

Represented international garnet manufacturer in connection with a permit dispute with local building department in Fairless Hills, Pennsylvania and cost overrun claims arising from the construction of a super garnet processing plant in Coos Bay, Oregon.

Prepared construction contracts for owner in connection with the development and construction of a new 20 story mixed use commercial development in Detroit, Michigan.

Prepared construction contract for owner in connection with the development and construction of a branded hotel, for sale condominiums and multi-family residential project in Nashville, Tennessee.

Defended developer against extra and inefficiency claims filed by general contractor and one of its subcontractors arising from the renovation of a historical hi-rise building in Toledo, Ohio.

Continuing representation of hospital in connection with the negotiation and preparation of contracts for new construction and renovation projects in Saginaw, Michigan.

Continuing representation of developer in connection with the design and construction of hotel

and restaurant projects in Florida, Michigan, and other states.

Counsel to cannabis growers in connection with the design and construction of grow and dispensary facilities.

Representative Clients

- Academy Development Partners LLC
- Adient plc
- Battle Green Holdings, LLC
- Blue Line Foodservice Distributors, Inc.
- Covenant Medical Center, Inc.
- D & G Building Company
- Emerald Growth Partners, LLC
- Enbridge Energy, Limited Partnership
- Eyde Company
- FCA US LLC
- FCA Realty LLC
- G2 Consulting
- GMA Garnet Group
- Grand Trunk Western Railroad Company
- MGM Grand Detroit, LLC
- National Construction Enterprises, Inc.
- Natrabis
- Northwestern Technological Institute
- Oakland County Water Resource Commissioner
- Pontiac Ceiling & Partition, LLC
- Sumitomo Electric Wiring Systems, Inc.
- Uniprop AM, LLC
- Value City Furniture

- Warrior Design & Construction

Areas Of Practice

- Construction
- Commercial Construction
- Construction Contract Drafting and Negotiation
- Alternative Dispute Resolution for Construction Industry
- Commercial & Business Litigation
- Mechanic's Liens
- Residential Construction
- Real Estate
- Condemnation & Land Use
- Insurance and Bonding

Education & Credentials

Education

University of Notre Dame School of Law
J.D., 1987

- with honors
- Administrative Editor, Journal of Legislation, 1986-1987

University of Notre Dame
B.A., 1984

- *with honors*

Bar Admission

Michigan, 1987

Acknowledgements

- *DBusiness Magazine*
 - "Top Lawyers," Construction Law, 2023
- *The Legal 500 United States*
 - Real Estate Law, 2022
- *Best Lawyers in America®*
 - Litigation-Construction, 2013-2023
- Martindale-Hubbell Rating® AV Preeminent® Rating

Professional Involvement

- Associated General Contractors of America
- Legal Advisory Committee of the Greater Detroit Chapter of the Associated General Contractors of America
- Detroit Area Contractor's Association
- State Bar of Michigan, Real Property and Litigation Sections
- Macomb County Bar Association
- Oakland County Bar Association
- Certified Civil Mediator

Community Involvement

- Notre Dame Club of Detroit
 - Board of Directors
 - Past President (1997-1998)
 - Award of the Year (2007)
- Lourdes Senior Community
 - Former Member of Board of Directors
 - Former Chairman, Development Committee
 - Former Chairman, Clausen Manor Committee (Alzheimer's facility)
 - Former Member, Future Phases Ad Hoc Committee

- DeLaSalle Collegiate High School
 - Alumni Class Representative
 - Pilot Bar Association
 - Past President (2019-2020)
 - Board Member
 - Mentorship Committee Chair
- Lake Metamora Association
 - Vice President and Board Member

Publications/Presentations

- Presenter, "Killer Contract Clauses – What to look for and Counter Strategies to Mitigate Your Risk," AGC March Madness: Construction Law Virtual Seminar (March 16, 2022)
- Presenter, "Construction Defect Litigation: From A to Z," National Business Institute (April 2013), including presentation on the indemnity obligations of subcontractors and design professions in the AIA standard form agreements and ConsensusDOCS
- Author, Information Alert, *Managing Financial Risk During Construction* (2012)
- Author, Information Alert, *Recommended Contracting Requirements for Contractors* (2012)
- Presenter, "The Contract for Construction: Standard Forms and Common Risk Transferring Provisions," Greater Detroit Chapter of the Associated General Contractors of America Webinar (January 20, 2010)
- Co-Presenter, "Owner Internal Controls Critical to Subcontractor Selection, Buy Out, and Changes," Grant Thornton/Dickinson Wright Webinar (October 29, 2009)
- Contributing author, *Chapter 8*, "Selecting the Correct Delivery System, Contractor, and Structure of the Owner/Contractor Relationship, A Practitioner's Guide to Construction Law ," (ALI-ABA 2009 Supplement)
- Author, *Chapter 1*, "The Contract for Construction: Standard Forms and Common Risk Transferring Provisions, A Contractor's Guide to Michigan Construction Law," published by the Greater Detroit Chapter of the Associated General Contractors of America (2005; updated and republished 2009 and 2022)
- Presenter, "An Introduction to the New Family of Construction Documents: The CONSENSUSDOCS," Dickinson Wright Annual Construction Law Forum (October, 2008)



Timothy A. Stoecker

Member GRAND RAPIDS

Email: tstoecker@dickinsonwright.com Phone: 616-336-1060

Other Phone: 313-223-3473 Fax: 844-670-6009

Prominent Assignments

Counsel for development of national fast food and pharmacy stores.

Counsel for residential development inclusive of State and Federal national permits, environmental impact assessments, evaluation of alternatives and mitigation plans.

Counsel for development of Michigan intermodal warehouse developments.

Counsel for development in Arizona for charter school project.

Counsel for development for student housing projects.

Counsel for charter school development and school administration.

Constitutional law, with an emphasis on substantive due process, procedural due process, equal protection and state and federal jurisdictional issues.

Counsel for Carabell inclusive of permits, environmental impact assessments, evaluation and implementation of alternatives and mitigation plans.

Briefed and argued Carabell v Army Corp of Engineers, 126 S.Ct.2208 (2006) before the United States Supreme Court, February 21, 2006.

Brownfield development, Detroit, Michigan Lafarge Corporation, including construction, permits, financial incentives and environmental impact assessments, evaluation and implementation of alternatives and mitigation plans.

Detroit Public Housing, Parkside Development, Detroit, Michigan, including financial incentives and construction.

Counsel for land use permits/construction documents, power purchase agreement, MDOT and county construction crossing permits for wind energy project and environmental impact assessments, evaluation of alternatives and mitigation plans.

Mixed Use Master Plan and SD-4 Zoning Ordinance, Detroit Near East Riverfront, 1990s.

Counsel for land use permits for land-fill gas cogeneration facility inclusive of environmental impact assessments, evaluation of alternatives and mitigation plans.

Representative Clients

- Kirlin Company
- Kaftan Enterprises, Inc.
- Little Caesar Enterprises, Inc.
- The Meade Group, Inc.
- Olympia Entertainment, Inc.
- Summit Academy
- Universal Learning Academy
- Summit Academy North
- Bouma Construction
- Universal Academy
- Star International Academy
- Lucky 7 Development, LLC
- Invenergy LLC
- Kelly Electric LLC
- Holy Cross Children Services
- Ralph Vigliotti Realty
- Ilitch Holdings LLC
- Hoosier Energy Rural Electric Cooperative
- Detroit Red Wings
- Detroit Tigers
- Mahlmann Media

Areas Of Practice

- Real Estate
- Acquisitions & Dispositions
- Construction
- Land Use & Economic Development
- Energy & Sustainability
- Education Law
- Infrastructure and Public-Private Partnerships

Education & Credentials

Education

Western Michigan University

B.S., 1976

- *cum laude*
- Honors in Political Science
- Honors in History

University of Detroit School of Law

J.D., 1979

- Recipient of the William H. Gallagher Moot Court Award
- Landlord Tenant Clinic

Bar Admission

Michigan

Acknowledgements

- *Chambers USA: America's Leading Lawyers for Business*
 - Real Estate Law, Land Use & Zoning Law
- *Grand Rapids Magazine*
 - "Top Lawyers," Energy Law, Land Use & Zoning, Real Estate, 2019-2020
- *Michigan Super Lawyers®*
 - Land Use and Zoning, Real Estate, Energy & Natural Resources, 2006-2021

- *Western Michigan University*
 - Alumni Achievement Award, College of Arts and Sciences, 2005
- *Best Lawyers in America®*
 - Construction Law, Land Use and Zoning Law, Real Estate Law, 2010-2023
 - "Lawyer of the Year," Land Use and Zoning Law, 2019

Professional Involvement

- Michigan Bar Association, June 1980 to date
- Michigan Bar Association, 1980 to date. Section Member, Michigan Real Property Section, Zoning and Land Use Committee
- American Bar Association , 2006 to date. Section Member, State and Local Government
- American Arbitration Association, 1982 to 2000. Advisory Board for State of Michigan

Publications/Presentations

- National Business Institute, "Michigan Survey Issues and Land Use Law in a Slower Economy"
- Michigan Real Property Review, "Special Land Uses"
- CLE International, "Carabell/Rapanos: Did the United States Supreme Court Decision Resolve the Issue of Federal Jurisdiction over Michigan Wetlands?"
- Michigan Institute of Continuing Legal Education, Zoning 101, Plymouth, Michigan, May 7, 2009
- Michigan Institute of Continuing Legal Education, Land Use and Development 2007, Plymouth, Michigan, March, 18, 2007
- Tennessee Bar Association, Environmental Law Forum, Rapanos, What Does it Mean To You, What's Next, February 9, 2007
- American Bar Association, Salt Lake City, February, 2007
- CLE Institute of Continuing Legal Education, Land Use and Development 2007
- Environmental Law Institute, the American Bar Association's Section of Environment, Energy and Natural Resources, Constitutional Committee; and the D.C Bar Association, Energy and Natural Resources Section, "After Rapanos and Carabell, Washington D.C. July 11, 2006
- Lorman Education Services, January 2005, Documentation Issues For Condos, Planned Communities and Urban Development in Michigan
- National Business Institutes, 1996, Michigan Survey Issues

- National Business Institutes, 1995, Major Land Use Issues In Michigan
- National Business Institutes, 1992, Land Use Law In A Slower Economy
- Throughout 1990's trained construction arbitrators in Michigan for the American Arbitration Association Construction Division
- Michigan Institute of Continuing Education, Wetlands Regulations and Litigation, September 18, 2007
- Michigan Environmental Law Journal Vol. 24, No. 2, 2006 "Carabell/Rapanos- Did the United States Decision Resolve The Issue Of Federal Jurisdiction Over Wetlands?"
- CLE International California Wetland, Rapanos, Carabell and Beyond, January 4th, 2007
- Michigan Bar Association, Real Property Review, The "Special Land Use", What Is It and When Is It Used, Fall, 1994

University and College Teaching and Guest Lecturer

- Thomas M. Cooley Law School, Adjunct Professor, Modern Real Estate Transactions, Trinity Term, 2012-2013
- Western Michigan University, History Department, honors students, April, 2006
- Columbia College of Chicago, Public Relations, Politics and Government, March, 2006



Peter H. Webster

Member and Public Sector Practice Group Chair | TROY

Email: pwebster@dickinsonwright.com

Phone: 248-433-7513

Fax: 844-670-6009

Peter H. Webster focuses his practice in the areas of Real Estate Litigation, Eminent Domain, and Commercial & Business Litigation. Mr. Webster has represented landowners and developers, governmental authorities, utility, transmission, and pipeline companies, educational entities and others in matters involving acquisitions, easements and rights of way condemnation under eminent domain, permit and development rights and the protection of property rights.

Mr. Webster's practice also focuses on Schools and Educational Institutions. He has successfully counseled the startup of many charter schools, including the Public School Academies of Detroit, initiated by the Thompson Educational Foundation and the nationally innovative Clara B. Ford strict discipline academy and Vista Meadows public school academy in collaboration with the Vista Maria organization.

Mr. Webster also handles all matters relating to public service and utility infrastructure including litigation, class action defense, operating agreements, governance, and acquisition agreements.

Prominent Assignments

Served as counsel for both businesses and landowners and condemning authorities throughout Michigan and the United States in state and federal courts, including regulatory, total and partial acquisitions, easements, and rights of way condemnation under eminent domain.

Represented various land developers for regional and community shopping centers, including branch banking, grocery, hotel, and chain retail clients.

Acted as counsel for Detroit/Wayne County Stadium Authority in the condemnation of 60 acres and 136 parcels for the Detroit Tigers' Comerica Park and the Detroit Lions' Ford Field, tried 10 jury trials resulting in savings of more than \$20 million.

Successfully defended landowner against the attempted taking of property by municipal cemetery.

Served as counsel to the Road Commission for Oakland County in the acquisition of rights of way throughout Oakland County including for eight modern roundabouts for the Northwestern Connector project. He also successfully tried to jury verdict one of largest eminent domain cases in Michigan history. In that case, the property owner and its attorneys sought \$18.5 Million for 1.8 acres of commercial property where the Road Commission offered \$3.81 Million. The jury return a favorable verdict of only \$4.5 Million.

Represented energy pipeline and operators regarding acquisition of right of way and permit issues for utility corridors, including Enbridge Energy in the acquisition of hundreds of parcels for the Line 6B project from the Michigan – Indiana border to the Port Huron crossing to Canada.

Successfully defended Americans with Disabilities Act claims surrounding the implementation of modern roundabout and the nationally and internationally unique trial of "HAWK" signalization of roundabouts for visually impaired pedestrians.

Represented landowners and governmental authorities regarding Environmental and Part 91 Soil Erosion permitting and development issues.

Served as counsel for landowner protecting property rights against governmental taking and regulations regarding alleged historic designation.

Representative Clients

- FCA US LLC
- Detroit/Wayne County Stadium Authority
- Enbridge Energy, Limited Partnership
- JP Morgan Chase Bank, N.A.
- Oakland County Water Resources Commission
- Public School Academies of Detroit
- Road Commission for Oakland County

Areas Of Practice

- Antitrust & Trade Regulation
- Commercial & Business Litigation

- Condemnation & Land Use
- Energy & Sustainability
- Public Finance
- Real Estate
- Education Law
- Taxation - Property
- Public Construction and Procurement

Education & Credentials

Education

United States Merchant Marine Academy
B.S., 1987

Wayne State University Law School

J.D., 1993

- Wayne Law Review, Managing Editor
- *cum laude*

Bar Admission

Michigan

Acknowledgements

- *DBusiness Magazine*
 - "Top Lawyers." Land Use & Zoning Law, 2023
- *The Legal 500 United States*
 - "Recommended Lawyer,"
- *Michigan Super Lawyers®*
 - Eminent Domain, 2011-2022
- *Best Lawyers in America®*
 - Land Use and Zoning, 2013-2023

Professional Involvement

- State Bar of Michigan Foundation, Life Fellow
- State Bar of Michigan, Real Property, Litigation, Antitrust, and Trade Regulation Sections
- State Bar of Michigan, Real Property Section, Eminent Domain Committee, Co-Chairperson
- State Bar of Michigan, Standing Committee on Civil Procedure and the Courts, 2005-present
- Oakland County Bar Association
- Oakland County Inns of Court, Master
- Oakland County Bar Foundation, Fellow
- American Bar Foundation, Fellow
- American Bar Association, State and Local Government, Section Condemnation Committee, Former Vice Chairperson

Community Involvement

- State Board of Ethics, Chairperson
- Oakland County Brownfield Development Authority, Chairperson
- Detroit Regional Chamber, Life Member
- Automation Alley, Former Board Member
- Oakland County Business Roundtable, Former Member
- Former Oakland County Commissioner
- City of Royal Oak, Former Mayor Pro Tem, Commissioner, and Zoning Board of Appeals Member
- City of Royal Oak Downtown Development Authority, Former Board Member

Publications/Presentations

- Presenter, Annual Meeting Case Law Review, Michigan Association of Municipal Attorneys, October 10, 2021
- Co-Author, "SCOTUS Continues to Extend Property Right Protections from Regulatory Takings," State Bar of Michigan Real Property Law Section e-Newsletter, August 2021
- Author, "Genesee County v. Wright - New Boundaries for the Government Tort Liability Act," Oakland County Bar Association - Laches, December 2019

- Presenter, Litigating a Public Infrastructure Eminent Domain Case, 20th Annual Michigan Association of Municipal Attorneys and Government Law Section Summer Education Conference, June 22-24, 2018
- Co-Author, Michigan's Constitution Protects Business Owners Who Relocate Due to Taking of Eminent Domain, Michigan Real Property Review, 2011
- Co-Author, The General Effects of The Michigan Supreme Court's "General Effects" Decision in Department of Transportation v. Tompkins, Michigan Real Property Review, 2008
- "Proposal 4: Proposed State Constitutional Amendment Restricting Eminent Domain Power," Dickinson Wright Real Estate News, Fall 2006



Dawn Faxon Singer

Member | TROY

Email: dsinger@dickinsonwright.com Phone: 248-433-7240 Fax: 844-670-6009

Prominent Assignments

Represents lenders in all types of real estate financing, loan origination for permanent and construction financings and sophisticated workouts, loan modifications, deeds-in-lieu of foreclosure and foreclosures of real estate secured loans.

Extensive experience representing companies, developers, day care facilities and charter schools in the acquisition, development, leasing, financing and sale of office, residential, industrial, retail, entertainment, school and day care projects.

Represents developers in leasing and development of office, industrial and retail projects.

Worked on all aspects of documenting a large multi-state mortgage refinancing and permanent and construction solar financing projects.

Experience in land use and zoning aspects of transactions and obtaining municipal approvals for various mixed use developments.

Representative Clients

- Crestmark, a Division of Metabank
- Alidade Capital, LLC
- Ford Motor Credit Company LLC
- Genworth Life Insurance Company
- JPMorgan Chase Bank, NA
- Fifth Third Bank
- FCA US LLC
- Magna International Inc. and subsidiaries

Areas Of Practice

- Real Estate
- Banking & Finance
- Corporate
- Real Estate Finance

Education & Credentials

Education

University of Michigan

B.A., 1993

Wayne State University School of Law

J.D., 1998

- Senior Articles Editor, Wayne State Law Review

Wayne State University

M.B.A., 1998

Bar Admission

Michigan, 1999

Professional Involvement

- State Bar of Michigan (Zoning and Land Use Section)

Publications/Presentations

- Presenter, "Business Boot Camp - Commercial Loan Transactions", State Bar of Michigan/ICLE, 2010-2011



Nicole M. Sappingfield

Associate | CHICAGO

Email: nsappingfield@dickinson-wright.com

Phone: 312-377-7759

Fax: 844-670-6009

Nicole Sappingfield is a corporate Associate in Dickinson Wright's Chicago office, where she focuses her practice on a variety of corporate transactions, including private equity transactions, mergers and acquisitions (M&A), corporate governance and commercial transactions. In addition, Nicole has experience advising clients on the negotiation of license agreements, certificates of authorship and other entertainment industry matters. Nicole started her career in Dickinson Wright's Detroit office and, prior to joining Dickinson Wright's Chicago office, Nicole worked as an associate in the Chicago office of an international law firm.

Prominent Assignments

- Counsel to buyers and sellers in mergers and acquisitions in a variety of industries
- Counsel to small and middle-market businesses in creating form legal documents and contracts with vendors and customers
- Counsel to freelancers, musicians and filmmakers in negotiating agreements with producers
- Counsel to lenders and borrowers in a range of loan transactions
- Experienced in corporate formation, negotiation, drafting, and evaluation of contracts

Areas Of Practice

- Mergers & Acquisitions
- Corporate
- Private Equity
- Technology Transactions
- Banking & Finance

WWW.DICKINSONWRIGHT.COM

- Corporate Finance
- Corporate Governance
- Emerging Businesses

Education & Credentials

Education

University of Michigan

B.A., Comparative Literature, 2014

- Kelsey Kollen-Putz and J.J. Putz
Endowed Softball Scholarship Recipient

Wayne State University Law School

J.D., 2017

- cum laude
- Wayne State Law Review
- Dickinson Wright Women's Network
Scholarship Recipient

Bar Admission

Illinois

Michigan

Acknowledgements

- Michigan Super Lawyers
 - Mergers & Acquisitions, 2020

Professional Involvement

- State Bar of Michigan
- Association for Corporate Growth (Chicago)

Community Involvement

- Routinely counsels pro bono and nonprofit entities in contract matters

Publications/Presentations

- Speaker, "Lawyers Working Hybrid or Remotely: Thumbs Up or Down ... Why and How?,"

Chicago Bar Association, November 2022

- Panelist, “The Evolution of Client Service,” ACGDetroit’s NextGen Breakfast and Learn, 2019



Christopher A. Cornwall

Member DETROIT

Email: ccornwall@dickinsonwright.com

Phone: 313-223-3530

Fax: 844-670-6009

Christopher A. Cornwall focuses his practice on complex Commercial and Business Litigation and Construction law. With a depth of experience in litigation, Mr. Cornwall represents corporations in business disputes, including breach of contract, tortious interference, fraud, non-compete provisions, shareholder claims and buy-sell agreements. He counsels business and private owners in real estate matters, including adverse possession, zoning issues, restrictive covenants, variances, boundary disputes, title issues and nuisance claims.

Mr. Cornwall represents several large real estate companies, brokers and agents in complex real estate matters, including claims of fraud, misrepresentation and mortgage fraud. He is very experienced at assisting owners and developers in drafting and negotiating construction contracts, real estate purchases, Brownfield issues and defending complex construction claims. Mr. Cornwall represents national and local construction companies in construction disputes, including lien and bond claims, delays, scheduling, cost escalation, differing site conditions, defective design, cardinal change, extras, and cumulative impact claims. He serves as the Midwest Region Construction Chair for the firm.

Prominent Assignments

Obtained a \$3.2 million trial verdict on behalf of a national construction company against an earth retention contractor for breach of contract and delays and a no-cause award on the counter claims of breach of contract and wrongful termination.

Obtained a \$1.2 million arbitration award on behalf of an international heavy industrial construction company for non-payment on a new plant upgrade project.

Successfully represented a major educational facility to obtain a multi-million dollar settlement for product liability and defective construction claims.

Defended a major educational institution against a \$19 million construction claim, resulting in an

WWW.DICKINSONWRIGHT.COM

arbitration award of no liability.

Defended a SE Michigan City in multi-million dollar class action litigation for sewer system flooding.

Represented a national steel company and railroad company involving eminent domains actions for the Gordie Howe International Bridge.

Represented a major insurance company in a \$100 million coverage dispute under a fidelity/employee dishonesty policy.

Successfully represented an automotive manufacturer in defense of a multi-million dollar “cumulative impact” claim asserted by a general contractor for renovation of a facility.

Successfully prosecuted a million dollar construction delay claim against MDOT involving bridge work over the I-96 expressway.

Obtained a multi-million dollar award in behalf of an earthwork contractor on changed conditions delay and cumulative impact claims.

Successfully represented a national design-builder against claims of negligent design and defective construction.

Obtained summary judgment as lead counsel for a national sales company defending against claims of copyright infringement and Lanham Act violations and successfully defended all appeals up to the U.S. Supreme Court.

Represented a national credit card issuer against claims of violations of the Fair Credit Reporting Act, the Truth in Lending Act and Unfair Trade Practices and Consumer Protection Law Act.

Representative Clients

- City of Grosse Pointe Farms
- Discover Financial Services
- Turner Construction Company
- Walter Toebe Construction Company
- Zurich Insurance Company

- The University of Michigan
- Machine Repair International
- United States Steel Corporation
- ProVent Systems

Areas Of Practice

- Commercial & Business Litigation
- Construction
- Commercial Construction
- Mechanic's Liens
- Construction Contract Drafting and Negotiation
- Residential Construction
- Real Estate

Education & Credentials

Education

University of Michigan

B.A., 1985

Case Western Reserve University

School of Law

J.D., 1989

- Best Advocate Award (1989)

Bar Admission

Michigan, 1989

Acknowledgements

- *DBusiness Magazine*
 - "Top Lawyer," Construction Law, 2023

- *BTI Client Service*
 - All Stars, 2018
- America's Top 100 Best the Company Litigators, 2022
- *Association of America*
 - Top 100 Lawyers
- *Best Lawyers in America®*
 - Construction Law, 2013-2020, 2023
 - "Lawyer of the Year", Construction Law, 2023
- *Construction Lawyers Society of America*
 - Fellow
- *Leading Lawyers of America*
 - Commercial Litigation and Construction
- *Martindale-Hubbell Rating®* AV Preeminent® Rating
- Top Lawyers in Detroit

Professional Involvement

- American Bar Association ABA
 - Forum on the Construction Law Section
 - Business Law Section
- Federal Bar Association
- State Bar of Michigan
 - Litigation Section
 - Real Property Section
- Detroit Metropolitan Bar Association

Community Involvement

- Grosse Pointe Farms - City Little League Board of Directors
- Toys for Tots Sponsoring Member - Grosse Pointe

Court Admissions

- All Michigan State Courts
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- Sixth Circuit Court of Appeals
- United States Supreme Court

Publications/Presentations

- *Contractors: Are You Protected From The Coronavirus Infecting The Project Schedule?*, Dickinson Wright Client Alert, March 2020
- *Introducing Evidence at Trial* (ICLE) 2007/2014; contributing author
- Construction Defect Litigation: From A to Z, National Business Institute (April 2013)
- The Wonderful World of Construction Law (November 2010); Ali-Aba webcast panelist
- *Construction Law Forum* (October 2008) - moderator
- *A Practitioner's Guide to Construction Law* (John G. Cameron, Jr. 2008); Chapter author (Analysis of AIA A201 - 2007)
- Turner Construction School of Construction Management - Lecturer (2015-present)



Craig W. Hammond

Member and Public Finance Practice Group Chair | TROY

Email: chammond@dickinsonwright.com

Phone: 248-433-7256

Fax: 844-670-6009

Craig W. Hammond focuses his practice in the areas of public finance, banking and economic development law, with more than 30 years of experience representing lenders, state and local units of government, underwriters and borrowers in connection with economic development projects and tax exempt bond financings. Craig is recognized as one of the leading public finance attorneys in the State of Michigan in financings for senior housing, multifamily housing, health care, higher education, charter schools, economic development projects and public-private partnership transactions. Ranked by *Chambers USA: America's Leading Lawyers for Business* in the Banking & Finance – Michigan category, clients refer to him as “very thorough and strategic,” and someone who “provides a steady hand throughout.” Craig has also been selected by his peers for inclusion in *The Best Lawyers in America*® since 2007 in the fields of Banking and Finance Law and Public Finance Law. He was named the *Best Lawyers*® 2020 Banking and Finance Law “Lawyer of the Year” in Troy; 2018 Public Finance Law “Lawyer of the Year” in Troy; 2017 Banking and Finance Law “Lawyer of the Year” in Troy; and 2015 Banking and Finance Law “Lawyer of the Year” in Detroit.

Prominent Assignments

- Bond counsel to Michigan State Housing Development Authority for Rental Housing Revenue Bond Program.
- Counsel to Eastern Michigan University in connection with \$55 million asset monetization of University parking system through public private partnership.
- Counsel to Lake Superior State University in connection with on-campus student housing P3 project.
- Bond counsel to Michigan Strategic Fund in connection with issuance of \$450 million of bonds to finance construction of Little Caesars Arena to serve as the home arena for the Detroit Red Wings and Detroit Pistons.
- Counsel to Palace Sports & Entertainment, LLC in connection with development agreement and related economic development incentives for relocation of Detroit Pistons to Little

WWW.DICKINSONWRIGHT.COM

Caesar's Arena in Detroit.

- Counsel to Corvias Campus Living in connection with public private partnership for student housing at Wayne State University.
- Counsel to The Sports Authority of the Metropolitan Government of Nashville and Davidson County in connection with MLS soccer stadium P3 development and lease transaction and Nashville Predators lease renewal of Bridgestone Arena.
- Bond counsel and underwriter's counsel on hundreds of tax exempt private activity bond issues for financing of manufacturing, health care, educational, cultural, senior housing, and solid waste disposal facilities.
- Counsel to lenders in connection with a wide range of municipal lending, including the purchase and credit enhancement of tax exempt obligations and other credit facilities.
- Underwriter's counsel to Robert W. Baird & Co. in connection with the issuance of Financial Recovery Bonds by the City of Ecorse, Michigan. The financing represented an innovative approach to solving the financing problems of an economically distressed community and was awarded the 2011 Deal of the Year by The Bond Buyer in its small issue category.
- Counsel to Raymond James in connection with the underwriting of tax exempt private activity bonds issued by the Oakland County, Michigan EDC for the benefit of Michigan Motion Pictures Studio through a leveraged new market tax credit structure.
- Bond counsel to the Michigan Finance Authority for its Local Government Loan Program.
- Bond counsel to variety of issuers in connection with issuance of tax exempt bonds to finance or refinance senior housing and health care communities, including projects for Canterbury on the Lake, Lourdes Senior Community, Presbyterian Villages of Michigan, Henry Ford Village, Evangelical Homes of Michigan, Vista Grande Villa, Rivers of Grosse Pointe, Wellspring Lutheran Services and Samaritas.
- Bank counsel for bonds issued for University of Toledo, Central Michigan University, Wayne County Airport Authority, Cranbrook Educational Community, Detroit Catholic Central High School, YMCA Metropolitan Detroit, Spectrum Health and Munson Healthcare.
- Counsel to Lawrence Technological University for the bond financing of campus improvements and student housing.
- Counsel to JPMorgan Chase Bank, N.A. for the syndicated construction loan and tax credit financing (historic, new market and brownfield tax credits) of the Argonaut Building in Detroit, Michigan for the College for Creative Studies.

Representative Clients

- Bank of America, N.A.

- Eastern Michigan University
- The Huntington National Bank
- JPMorgan Chase Bank, N.A.
- Marygrove College
- Lawrence Technological University
- Michigan Finance Authority
- Michigan Strategic Fund
- Presbyterian Villages of Michigan
- Michigan State Housing Development Authority
- Lake Superior State University

Areas Of Practice

- Banking & Finance
- Public Finance
- Opportunity Zones
- Infrastructure and Public-Private Partnerships
- Community Development & Tax Credit Finance

Education & Credentials

Education

Williams College

B.A., 1985

- cum laude

University of Michigan

J.D., 1988

- cum laude

Bar Admission

Michigan

Acknowledgements

- *Chambers USA: America's Leading Lawyers for Business*
 - Banking & Finance
- *The Best Lawyers in America®*
 - Banking and Finance Law, Public Finance Law, 2007 to 2023
 - "Lawyer of the Year," Public Finance Law, 2018
 - "Lawyer of the Year," Banking and Finance Law, 2017 - 2021
 - "Lawyer of the Year," Banking and Finance Law, Detroit, 2015
- *Michigan Super Lawyers®*
 - Government Finance Law, 2007-2022
- *DBusiness Magazine*
 - "Top Lawyers," Public Finance Law, 2009-2011, 2013-2023

Professional Involvement

- Member, American College of Bond Counsel
- State Bar Association
- National Association of Bond Lawyers

Community Involvement

- Board of Directors, The Douglas F. Allison Foundation, Bloomfield Township, Michigan
- Co-Chancellor, Christ Church Cranbrook, Bloomfield Hills, Michigan

Publications/Presentations

- Client Alert: "Treasury Releases Proposed Regulations on Opportunity Zones," October 2018
- Client Alert: "Treasury and IRS Announce Designation of Opportunity Zones for 18 States," April 2017
- Client Alert: "IRS Issues New Guidelines for Qualified Management Contracts for Facilities Financed with Tax Exempt Bonds," January 2017

- Client Alert: IRS Releases Guidance and Allocations for New Recovery Zone Bonds, June 16, 2009
- Client Alert: American Recovery and Reinvestment Tax Act Expands Tax-Exempt Bond Provisions, February 2009
- "Qualified Opportunity Zone Program," Michigan Association of Certified Public Accountants (MICPA), September 2019
- "P3 Entity Formation and Financing – General Risks and Challenges," State Bar of Michigan, Real Property Law Section Summer Conference: Public-Private Partnerships Panelist, July 2019
- "Financing The Detroit Red Wings Arena," 2015 CDFA Michigan Financing Roundtable Conference, October 2015
- "Private Activity Bonds," CDFA Michigan Financing Roundtable 2012 Economic Development Finance Conference, October 2012
- "Basics of Bond Finance," CDFA Michigan Financing Roundtable 2010 Economic Development Finance Conference, March 2010
- "New Economic Stimulus Bonds for U.S. Indian Tribes," International Masters of Gaming Law, 2009 Spring Conference
- "Stimulus Plan: Build America Bonds, Recovery Zones and Other Economic Development Financing Tools for Counties," Michigan Association of County Administrative Officers, 2009 Spring Conference
- "Managing OPEB Liabilities Under GASB 45", State Bar of Michigan, Public Corporation Law Quarterly, Fall 2006



Eric McGlothlin

Member | TROY

Email: emcglathlin@dickinsonwright.com Phone: 248-433-7566 Fax: 844-670-6009

Eric McGlothlin is an experienced public finance attorney in Michigan and Arizona. As bond counsel, he advises municipalities, schools and other governmental entities on the issuance of tax-exempt and taxable debt to finance all types of long and short-term capital needs. He helps his clients find the right legal structure, authorize financings and comply with federal and state tax and securities laws. Eric is instrumental as underwriter's counsel, where he guides underwriters through disclosure and related federal securities law matters, assists with due diligence, drafts bond purchase agreements and offering documents, and reviews transaction documentation to ensure the proper protections are in place for his clients.

Eric also has extensive experience advising municipal government and schools on all practical and legal matters affecting daily municipal operations including open meetings and public records, procurement law, elections, including millage, levy and other ballot proposals, and utility matters.

Prominent Assignments

- Bond Counsel to home rule city issuing water and sewer revenue bonds for improvements to distribution and disposal systems
- Bond Counsel to municipalities issuing general obligation bonds (unlimited tax and limited tax) for capital improvements to buildings and other facilities
- Bond Counsel to community college issuing general obligation bonds for classroom and other college facilities
- Bond Counsel to municipality issuing special assessment debt for road and other infrastructure improvements
- Bond Counsel to school district issuing tax-advantaged bonds to build school facilities, including classrooms, athletic facilities and energy conservation improvements
- Bond Counsel to municipalities refunding outstanding debt
- Underwriters' Counsel to investment bank underwriting issue of water and sewer revenue bonds for regional water pipeline project
- Underwriter's Counsel for numerous general obligation and revenue bond issues

Areas Of Practice

- Public Finance

WWW.DICKINSON-WRIGHT.COM

ARIZONA CALIFORNIA FLORIDA ILLINOIS KENTUCKY MICHIGAN NEVADA OHIO TENNESSEE TEXAS WASHINGTON DC TORONTO

Education & Credentials

Education

University of Michigan

B.A., Economics, B.A, Psychology, 2002

Georgetown University Law Center

J.D., 2008

Bar Admission

Arizona

Michigan

Acknowledgements

- *Southwest Super Lawyers®*
 - "Rising Star," Government Finance Law, 2013-2021
- *Michigan Super Lawyers®*
 - "Rising Star," Government Finance Law, 2013, 2017-2020
- *DBusiness Magazine*
 - "Top Lawyer,"

Professional Involvement

- State Bar of Michigan
- State Bar of Arizona
- Michigan Government Finance Officers Association
- National Association of Bond Lawyers

Community Involvement

- Esperança, Inc. (board member, 2008-2014; chair, Programs Committee; member, Internal Affairs Committee, 2011-2012; board president, 2013-2014)

Publications/Presentations

- Presenter, "SEC Municipal Enforcement," Serving the Public Lawyer, Phoenix, Arizona, February 2017
- Presenter, "Enforcing Continuing Disclosure Compliance," Michigan Community College Business Officers Association Fall Workshop, November 2016
- Panelist, "Ethics: Risk – The Game of Reduction of Professional Exposure, Loss Prevention, and Bond Counsel Liability," National Association of Bond Lawyers Bond Attorneys' Workshop, 2015 - 2017
- Contributor, Federal Securities Laws of Municipal Bonds, 5th Ed. 2013, 6th Ed. 2014, and 7th Ed. 2017



Laura M Bassett

Member TROY

Email: lbassett@dickinsonwright.com

Phone: 248-205-5633

Fax: 844-670-6009

Laura Bassett counsels Michigan local governments and school districts on tax-exempt and taxable financings, including debt issued in connection with capital project financing, refinancing, cash flow borrowings, pooled financings and intergovernmental and public-private collaborations. She advises numerous Michigan county drain commissioners and other issuers of bonds to finance drainage systems and water and sewer system improvements. Her public law experience also includes advising clients on election and campaign finance laws and open meeting and procedural matters.

Areas Of Practice

- Public Finance
- Education Law
- Infrastructure and Public-Private Partnerships

Education & Credentials

Education

Kalamazoo College

B.A., Art History, 1992

- magna cum laude, with honors; Phi Beta Kappa

University of Michigan

Ph.D., History of Art, 2003

- Fulbright Scholar to the Netherlands for doctoral research, 1999-2000

Wayne State University Law School

Bar Admission

Michigan

J.D., 2008; cum laude

Acknowledgements

- *DBusiness Magazine*
 - "Top Lawyers," Public Finance Law, 2021-2023
- *Michigan Super Lawyers®*
 - "Rising Star," Bonds/Government Finance, 2013-2015

Professional Involvement

- State Bar of Michigan, Government Law Section, Member
- Michigan Women in Finance, Board of Directors 2012-2017, Executive Committee 2014-2017

Community Involvement

- Citizens Research Council of Michigan, Board of Directors, 2019-present
- The Heidelberg Project, Detroit, Honorary Advisory Board Member, 2017-present
- The Heidelberg Project, Detroit, Board of Directors 2007-2015, Board President, 2013-2015
- Cultural Alliance of Southeastern Michigan and Michigan Nonprofit Association, Strategic Alliance, Advisory Board, 2010

Court Admissions

- U.S. District Court, Eastern District of Michigan

Publications/Presentations

- Tax Increment Financing as a Tool for Redevelopment: Attracting Private Investment to Serve a Public Purpose—The Example of Michigan”, *The Urban Lawyer*, Vol. 41, No. 34, Fall 2009
- Takings in the Big Picture: The Impact of Prop. 4’s Eminent Domain Restrictions on Urban Redevelopment in Michigan”, 53 *Wayne L. Rev.* 899 (2007)

- School Legal Update, Start&Spaces Leadership Services, Inc. & Michigan Association of School Administrators Success Start Kick-Off, Lansing, Michigan, 2015 and 2016
- Regional Collaboration, Michigan Municipal League Elected Officials Academy Core Weekender, Frankenmuth, Michigan, 2014
- The Latest in School Reform, Michigan School Business Officials Conference, Grand Rapids, Michigan, 2013



Brandon C. Hubbard

Member and Michigan Litigation Practice Group Co-Chair | LANSING

Email: bhubbard@dickinsonwright.com Phone: 517-487-4724 Fax: 844-670-6009

Brandon Hubbard is engaged in a broad litigation practice representing large institutions, middle market companies, and emerging businesses and their principals. Having been with Dickinson Wright for more than a decade, Brandon has material trial, litigation and arbitration experience, and is often called upon to handle our clients' most hotly-contested matters (public and private). Industries and areas of practice have included private equity and asset purchases, mergers and acquisitions, financial statement accounting, healthcare and health insurance, ERISA fiduciary duties, trade secrets, fraud, non-competes, dental service organizations, education and constitutional law. He has also represented officers and directors in a wide range of intra-company disputes involving tort, contract, and statutory claims. In addition to handling cases in Michigan, other jurisdictions have included California, Delaware, Illinois, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Wyoming.

Prominent Assignments

Successfully prosecuted a conspiracy claim in a multi-week federal jury trial, obtaining both compensatory and punitive damages.

Successfully defended client in a three-week jury trial in a causation / damages only case, where the plaintiff (a landowner and business owner) sought approximately \$6 million in damages, including alleged diminution in value to land and lost profits.

Successfully defended client in a multi-day jury trial in a case involving allegations of lost profits, obtaining a jury verdict against the plaintiff and in favor of the client.

Successfully defended large gaming company and obtained a zero-dollar award in multi-day arbitration proceeding involving million-dollar breach of contract claims regarding the supply and servicing of ATM machines.

Successfully defended municipality in week-long trial in a Michigan Tax Tribunal proceeding involving a 13-plus million dollar property tax dispute, complex property valuations, and multiple expert opinions, all pertaining to a prominent country club and golf course.

Successfully prosecuted a conversion claim before a jury, with the jury awarding to the client the full value of the converted property.

Successfully defended client on a civil fraud claim in trial proceedings before an ALJ, with the judgment being upheld on appeal.

WWW.DICKINSON-WRIGHT.COM

Successfully represented a Michigan insurer before the Michigan Court of Appeals in an appeal involving the interpretation of a complex statutory scheme relating to administrative appeals and hearings.

Successfully defended an individual in federal court on claims involving defamation and tortious interference with prospective contractual relationships, all relating to a book published by the client and statements made by the client during a city council meeting.

Represented major cancer medical center disputing putative exclusive affiliation within Metro Detroit with multi-disciplinary medical center.

Currently representing energy clients before the Michigan Public Service Commission, including all phases of litigation (pre-trial, trial, and appellate).

Currently representing several clients in litigation matters in a number of states, many of which involve fraud, breach of contract, breach of fiduciary duties, negligence, tortious interference with business relationships, and other tort and contractual causes of action.

Successfully resolved multi-million dollar litigation involving priority disputes relating to real property and a high-end golf course development.

Successfully represented minority shareholder's interests in closely held corporation where there existed breach of fiduciary duties and breach of shareholder purchase agreements.

Represented insurance company in state court actions regarding ERISA governed certificates of coverage in primary/secondary liability disputes.

As in-house counsel, drafted and maintained over 45 prospectuses for variable insurance products and registered same with the Securities and Exchange Commission on behalf of a large Michigan insurer. And in the foregoing capacity, continuously addressed and resolved complex issues relating to and governed by the 1933 Securities Act, 1934 Securities Exchange Act, and the 1940 Investment Company Act, and worked collaboratively with both in-house and outside counsel to resolve such issues.

Representative Clients

- Barbara Ann Karmanos Cancer Institute
- Clean Logix, LLC
- Enbridge Energy, Limited Partnership
- Federal-Mogul Corporation
- Genesee Intermediate School District
- GenNET
- Hartland Consolidated Schools
- Interstate Gas Supply, Inc.
- JPMorgan Chase Bank, N.A.
- Michigan Association of School Administrators
- Michigan Association of School Boards
- Michigan's Largest Health Care Company and Insurance Subsidiaries
- MGM Grand

- North American Dental Group
- Professional Dental Alliance, LLC
- Refresh Dental Holdings, LLC

Areas Of Practice

- Appeals & Advocacy
- Business Torts
- Class Action
- Commercial & Business Litigation
- Education
- Energy & Sustainability
- Health Care
- Health Care Antitrust
- Insurance

Education & Credentials

Education

Michigan State University

B.A., 2004

DePaul University College of Law

J.D., 2007

- *magna cum laude*
- Order of the Coif
- Symposium Editor, DePaul Business & Commercial Law Journal

Bar Admission

Michigan

Acknowledgements

- *Benchmark Litigation United States*
 - Local Litigation Star
 - "40 & Under Hot List," Business Litigation, 2018, 2021, 2022
- *Michigan Super Lawyers®*
 - "Rising Stars," Business Litigation, 2015-2017

Professional Involvement

- Ingham County Bar Association
- Inns of Court, Michigan State University Chapter
- Michigan Defense Trial Counsel, Commercial Litigation Section Chair
- State Bar of Michigan

Community Involvement

- Local Campaign Liaison, Capital Area United Way

Publications/Presentations

- DePaul Business & Commercial Law Journal Symposium, Director and Officer Liability, April 2007; 5 DEPAUL BUS. & COM. L.J. 639 (2007)
- Published on a quarterly basis in the Michigan Association of Municipal Attorneys' "Legal Briefs," a quarterly publication that provides updates on recent judicial decisions and other legal matters (December 2012 – present).
- Michigan Defense Quarterly, The Unenviable But Inevitable Document Dump, Vol. 33, No. 1 (2016)



Aaron V. Burrell

Member DETROIT • TROY

Email: aburrell@dickinsonwright.com

Phone: 313-223-3118

Fax: 844-670-6009

Aaron Burrell is a business lawyer who focuses his practice in the areas of complex commercial litigation, appellate law, labor and employment law, and minority business enterprises.

As a member of the firm's litigation practice, he has prevailed in numerous complex, commercial-litigation cases in a number of state and federal trial courts and courts of appeals. As a member of the firm's labor and employment practice, he has successfully defended clients in a wide range of discrimination and unfair-labor-practice claims in state and federal courts and administrative agencies, and he has counseled clients on all aspects of the employment relationship, including hiring; discipline; diversity, equity, and inclusion matters; and the creation and enforcement of employment agreements. Aaron has further advised entertainment and minority business enterprise clients on a wide array of corporate matters.

At Dickinson Wright, Aaron serves as co-chair of the firm's Diversity & Inclusion Committee and co-chair of Litigation Training. Aaron also serves as a lateral recruiter for the firm.

Aaron has demonstrated leadership in the legal profession throughout his career. He has served as a member of the Board of Commissioners of the State Bar of Michigan; chair of the State Bar of Michigan's Representative Assembly; co-chair of the State Bar of Michigan's Equal Access Initiative; president of the D. Augustus Straker Bar Association; vice president of the D. Augustus Straker Bar Foundation; and affiliate representative of the National Bar Association. He is a member of the Board of Directors of Western Michigan University Cooley Law School and the Oakland County Bar Association. He is a fellow of the Oakland County Bar Foundation, Michigan State Bar Foundation, and the American Bar Foundation. Aaron is an active member of the Wolverine Bar Association, the Detroit Bar Association, and the American Bar Association.

Aaron has been named an "Up and Coming Lawyer" by *Michigan Lawyers Weekly*; a "40 Under 40 Honoree" by *Crain's Detroit Business* and *National Black Lawyers*; a "Top Lawyer" in Labor and Employment Law by *DBusiness Magazine*; a "Black Leader Worth Watching™" by *Profiles in Diversity Journal*; a "Top 100 Under 50 Emerging and Executive Leader" by *Diversity MBA Magazine*; a Michigan Top 100 Bet-the Company-Litigator®; and a "Rising Star" by *Michigan*

Super Lawyers. He is the author of the Commercial Torts chapter of *Torts: Michigan Law and Practice* (ICLE 2017), a co-author of the Business Torts and Related Actions chapter of *Michigan Causes of Action Formbook* (ICLE 2020), and a contributor to *Employment Discrimination Law* (BNA, 2017).

Watch Aaron's Minutes on the Matter segment [here](#).

Prominent Assignments

- Served as lead counsel in successful actions before the U.S. Court of Appeals for the Sixth Circuit, the Michigan Supreme Court, and the Michigan Court of Appeals.
- Prevailed in multiple arbitrations as lead counsel for national automotive manufacturer.
- Successfully defended numerous employers against claims of discrimination in state and federal courts and administrative agencies.
- Successfully obtained summary disposition in favor of numerous clients in contract disputes.
- Successfully obtained summary disposition of claims in business tort actions involving fraudulent inducement and fraudulent concealment.
- Advised a variety of clients on Minority Business Enterprise formation, certification, and corporate governance issues.
- Advised clients regarding corporate director disputes and a variety of internal corporate matters.

Representative Clients

- Microsoft Corporation
- J.P. Morgan Chase
- Bank of America
- Horizon Global
- Oakland County
- Enbridge Energy, Limited Partnership
- Grupo Antolin Primera
- Detroit Thermal Systems, LLC
- EventLink

- Sears Hometown and Outlet Stores

Areas Of Practice

- Appeals & Advocacy
- Commercial & Business Litigation
- Entertainment, Sports and Media
- Labor & Employment
- Minority & Women's Business Enterprises

Education & Credentials

Education

Northwestern University

Certificate, Leading Diversity, Equity, and Inclusion Program, 2021

Central Michigan University

M.S. Administration, Legal and Political Systems Emphasis, 2017

Western Michigan University Thomas M. Cooley Law School

J.D., 2010

- *Magna Cum Laude*
- Assistant Articles Editor: *Thomas M. Cooley Law Review*
- Certificates of Merit:
 - Scholarly Writing
 - Advanced Writing
 - Federal Administrative Law
- Moot Court: Top 10 Advocate
- Teaching Assistant: Secured Transactions

Bar Admission

Michigan

The University of Michigan

B.A., 2007

- With Distinction

Acknowledgements

- *National Action Network of Michigan*
 - Freedom Award Recipient, June 2022
- *Michigan Chronicle*
 - "40 Under 40," 2022
- *National Bar Association*
 - "40 Under 40" Honoree, 2021
- *DBusiness Magazine*
 - Top Lawyer, Labor & Employment Law, 2020-2023
- *Diversity MBA Magazine*
 - Top 100 Under 50 Emerging and Executive Leaders, 2020
- *Crain's Detroit Business*
 - 40 Under 40 Honoree, 2019
- Detroit Metropolitan Bar Association
 - Barristers President's Award
- *Michigan Lawyers Weekly*
 - "Up & Coming Lawyer"
- *Michigan Super Lawyers®*
 - Business Litigation, 2022
 - "Rising Star," Business Litigation, 2015, 2017-2020
- Thomas M. Cooley Leadership Achievement Award Winner, 2009
- Straker Bar Foundation Scholarship Award Winner, 2008

Professional Involvement

- SOLACE Board of Commissioners, Member, 2021

- ABA Commission on Racial and Ethnic Diversity in the Profession
- Oakland Bar Association Board of Directors
- State Bar of Michigan
 - Commissioner, State Bar of Michigan Board of Commissioners
 - Officer, State Bar of Michigan Representative Assembly
 - Former Co-Chair of the Equal Access Initiative
- Collaborative Bar Leadership Academy, Inaugural Class
- Western Michigan University Cooley Law School, Board Member
- D. Augustus Straker Bar Association
 - Past President, Board of Directors
 - Vice President, D. Augustus Straker Bar Foundation
- National Bar Association
 - Past Affiliate Representative, Board of Governors
- Oakland County Bar Association
 - Director, Board of Directors
 - Fellow, Oakland County Bar Foundation
 - Member of OCBA Diversity Committee
 - Associate Member of OCBA Inns of Court
- Detroit Bar Association
- Federal Bar Association, Eastern District of Michigan
- Wolverine Bar Association
- American Bar Association
 - Fellow, American Bar Foundation

Community Involvement

- David Ellis Academy-West Board of Directors
 - President

- Greater Grace Temple
 - Associate Deacon, Finance Committee
- Pretty Hearts Foundation, Inc.
 - Director

Experience

- Judicial Staff Attorney, Law Clerk to the Hon. Leo Bowman, Sixth Judicial Circuit Court, Oakland County (2010)
- Summer Associate, Dickinson Wright PLLC (2009)
- Federal Judicial Intern to the Hon. Arthur J. Tarnow, United States District Court for the Eastern District of Michigan (2008)
- Intern to Mayor Brenda L. Lawrence, City of Southfield
- Completed SCAO-Approved Mediation Training, Certified Mediator

Publications/Presentations

- Speaker, "Employment Law School for Legal Aid Leaders," Committee on Regional Training (CORT) and MIE, Supervising Legal Work Training, November/December 2022
- Author, "Growing Union Interest in the Cannabis Growing Business—What Employers Can Do Under the NLRA." Dickinson Wright All Things HR Blog, September 2022
- Author, "Don't Delay, Arbitrate Today—Supreme Court Removes Requirement to Demonstrate Prejudice in Asserting Waiver of Right to Arbitration," Dickinson Wright All Things HR Blog, June 2022
- Presenter, "HR's Role in Government Diversity and Inclusion Strategy," Lorman, May 2022
- Keynote Speaker, The Recent, Relevant, and Recurring Reality of Remote Working 7 Key Rules for Implementing Remote-Work Policies, Michigan Self Insurance Association, April 6, 2022
- Panelist, "*The 2%: A Panel of Black Partners*," Wayne State University Law School, February 2022
- Co-Author, "U.S. Supreme Court Splits the Baby as It Stays the Private Employer Vaccine or Test Mandate but Keeps the Healthcare Vaccine Mandate in Place," Dickinson Wright Industry Alert, January 2022
- Co-Author, "Private Employer Vaccine Mandate Moves Forward as Sixth Circuit Dissolves

Fifth Circuit's OSHA ETS Stay," Dickinson Wright Industry Alert, December 2021

- Co-Presenter, "Handling Business Court Litigation," Institute of Continuing Legal Education, December 2021
- Co-Author, "Allyship and Privilege: How to Become an Agent for Positive Change," Oakland Country Bar Association, LACHES, Number 643, November 2021
- Panelist, *"Allyship: A Journey That Starts with Awareness and Ends with Individuals Actively Championing Change,"* Michigan Lawyers Weekly, Diversity: In the Legal Environment, October 2021
- Co-Author, *"The Private Employer COVID-19 Vaccine Mandate is Here: What Employers Need to Know,"* Dickinson Wright Industry Alert, November 2021
- Presenter, Solace Program and Bar Involvement, Rochester Bar Association, October 2, 2021
- Author, *"The Legal Issues Involved in Implementing a Metrics-Driven Diversity, Equity, and Inclusion Program,"* Dickinson Wright All Things HR Blog, May 2021
- Featured, Diversity and Inclusion, *DW's Minutes on the Matter,* April 2021
- Author, *"COVID-19 Return-to-Work Checklist from an Employment Law Perspective,"* Dickinson Wright Client Alert, April 2020
- Co-Author, *Michigan Causes of Action Formbook, Second Edition, Chapter 16: Business Torts and Related Actions* (publication of the Institute of Continuing Legal Education) (February 2020)
- Co-author, Chapter 16 of ICLE's Michigan Causes of Action Formbook, 2020
- Panelist, *Special Issues in the Mediation of Employment Law Cases* (Teleseminar)(State Bar of Michigan ADR Section) (September 2019)
- Aaron V. Burrell, *Employee Termination* (On-Demand Seminar) (Institute of Continuing Legal Education) (July 2018)
- Aaron V. Burrell, *Michigan Court of Appeals Offers Guidance to Employers in Documenting Reasons for Hiring, Promotions* (Industry Alerts) (March 2018)
- Aaron V. Burrell, *Supreme Court Takes Up Arbitration Agreements in the Context of Section 7 of NLRA* (Industry Alerts) (November 2017)
- Co-Author, *Business Law Update 2017* (Institute of Continuing Legal Education) (September 2017)
- Aaron V. Burrell, *Torts: Michigan Law and Practice, Chapter 14: Commercial Torts,* (publication of the Institute of Continuing Legal Education) (January 2017)
- Author, "Michigan Corporate Case Law Update" & "A Primer on Minority Business Enterprise Joint Ventures", ICLE's Business Entity Litigation Update, 2017

- Aaron V. Burrell, *How to Maintain a Legal Hiring Process – Find, Hire Keep the Best Employees* (Seminar) (October 2016)
- Co-Author, *Employment Discrimination Law, Chapter 10, Sex Discrimination* (a publication of BNA) (Fall 2016).
- Co-Author, *Michigan Class Action Compendium 2014* (publication of the Defense Research Institute) (November 2014).
- Aaron V. Burrell, *Diversity Corner, Spotlight on Michelle Crockett*, Laches (publication of the Oakland Co. B. Assoc.) (January 2014)
- Aaron V. Burrell, *Diversity Corner, Spotlight on Reginald Turner*, Laches (publication of the Oakland Co. B. Assoc.) (October 2013)
- Co-Author, *NLRB focus on concerted activity increases litigation against non-unionized employers*, Michigan Lawyer's Weekly (March 2013)
- Co-Author, *Preparing for and Managing Crises*, DRI Commercial Litigation Seminar Paper (February 2013)
- Aaron V. Burrell, *An Update On the State Bar's Pledge to Achieve Diversity with Dean John Nussbaumer*, 546 Laches (publication of the Oakland Co. B. Assoc.) 33 (March 2012)
- Co-Author, *What Does Diversity Look Like To You?*, 539 Laches (publication of the Oakland Co. B. Assoc.) 28 (June 2011).
- Contributed to Michigan Business Torts, Ch. 12, "Claims Concerning Computer Technology and the Internet," Edward H. Pappas, Thomas G. McNeill, and Daniel D. Quick (ICLE 2009).



Timothy H. Howlett

Member DETROIT

Email: thowlett@dickinsonwright.com

Phone: 313-223-3662

Fax: 844-670-6009

Tim has counseled employers for more than 45 years on workplace issues. During that time, Tim has successfully resolved numerous litigation matters involving substantial financial and non-financial risks. This experience has given Tim the litigation skills, judgment, and common sense necessary to guide clients facing complex workplace issues and disputes.

Prominent Assignments

Represented clients in high profile employment litigation covered by the media including The New York Times and 20/20.

Tried jury cases defending wrongful termination, race discrimination, disability discrimination, sex discrimination, due process and religious discrimination claims.

Lead counsel in more than 30 appeals in state and federal court. Retained as appellate counsel for a discrimination case with a final judgment in excess of 2.2 million dollars. Obtained reversal in the Michigan Court of Appeals.

Lead counsel for Ford Motor Company in a federal court trial in which six plaintiffs sought in excess of 4 million dollars in damages for section 301 and ERISA claims that resulted in a defense verdict for Ford.

Defended a financial institution accused of sex, race and age discrimination in an EEOC Commissioners' charge and systemic investigation and several purported class actions. Successfully resolved the pending matters and worked with the client to create new monitoring procedures with the help of nationally recognized authorities.

Defended a national book retailer in a race discrimination case with five plaintiffs. Plaintiffs took over 40 depositions. Utilized motion for summary disposition, special case evaluation, mediation and a special settlement conference to achieve favorable result.

Defended a national retailer in a Sarbanes Oxley whistleblower retaliation case in U.S. District

WWW.DICKINSONWRIGHT.COM

Court, Sussberg v Kmart. Obtained summary judgment in published opinion even though no appellate precedent.

Defended trucking company in pregnancy discrimination case brought in U.S. District Court by the EEOC. Obtained summary judgement and awarded costs.

Defended major airline in a significant disability case against the airline and the Wayne County Airport Authority in U.S. District Court, Thomas et al v Northwest Airlines Corporation and Wayne County Airport Authority. Successfully resolved the matter through mediation and motion practice.

Defended academic institutions in numerous cases involving faculty tenure claims and student academic and disciplinary dismissals.

Represented clients in labor and employment administrative claims and arbitrations in several states including Illinois, Ohio, Kentucky, Georgia, Louisiana, Tennessee, New York, Oklahoma, Nebraska, California, New Jersey, Texas, Arizona and Wisconsin.

Counseled clients on plant closings, significant workforce reductions and the sale of plants including analysis of labor, Warn Act, employment and discrimination issues.

Represented the Wayne County Circuit Court in collective bargaining negotiations with several unions in the consolidation of Probate Court, Records Court, and Wayne County Circuit Court.

Counseled high-level executives on employment contracts and separation agreements.

Selected as arbitrator in numerous employment arbitrations.

Representative Clients

- Carhartt, Inc.
- Domino's Pizza LLC
- Greentown Casino
- Little Caesar Enterprises, Inc.
- Magna International Inc.
- Michigan House of Representatives
- Nestlé USA, Inc.
- Rolled Alloys, Inc.
- University of Michigan

- Wacker Chemical Corporation

Areas Of Practice

- Arbitrators, Mediators & Facilitators
- Labor & Employment
- Labor & Employment Litigation

Education & Credentials

Education

Kalamazoo College

B.A., 1970

University of Michigan School of Law

J.D., 1973

- cum laude

Bar Admission

Michigan

Acknowledgements

- *Michigan Lawyers Weekly*
 - Hall of Fame, Class of 2021
- *State Bar of Michigan*
 - Labor and Employment Law Section, Distinguished Service Award, 2018
- College of Labor and Employment Lawyers
 - Fellow
 - Chair, Sixth Circuit Credentials Committee
- *Best Lawyers in America®*
 - Labor and Employment, 2003-2023

- "Lawyer of the Year," Labor Law - Management, 2022
- "Lawyer of the Year," Employment Law - Management, 2021
- "Lawyer of the Year," Litigation - Labor and Employment, 2020
- *Chambers USA*, America's Leading Business Lawyers for Business
 - Labor & Employment, 2004-2022
- *The Legal 500 United States*
 - "Recommended Lawyer," 2017-2022
 - Labor and Employment
- *Michigan Super Lawyers®*
 - Employment & Labor, 2006-2022
 - "Top 100 Lawyers," 2006-2010, 2014-2017
- *Benchmark Litigation*
 - Labor & Employment Star
- *DBusiness Magazine*
 - Top Lawyer, Labor & Employment Law

Professional Involvement

- Life Fellow, Michigan State Bar Foundation
- Fellow, Detroit Metropolitan Bar Association Foundation
- Chairperson, State Bar of Michigan, Labor and Employment Law Section (2011-2013)
- Member, State Bar of Michigan, Labor and Employment Law Section Council (2005-2014)
- Master, Detroit Metropolitan Bar Association Inn of Court Program (2012-2016)
- Arbitrator, American Arbitration Association, Panel of Employment Arbitrators
- Member, ICLE Labor and Employment Law Advisory Board
- Member, EEOC Mediation Program Advisory Board
- Member, CPR Employment Law Committee

Community Involvement

- Grosse Pointe Board of Education, 1990-1998, President, 1993- 1994, 1996-1998
- Merit Selection Panel for U.S. Magistrate Judge, Eastern District of Michigan, 2010

Publications/Presentations

- Author, "The Michigan Supreme Court Holds that Discrimination on the Basis of Sexual Orientation is Prohibited by the Elliott-Larsen Civil Rights Act," Dickinson Wright All Things HR Blog, September 2022
- Author, "Practical Considerations in Employment Terminations," Dickinson Wright All Things HR Blog, February 2022
- Casellas and Soubly, *Workplace Harassment Law*, 2nd Edition, Bloomberg BNA, Chapter Contributing Author
- Lindemann and Grossman, *Employment Discrimination Law*, 4th Ed., Chapter Chair
- Employment Litigation in Michigan, Third Edition (ICLE), "*Discrimination Claims*," Chapter Author
- *Michigan Bar Journal*, "Best Practices for Employee Terminations," August, 2019
- *Michigan Bar Journal*, "Mandatory Arbitration of Employment Claims: An Update," Co-Author, September, 2013
- *Michigan Bar Journal*, "The Constructive Discharge Doctrine in Michigan: A Need for Clarification," Co-author
- Labor and Employment Lawnotes, "Last Chance Agreements – A Useful Tool," Author, Fall 2020.
- Labor and Employment Law Section, the #MeTooMovement: The Impact on Our Profession, Mid-Winter Meeting, 2018, Panelist
- ICLE, Essential Deposition Skills: An Employment Case, 2017, Instructor
- ICLE, Assessing The Value of Your Case, Annual Labor & Employment Law Institute, 2017, Presenter
- ICLE, Conducting a Discrimination or Harassment Investigation, 2014, Speaker
- ICLE, Independent Contractors or Employees? A Multi-Million Dollar Question, Annual Labor & Employment Law Institute, 2011, Presenter
- ICLE, Understanding and Living With the Lilly Ledbetter Fair Pay Act of 2009, Annual Labor & Employment Law Institute, 2010, Presenter

- EEOC Training Institute, 2009, Panel Member



Deborah L. Grace

Member TROY

Email: dgrace@dickinsonwright.com

Phone: 248-433-7217

Fax: 844-670-6009

Deborah (“Deb”) Grace is an experienced benefits attorney skilled at providing practical advice to CFOs and HR professionals about the complex tax and labor laws that impact retirement and savings (401(k)) plans, executive compensation, and welfare benefit plans. She regularly counsels private companies and private equity funds on the benefit plan implications of business acquisitions and dispositions, including employee benefits, tax, and ERISA compliance review, and advises buyers on the integration of benefit programs based on the structure of the business deal. She advises US based entities and their non-US based owners on the unique tax rules that require separate legal entities under common control to be treated as one employer for US coverage and non-discrimination rules.

Her position as Chair of the Firm’s Benefits Committee means that she has practical experience in applying ERISA’s prudent fiduciary rule including facilitating discussions with service providers about the reasonableness of fees charged and the need to monitor investments offered by the retirement plan. She has negotiated favorable results for clients correcting retirement plan design and administration errors, including late transfer of deferrals, using the IRS’ Employee Plans Compliance Resolution System and the Department of Labor’s Voluntary Fiduciary Correction Program. She advises clients about compliance with the Affordable Care Act and the privacy rules under the Health Insurance Portability and Accountability Act (HIPAA).

Prominent Assignments

Regularly facilitate discussions about ERISA’s fiduciary responsibilities and the Internal Revenue Code’s retirement plan rules with members of a retirement plan investment and advisory committee established by a large multi-state manufacturing company that is owned by a non-US based manufacturing company.

Within a 12 month period, assisted private equity client in its acquisition of six companies that were assimilated into one entity. Services provided include extensive review of employee benefits plans offered by the companies and advise on benefits to be offered going forward.

Represented US Company in its sale of operating subsidiary for \$133 million dollars to a London-based global business; sale involved restructuring plans so that subsidiary had appropriate benefit plans in place after closing.

Guided school district in auditing service records of individuals who were misclassified as independent contractors and negotiated with representatives of the Michigan Public School Employees Retirement System on the proper method to report service and pay missing contribution.

Represented private equity firm, and its fund company, in the sale of subsidiary; that used a “professional employer organization” to offer benefits to its employees.

Advised plan sponsor on correction of missing documents evidencing participation in plan sponsor’s 401(k) by sister corporation’s employees.

Advised plan sponsor on correction of late transfer of missed deferrals due to errors caused when payroll provider was changed.

Advised higher educational institution on application of Affordable Care Act’s rules regarding coverage of part-time faculty.

Advised governmental entity on tax and employee benefits consequences of its practice of allowing employees to retiree, begin collecting benefits, and then rehire them without a break in service.

Advised client on purchase of target company that was owned by an ESOP.

Advised governmental entity on correction of improper purchase of credited service and excess benefits arising under an early retirement program.

Counsel to defined benefit plan offering lump sum window benefits to terminated vested participants, thereby reducing company’s market risk.

Negotiated favorable results for clients correcting retirement plan administration errors using the IRS’ Employee Plans Compliance Resolution System.

Advised governmental employer on establishing and administering a FICA replacement plan.

Representative Clients

- Active Interest Media, Inc.
- Gestamp North America

- Hino Motors Manufacturing U.S.A., Inc.
- Metropolitan Detroit Bureau of School Studies
- Oakland Community College
- Lawrence Technological University
- Wayne State University

Areas Of Practice

- Employee Benefits & Executive Compensation
- Mergers & Acquisitions
- Taxation
- Education Law
- Japan
- Nonprofit Organizations
- Estate Planning & Administration

Education & Credentials

Education

Kalamazoo College

B.A., 1979

Wayne State University School of Law

J.D., 1983

Bar Admission

Michigan, 1983

Acknowledgements

- *Best Lawyers in America*®
 - Employee Benefits (ERISA) Law, 2010-2023

- "Lawyer of the Year," Employee Benefits (ERISA) Law, 2021
- *Michigan Super Lawyers®*
 - Employee Benefits/ERISA, 2010-2021
- *DBusiness Magazine*
 - "Top Lawyers," Employee Benefits Law, 2013-2021
- *Chambers USA: America's Leading Lawyers for Business*
 - Employee Benefits, 2009, 2022

Professional Involvement

- Past, Chairman of the Employee Benefits Committee of the Oakland County Bar Association
- Michigan Bar Association, member of the Employee Benefits Committee of the Tax Section
- American Bar Association Member, active on the Employee Benefits Committee of the Tax Section
- Member, ASPPA Governmental Affairs Committee

Community Involvement

- Legal Counsel to Angels' Place, a Michigan non-profit corporation

Publications/Presentations

- Author, "Has Your Company Decided to Self-Fund its Medical Plan? Don't Forget Privacy, Security, and Reporting Requirements.," Dickinson Wright All Things HR Blog, November 2022
- Author, "Using the New Group Health Plan Fee Disclosure Rules To Reduce Plan Costs," Dickinson Wright All Things HR Blog, April 2022
- Author, "What Do a Newly Married Employee, A Long-Term Employee, and a Change of 401(k) Recordkeepers Have in Common? Beneficiary Designation Forms," Dickinson Wright All Things HR Blog, October 2021
- Author, "IRS Provides Details on the Extension of the April 15 Filing Date," Dickinson Wright Tax Blog, March 2020
- Author, "What to do if your Company is Close to the Affordable Care Act's 50 Full-Time

Employee Threshold”, Dickinson Wright HR Blog, September 2019

- Author, “Form 5500 Provides Insight on Compliance with IRS and DOL Plan Administration Priorities”, Dickinson Wright Tax Blog”, June 2019
- Presenter, “Retirement Plan Audit Risks”, National Webinar for Strafford Publications, May 2019
- Author, “The Top 5 Things to Know if You Are New to 401(k) Benefits Administration”, Dickinson Wright HR Blog, February 2019
- Author, “When to Call Your ERISA Benefit Attorney”, Dickinson Wright HR Blog, September 2018
- Author, “Time for Non-Profits to Update Their 403(b) Retirement Plans”, Dickinson Wright Tax Blog, June 2018
- Author, “Now is the Time to Confirm That Your 2017 Salary Deferrals Were Within IRS Limits for 2017, Especially if You Made Salary Deferrals under More than One Employer’s Plan”, Dickinson Wright Tax Blog, February 2018
- Author, “Keeping the End in Mind When Managing Employee Benefits at a Company Owned by a Private Equity Fund”, Dickinson Wright HR Blog, 2018
- Author, “Confidential Settlements of Sexual Harassment Claims Are No Longer Deductible by a Company”, Dickinson Wright HR Blog, February, 2018
- Author, “Do Your Employees Pay for Their Company Sponsored Medical Coverage with Pre-Tax Dollars?”, Dickinson Wright Tax Blog, November 2017
- Co-presenter at seminar for International Society of Certified Employee Benefit Specialists on “Retirement Plans – Things we wished our Clients Had Asked Us Ahead of Time” (Livonia, Michigan), June 2017
- Author, “Company Liable for Not Providing Accurate Information about Benefit”, Dickinson Wright Tax Blog, April 2017
- Author, “April 18, 2017 is the Deadline to Make Contributions to a Health Savings Account for 2016”, Dickinson Wright Tax Blog, April 2017
- Presenter, “Covering Your Assets – Tough Talk and Best Practices about Your 401(k)” Webinar with Clayton & McKerver, December 2016
- Presenter, “Fiduciary Best Practices & Department of Labor Updates”, Seminar sponsored by Morgan Stanley, Detroit, MI, July 2016
- Presenter, “ERISA Fiduciary Duty for Retirement Plan Investment Decisions”, a Dickinson Wright Sunrise Seminar at Automation Alley, April 2016
- Author, “New Department of Labor Rule Helps Plan Sponsors and IRA Owners Determine If Their Advisor is a Fiduciary Providing Impartial Investment Advice”, Dickinson Wright Tax

Blog, April 2016

- Author, "Affordable Care Act Update – Some Questions Answered, Some Relief Granted", Dickinson Wright Client Alert, December 2015
- Author, "Businesses under Common Control are Treated as one Entity under Certain Retirement and Welfare Plan Rules", Dickinson Wright Tax Blog, October 2015
- Author, "Time to Check the "Qualified" Status of a Company's 401(k) or Profit Sharing Plan", Dickinson Wright Tax Blog, September 2015
- Presenter, "The Affordable Care Act," Webinar for members of Middle Tennessee chapter of the Society of Human Resource Management (SHRM) (2014)
- Presenter, "The Affordable Care Act - Preparing for 2014," Sunrise Seminar (2013)
- Author, "Determining if the Affordable Care Act "Play or Pay" Rules Apply to a Business," Dickinson Wright Client Alert (January 2013)
- Author, "Penalties and Measuring Periods for Large Employers," Dickinson Wright Client Alert (February 2013)
- Co-Author, "The HIPAA "Omnibus" Final Rule," Dickinson Wright Client Alert (January 2013)
- Co-Author, "Participant Fee Disclosure Deadline Approaching," Dickinson Wright Client Alert (April 2012)
- Co-Author, "New Rules Aid Plan Fiduciaries," Dickinson Wright Client Alert (April 2012)
- Presenter, "Know Your Role and Control Your Risk: What Every CEO, CFO or Human Resources Director Should Know About Their Responsibilities In Administering a Retirement Plan," Sunrise Seminar (2011)
- Presenter, "Yes, You Can Navigate the Maze of the New Health Care Reform Act," Sunrise Seminar (2010)



Aimee R. Gibbs

Member | ANN ARBOR

Email: agibbs@dickinsonwright.com

Phone: 734.623.1653

Fax: 844-670-6009

Aimee Gibbs serves as trusted general counsel for numerous public entities and private corporations, handling a wide range of legal services, including policy formation, risk-mitigation, regulatory compliance, employment counseling and litigation, and commercial litigation.

Aimee Gibbs' public entity clients include state and local units of government such as cities, townships, villages, counties, public authorities, universities, school districts, and nonprofit organizations in K-12, higher education, and other sectors. Public entity clients frequently rely on Aimee for her knowledgeable and skillful representation and swift resolution to matters. Clients' trust and reliance on Aimee's comprehensive general counsel legal services ranging from counseling to representation in commercial litigation matters is evident by the long-term client relationships Aimee has developed with clients, some spanning and evolving over 15+ years.

Aimee Gibbs also serves in a general counsel capacity to numerous private corporations, providing superior risk mitigation strategies, general employment and corporate counseling and litigation representation, as well as trademark registration, monitoring, and enforcement services. Within the private corporate sphere, Aimee has consistently and successfully served as legal counsel for national and regional banking and financial companies in consumer and retail litigation, UCC, and fraud cases, and has successfully represented registered representatives and broker-dealers in FINRA arbitrations and security investigations.

Clients form long-lasting partnerships with Aimee, and her sound legal representation naturally evolves into Aimee serving clients in the capacity of general counsel based on her superior knowledge base, successful policy and risk mitigation strategies, excellent litigation and settlement results, and prompt, comprehensive, and individualized attention to each client.

Prominent Assignments

- Successfully defeated an emergency request for mandamus in state court on behalf of city client in connection with a proposed ballot initiative.
- Representing small, mid-size, and national employers in connection with federal, state, and agency employment litigation, including discrimination, whistleblower, and harassment claims.

WWW.DICKINSONWRIGHT.COM

- Representing intermediate school districts, public schools, public school academies, and educational institutions in a range of issues, including regulation of student conduct, organizational liability, Title IX investigations, policy and regulatory issues, special education services, employment matters and litigation, state complaints and Office of Civil Rights matters.
- Representing community colleges and public universities in connection with policy formation and compliance with legal and funding requirements, and Title IX investigations.
- Defending a streaming service in a securities fraud case brought by the Securities and Exchange Commission.
- Successful resolution of FINRA arbitrations resulting in favorable settlements or “no findings” outcome on behalf of registered representatives and broker-dealers.
- Managing the entire global trademark portfolio for a major automotive accessories company on an ongoing basis.
- Counseling an American Fortune 500 automotive industry company, overseeing their entire global trademark portfolio.
- Representing a Fortune 500 technology company in trademark matters for over 10 years. Counsel provides strategic counseling, as well as prosecution and enforcement services with respect to both its domestic and global trademark matters.
- Counsels clients regarding trademark infringement, unfair competition, and domain name enforcement matters.
- Counsels clients concerning potential infringement and the likelihood of success in infringement actions or opposition proceedings.
- Counsels clients on proper trademark use in order to strengthen enforceable trademark rights.
- Conducts trademark availability searches and provides risk assessment opinions on behalf of a wide range of clients, including a major U.S. and international retailer, a leading global IT and software company, and leading international automotive companies.
- Represented Fortune 500 automotive company as a member of a litigation team in connection with a billion-dollar contract dispute.

Representative Clients

- JPMorgan Chase
- SBD Automotive
- City of Saline
- Global Education Excellence
- Bay County Public Schools
- Whitmore Lake Public Schools
- Public School Academies of Detroit
- Genesee Intermediate School District
- Google, Inc.

- Kirtland Community College
- University of Michigan

Areas Of Practice

- Banking & Finance
- General Counsel
- Commercial & Business Litigation
- Labor & Employment
- Education Law
- Higher Education
- Public Sector Law
- Nonprofit Organizations
- Trademarks
- Government Investigations & Securities Enforcement

Education & Credentials

Education

Wittenberg University

B.A., 1997

- *summa cum laude*

University of Michigan

M.S.W., 1998

- Masters in Social Work
- Recipient of Specialist in Aging Certificate

Wayne State University Law School

J.D., 2007

- *cum laude*

Bar Admission

Michigan

- Law Review Associate Editor
- Penn State Dickinson Law School,
International Law Program, Florence, Italy

Acknowledgements

- *Michigan Super Lawyers®*
 - "Rising Star," Employment Litigation, 2015-2017

Professional Involvement

- American Bar Association
- Eastern District of Michigan Chapter of the Federal Bar Association
- Detroit Metropolitan Bar Association
- Washtenaw County Bar Association
- Education Law Association Member

Publications/Presentations

- [Author, "What Educational Institutions Should Know About Title IX and the Proposed Title IX Regulations," Dickinson Wright All Things HR Blog, September 2022](#)
- Author, "EEOC Ramps Up Enforcement Lawsuits," Dickinson Wright All Things HR Blog, February 2022
- Author of Chapter "School Building Facilities and Physical Plants" in book *Key Legal Issues for Schools: The Ultimate Resource for School Business Officials*, 2nd Edition (2013). C. Russo (Ed.) Lanham, MA: Rowman & Littlefield Publications.
- Author of Chapter "Should Corporal Punishment in Public Schools Be Abolished?" in book *Debating Issues in American Education, School Discipline and Safety*, Volume 5 (2012). S. Eckes (Ed.) Thousand Oaks, CA: Sage Publications.
- Author of Chapter "School Discipline and Safety: Are Zero Tolerance Policies Acceptable With Respect to Drugs, Alcohol, Weapons, Where Student Safety Is Concerned?" (2012) in book *Debating Issues in American Education, School Discipline and Safety*, Volume 5. S. Eckes (Ed.) Thousand Oaks, CA: Sage Publications.
- Co-author and presenter of "Challenges to Disparate Discipline: Recent Trends," at the 2011 57th Annual Education Law Association Conference in Chicago.

- Co-author of "Passing the Trash: Exploring School District Liability in State and Federal Courts," presented at the 2010 56th Annual Education Law Association Conference in Vancouver, BC, Canada.
- Contributor of multiple entries summarizing legal decisions in 2-volume, *Encyclopedia of Law and Higher Education* (2009). C. Russo (Ed.) Thousand Oaks, CA: Sage Publications.
- Contributor of multiple entries summarizing legal decisions in 2-volume, *Encyclopedia of Education Law* (2008). C. Russo (Ed.) Thousand Oaks, CA: Sage Publications.



Brandon L. Debus

Associate | TROY

Email: bdebus@dickinsonwright.com

Phone: 248-433-7674

Fax: 844-670-6009

Brandon focuses his practice on assisting and advising entities and individuals in a wide variety of complex matters including commercial litigation, live music and entertainment, and complex insurance coverage and bad faith actions. Brandon also has experience in advising clients in matters related to NFT development and sales, metaverse buildouts, blockchain smart contract development and Web3 development as well as automotive supply-chain litigation, construction litigation, health care regulation and compliance matters and a diverse array of matters impacting Michigan educational institutions including public and intermediate school districts, charter and public school academies and institutions of higher education.

Areas Of Practice

- Commercial & Business Litigation
- Intellectual Property Litigation

Education & Credentials

Education

Central Michigan University

B.S., 2013

University of Michigan Law School

J.D., 2016

Bar Admission

Michigan

Acknowledgements

- *Best Lawyers in America®*
 - "Ones to Watch," Commercial Litigation, 2022-2023

Professional Involvement

- Oakland County Bar Association
- Detroit Metropolitan Bar Association
- Barristers Section, Detroit Metropolitan Bar Association
- Intellectual Property Law Section, State Bar of Michigan
- Litigation Section, State Bar of Michigan

Publications/Presentations

- Author, "Design Patent Damage Awards: Rotten for Apple" *The Corporate Counselor*, January 1, 2017.
- Author, "U.S. Supreme Court 'Clarifies' Multi-Component Indirect Infringement" *Dickinson Wright IP Litigation Blog*, April 6, 2017.
- Contributor, "Is a Promise of Continued Employment Still Sufficient Consideration to Support a Non-Competition Agreement in Michigan?" *State Bar of Michigan Litigation Newsletter*, Fall 2015.



Jared A. Christensen

Associate | DETROIT

Email: jchristensen@dickinsonwright.com Phone: 313-223-3477 Fax: 844-670-6009

Jared A. Christensen is an Associate in the firm's Litigation Division. Jared received his Bachelor of Arts and Science degree in Political Science from Oakland University and his Juris Doctorate from Wayne State University Law School where he graduated *magna cum laude*. Prior to joining Dickinson Wright as a Summer Associate in 2017, Jared gained valuable experience working as an intern with Fiat Chrysler Automobiles and Crain Communications in both of their in-house legal departments. Jared hopes to use this experience to help him analyze legal issues from the client perspective and to better serve clients that operate through their own legal teams.

Areas Of Practice

- Commercial & Business Litigation
- Automotive Litigation
- Cannabis

Education & Credentials

Education

Oakland University

B.A., Political Science, 2013

- Minor in English
- Minor in Writing
- Concentration in American Studies

Wayne State University Law School

J.D., 2018

- Graduated *magna cum laude*
- Gold Key and Silver Key Awards (for recognition of high academic achievement)
- Member of Wayne Law Review
- Member of the Entrepreneurship and Business Law Society

Bar Admission

Michigan

Professional Involvement

- Michigan Bar Association

Publications/Presentations

- Co-Author, "COVID-19 and the World of Commercial Leases: Force Majeure and Related Common Law Doctrines," Dickinson Wright Client Alert, April 2020
- Co-Author, "Price Gouging During the COVID-19 Crisis," Dickinson Wright Client Alert, 2020
- "The State of Trademark Law Following *B&B Hardware, Inc. v. Hargis Industries, Inc.*: Not as Groundbreaking as it May Appear" Wayne Law Review, Spring, 2018.
- Panelist at Oakland University's 2013 American Studies Conference.



David R. Deromedi

Member DETROIT

Email: dderomedi@dickinsonwright.com

Phone: 313-223-3048

Fax: 844-670-6009

Acts as outside general counsel for employment matters, both with respect to counseling and litigation, for multiple employers with operations in Michigan and throughout the United States and in varied fields, including but not limited to, automotive, health care, public and private education, professional and consulting services, Information Technology services, and advertising. Work includes acting as general counsel for employment and litigation matters for foreign companies operating in the United States, including employers headquartered in Japan, Korea, China, Germany, and the United Kingdom.

Prominent Assignments

Employment Counseling:

Provides employment counseling to in-house counsel, executive management, board committees, and human resources personnel with respect to managing risks in employee discipline and termination, planning, conducting, and evaluating workplace investigations, policy drafting and best practices, workforce reductions, wage and hour compliance, human resources and worker training on compliance with employment laws including harassment and FMLA/ADA, disability accommodation and management of leave laws, employment contract drafting, and enforcing or evaluating restrictive covenants.

- Led team in drafting and updating the employment policies, processes, and documentation to ensure compliance and best practices for state agency with 7,000 employees.
- Drafted hiring and contractor retention policies and procedures for large public university in the western U.S. and developed and presented training and educational materials for University administrators to follow in implementing the policies.
- Developed wage and hour compliance audit process for large health care system with 35,000 employees. Developed and presented training materials for client's internal audit staff to implement the system's facility wage and hour compliance audits.
- Developed and conducted FMLA leave and disability discrimination training for southeastern

Michigan community college system.

- Represented automotive original equipment manufacturer in managing the WARN notice process and negotiating the shutdown and severance packages for troubled supplier with 17 facilities through the United States.
- Acted as outside general counsel for IT software services firm operating in 13 states in the U.S. on all employment matters involving potential risk of claims, including matters such as workplace investigations, termination decisions, and reasonable accommodation for employee disabilities.
- Guided several boards of education through the processes and steps in the removal of superintendent level personnel.
- Guiding foreign owned 1Billion automotive supplier with U.S. operations in multiple states through litigation risks for workforce reductions and performance terminations.
- Assisted foreign owned automotive supplier and worked with U.S. law enforcement in the investigation and recovery of funds embezzled by executive, and the extradition of executive to return to the U.S. to face criminal charges.

Litigation:

First chair litigation and trial lawyer for discrimination and harassment claims, wage and hour claims, FMLA, breach of contract, and covenants not to compete.

- Obtained successful arbitration result for media company and on-air talent in wrongful discharge and defamation arbitration action in which the Plaintiff alleged that he was defamed and wrongfully fired during a live broadcast.
- Obtained summary judgment in federal court on behalf of a telecommunications company in an FLSA matter on an employee misclassification claim which included a potential class of more than 100 employees and successfully argued appeal to the U.S. Court of Appeals for the Sixth Circuit.
- Obtained summary judgment in state court action on behalf of an original equipment manufacturer in a disability discrimination claim upholding the manufacturer's use of specifically designed employment assessment tests to screen applicants for certain positions, including working with industrial-organizational psychologists in developing the defense of the testing programs.
- Prevailed against request for an injunction by a national automotive supplier to enforce a noncompete in federal court in Ohio on the grounds that it could not be shown that the employee in question was not working in a role that violated the terms of his noncompete agreement.
- Reached successful resolution for in FLSA collective action litigation involving employee misclassification claims twice for a casino client in Michigan, a food services client in New

Jersey, an oil industry client in Texas, and a health services provider and product manufacturer in Michigan.

- Handled hundreds of employment discrimination matters in multiple courts. Recently or currently representing clients in federal jurisdiction discrimination claims in Michigan, Kentucky, Ohio, Virginia, and Texas.

Areas Of Practice

- Corporate Governance
- Japan
- Labor & Employment
- Labor & Employment Litigation
- Commercial & Business Litigation

Education & Credentials

Education

Albion College

B.A., 1985

- *magna cum laude*

University of Michigan

J.D., 1988

Bar Admission

Michigan, 1988

Acknowledgements

- *Best Lawyers in America®*
 - Employment and Labor Law Management, 2007-2023
- *Michigan Super Lawyers®*
 - Employment and Labor Law Management, 2007-2022
- *DBusiness Magazine*
 - "Top Lawyers," Employee Benefits Law, Labor and Employment Law 2009, 2011-2013, 2016-2023

Professional Involvement

- Adjunct professor of law, University of Detroit Mercy School of Law, 1993-2001

Publications/Presentations

- Author, "U.S. Department of Labor Signals Increased Focus on Protecting Against Retaliation," Dickinson Wright All Things HR Blog, March 2022
- Co-Author, "U.S. Supreme Court Splits the Baby as It Stays the Private Employer Vaccine or Test Mandate but Keeps the Healthcare Vaccine Mandate in Place," Dickinson Wright Industry Alert, January 2022
- Co-Author, "Private Employer Vaccine Mandate Moves Forward as Sixth Circuit Dissolves Fifth Circuit's OSHA ETS Stay," Dickinson Wright Industry Alert, December 2021
- Co-Author, "The Private Employer COVID-19 Vaccine Mandate is Here: What Employers Need to Know," Dickinson Wright Industry Alert, November 2021
- Author, "You Said Non-Compete Agreements Are Enforceable in Michigan; What is This Federal Government Announcement I Heard Recently?", Dickinson Wright All Things HR Blog, August 2021
- Co-Presenter, "Michigan Enterprises- COVID Laws and Guidelines," Japan Business Society of Detroit, May 2021
- Co-Author, "Employers: Are You Following Michigan's New Mandatory Employee Safety Requirements?" Dickinson Wright Client Alert, April 2020
- Author, "Governor Whitmer Extends Job Protected Leave to Employees Related to COVID-19 Symptoms or Exposure," Dickinson Wright Client Alert, April 2020
- Co-Author, "Michigan and Ohio Have Issued New Unemployment Rules Relating to COVID-19," Dickinson Wright Client Alert, March 2020
- Co-Author, "Coronavirus (COVID-19) Precautions for Employers," Dickinson Wright Client Alert, March 2020
- Michigan Public Employer Labor Relations Association, Residency Requirements in Public Employment
- Lorman Education Services, Wage and Hour Issues
- Dickinson Wright Employment Law Seminar, Wage and Hour, FMLA, and Employee Leave Issues



Kathryn S. Wood

Member DETROIT

Email: kwood@dickinsonwright.com

Phone: 313-223-3115

Fax: 844-670-6009

Katy focuses her practice on employment litigation, commercial litigation and appellate practice, including discrimination, harassment and whistleblower/retaliation claims, class actions, non-compete/non-solicitation matters, defamation claims, contract disputes, fraud claims, and business tort claims. She is also an experienced advisor to employers regarding employment issues that arise outside of the litigation context.

Prominent Assignments

Employment Discrimination/Harassment/Retaliation/Whistleblower Claims

- Extensive trial and arbitration experience.
- Represented clients in single and multi-plaintiff actions alleging violations of federal and state civil rights laws, at both the trial court and appellate level.
- Represented multiple public sector clients in high-profile whistleblower claims that garnered state and national media attention.
- Successful defense of public institution on 14th Amendment and 1981 claims involving rights of privacy (obtained Sixth Circuit opinion, on issue of first impression, affirming summary judgment).
- Successful defense of multiple attempted class actions (each resulting in denial of class certification).
- MDCR and EEOC claim defense, including position statements, mediation and conciliation.
- Extensive experience regarding joint-employer obligations and liabilities.

Employment Counseling and Litigation Prevention on issues including:

- Experience in conducting harassment/discrimination investigations;

- Document/personnel file retention and production issues;
- FMLA;
- Discipline and termination issues;
- ADA/ disability accommodation obligations;
- Email and internet policies and privacy rights;
- Pre-employment and employee drug testing; and
- Enforceability of arbitration clauses in employment agreements.

Commercial Litigation

- Extensive trial and arbitration experience.
- Successfully obtained a no cause of action in a jury trial where damages alleged were one billion dollars.
- Successfully obtained a no cause of action in a trial where plaintiffs were asking for equitable relief that could have altered all Michigan public utilities' obligations to property owners statewide.
- Successfully obtained a no cause of action in a multi-plaintiff contractual dispute seeking damages in excess of 4 million dollars.

Defamation Claims:

- Represented numerous clients in prosecuting and defending defamation claims.
- Obtained numerous retractions of defamatory statements prior to commencement of litigation, including an internationally disseminated retraction from Reuters.
- Experience in prosecuting "John Doe" actions, where defamatory material is posted anonymously on internet chat room sites.

Representative Clients

- AT&T Inc.
- CARite, Inc.
- DuPont
- JPMorgan Chase
- Michigan House of Representative

Areas Of Practice

- Appeals & Advocacy
- Business Torts
- Commercial & Business Litigation
- Class Action
- Labor & Employment
- Libel & Slander
- Non-Compete & Anti-Solicitation Agreements
- Constitutional Law

Education & Credentials

Education

University of Michigan

B.G.S., 1990

University of Michigan Law School

J.D., 1995

Bar Admission

Michigan

Acknowledgements

- *DBusiness Magazine*
 - "Top Lawyers," Labor and Employment Law, 2016, 2019-2023
- *Benchmark Litigation*
 - "Local Labor & Employment Star," 2021-2022
- *Michigan Super Lawyers®*
 - Employment Litigation, 2008-2022
- *Best Lawyers in America®*
 - Employment Law, Labor and Employment Litigation, 2009-2023
- *The Legal 500 United States*

- "Recommended Lawyer," 2017, 2018, 2020, 2021, 2022
- *Michigan Lawyers Weekly*
 - "Women in the Law," Honoree, 2018

Professional Involvement

- Michigan Bar Association, Labor and Employment and Litigation Sections
- Federal Bar Association
- Fellow, Detroit Metropolitan Bar Association
- Trial Skills presenter for Federal Bar Association, 2015
- Inns of Court (2012-2014)

Community Involvement

- VIP Mentoring, Trustee (2003-2016)
- Franklin Community Preschool, Board Member (1999-2000)
- University of Michigan Student Funded Fellowship, Board Member (1994-95)

Publications/Presentations

- Co-Author, "U.S. Supreme Court Splits the Baby as It Stays the Private Employer Vaccine or Test Mandate but Keeps the Healthcare Vaccine Mandate in Place," Dickinson Wright Industry Alert, January 2022
- Co-Author, "Private Employer Vaccine Mandate Moves Forward as Sixth Circuit Dissolves Fifth Circuit's OSHA ETS Stay," Dickinson Wright Industry Alert, December 2021
- Co-Author, "The Private Employer COVID-19 Vaccine Mandate is Here: What Employers Need to Know," Dickinson Wright Industry Alert, November 2021
- Co-Author, "Employers: Are You Following Michigan's New Mandatory Employee Safety Requirements?" Dickinson Wright Client Alert, April 2020
- Employment Litigation in Michigan, Second Edition (ICLE), Chapter Author, "Discrimination Claims"
- Michigan Business Torts (ICLE), Contributing Chapter Author, "Defamation"
- Employment Litigation in Michigan, First Edition (ICLE), Chapter Author, "Title VII and Related

ELCRA Claims"

- Bloomberg/BNA Workplace Harassment Treatise - 2d Ed., Contributing Chapter Author, "Constructive Discharge"
- Whistleblowing, Reporting and Retaliation, Michigan Chamber Services Webinar, 2013\
- Inside the Minds -- Employment Discrimination Lawsuits, Chapter Author, "Effective Employer Strategies in Employment Discrimination Litigation", Aspatore Books, 2008
- Employment Discrimination Law, Fourth Edition (ABA), Contributing Chapter Author, "Unions"
- Labor and Employment Lawnotes, Volume 17.N.2 "The New Wave in Employment Litigation: Family Responsibilities Discrimination".
- Multiple speaking engagements for ICLE and the Michigan Bar Association Labor and Employment Section



William Thacker

Member | ANN ARBOR

Email: wthacker@dickinsonwright.com

Phone: 734-623-1902

Fax: 844-670-6009

Practice includes traditional labor matters, employment litigation and day-to-day counseling of clients on the various employee and labor relations issues that arise within their organizations.

Extensive traditional labor practice.

Advises clients during union representation campaigns and elections as well as non-Board recognition processes, including the negotiation and administration of card-check recognition agreements.

Negotiates collective bargaining agreements; advises clients regarding application and interpretation of collective bargaining agreements and, where disputes arise, represents clients in the grievance process, including arbitration proceedings.

Routinely represents clients in unfair labor practice cases and representation hearings before the National Labor Relations Board and equivalent state agencies.

Assists clients with the assessment of labor issues attendant to various operational decisions including plant closings, transfers, consolidations and mergers and acquisitions.

Represents clients in various industries, including Tier 1 automotive suppliers, gaming and hospitality, manufacturing, health care and technology as well as public sector education and municipal clients and others.

Represents employers in employment litigation in various state and federal forums, such as wrongful termination, whistleblower, sexual harassment and discrimination cases. Defends employers against administrative charges, such as EEOC and equivalent state agencies. Advises clients on the day-to-day application of the numerous employment laws regulating the workplace, such as ADA, FMLA, FLSA, Title VII and various other local, state and federal laws, rules and ordinances.

Assists clients in the development and drafting of employment policies and handbooks as well as

employment contracts and non-competition agreements and litigates issues arising out of such agreements.

Prominent Assignments

Represented Tier One automotive supplier in the negotiation of recognition agreements and subsequent negotiations for initial collective bargaining agreements for facilities in several states.

Defended clients against unfair labor practice allegations related to common employer policies and handbook provisions.

Represented Oakwood Healthcare, Inc. in a significant charge nurse/supervisor status case before the NLRB. The Oakwood decision, and its companion cases, established the standard by which such cases are adjudicated.

Has represented numerous employers in complex representation hearings before the NLRB, and the Michigan Employment Relations Commission.

Representative Clients

- Henry Ford Allegiance Health
- Piston Automotive
- The D Las Vegas
- Golden Gate Casino and Hotel
- Circa Resort & Casino
- Scio Township
- Saline Area Fire Department

Areas Of Practice

- Alternative Dispute Resolution
- Automotive and Mobility
- Gaming & Hospitality

- Health Care
- Labor & Employment
- Labor & Employment Litigation
- Non-Compete & Anti-Solicitation Agreements
- Infrastructure and Public-Private Partnerships

Education & Credentials

Education

Bowling Green State University

B.A.

- *cum laude* 1993

University of Toledo

J.D., 1996

- *magna cum laude*
- Order of the Coif
- Phi Kappa Phi
- Outstanding College of Law Graduate, May 1996
- Executive Editor, University of Toledo Law Review

Bar Admission

Michigan

Ohio

Acknowledgements

- *Benchmark Litigation United States*
 - "Local Labor & Employment Star"
- *The Legal 500 United States*
 - "Recommended Lawyer"
 - Labor and Employment, 2021-2022
- *Best Lawyers in America®*
 - Employment Law - Management, 2019-2023
- *Leading Lawyers Magazine*

- "Leading Michigan Lawyer"

Professional Involvement

- Ohio State Bar Association

Publications/Presentations

- Author, "Mandating COVID-19 Vaccination Among a Union Workforce," Dickinson Wright All Things HR Blog, June 2021
- 2015 *The NLRB and Non-Union Employers*, ICLE Labor & Employment Law Institute, Inn at St. John's, Plymouth
- 2014 *Right to Work – One Year Later*, ICLE Labor & Employment Law Institute, Inn at St. Johns, Plymouth, Michigan
- 2007 *The Board's Post-Kentucky River "Supervisor" Decisions: Possible Implications in other Knowledge-Based Industries. Are these Decisions "Among the Most Important in the Board's History?"* ABA Midwinter Meeting, Section of Labor and Employment Law, committee on the Development of the Law Under the National Labor Relations Act, Kohala Coast Hawaii
- 2005 *Legal Considerations for Health Management Plans*, Jackson, MI
- 2002 *Understanding Employment Law*, Ann Arbor, MI
- 2001 *Top Ten Things to Consider Regarding Mandatory Arbitration Agreements*, Washtenaw County Bar Association, Ann Arbor, MI
- 2001 *Employment Law Update*, Jackson, MI
- 2001 *Compensation and Employment Law Update*, Michigan College and University Personnel Association, Saginaw Valley State University, University Center, MI



Cynthia A. Moore

Member and Division Director, Regulatory - Administration | TROY

Email: cmoore@dickinsonwright.com

Phone: 248-433-7295

Fax: 844-670-6009

Prominent Assignments

Counsel to a diverse group of employers in the tax and ERISA aspects of welfare benefit plans, including Section 125 plans, COBRA compliance, consumer directed health plans, retiree medical plans, VEBAs and wellness plans.

Counsel to numerous plan sponsors in the design, administration and qualification of qualified retirement plans, with an emphasis on 401(k) plans.

Counsel to companies and compensation committees on the tax, ERISA, and securities law aspects of executive compensation programs, such as supplemental executive retirement plans, stock option plans, restricted stock plans, and non-qualified deferred compensation plans, including Code Section 409A compliance.

Extensive experience in correcting qualification failures under the IRS Employee Plans Compliance Resolution System.

Counsel to numerous credit unions in connection with the negotiation and preparation of collateral assignment split dollar agreements and deferred compensation plans for key executives.

National experience advising on fringe benefit plans, including dependent care assistance programs, educational assistance programs, and Section 132 fringe benefits.

Substantial experience in counseling clients on compliance with HIPAA privacy rules.

Counseled numerous clients on the implementation of the Patient Protection and Affordable Care Act.

Counsel to privately and publicly held companies in a variety of industries on the organization of corporations and LLCs, preparation of basic corporate minutes, stock and asset acquisitions

and divestitures, and review of proxy statements, including under the SEC's extensive executive compensation disclosure rules.

Counsel to publicly held corporations on Sarbanes-Oxley Act compliance matters, including compensation committee governance and best practices.

Representative Clients

- Great Lakes Ace Hardware, Inc.
- Carhartt, Inc.
- Magna International, Inc.
- Mercantile Bank of Michigan

Areas Of Practice

- Corporate
- Corporate Governance
- Employee Benefits & Executive Compensation
- Real Estate
- Securities
- Taxation

Education & Credentials

Education

Alma College

B.A., 1978

- *summa cum laude*

Western Michigan University

M.S.L., 1979

Bar Admission

Michigan, 1986

- With Highest Honors

The University of Texas at Austin

J.D., 1986

- With Honors
- Order of the Coif

Acknowledgements

- *Michigan Lawyers Weekly*
 - Hall of Fame, 2020
 - "Women in the Law," Honoree, 2016
- *Chambers USA: America's Leading Lawyers for Business*
 - Employee Benefits & Executive Compensation
- *Michigan Super Lawyers®*
 - Employee Benefits Law, 2008, 2011-2022
- *Best Lawyers in America®*
 - Employee Benefits Law, 2011-2023
 - "Lawyer of the Year," Employee Benefits Law, 2022
- *DBusiness Magazine*
 - "Top Lawyers," Employee Benefits Law, 2023

Professional Involvement

- State Bar of Michigan, Sections of Business Law, Health Law and Taxation
- American Bar Association, Sections of Business Law, Health Law and Taxation; member of the Employee Benefits Committee, Cafeteria Plans and Flexible Benefits Subcommittee
- Oakland County Bar Association; Chairman, Employee Benefits Committee (2008-2009)

Publications/Presentations

- Author, "Reproductive Healthcare Issues for Employers Series, Part I: May Abortions be Reimbursed on a Tax-Free Basis from a Health Flexible Spending Account, a Health Reimbursement Arrangement, or a Health Spending Account?" Dickinson Wright All Things HR Blog, June 2022

- Author, "2021 ACA Information Reporting Update: Extended "Furnishing" Deadline But No More "Good Faith" Relief," Dickinson Wright Industry Alert, December 2021
- Author, "IRS Guidance on COBRA Subsidy, Part III: Claiming the Premium Assistance Credit," Dickinson Wright Client Alert, June 2021
- Author, "IRS Guidance on COBRA Subsidy, Part II: Determining Assistance Eligible Individuals and Dealing with the Extended Election Period," Dickinson Wright Client Alert, May 2021
- Author, "IRS Guidance on COBRA Subsidy, Part I: Involuntary Termination, Reduction in Hours, and Group Health Plans Covered by the Subsidy," Dickinson Wright Client Alert, May 2021
- Author, "Administration of Group Life Insurance – Not So Easy?," Dickinson Wright All Things HR Blog, May 2021
- Author, "IRS Clarifies Treatment of Dependent Care Benefits," Dickinson Wright Client Alert, May 2021
- Author, "Fee Disclosures Coming for Group Health Plans," Dickinson Wright Client Alert, April 2021
- Author, "New COBRA Subsidy Available April 1, 2021," Dickinson Wright Client Alert, March 2021
- Author, "Group Health Plan Transparency Disclosure Rules Finalized: What Plan Sponsors Should Know," Dickinson Wright Client Alert, March 2021
- Author, "IRS Issues Guidance on the CAA Changes for Flexible Spending Accounts: Good News for Participants but Additional Administrative Challenges for Plan Sponsors," Dickinson Wright Client Alert, March 2021
- Author, Chapter on Voluntary Employees' Beneficiary Associations ("VEBAs"), Bloomberg Law Benefits Guide, April 2020
- Author, "High Deductible Health Plans and Expenses Related to COVID-19," Dickinson Wright All Things HR Blog, March 2020
- Presenter, "Affordable Care Act Reporting Requirements," Michigan Community College Human Resources Association, Fall 2015 Conference, Petoskey, MI (October 2015)
- Presenter, "Are You HIPAA-notized Yet?," Dickinson Wright Healthcare Seminar, Detroit & Grand Rapids (September 2014)
- "Employee Fringe Benefits," co-author, BNA Tax Management Portfolio 394-5th
- Co-author of a chapter titled "Employment Agreements, Policies, and Compensation" in the 2001 ICLE publication "A Practical Guide to E Business Law"
- Frequent lecturer on employee benefit plans, including at an Oakland County Bar Association

seminar in December 2007 on "Separation Pay Plans under Code Section 409A: Drafting and Design Considerations"

- Presenter, "HIPAA Update," Blue National Summit (September 2012)
- Numerous presentations and publications on the Patient Protection and Affordable Care Act.
- Presenter, "Preparing for the Affordable Care Act's Summary of Benefits and Coverage (SBC) Requirement," Webinar (August 2012)
- Author, "Mental Health Parity and Addiction Equity Act Guidance Issued" published in the May 2010 edition of "Employee Benefit Plan Review"



Scott A. Petz

Member | TROY

Email: spetz@dickinsonwright.com

Phone: 313-223-3868

Fax: 844-670-6009

Scott A. Petz is a Member in Dickinson Wright's Troy office. Mr. Petz focuses his practice in the areas of commercial and business litigation, class and collective actions, labor litigation, consumer protection, and condemnation and land use. Mr. Petz regularly litigates high stakes and complex matters, and consults on non-litigation matters. During his career, Mr. Petz has received a number of acknowledgements such as: (1) Selected for America's Top 100 Bet-the-Company Litigators® for Michigan; (2) Selected for America's Top 100 High Stakes Litigators ® for Michigan; (3) Listed in The Best Lawyers in America®; (4) Selected to the Benchmark Litigation "40 & Under Hotlist"; and (5) Selected to Michigan Super Lawyers List. Mr. Petz is active as a thought leader in the legal community (e.g. Co-authored the Civil Discovery Guidebook published by the State Bar of Michigan, Advisor on the Electronic Discovery Reference Model's (EDRM) Global Advisory Council). Mr. Petz is also a proud graduate of the Leadership Oakland XXIX class, and Fellow of the Litigation Counsel of America™.

Prominent Assignments

Lead counsel for bank in matter involving statutory and common law claims wherein plaintiffs sought \$1 million in damages. Successfully obtained dismissal on motion.

Lead counsel for financial institution, an officer of the financial institution, and a former officer of the financial institution in matter wherein plaintiff sought over \$800 million in damages. Successfully obtained dismissal on motion.

Lead defense counsel for a Fortune 500 company in a bench trial, which resulted in the dismissal of plaintiff's claims and an award of sanctions against plaintiff.

Member of arbitration team, which obtained a \$43 million award on behalf of clients.

Member of litigation team in federal court matter, which obtained over \$151 million resolution on behalf of clients.

Obtained a peremptory reversal on behalf of a financial institution from the Michigan Supreme

WWW.DICKINSONWRIGHT.COM

Court in a case in which the Michigan Court of Appeals imposed requirements for commencing a foreclosure by advertisement that went beyond the language of the governing statute.

Prevailed on behalf of a Fortune 500 company in obtaining relief from stay to recover collateral.

Prevailed on behalf of financial institution in opposing plaintiffs' motion for a preliminary injunction and obtaining summary disposition on plaintiffs' claims.

Represented a Fortune 500 tier one automotive supplier as a member of an arbitration team in a multi-million dollar dispute.

Represented non-profit drug and alcohol rehabilitation center in federal court as member of litigation team that negotiated a favorable settlement consisting of monetary damages and the right to develop property.

Trial counsel for condemning authority in a partial taking matter, which the condemning authority settled for less than ten percent of the amount being sought from it on the fourth day of the jury trial.

Representative Clients

- Ally Financial, Inc.
- Citizens Bank, N.A.
- George W. Kuhn Drainage District
- Oakland County Water Resources Commission
- Road Commission for Oakland County
- Wal-Mart Stores, Inc.

Areas Of Practice

- Business Torts
- Class Action
- Collective Action
- Consumer Protection

- Commercial & Business Litigation
- Condemnation & Land Use
- Environmental Litigation
- Creditor Rights & Bankruptcy Litigation
- Labor & Employment Litigation
- Public Finance

Education & Credentials

Education

Kalamazoo College

B.A., 2003

- Major in Economics and Business with Honors
- Monroe Award of Excellence in Economics and Business
- Curtin University, Perth, Western Australia - Student Abroad
- cum laude

The John Marshall Law School

J.D., 2007

- Order of John Marshall
- Law Review
- Associate Editor Recent Decisions, Morrissey Scholars
- Recipient of the Fred F. Herzog Scholarship
- Recipient of the Louis L. Biro Scholarship
- magna cum laude

Bar Admission

Michigan

Acknowledgements

- Selected for America's Top 100 High Stakes Litigators® for Michigan, 2018-2022
- Selected for America's Top 100 Bet-the-Company Litigators® for Michigan, 2019-2022
- Selected for *Benchmark Litigation* "40 & Under Hotlist," 2018-2021

- Recognized in *The Best Lawyers in America*®
 - Commercial Litigation, 2018-2023
 - Litigation - Banking and Finance, 2022-2023
 - Mass Tort Litigation / Class Actions - Defendants, 2023
- Fellow of the Litigation Counsel of America™, 2020-Present
- Listed in Michigan Super Lawyers, 2019-Present
- Listed in Michigan Super Lawyers Rising Stars, 2013-2018
- Selected for 2016 Michigan Top Lawyers List, Commercial Law
- Recipient of the Detroit Metropolitan Bar Association Barrister Section's 2013 "One to Watch" award

Professional Involvement

- American Bar Association
- Detroit Metropolitan Bar Association
- Eastern District of Michigan Chapter of the Federal Bar Association
- Oakland County Bar Association
- Phi Alpha Delta - Law Fraternity, International

Experience

- Dickinson Wright PLLC, Summer Associate, 2006
- Judicial Extern, Honorable Richard J. Elrod, Circuit Court for Cook County, IL, Fall 2006

Publications/Presentations

Publications

- Civil Discovery: The Guidebook to the New Civil Discovery Rules, 2019, Co-Author
- Predictive Coding: Where Are We Now?, Michigan Defense Quarterly, Volume 33, No. 1 - 2016, Co-Author
- Attorney-Client Privilege Protections and Employer-Provided Technology: When Does the Employee's "Expectation of Privacy" End and When Do You, as Counsel, Have an Obligation to

Warn the Client?, Michigan Defense Quarterly, Volume 31, No. 3, January 2015, Co-Author

- Adverse Inference: The "Culpable" Element, Michigan Defense Quarterly, Volume 31, No. 1, July 2014, Co-Author
- Retailer Beware: A Retailer's Guide to The Michigan Shopping Reform and Modernization Act, Michigan Defense Quarterly, Volume 30, No. 3, February 2014, Co-Author
- Predictive Coding: The ESI Tool of the Future?, Federal Litigation Section of the Federal Bar Association's SideBAR, Winter 2013, Co-Author
- Predictive Coding: The ESI Tool of the Future?, Michigan Defense Quarterly, Volume 29, No. 1, July 2012, Co-Author
- "Squatters'" Rights in Detroit: A Legal Analysis, Community Legal Resources, Legal Lines, Legal Issues for Nonprofits, 2011, Co-Author
- The Supremacy Clause and its Effect on a State's Ability to Maintain Control Over the Practice of Law Within its Borders: A Casenote on Surrick v. Killion, The Professional Lawyer, Volume 17, Issue 1, 2006

Presentations

- Handling Stormwater Issues in a Time of Historic Rain Events—A Maelstrom of Competing Legal, Regulatory & Funding Issues, State Bar of Michigan Government Law Section, February 11, 2022, Panelist
- Are You Ready for Civil Practice in Michigan in 2020?, All You Need to Know About the New Rules, Third Circuit Court/Detroit Bar Association Bench-Bar Luncheon, December 11, 2019, Speaker
- Are You Ready for Civil Practice in Michigan in 2020, Presentation for OCBA Municipal Law Committee, October 23, 2019, Speaker
- ACEDS Detroit 4th Annual eDiscovery Symposium/Midwest Regional Conference, September 27, 2019, Opening Remarks
- ACEDS Detroit 3rd Annual eDiscovery Symposium/Inaugural Midwest Regional Conference, October 26, 2018, Opening Remarks
- Deposition Skills, Dickinson Wright Litigation Associate Training, March 14, 2018, Presenter
- eDiscovery and Ethical Considerations for Social Media, Driven, Inc. eDiscovery Speaker Series, October 26, 2017, Speaker
- ACEDS Detroit 2nd Annual eDiscovery Symposium, September 21, 2017, Opening Remarks
- ACEDS Detroit 1st Annual eDiscovery Symposium, September 22, 2016, Panelist

- Non-Compensable Items in Eminent Domain, IRWA – Michigan Chapter 7, November 4, 2015, Presenter
- Overall Case Strategy and Planning, Dickinson Wright Litigation Associate Training, September 16, 2015, Presenter
- Decade of Discovery, ACEDS – Detroit Chapter, July 16, 2015, Panelist
- E-Discovery Model Order Seminar, Eastern District of Michigan Chapter of the Federal Bar Association, February 10, 2015, Panelist
- eDiscovery Case Law Update, Race to Excellence, SBM/ALSP Annual Day of Education, May 3, 2013, Presenter
- Community Legal Resources' Vacant Property Education Seminar regarding Squatters, October 6, 2011, Panelist
- E-Discovery, Dickinson Wright PLLC Litigation Associate Training, February 16, 2011, Presenter
- Current Issues in Electronic Discovery in Michigan and Federal Courts, Dickinson Wright PLLC Commercial Litigation Group, June 2009, Presenter



Phillip J. DeRosier

Member and Appeals and Advocacy Practice Group Chair

DETROIT

Email: pderosier@dickinsonwright.com

Phone: 313-223-3866

Fax: 844-670-6009

Phil DeRosier has more than 20 years' experience representing industry-leading corporations, banks, insurance companies, and individuals in the Michigan Supreme Court, Michigan Court of Appeals, and U.S. Courts of Appeals. Phil has briefed and argued a wide variety of appeals, ranging from commercial contracts to insurance to business torts. He also devotes a significant part of his practice to briefing dispositive motions and working with trial counsel on pre- and post-trial motions, jury instructions, and preserving issues for appeal.

Phil is a past Chair of the Governing Council of the State Bar of Michigan's Appellate Practice Section, and is consistently recognized in Best Lawyers and Michigan Super Lawyers in the area of appellate practice. Phil is co-chair of the Michigan Appellate Bench Bar Conference and a contributing author to the Institute for Continuing Legal Education's *Michigan Appellate Handbook*. Before joining the firm, Phil served as a law clerk for former Michigan Supreme Court Chief Justice Robert P. Young, Jr., and was a staff attorney at the Michigan Court of Appeals.

Prominent Assignments

- Convinced the Sixth Circuit Court of Appeals to reverse a grant of summary judgment against our client, an international clothing manufacturer, and to remand for trial on our client's claims against a fabric supplier for breach of contract and warranty under the Uniform Commercial Code.
- Secured a win in the United States Supreme Court on behalf of a client disputing the federal Securities and Exchange Commission's authority to seek and obtain disgorgement in federal court for violation of securities laws.
- Obtained a published decision from the Michigan Court of Appeals upholding a statute against a challenge that it violated the Title-Object Clause of the Michigan Constitution.
- Successfully represented a national auto supplier before the Michigan Court of Appeals, resulting in a published opinion upholding the dismissal of a municipality's breach of contract claim for lack of ripeness.

- Convinced the Michigan Court of Appeals and Michigan Supreme Court to uphold the dismissal of claims against a Michigan public university for alleged violations of the Open Meetings Act.
- Obtained a decision from the U.S. Court of Appeals for the Second Circuit affirming the district court's decision to vacate a \$15 million jury verdict on a quasi-contractual claim brought under New York law.
- On behalf of a national bank, obtained a peremptory reversal from the Michigan Supreme Court in a case in which the Michigan Court of Appeals imposed requirements for commencing a foreclosure by advertisement that went beyond the language of the governing statute.
- Convinced the Michigan Supreme Court to reverse a judgment enforcing a purported settlement agreement, as there was no evidence that the parties had actually agreed to its essential terms.
- Defeated class certification in two consolidated lawsuits alleging that hundreds of homes experienced basement flooding due to a claimed defect in the city's sewage system.
- Successfully represented Michigan's largest health insurance company in an interlocutory appeal before the U.S. Court of Appeals for the Sixth Circuit, which reversed the district court's order certifying a class of multiemployer health and welfare benefits funds alleging violations of ERISA and Michigan law.
- Successfully represented a casino before the U.S. Court of Appeals for the Sixth Circuit, which upheld the dismissal of a lawsuit brought by Michigan horse racing tracks seeking to invalidate a provision of the Michigan Constitution that limits the expansion of casino gaming in the state.
- Represented one of the world's largest chemical companies in a matter of first impression before the Michigan Supreme Court, obtaining an opinion establishing the standards in Michigan for certifying class actions.
- Represented a telecommunications provider in obtaining an opinion from the Michigan Supreme Court overturning a fine imposed by the Michigan Public Service Commission and rejecting U.S. Supreme Court precedent requiring deference to agency interpretations of statutes.
- Represented a health insurer in the Michigan Supreme Court, obtaining an opinion affirming the Michigan Insurance Commissioner's decision to uphold a denial of coverage for unauthorized medical services.
- Prevailed in the Michigan Supreme Court for an automotive manufacturer in a case of first impression finding no duty to protect against "take home" asbestos exposure. As a result, a \$9.5 million judgment was overturned.
- Successfully represented a hospital in a case before the Michigan Supreme Court in which the Court reversed a \$30 million medical malpractice verdict and clarified the requirements in

Michigan for the admission of expert testimony.

- Prevailed in the Michigan Supreme Court on behalf of an automotive supplier, convincing the Court to reject an appeal by its insurance company seeking to overturn a \$7.5 million default judgment resulting from discovery abuses in a coverage dispute.
- Obtained a published opinion from the Michigan Court of Appeals on behalf of an automobile insurer affirming the dismissal of a class action alleging illegal insurance premiums and finding the law at issue to be unconstitutional.
- Represented an automobile manufacturer in a bankruptcy appeal seeking to recover over \$100 million in automotive tooling.
- Represented a national investment banking firm in obtaining an opinion from the Michigan Court of Appeals upholding the dismissal, on forum non conveniens grounds, of claims arising out of a \$50 million sale of municipal bonds.
- Successfully defended an employer in a garnishment action that resulted in a published opinion from the Michigan Court of Appeals deciding an issue of first impression under the federal Consumer Credit Protection Act.
- Successfully represented a national IT company in convincing the Michigan Court of Appeals to affirm the dismissal of various claims arising out of a \$31 million stock purchase.
- Convinced the Michigan Court of Appeals to affirm the dismissal of a lawsuit brought against an automotive supplier arising out of the failed sale of one of its manufacturing plants.
- Obtained an opinion from the Michigan Court of Appeals upholding the dismissal of minority shareholder oppression and fraud claims arising out of a shareholder dispute.

Representative Clients

- AT&T Michigan
- Enbridge Energy, Limited Partnership
- FCA US LLC
- Ford Motor Company
- JPMorgan Chase Bank, N.A.
- MGM Grand Detroit, LLC
- Michigan's Largest Health Care Company and Insurance Subsidiaries
- The Dow Chemical Company

Areas Of Practice

- Appeals & Advocacy
- Commercial & Business Litigation
- Constitutional Law

Education & Credentials

Education

Michigan State University

B.A., 1993

- With Honors

Western Michigan University Thomas M.

Cooley Law School

J.D., 1996

- *magna cum laude*

Bar Admission

Michigan, 1996

Acknowledgements

- *Best Lawyers in America®*
 - "Lawyer of the Year," Appellate Practice - Detroit, 2018, 2021
 - Appellate Practice, 2023
- *The Legal 500 United States*
 - Appellate Litigation, 2018, 2022
- *Martindale-Hubbell® AV Rating*
- *Michigan Super Lawyers®*
 - "Super Lawyers," Appellate Litigation, 2010-2022
 - "Rising Stars," Appellate Litigation, 2008-2009
- *DBusiness*
 - "Top Lawyers," Appellate Law, 2013-2023
- Recipient of the Thomas M. Cooley Law Review's Distinguished Brief Award, 2009

Professional Involvement

- 2019 Michigan Appellate Bench Bar Conference, Co-Chair
- 2016 Michigan Appellate Bench Bar Conference, Secretary and Session Reporter
- State Bar of Michigan Appellate Practice Section, Council Member and Past Chair
- 2013 Michigan Appellate Bench Bar Conference, Secretary and Session Moderator
- Detroit Regional Chamber of Commerce, Leadership Detroit (Class XXXIV)
- 2010 Michigan Appellate Bench Bar Conference, Secretary and Session Moderator
- Detroit Metropolitan Bar Association, Chair of the Appellate Practice Section
- 2007 Michigan Appellate Bench Bar Conference, Planning Committee
- 2004 Michigan Appellate Bench Bar Conference, Session Reporter

Community Involvement

- Pro Bono Counsel to the Michigan Children's Law Center
- Pro bono representation of clients in civil litigation and criminal appeals

Experience

- Law Clerk to the Former Hon. Robert P. Young, Jr., Michigan Supreme Court Chief, 1999-2001; Michigan Court of Appeals, 1997-1999
- Staff Attorney, Michigan Court of Appeals, 1996-1997

Publications/Presentations

- Co-Author, "Appellate Practice Report," Michigan Defense Quarterly (Volume 38, No. 4 - 2022). The report discusses determining the proper scope of a cross-appeal in the Michigan Court of Appeals, as well as the taxation of costs in favor of the prevailing party on appeal.
- Co-Author, "Appellate Practice Report," Michigan Defense Quarterly (Volume 38, No. 3 - 2022). The report addresses parties' ability to raise changes in the law that occur while an appeal is pending.
- Co-Author, "Appellate Practice Report," Michigan Defense Quarterly (Volume 38, No. 2 - 2021). The report discusses potential pitfalls in drafting the statement of questions

presented in an appellate brief, as well as the potential adverse effects that a stipulated dismissal “without prejudice” can have on appellate jurisdiction.

- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 37, No. 4 - 2021). The report addresses appealing the denial of a motion for summary disposition (Michigan state court) or motion for summary judgment (federal court) after a jury verdict.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 37, No. 3 - 2021). The report addresses determining the finality of orders in bankruptcy cases and submitting supplemental authority.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 37, No. 2 - 2020). The report discusses taxation of costs in Michigan appeals and tips for filing interlocutory appeals in the Michigan Court of Appeals.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 37, No. 1 - 2020). The report discusses raising unpreserved issues on appeal and oral argument in the time of COVID-19.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 36, No. 4 - 2020). The report discusses issues concerning how to determine if a judgment or order is final for purposes of appeal.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 36, No. 3 - 2020). The report discusses the proper scope of amicus briefs and the use of checklists in briefing and oral argument preparation.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 36, No. 2 - 2019). The report discusses denials of discretionary appeals “for lack of merit” and the “new science of brief writing.”
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 36, No. 1 - 2019). The report discusses citing unpublished opinions and the impact of the automatic bankruptcy stay on pending appeals.
- Panelist, “Michigan Supreme Court Review,” The Federalist Society-Michigan Lawyers Chapter, May 23, 2019
- Moderator, “Just the Facts: The Importance of Facts and the Appellate Record to Responsible Decision-Making and Appellate Advocacy,” Michigan Appellate Bench Bar Conference, May 28, 2019
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 35, No. 3 - 2019). The report discusses appeals involving multiple “final orders” and offers advice on avoiding “one note” arguments.
- Co-Author, “Appellate Practice Report,” *Michigan Defense Quarterly* (Volume 35, No. 2 - 2018). The report addresses the Michigan Court of Appeals' newly-adopted rules governing exhibits and the appealability of dismissals “without prejudice.”

- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 35, No. 1 - 2018). The report addresses the determination of when an order is "final" for purposes of appeal and the ability of parties to stipulate to the dismissal of a case while reserving issues for potential future appeals.
- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 34, No. 4 - 2018). The report addresses the effect of delayed or non-service of a judgment or order on the appeal deadline, as well as sharing oral argument with co-parties.
- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 34, No. 3 - 2018). The report addresses e-filing in the United States Supreme Court and jurisdictional vs. non jurisdictional appeal deadlines.
- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 34, No. 2 - 2017). The report addresses the Michigan Supreme Court's use of "mini oral arguments" when deciding applications for leave to appeal, as well as the history and current status of the "absurd result" doctrine in Michigan.
- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 34, No. 1 - 2017). The report addresses judicial review of arbitration awards under Michigan's Uniform Arbitration Act and judicial assignment in the Sixth Circuit Court of Appeals.
- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 33, No. 4 - 2017). The report examines civility in briefing and the effect of post-judgment motions on the time to appeal.
- Co-author, "Michigan Supreme Court Holds That An Insurer's Untimely Payment Of Underinsured Motorist Benefits Is Subject To Penalty Interest Even If Reasonably In Dispute," Dickinson Wright Client Alert, May 2017
- Co-Author, "Appellate Practice Report," *Michigan Defense Quarterly* (Volume 33, No. 3 - 2017). The report discusses the use of checklists for briefing and argument, the effect of unresolved attorney fee motions on the finality of a judgment for purposes of appeal, and important amendments to the Federal Rules of Appellate Procedure.
- *Michigan Appellate Handbook* (ICLE, 2013), Chapter 6, "Interlocutory and Other Discretionary Review in the Court of Appeals"
- Moderator, "Preparing to Win on Appeal Before Trial," 2013 Annual Meeting of the Michigan Defense Trial Counsel
- *Judicial Review of Arbitration Awards Under Federal and Michigan Law: Similar But Different*, Michigan Bar Journal, February 2013, Volume 92, No. 2
- Moderator, "Preservation and Presentation of Issues on Appeal," 2012 Annual Meeting of the State Bar of Michigan Appellate Practice Section
- *Court's Decision Extends Copyright Protection to Foreign Works*, DRIToday – The Court Reporter (January 19, 2012)

- *Michigan Civil Procedure* (ICLE, 1999; rev. 2011), Chapter 13, Dispositive Motions
- Regular Contributor to the Michigan Defense Trial Counsel's *Michigan Defense Quarterly*, "Appellate Practice Report"
- *Understanding the Overrulings: A Response to Robert Sedler*, 56 Wayne L. Rev. 1761 (2010)
- *Bankruptcy Appeals: The Basics*, NABTalk, Journal of the National Association of Bankruptcy Trustees, Spring 2011
- Speaker, "Your First Oral Argument in the Court of Appeals," Michigan Defense Trial Counsel's (MDTC) Young Lawyers Section Breakfast Seminar, August 12, 2010
- Speaker, "Law School for Journalists," Society of Professional Journalists - Detroit Chapter, October 10, 2009
- *The "Ins and Outs" of Electronic Filing in the Sixth Circuit*, Michigan Appellate Practice Journal, Spring 2009, Vol. 13 No.1
- *The Nuts and Bolts of Bankruptcy Appeals*, 87 Mich B J 30 (July, 2008)
- Speaker, "The Role of the Supreme Court Law Clerk," 2001 Michigan Appellate Bench Bar Conference



K. Scott Hamilton

Member DETROIT

Email: khamilton@dickinsonwright.com

Phone: 313-223-3041

Fax: 844-670-6009

K. Scott Hamilton has 30 years of experience representing clients in the U.S. Supreme Court, the U.S. Courts of Appeals for the Second, Sixth, Seventh, Eighth and Tenth Circuits, the Michigan Supreme Court and Court of Appeals, and several other state courts of appeals, resulting in dozens of published opinions. Scott was Editor-in-Chief of *The Wayne Law Review* and law clerk to Judge Cornelia G. Kennedy of the U.S. Court of Appeals for the Sixth Circuit. He is a Life Member of the Sixth Circuit Judicial Conference, past Co-Chair of the Appellate Practice Committee of the Federal Bar Association for the E.D. Mich., member of the Sixth Circuit Practice Institute, and served as an adjunct professor of law at Michigan State Law School teaching Appellate Procedure.

Prominent Assignments

First chaired more than 20 federal and state bench and jury trials and argued over 30 cases in the United States Court of Appeals for the Second, Sixth and Tenth Circuits, Michigan Supreme Court and Michigan Court of Appeals.

Represented large insurers in dozens of ERISA benefits actions in trial court and on appeal and represented insurers in dozens of bench and jury trials, and on appeal, with respect to non-ERISA benefits litigation.

Obtained dismissal of federal class action against Northwest Airlines, Inc. in litigation challenging frequent flyer program valued at \$301 Million.

Successfully represented multi-national baby food manufacturer in \$98 Million distributorship termination, business tort and antitrust action brought by Polish distributor in the London Court of International Arbitration in London, England.

Obtained reversal of adverse multi-million dollar jury verdict against a Big Three automaker in the Tenth Circuit based on improper admission of expert testimony.

Obtained reversal in the Michigan Supreme Court of an adverse Court of Appeals opinion

WWW.DICKINSONWRIGHT.COM

against Wayne County involving pension benefits.

Obtained reversal in the Michigan Supreme Court of an adverse Court of Appeals opinion against a shooting range, greatly expanding statutory protection for such ranges.

Obtained reversal in the Michigan Supreme Court for client whose multi-million dollar business tort claims concerning sale of Bob-Lo Island had been dismissed by the trial court and affirmed by the Court of Appeals.

Represented in the Michigan Court of Appeals, and obtained reversal for, large multi-national advertising agency against which had been entered judgment of \$21 Million.

Filed *amicus curiae* brief in the U.S. Supreme Court in support of the National Rifle Association in *McDonald v. Chicago*, incorporating Second Amendment to the states.

Represented *guardian ad litem* for Rosa Parks in the Sixth Circuit in an action against the band OutKast for defamation/false light.

Obtained judgment in federal trial for Parrish & Heimbecker, Inc., one of Canada's largest agricultural corporations, in an action against CSX Transportation involving improper railway transportation surcharges and business destruction.

Represented in Michigan trial and appellate courts one of Michigan's largest shooting ranges in an action to enjoin its operation, resulting in the invalidation of local noise ordinance on constitutional grounds.

Representative Clients

- UNUM Group
- AIG/American General
- Ford Motor Company
- National Rifle Association
- Yazaki North America, Inc.
- Northwestern Mutual Life Insurance Co.
- Parrish & Heimbecker, Inc.
- Standard Life Insurance Co.

Areas Of Practice

- Antitrust & Trade Regulation
- Appeals & Advocacy
- Commercial & Business Litigation
- Franchise, Distribution & Dealer
- Insurance Litigation
- Non-Compete & Anti-Solicitation Agreements
- Health Care Litigation

Education & Credentials

Education

Central Michigan University

B.S., 1986

- Phi Delta Kappa
- Gilbert Rau Scholarship Award,
Excellence in Competitive Academic
Debate

Wayne State University Law School

J.D., 1989

- Editor-in-Chief, The Wayne Law Review
- Jason L. Honigman Scholarship Award
- Murphy Prize
- Free Legal Aid Clinic

Bar Admission

Michigan

Acknowledgements

- Michigan State Bar Foundation
 - Fellow
- Sixth Circuit Judicial Conference
 - Life Member
- *Best Lawyers in America®*

- Appellate Law, 2013-2021
- *Michigan Super Lawyers®*
 - Business Litigation, 2016, 2012-2022
- *DBusiness Magazine*
 - "Top Lawyers," 2016, 2018-2023
- Listed in *Leading Lawyers*
- Listed in *Best's Directory of Recommended Insurance Attorneys*

Professional Involvement

- Faculty and Planning Committee, Sixth Circuit Practice Institute, Cincinnati, OH May 2014
- Federal Bar Association for the Eastern District of Michigan, Co-Chairman of the Appellate Committee 2008-Present
- Local Rules Advisory Committee for the Eastern District of Michigan, Chairman 2007-2009
- State Bar of Michigan, Past Council Member, Antitrust, Franchising and Trade Regulation Section
- Michigan State University College of Law, Adjunct Professor of Law (appellate practice)
- Defense Research Institute, Member

EXPERIENCE

- Law clerk to the Hon. Cornelia G. Kennedy, U.S. Court of Appeals for the Sixth Circuit, 1989-90

Publications/Presentations

- "Discovery in ERISA Benefits Cases After Glenn: A Circuit Review," *In-House Defense Quarterly*, Fall 2010
- "Sound Strategies for Dealing with Noise Nuisance Challenges," *The Range Report*, Summer 2010
- Book chapter in *Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey*, 2009



Elise S. Levasseur

Member TROY

Email: elevasseur@dickinsonwright.com

Phone: 248-433-7520

Fax: 844-670-6009

Prominent Assignments

Experienced in the following areas:

- Permanent employment-based immigrant visas for multinational executives and managers
- Extraordinary ability aliens
- Outstanding researchers and professors
- Aliens with advanced degrees and skilled workers
- National interest waivers
- Alien labor certifications
- Reduction-in-recruitment
- Adjustment of status
- Visa processing at U.S. Consulates
- Nonimmigrant visas for business professionals
- Intracompany transferees, investors, aliens of extraordinary ability, trainees, and skilled workers
- Qualification and entry under the North American Free Trade Agreement
- Visas for physicians and medical professionals
- Applications for citizenship
- Vehicle seizures
- Employment verification & employer sanctions
- Deferred inspection and admission
- Immigration consequences of mergers and acquisitions

WWW.DICKINSONWRIGHT.COM

Counsel to companies seeking employment of foreign nationals in the H-1B visa category who have attained the level of a Bachelor's Degree by virtue of work experience.

Counsel to companies encountering INS resistance to the entry to the United States of Canadian or Mexican citizens under North American Free Trade Agreement.

Counsel to foreign national physicians seeking H-1B, O-1 and TN-1 nonimmigrant classification.

Counsel to new businesses seeking work authorization for foreign personnel.

Counsel on I-9 Audits and Notice of Intent to Fine Settlement.

Counsel to major corporations encountering U.S. Consular Office resistance to issuance of E, L, H or other work-authorized visas.

Counsel to major corporations seeking entry of specialized knowledge, managerial and executive level foreign personnel.

Areas Of Practice

- Immigration
- Japan

Education & Credentials

Education

Wayne State University
B.A., 1980

Detroit College of Law
J.D., 1985

Bar Admission

Michigan, 1985

Acknowledgements

- *Best Lawyers in America®*
 - "Lawyer of the Year", Immigration Law, 2023
 - Immigration Law, 2009-2023
- *Michigan Super Lawyers®*

- Immigration Law, 2008, 2010-2013
- *DBusiness Magazine*
- "Top Lawyers," Immigration Law, 2016, 2018-2023

Professional Involvement

- American Immigration Lawyers Association, Former Vice Chair and Education Chair, Member since 1986
- Past Chair of Immigration Committee, International Section, Michigan Bar Association
- Past Co-Chair of INS Liaison Committee, Michigan Chapter, American Immigration Lawyers Association

Publications/Presentations

- Author, "OFLC Clarifies Telecommuting in the PERM Context for Both Prevailing Wage Requests and PERM Applications," Dickinson Wright Immigration Insights and Issues Blog, July 2022
- Author, "USCIS Decouples EAD Card and Advance Parole Travel Documents to Speed EAD Card Processing for Adjustment Applicants," Dickinson Wright Immigration Insights and Issues Blog, March 2022
- Author, "Am I An Essential Traveler Between Canada and the U.S. or Mexico and the U.S.?" Dickinson Wright Immigration Insights and Issues Blog, March 26, 2020
- Author, "Update on Coronavirus: Travel Restrictions and Quarantine Now Extended to Certain Travelers from Iran," Dickinson Wright All Things HR Blog, March 9, 2020
- "Immigration Compliance: Eight Areas of Responsibility" (Presenter), Dickinson Wright Webinar, October, 2015.
- "New Focus on Immigration and Tax Criminal Prosecution: Employer I-9 Compliance More Imperative Than Ever", Michigan Business Law Journal, Vol 28, Issue 3 (Fall 2008)
- Frequent lecturer on business immigration topics to American Society of Employers, American Payroll Society, Michigan Bar Association, and American Immigration Lawyers Association-Michigan Chapter



Suzanne K. Sukkar

Member ANN ARBOR

Email: ssukkar@dickinsonwright.com

Phone: 734-623-1694

Fax: 844-670-6009

Suzanne Sukkar has years of experience in all areas of immigration law, including, obtaining non-immigrant employment-based visas (such as H, L, E, O, P, R, TN, NAFTA visas), immigrant employment-based visas (EB-1, EB-2, EB-3, EB-5 and PERM labor certifications), outbound (global) immigration, family-based immigration, and naturalization.

She is experienced in conducting I-9 and LCA file audit training. She has also developed a niche in the area of E-1/E-2 (treaty trader/investor) visa applications, consular processing, and start-up ventures. Suzanne services a multiple array of employment and business related industries including: automotive, healthcare, education, financial services, hospitality/food, IT/technology, engineering, religious, and not-for-profit. She has a solid foundation in various areas of the law which strengthens her ability to represent immigration clients.

Suzanne represents clients before government agencies including the Department of Homeland Security, United States Citizenship and Immigration Services, Department of State, and Department of Labor. She renders strategic and tactical counsel to a broad clientele base including visa matters for client's employees at all levels of the corporate organizational structure, from the high-profile CEO or President, to the entry-level business professional. Suzanne has represented high-profile companies in the process of changing its executive-level leadership. Through strategic planning and by offering creative solutions, she has assisted with the seamless transfer of numerous executives and professionals to U.S. subsidiaries or affiliates. Additionally, Suzanne has counseled and offered immigration advice to a CEO Search Committee composed of Board Members of two public companies merging.

Watch Suzanne's Minutes on the Matter segment [here](#).

Areas Of Practice

- Corporate
- Corporate Finance

WWW.DICKINSONWRIGHT.COM

- Corporate Governance
- Immigration
- International
- China & ASEAN Region
- Labor & Employment
- Food & Agribusiness

Education & Credentials

Education

University of Michigan

B.A., 2000

Wayne State University Law School

J.D., 2004

Bar Admission

Michigan

Spoken Languages

- Arabic
- Spanish

Acknowledgements

- *Chambers USA, America's Leading Lawyers for Business*
 - Immigration Law
- *Crain's Detroit Business*
 - "Notable Women in Law," 2019
- *Best Lawyers in America®*
 - Immigration Law, 2015-2021
- *Michigan Super Lawyers®*

- "Rising Star," Immigration Law, 2012-2023
- *National Association of Professional Women*
 - National Woman of the Year Award, 2011
- *Arab American National Museum*
 - Recognition of Prominent Arab American Women
- *DBusiness Magazine*
 - "Top Lawyers," 2017-2021, 2023
 - "Leading Lawyer," 2018

Professional Involvement

- Commission on Middle Eastern American Affairs - Michigan Department of Labor and Economic Development, Chair
- American Bar Foundation, Fellow
- American Bar Association
- State Bar of Michigan
- Women Lawyers Association of Michigan, President
- American Arab Chamber of Commerce (AACC), Board Treasurer
- Arab American Professionals Network, AACC, Chair; 2010-2014
- American Immigration Lawyers Association (AILA), Past Chair of Conferences Committee, Michigan Chapter
- Washtenaw County Bar Association
- University of Michigan Alumni Association
- Women's Exchange
- National Association of Women Lawyers

Community Involvement

- In August 2018, reappointed to a four-year term by Governor Rick Snyder to the State of Michigan's Commission on Middle Eastern American Affairs (CMEAA)
- In June 2015, appointed to a three-year term by Governor Rick Snyder to the State of

Michigan's Commission on Middle Eastern American Affairs (CMEAA)

- Host of television program "Immigration Today," broadcast by Comcast, Verizon and other cable carriers, 2011-2012
- Mistress of Ceremonies, American Arab Chamber of Commerce (AACC), American Arab Professionals Network Banquet (AAPN), 2010-2014
- Washtenaw County Bar Association, Bias Awareness and Inclusion Week Committee, 2011
- Contest Coordinator and Judge for the American Immigration Council (AIC) "Celebrate America" Creative Writing Contest for 5th graders, 2009-2011
- AILA Citizenship Day: Participant by offering pro-bono legal advice to immigrants seeking to obtain naturalization
- Washtenaw County Bar Association Law Day: Participant offering pro-bono legal advice regarding all areas of immigration law

Publications/Presentations

- Author, "H-2B Visa Program gets "Peak Load" Visa Numbers Boost for FY 2023 ", Dickinson Wright Immigration Insights and Issues Blog, November 2022
- Author, "New Travel Restrictions and New Requirements for Air Travel," Dickinson Wright Immigration Insights and Issues Blog, December 2021
- Author, "Remote Work Policy: Immigration and Post-COVID" Dickinson Wright Immigration Insights and Issues Blog, July 2021
- Featured, Immigration Changes in 2021, DW's Minutes on the Matter , April 2021
- Panelist, "Human Resources Professionals Track: Navigating Employment Immigration: The Next Four Years," 46th Annual ICLE Labor & Employment Law Institute, April 2021
- "Workforce Mobility at Risk under NAFTA Renegotiation," January 2018, Dickinson Wright HR Blog
- Presenter, "U of M Entrepreneur Clinic Immigration Primer," University of Michigan Law School, Ann Arbor, Michigan, January 29, 2018
- Presenter, "U of M Entrepreneur Clinic Immigration Primer," University of Michigan Law School, Ann Arbor, Michigan, September 25, 2017
- Presenter, "Building Bridges Connecting the Divide," at Juneteenth Celebration, Ann Arbor, Michigan, June 17, 2017
- Presenter, "NAFTA, Trade and Trump," Dickinson Wright Webinar, June 8, 2017
- Presenter, "UHY Immigration Lunch and Learn" at UHY Advisors Inc., Sterling Heights,

Michigan, May 10, 2017

- Moderator, “Women Lawyers Association of Michigan 99th Annual Meeting,” at Lansing, Michigan, April 28, 2017
- Presenter, “NAFTA-Canada Rules and Regulations Seminar,” at Youngstown State University Williamson College of Business, Youngstown, Ohio, March 28, 2017
- Presenter, “U of M Entrepreneur Clinic Immigration Primer,” University of Michigan Law School, Ann Arbor, Michigan, January 30, 2017
- Presenter, “Global Mobility and Immigration Seminar” at Global Chamber Nashville, Nashville, Tennessee, December 7, 2016
- Presenter, “Immigration Lunch and Learn” at UHY Advisors Inc., Sterling Heights, Michigan, November 30, 2016
- Presenter, “Doing Business with NAFTA” at University of Toledo Export Success & Toledo Regional Chamber of Commerce, Toledo, Ohio. September 30, 2016
- Presenter, “U of M Entrepreneur Clinic Immigration Primer,” University of Michigan Law School, Ann Arbor, Michigan. September 1, 2016
- Presenter, “Going Global: Direct Foreign Investment Immigration Options,” Dickinson Wright Webinar. April 27, 2016
- Panelist, “Roundtable with U.S. Consular/E-Visa Officers,” U.S. Consulate General in Toronto. April 8, 2016
- Presenter, “Cross-Border Business Travel: Best Practices for Travel between Canada and the United States,” United States Consulate General Toronto and the Ontario Chamber of Commerce Webinar. March 21, 2016
- Presenter, “15th Annual Great Lakes Women's Business Conference,” Women's Business Empowerment Center - Great Lakes, September 29, 2015



John S. Artz

Member and Intellectual Property Litigation Practice Group Co-Chair

ANN ARBOR

Email: jsartz@dickinsonwright.com

Phone: 248-433-7262

Fax: 844-670-6009

John S. Artz, a partner with Dickinson Wright PLLC has more than twenty-five years of experience and practices in all areas of intellectual property litigation. He also has extensive experience with the acquisition, management, and prosecution of patent, trademark, copyright, and trade secret assets. He serves and has served as lead counsel for many companies in federal courts across the country, including the Federal Circuit Court of Appeals. John also has served as lead counsel in 25+ IPRs before the Patent Office and appeared before the U.S. Supreme Court in the seminal *Traffix Devices, Inc. v. Marketing Displays, Inc.*, which addresses the interplay between patent and trade dress rights.

John has been recognized as a leader in the field of intellectual property by Chambers USA and is currently ranked in Band 1 for intellectual property in Michigan. He has also been named an IP Star by Managing Intellectual Property since 2016 as well as a DBusiness Magazine Top Lawyer in 2013, and 2016-2018. John is a co-chair of Dickinson Wright's Intellectual Property Litigation Group. Additionally, John has been named as a Best Lawyer in 2020, 2021 and 2022 as well as Litigation Practitioner of the Year in 2020 and 2021 for the State of Michigan by Managing IP. John is a past President of the Michigan Intellectual Property Law Association and is currently a co-chair of the Intellectual Property Section of the Federal Bar Association for the Eastern District of Michigan.

John is currently lead trial counsel on various intellectual property cases in both federal courts and in the United States Patent Office.

John recently served as lead trial counsel in a four-week bench trial in the Court of Federal Claims resulting in a finding of patent infringement and damages against the U.S. Government. In that case, he secured an award of attorney's fees and costs against the Government that exceeded \$4 Million and was the first such award under Section 1498. He also recently prevailed on Summary Judgment against a \$20 Million patent infringement claim relating to consumer products brought against one of his clients.

He has worked in such diverse technologies as materials processing, sporting goods, energy management products and systems, medical implants, automotive products, consumer

products, and lasers.

Prominent Assignments

Lead counsel for Carhartt, Inc. in newly filed trademark infringement action brought against competitor in E.D. Mich.

Lead counsel for manufacturer of Automated Flagger Assistance Devices for use in areas of construction in patent infringement action involving two patents pending in D. Montana against competitor who recently entered market. Defendant filed counterclaims for unfair competition, false advertising and antitrust violations. Case just beginning discovery.

Lead counsel for manufacturer of inflatable pools who was sued for infringement in C.D. Cal. Case reinstituted after IPR and in the middle of discovery.

Lead counsel for InStyler who was sued in C.D. Cal. for infringement of five patents related to a heated hairbrush. Succeeded in securing dismissal of two utility patents. Case pending.

Lead counsel for Ontel Products, Inc. who was sued in D.N.J. for infringement of four patents related to a heated hairbrush. IPRs pending as to two utility patents, which were dismissed from action. Remaining utility patent submitted to Patent Office for reexamination. Case pending.

Lead counsel for manufacturer of golf putters in patent infringement action pending in D. Arizona against Ping. Ping filed counterclaims for infringement of five patents. Case stayed pending conclusion of reissue proceedings in the patent office.

Lead counsel for Bestway Corp. in multiple IPRs filed against competitor's patents related to inflatable mattresses. IPRs instituted and trial scheduled for November 2021.

Lead counsel in trade dress and copyright infringement action for National Presto, Inc. involving parabolic heaters. Defeated Defendant's Motion for Summary Judgment and the case is scheduled for jury trial in January 2022 in D. Minn.

Lead counsel for consumer product company in trademark infringement action pending in S.D. Cal. Successfully prevailed against Plaintiff's claim for willful infringement. Case scheduled for jury trial in November 2021.

Representing manufacturer of table gaming equipment in patent infringement action against competitor in D. Nev. Secured very successful claim construction decision and awaiting ruling on Motion for Summary Judgment of Infringement. Succeeded in excluding Defendant's invalidity challenge for violation of local patent rules.

Lead counsel for Magna Mirrors of America, Inc. in action for breach of patent license. Successfully succeeded in defeating \$30 Million claim for breach due to alleged failure to pay royalties. Pending in Michigan State Court.

Lead counsel for University of South Florida in separate patent infringement actions against Fuji, Inc. (D. Conn.) and Hologic, Inc. (D. Del.) involving patent for digital mammography. Cases stayed pending IPR filed by Hologic.

Co-lead counsel for supplier of inflatable mattresses in patent infringement action brought in the E.D. Tex against various retailers. Stayed on the eve of trial after Federal Circuit reversed PTAB decision and found claims unpatentable as obvious.

Lead counsel in Inter Partes Review proceeding involving automotive engine covers. Filed IPR Petition on behalf of automotive supplier and successfully invalidated competitor's patent in the PTAB and the Federal Circuit.

Lead counsel for a consumer products company in action involving lighted outlet covers in D. Utah and ITC; Challenged validity of primary patents in suit in Patent Office through reexamination, which resulted in dismissal of case.

Lead counsel for consumer products company in trade dress infringement against brought by Yeti Coolers, LLC relating to tumbler products in W.D. Tex. The case settled before trial.

Lead counsel for Allure Energy, Inc. in action against Nest Labs, Inc. (a subsidiary of Google, Inc.) in the E.D. Tex. involving alleged infringement of three patents relating to smart thermostats. A very favorable settlement for our client was reached on eve of trial.

Lead counsel for industrial equipment supplier in trade dress infringement action in competing cases in E.D. Mich. and D. Miss. Case settled after discovery with a global business arrangement.

Lead counsel for Lacks Home Products LLC in patent infringement action against Home Depot pending in E.D. Mich. Involving claims for breach of contract, design patent infringement and unfair competition arising from a settlement agreement and license agreement entered into by the parties to resolve a prior litigation.

Lead counsel for defendant Allmark Doors, Inc. in action brought by competitor for patent infringement and unfair competition. Case dismissed with prejudice by Plaintiff near close of discovery.

Lead counsel for alleged infringers Aqua Chempacs, LLC and Simoniz USA, Inc. in patent and trademark infringement action relating to water-soluble packaging solutions in the Eastern District of Pennsylvania; case dismissed with prejudice by plaintiff after close of discovery.

Lead counsel for CompositeSmart LLC in trade secret misappropriation and trademark infringement action brought by Garrison Dental Solutions LLC involving dental products in the Western District of Michigan; case settled favorably.

Lead counsel for The Cold Heading Co. in trademark infringement action brought against B&D Thread Rolling, Inc. relating to fasteners in the Eastern District of Michigan; case settled after preliminary injunction proceedings.

Co-counsel for Federal-Mogul Corporation in patent infringement action brought by patent owner Rally Manufacturing, Inc. in the Southern District of Florida; after Markman hearing summary judgment of non-infringement granted.

Represented patent holder Federal-Mogul Corporation in patent infringement action brought against Mahle GmbH relating to friction welded steel pistons for diesel engines in the Eastern District of Michigan; case settled after preliminary injunction proceedings.

Lead counsel for Affinity Tool Works, LLC brought by patent holder Eugene Emerson relating to clamp fixtures in the Central District of California; case settled after one of the patents which was the subject of the lawsuit was invalidated in reexamination.

Represented patent holder IMRA America, Inc. in patent infringement action relating to fiber optic lasers with damage claim in excess of tens of millions of dollars in the Eastern District of Michigan; case proceeded to jury trial with a verdict on issue of infringement.

Lead counsel for patent holder Lacks Industries, Inc. in action brought against competitor for infringement of ten patents related to vehicle wheel claddings; case settled after Markman claim construction hearing.

Lead counsel for alleged infringer Astro-Turf, LLC in patent infringement action brought by competitor/patent owner related to synthetic sports fields; successfully defeated motions for temporary restraining order and preliminary injunction at outset of case.

Lead counsel for inventor in multi-million dollar quiet-title and trade secret misappropriation action brought by former employer RheTech, Inc. relating to invention for wood flour and polyolefin compounds; favorably resolved action on eve of Arbitration.

Lead counsel for alleged infringer American Dryer, Inc. in patent, trademark, and copyright infringement action brought by competitor Excel Dryer relating to high speed hand dryers in the District of Massachusetts; successfully secured dismissal of infringement claims as to both patents in suit as well as to trademark and copyright claims.

Co-counsel for patent holder Mirror Lite Co. in patent infringement action against competitor

related to school bus mirrors and, after Bench trial (after securing reversals from the Federal Circuit of two separate district court decisions), received a ruling of infringement and a damage award in excess of one million dollars.

Responsible for developing and implementing design patent strategy for automotive OEM to prevent infringement by aftermarket suppliers providing spare parts; resulted in significant revenue generation for client.

Co-counsel for Plaintiff Marketing Displays, Inc. in trade dress infringement action relating to highway safety signs; case heard before U.S. Supreme Court to address interplay of patent and trademark laws; resulted in landmark decision on this issue.

As co-counsel, represented Defendant Inviso Inspection Services and defeated preliminary injunction motion in copyright infringement action relating to vehicle inspection software; obtained sanctions against Plaintiff's counsel for discovery violations; case settled favorably.

Lead counsel in patent infringement action relating to sporting equipment; obtained a preliminary injunction preventing competitor from dissipating assets through sale or otherwise to avoid liability in excess of over tens of millions of dollars for patent infringement; client ultimately acquired competitor's business as a result of this strategy.

Co-counsel for alleged infringer Weyerhaeuser, Inc. in design patent infringement action relating to plastic lattice; successfully secured a summary judgment of non-infringement, which led to favorable settlement of case.

As lead counsel, represented patent holder in patent infringement action relating to wheelchairs; obtained a favorable Markman claim construction ruling, which led to favorable settlement of action.

Representative Clients

- Carhartt, Inc.
- The D Hotel and Casino
- National Presto, Inc.
- Idea Village Corp.
- Belanger, Inc.
- Ontel Products Corp.
- Lacks Industries, Inc.
- INAG, Inc. (Innovations in Native American Gaming)

- Magna International Inc.
- Bestway USA, Inc.

Areas Of Practice

- Automotive and Mobility
- Copyrights
- Gaming & Hospitality
- Intellectual Property Litigation
- Patents
- Technology Licensing & Transfers
- Trademarks
- ITC Section 337 Proceedings
- Copyright Litigation
- Patent Litigation
- Trade Secrets Litigation
- Trademark Litigation
- Intellectual Property
- Post-Grant Proceedings

Education & Credentials

Education

University of Michigan
B.S., 1989

Detroit College of Law
J.D., 1992

Bar Admission

Michigan

- *cum laude*
- *Law Review, Case Note Editor*
- *Moot Court, Oral Advocate and Team Coach*

Acknowledgements

- *IAM Patent 1000*
 - Litigation
- *Michigan Lawyers Weekly*
 - Michigan Go To Lawyer, Business Law, 2021
- *Best Lawyers in America®*
 - Patent Law, 2020-2023
- *Chambers USA: America's Leading Lawyers for Business*
 - Intellectual Property, 2017-2022
- *Managing Intellectual Property*
 - IP Star, 2016-2022
- *DBusiness Magazine*
 - "Top Lawyer," 2013, 2016-2018, 2023
- International Masters of Gaming Law Member
- Francis L. Barron Award, Law School Excellence

Professional Involvement

- Michigan IP Inn of Court
- American Intellectual Property Law Association, Member of Industrial Design Committee
- Federal Bar Association, Co-Chair Intellectual Property Law
- Intellectual Property Owners Association
- Michigan Intellectual Property Law Association, Past President (2006-2007), Treasurer (2003-2005), and Board of Advisors (2008-2010)

Publications/Presentations

- Author "United States V. Arthrex: Inter Partes Review Decisions Now Reviewable by the PTO Director," Dickinson Wright News Alert, June 2021
- Intellectual Property Law Spring Seminar 2021, Intellectual Property Law Section of the State Bar of Michigan, March 2021
- Quoted in "SCOTUS Scuttles Apple's Big Samsung Award ," published by *E-commerce Times*.
- Quoted in "Yeti Enforces Trade Dress Over Rambler Cups as IPO Looms," published by *Bloomberg BNA*.
- Inside The Minds, "The Changing Litigation Landscape From IPR's to Landmark Supreme Court Decisions," (2016)
- Canadian Gaming Lawyer Magazine, *U.S. Table Games Patents Facing Unprecedented Challenges* (October 2012)
- Inside the Minds, *Developing a Patent Strategy, Recent Developments in Patent Law and Their Impact on an Effective Global Patent Strategy* (2012)
- Casino Enterprise Management, *Intellectual Property In a Tough Economy* (November 2009)
- Canadian Gaming Lawyer, *I-Gaming Industry Goes Global* (October 2009)
- Federal Bar Association, *What Every Attorney Needs to Know About the Ever Changing Requirements in Intellectual Property Litigation* (October 2009)
- Presentation at American Intellectual Property Law Association Meeting, *The Application of Section 112 to Design Patent* (May 14, 2009)
- Casino Enterprise Management, *A Potential New Jackpot for Equipment Designers* (March 2009)
- Presentation to Industrial Design Committee of American Intellectual Property Law Association, *The Non-functionality Requirement for Designs (Is it Dysfunctional?)* (May 2007)
- Presentation to Intellectual Property Section of State Bar of Michigan, *Functionality Requirements for Trade Dress after TrafFix* (2002)
- Presentation at National Inventors Hall of Fame Meeting September on *TrafFix v. MDI - The Unresolved Patent/Trade Dress Conflict* (2001)
- Presentation to Trademark Committee of American Intellectual Property Law Association, *TrafFix v. MDI - The Unresolved Patent/Trade Dress Conflict* (May 2001)



Christian C. Michel

Member | WASHINGTON, D.C.

Email: cmichel@dickinsonwright.com Phone: 202-659-6933 Fax: 844-670-6009

Christian C. Michel specializes in litigation and the preparation and prosecution of patents, specifically in the electrical and mechanical arts. He has written and prosecuted hundreds of patent applications in a range of technologies including 3G and 4G cellular telecommunications; networking, ground fault and arc fault circuit interrupters; satellite communications; consumer electronics software and business methods; ink-jet and laser printing; biomedical devices; and election systems. His clients include many of the world's leading telecommunications and electronics companies.

Mr. Michel has extensive knowledge and experience in counseling clients and providing opinions ranging from patent novelty to complex infringement and validity opinions. He is adept at getting to know his client's business as well as their competitors', devising IP strategies, and performing product clearance and even product redesigns when necessary.

Prominent Assignments

MIT v. Lockheed Martin – patent infringement - Successfully defended Lockheed Martin against an allegation of patent infringement by the Massachusetts Institute of Technology (MIT). Obtained a favorable Markman ruling followed by summary judgment in our client's favor. This case was reported to be the first time MIT was defeated in a patent infringement case.

Managed the filing and prosecution of over 2,500 patents for one of the leading consumer electronics companies in the world.

Areas Of Practice

- Patents
- Trademarks
- ITC Section 337 Proceedings
- Intellectual Property

Education & Credentials

Education

Lafayette College

B.S., Electrical Engineering, 1992

Villanova University

J.D., 1999

Bar Admission

District of Columbia

Pennsylvania

Professional Involvement

- Member, American Bar Association
- Member, American Intellectual Property Law Association
- Member, Pennsylvania Bar Association



Michael C. Hammer

CEO and Member | ANN ARBOR

Email: mhammer@dickinsonwright.com Phone: 734-623-1696 Fax: 844-670-6009

Michael (Mike) Hammer is Dickinson Wright's Chief Executive Officer. As CEO, Mike oversees all aspects of the Firm's professional service and business operations, and develops and implements the Firm's strategic direction and growth plan, working closely with his management group, elected governing board, practice leaders, and administrative officers.

Mike is a 30-year veteran of the Firm, and previously served as Deputy CEO for ten years. Under his guidance, the Firm hired hundreds of lateral partners and opened 14 offices, including in Arizona, Texas, California, Illinois, Nevada, Toronto, Tennessee, Ohio, and Florida. Through these efforts, he strengthened and broadened the Firm's practice offerings to its clients.

In his private practice, Mike's clients rely on him to provide sound business advice across a broad range of areas, including outside general counsel services, financial restructurings, bankruptcy, distressed acquisitions and sales, and commercial disputes and litigation.

Prominent Assignments

Canyon Partners Real Estate LLC – Successfully obtained dismissal of a bankruptcy case allowing a State Court receiver to remain in possession to complete construction of a large mixed-use real estate project.

Visteon Corporation – Successfully obtained dismissal of initial lawsuit seeking recovery of alleged bond repayment shortfall relating to construction of Visteon's headquarters.

Automotive Suppliers – Prepared and negotiated numerous contracts with "new technology" automobile companies such as Tesla, Faraday Future, Telit, NextEV, Zoox, etc. Counseled and litigated numerous stop ship and contract dispute/termination cases, and negotiated and closed numerous asset sales.

Hanon Systems USA Corporation and Hanon Systems Corporation (Korea) – Handled numerous contract and supplier issues, corporate governance and financing matters.

Family Christian Stores – Represented 37 consignment vendors in bankruptcy of largest retailer of Christian books and merchandise.

Wells Fargo – Represented Wells Fargo in \$60 million loan workout involving the largest law school in the country.

Visteon Corporation – Served as Special Debtor’s Counsel to Visteon in its bankruptcy case for supplier matters. Lead counsel on 215 preference cases.

Borders Group, Inc. – Served as Special Debtor’s Counsel to Borders in its bankruptcy case for supplier, vendor, and real estate matters.

General Motors Corporation – Represented over 40 suppliers in GM’s bankruptcy case.

Chrysler LLC v. Plastech Engineered Products – Served as lead counsel in 12 state property repossessions involving \$183M in tooling, efforts to resource \$200M in business and subsequent lift stay and injunction trial in ensuing bankruptcy.

Areas Of Practice

- Distressed Assets & Business Disposition
- Commercial & Business Litigation
- Automotive Litigation
- Automotive Workouts

Education & Credentials

Education

University of Michigan

B.A., 1985

University of Pittsburgh School of Law

J.D., 1988

- cum laude

Bar Admission

Michigan, 1988

Acknowledgements

- *Michigan Super Lawyers®*
 - Bankruptcy Law, 2006-2022
- *Best Lawyers in America®*
 - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2009-2023
 - Litigation - Bankruptcy, 2009-2023
- *DBusiness Magazine*
 - "Top Lawyers," Bankruptcy and Creditor/Debtor Rights Law, 2013-2021
- *Michigan Lawyers Weekly*
 - "Leader in the Law," 2018
- United States Bankruptcy Court, Eastern District of Michigan
 - Pro Bono Award, 2001, 2006-2008, 2010, 2014, 2016

Professional Involvement

- CEO, Dickinson Wright PLLC
- Member, Dickinson Wright Management Group
- Member, Dickinson Wright Governing Board
- Past Board Member, Bankruptcy Law Section, National Federal Bar Association
- Past Co-Chair, FBA Bankruptcy Section, Eastern District of Michigan
- Mediator, U.S. Bankruptcy Court, Eastern District of Michigan, 1997-present

Community Involvement

- Board of Trustees, Michigan Theater, Ann Arbor, Mich. (2012-2017)
- Board of Directors, Barton Hills Country Club (2016-2019)
- Board President, HIV/AIDS Resource Center (HARC) (2008-2013)

Publications/Presentations

- Author, Autonomous Vehicles: The Future Has Arrived in Michigan, *Detroit Lawyer*, March-April, 2017
- Speaker, ICLE's 35th Annual Labor & Employment Law Institute – When Labor Law and Bankruptcy Intersect/Collective Bargaining Agreements/Retiree and Pension Benefits/Retention and Severance Plans, Detroit, Mich., April 30, 2010
- Speaker, FBA/Employment Law Seminar on current bankruptcy issues, Detroit, MI, May 14, 2009
- Co-moderator and organizer, FBA/TMA Spring Auto Conference, Detroit, Michigan, March 24, 2009
- Authored chapter, "Inside the Minds: The Impact of the Subprime Mortgage Crisis" for *How Bankruptcy Lawyer Can Navigate the Current Crisis*, Aspatore Books, 2009
- Co-authored book, *Strategies for Secured Creditors in Workouts and Foreclosures* (American Law Institute and American Bar Association), 2004



James A. Plemmons

Member DETROIT

Email: jplemmons@dickinsonwright.com

Phone: 313-223-3106

Fax: 844-670-6009

James A. Plemmons has been a trusted advisor and counsel to numerous automotive OEMs and suppliers for many years in supply chain, troubled supplier, bankruptcy, and other commercial matters. He has in-depth knowledge of the automotive industry and is a former chair of Dickinson Wright's Automotive Industry Team. He has represented numerous insurance companies with regard to workout, foreclosure and bankruptcy matters and have been counsel to numerous secured lenders, unsecured lenders, bankruptcy trustees, debtors, shareholders, and investor groups in all nature of bankruptcy, restructuring, and workout proceedings, including corporate and individual reorganization and liquidation proceedings. Jim is a current member of the firm's Management Group.

Prominent Assignments

Counsel to FCA US LLC f/k/a Chrysler Group LLC in supplier and bankruptcy matters.

Counsel to Adient in supplier and bankruptcy matters.

Counsel to Yanfeng in supplier and bankruptcy matters.

Counsel to Magna International Inc. and its affiliates in supplier and bankruptcy matters.

Counsel to Visteon Corporation in supplier and bankruptcy matters.

Represented more than 15 suppliers in General Motors' bankruptcy.

Represented numerous suppliers in Lear Corporation's bankruptcy.

Represented the Piston Group, a private investment platform, in the acquisition of Irvin Automotive, formerly part of Takata Corporation.

Represented FCA US LLC f/k/a Chrysler Group LLC in all aspects of the Metaldyne Corporation matter.

Represented FCA US LLC f/k/a Chrysler Group LLC in the Collins & Aikman bankruptcy.

Represented FCA US LLC f/k/a Chrysler Group LLC in the Chassis, Inc. bankruptcy.

Represented Apotex Inc. in the PRACS Institute, LLC bankruptcy.

Represented Callidus Capital Corporation, an all asset secured lender, in the Esco Marine, Inc. bankruptcy in Houston, Texas.

Represented Callidus Capital Corporation, an all asset secured lender, in the Fortress, Inc. bankruptcy in Lexington, Kentucky.

Represented Callidus Capital Corporation, an all asset secured lender, in the Harvey Industries Federal Court Receivership in Detroit, Michigan

Represented Meadville Forgings Co. in the Iverson Industries, Inc. liquidation.

Counsel to Bristol Myers Squibb in the Dow Corning bankruptcy.

Counsel to the Unsecured Creditors Committees in Windward Industries, Inc. (Micro Manufacturing), Caribbean Telephone & Telegraph, Inc., D&C Industries, Inc., and Global Technovations, Inc. bankruptcies.

Have represented numerous insurance companies with regard to workout, foreclosure and bankruptcy matters such as Massachusetts Mutual Life Insurance Company, Travelers Insurance Company, and Nationwide Insurance Company.

Counsel to numerous secured lenders, unsecured lenders, bankruptcy trustees, debtors, shareholders, and investor groups in all nature of bankruptcy, restructuring, and workout proceedings, including corporate and individual reorganization and liquidation proceedings.

Representative Clients

- Adient
- Advics North America, Inc.
- Apotex Inc.
- Callidus Capital Corporation
- Caterpillar Inc.
- Caterpillar Financial Services Corporation
- Detroit Electric, Inc.

- Detroit Thermal Systems, LLC
- FCA US LLC f/k/a Chrysler Group LLC
- Irvin Automotive
- Joyson Safety Systems
- Magna International Inc. and its affiliates
- Meritor, Inc.
- Mitsubishi International Corporation
- Piston Group and its affiliates
- Sumitomo Electrical Wiring Systems, Inc. and its affiliates
- Visteon Corp.
- Weber Manufacturing Technologies, Inc.
- Yanfeng Global Automotive Interiors Systems Co., Ltd.

Areas Of Practice

- Automotive and Mobility
- Automotive Litigation
- Automotive Workouts
- Automotive Corporate Transactions
- Autonomous and Connected Vehicles
- China & ASEAN Region
- Commercial Transactions
- Commercial & Business Litigation
- Japan
- Troubled Suppliers
- Restructuring, Workouts & Foreclosures

Education & Credentials

Education

Michigan State University

B.A., 1986

with honors

American University's Washington

College of Law

J.D., 1989

Bar Admission

Michigan, 1989

Tennessee

Acknowledgements

- *Litigation Counsel of America*
 - Fellow
 - Member, Trial Law Institute
 - Member, Diversity Law Institute
- *Chambers USA: America's Leading Lawyers for Business*
 - Banking and Finance: Bankruptcy
- *The National Register of Who's Who*
 - Life Member
- *BTI Client Service*
 - All-Star Team, 2014
- *Best Lawyers in America®*
 - "Lawyer of the Year," Bet the Company - Litigation, 2021, 2023
 - "Lawyer of the Year," Litigation- Bankruptcy, 2018, 2020, 2023
 - "Lawyer of the Year," Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2016, 2023
- *Michigan Super Lawyers®*
 - Creditor-Debtor Rights, 2006-2022
- *DBusiness Magazine*
 - "Top Lawyer," Bankruptcy and Creditor/Debtor Rights Law, 2023

- *Michigan Lawyers Weekly*
 - "Leaders in the Law," 2010

Professional Involvement

- Michigan Bar Association
- Tennessee Bar Association
- Federal Bar Association for the Eastern District of Michigan
- American Bankruptcy Institute
- Federal Bar Association (Tennessee)

Community Involvement

- Prior Board Member for the Grosse Ile Golf & Country Club
- Past President, Trenton Rotary Club
- Leadership Detroit Class XXVIII
- Advisory Board to the Michigan State University Economics Department
- Board Member of Access to Bankruptcy Court

Publications/Presentations

- Author, "Right-to-Repair Orders Issued by Federal Trade Commission", Dickinson Wright Client Alert, Nov 2022
- Co-Author, "Managing Uncertainty Through Financial Crisis Requires Proactive Guidance," Dickinson Wright Client Alert, March 2020
- Author, "Distressed Suppliers: How Your Company Can Deal with the Problem" Equipment Leasing Newsletter, December 2016
- Co-Author, "A Tale of Two Industries and the Bankruptcy Code," American Bankruptcy Institute Journal, August 2016
- Author, "Business Triage: Can Your Company Survive?" The Bankruptcy Strategist, August 2016
- Closing, Reorganizing or Selling the Business (ICLE), co-author, November 1993

- Strategies for Secured Creditors in Workouts and Foreclosures, 2004



Steven G. Howell

Member and Executive Director of Community and Client Relations

DETROIT

Email: showell@dickinsonwright.com

Phone: 313-223-3033

Fax: 844-670-6009

Steve has been practicing for over 40 years as a bankruptcy and insolvency lawyer providing a broad range of services in the distressed business context. A significant part of Steve's practice is spent counseling lenders in troubled loan matters throughout the workout process, including exit strategies, refinancings, restructures, sales, out-of-court and court proceedings, bankruptcy and liquidation. He is currently serving as a Special Assistant Attorney General for the State of Michigan as lead bankruptcy counsel on behalf of the State of Michigan in the Chapter 9 bankruptcy case filed by the City of Detroit. In addition, he serves as counsel to the Detroit Financial Review Commission which is responsible for reviewing and approving certain activities by the City of Detroit and reviewing compliance with the City's plan of adjustment confirmed by the bankruptcy court in November of 2014. Steve has also represented borrowers, creditors' committees, creditors and purchasers of financially distressed companies. He has previously served as Practice Department Manager of the Banking, Bankruptcy, and Municipal Finance groups at Dickinson Wright for 8 years. Increasingly, Steve has been called upon to mediate matters in both state and federal courts.

In addition to his practice responsibilities, Steve serves as the Firm's Executive Director of Community and Client Relations, focusing on increasing the visibility and involvement of Dickinson Wright in its communities and complementing the business development activities and efforts of the Firm and his colleagues.

Prominent Assignments

Special Assistant Attorney General for the State of Michigan in the City of Detroit Chapter 9.

Counsel for The Detroit Financial Review Commission.

Counsel for the Agent in an automotive workout.

Counsel for the Agent in a commercial leasing company workout.

Counsel for Agent in The Frank W. Kerr Company Chapter 11.

WWW.DICKINSONWRIGHT.COM

Counsel for Agent in Billnat Corporation Chapter 11.

Counsel for Lender in Cherry Growers, Inc. Chapter 11.

Counsel for Lender in Lifestyle Lift, Inc., et. al., Chapter 11.

Counsel for Lender in Lee Steel Corporation, et. al., Chapter 11

Counsel for the Lender in GASFRAC Energy Services, Inc. Chapter 15/CCAA proceeding

Co-Counsel for Agent in American Axle & Manufacturing Inc. restructure.

Co-Counsel for Agent in Progressive Moulded Products, Ltd. Chapter 11 and CCAA proceeding.

Co-Counsel for Agent in Blue Water Plastics Chapter 11.

Counsel for Lender in Steel Parts Corporation Chapter 11.

Counsel for Agent in Key Plastics, LLC Chapter 11.

Counsel for Thornapple Valley Inc. in it's Chapter 11 filing.

Counsel for Agent in F&M Distributors, Inc. Chapter 11.

Counsel for Agent in workout of large multi-state paving contractor.

Counsel for Lender in workout of defense and aerospace manufacturer.

Counsel for Lender in numerous workouts of golf course properties.

Counsel for Agent of specialty vehicle manufacturer.

Counsel for Lender in numerous workouts of hotel properties.

Counsel for Lender in numerous workouts of residential and commercial real estate developers.

Representative Clients

- State of Michigan
- JPMorgan Chase Bank, N.A.
- Fifth Third Bank

- Citizens Bank, N.A.
- The Huntington National Bank
- CIBC Bank USA
- Sandton Capital Partners
- U.S. Bank
- Invest Detroit
- PNC Bank, National Association

Areas Of Practice

- Automotive Workouts
- Arbitrators, Mediators & Facilitators
- Banking & Finance
- Commercial & Business Litigation
- Creditor Rights & Bankruptcy Litigation
- Distressed Assets & Business Disposition
- Loan Sales
- Loan Workouts & Restructuring
- Municipal Insolvency
- Personal Property Foreclosure

Education & Credentials

Education

University of Michigan

B.G.S., 1975

- with high distinction

Bar Admission

Michigan

Wayne State University Law School

J.D., 1978

- magna cum laude

Acknowledgements

- *Chambers USA: America's Leading Lawyers for Business*
 - Bankruptcy, 2008-2022
- *Best Lawyers in America®*
 - "Best Lawyers of the Year," Litigation - Bankruptcy, 2013, 2016, 2023
 - "Best Lawyers of the Year," Bankruptcy and Creditor-Debtor Rights, 2011, 2014, 2018, 2021, 2023
 - "Best Lawyers of the Year," Banking and Finance, 2022-2023
- *Michigan Super Lawyers®*
 - "Top 100 Lawyers," 2021-2022
 - Bankruptcy Law, 2006-2022
- *DBusiness Magazine*
 - "Top Lawyers," 2015-2016, 2018-2023
- *Michigan Lawyers Weekly*
 - "Leader in the Law," 2015
- *Martindale-Hubbell® AV Rated*
- Barbara J. Rom Excellence in Bankruptcy Award, Federal Bar Association, Eastern District of Michigan, November 2014

Professional Involvement

- State Bar of Michigan
- Federal Bar Association, Eastern District of Michigan
- American Bankruptcy Institute
- Detroit Metropolitan Bar Association
- Turnaround Management Association
- Michigan State Bar Foundation IOLTA Community Investment Committee

- Resident Member, Detroit Athletic Association
- Board of Directors, Detroit Athletic Club
- Executive Committee, HAVEN of Oakland County

Court Admissions

- State Bar of Michigan
- United States Bankruptcy Courts in the Eastern and Western Districts of Michigan
- United States Court of Appeals for the Sixth Circuit
- United States Supreme Court

Publications/Presentations

- Bankruptcy Committee of the Federal Bar Association for the Eastern District of Michigan, Panelist, "The Uniform Commercial Code and COVID-19 – Force Majeure, Impossibility, Impracticability and Frustration of Purpose", Panel on Drafting and Enforcing Contracts in Light of COVID-19, February 2021
- Co-Author, "Managing Uncertainty Through Financial Crisis Requires Proactive Guidance," Dickinson Wright Client Alert, March 2020
- Turnaround Management Association/West Michigan Chapter, Panelist, "State Governments, Municipalities and Emergency Managers," February, 2018
- Webinar presentation to a major national bank's workout bankers and lawyers, "Municipal Bankruptcy: Getting In and Getting Out," July 2015
- Michigan Association of Municipal Lawyers/Public Corporation Law Section of the State Bar of Michigan 17th Annual Summer Education Conference, panelist, "When Worlds Collide - Municipal Finance & Bankruptcy! Has the Dust Settled?" St. Joseph, Michigan, 2015
- Turnaround Management Association Annual Spring Conference, panelist, "Back From The Brink: Detroit's Turnaround, the Inside Story," Detroit, Michigan, 2015
- ABA 19th Annual National Institute on Gaming Law, "Casino Bankruptcies: A Growing Threat to Market Stability," February 2015
- Turnaround Management Association Annual Spring Conference, panelist, "Death of Chapter 11 Bankruptcy As We Knew It," Southfield, Michigan, 2013
- Turnaround Management Association/Federal Bar Association, 2009 Automotive Conference, speaker, "Insolvency & Restructuring - A View from the Trenches", Detroit, 2009

- Association for Corporate Growth, speaker, “International Insolvencies - When Continents Collide”, Detroit, 2007
- An Overview of the Workout Process and Bankruptcy for Bankers to numerous workout groups for banks throughout Michigan
- The Tenth Annual Conference on Distressed Investing, panel speaker, “Buying Automotive Suppliers,” New York, 2003
- American Bankruptcy Institute Central States Workshop, speaker on Buying and Selling Assets

Master Engagement Letter

[Contact]

[Client]

[Address]

Re: [Short Matter Description]

Dear [Contact]:

Scope of engagement. We are pleased that you have selected us to represent [Client] in connection with [describe engagement]. We will do our best to ensure that you are provided with timely legal and business advice in connection with this matter and your business endeavors. This letter will confirm the terms of our agreement to represent you in this matter.

Client liaison and Firm liaison. We understand that [you/client contact] will be our primary contact at [Company] in furtherance of this engagement, and [responsible attorney] will be the Firm attorney responsible for this engagement.

[Please consult the New Case Requests database for a current schedule of standard hourly billing rates and other preapproved rate tables]

Staffing and hourly rates. [Except as described below,] [O]ur time and expenses will be charged, as described in this letter, at the normal and customary hourly rates applicable to each attorney or paralegal assigned to work on this matter as established by our Firm from time to time. The current hourly rates for the Members of the Firm (“Partners” herein) and other attorneys who, at this time, have been identified as likely to work on this engagement are as follows:

[Responsible attorney 1]	[Hourly rate]
--------------------------	---------------

[Responsible attorney 2]	[Hourly rate]
--------------------------	---------------

[We have enclosed short biographies for the attorneys named above for your information.]

We may also assign other attorneys within the Firm to work on certain aspects of this matter as needed, and the range of hourly rates for other attorneys and paralegals are as follows:

Partners	[\$___ - \$___]
----------	-----------------

Associates	[\$___ - \$___]
------------	-----------------

Paralegals	[\$___ - \$___]
------------	-----------------

Our hourly rates are subject to periodic reviews and adjustments, and we reserve the right to revise our hourly rates in accordance with such general Firm reviews. The hourly rates noted above for this engagement will not be adjusted prior to January 1, 20__.

[Option 1, fee estimate, no minimum fee]

Minimum Fee/Estimated Fees. We have estimated that our fees for this engagement will be in the range of [\$__ - \$__] and costs are estimated at [\$__]. These figures are only estimates and not caps on our legal fees or costs. We agree to provide you with updated estimated fees and costs, when requested, or if developments during the engagement require upward revision of these estimates. Our minimum fee for this engagement, exclusive of costs, is [\$__].

[Option 2, fixed fees for discrete tasks]

Minimum Fee/Estimated Fees. As we discussed at our meeting on ____, we have identified certain specific tasks and agreements requiring our immediate attention which are capable of fixed fee billings. The tasks identified below will be provided for the following fees:

[List tasks or agreements] \$_____

Those tasks which are dependent on variable circumstances and/or for which time requirements cannot be reliably estimated (e.g., litigation) will be provided on a hourly rate basis.

[Option 1, short form retainer requirement – Retainers are encouraged for all engagements, with retainer amounts typically set at not less than two months’ estimated fees in order to provide protection for the Firm in accordance with the usual monthly billing and collection cycle. Consult the Accounting Procedure Database Section “Directing Deposit of Client Funds” for additional information regarding processing retainer payments and the Firm’s client trust fund and IOLTA accounts]

Retainer. It is the policy of our Firm to require a retainer from new clients and, therefore, we have agreed upon an initial retainer in the amount of [\$__] for our services and anticipated costs.

[Option 2, retainer requirement]

Retainer. Because of the significant resources which the Firm will be required to devote to this project in a comparatively short period of time, the lack of an historic relationship with the Company, and due to the fact that we are likely to incur a significant amount of filing fees/cost advances in connection with this engagement, we have agreed upon an initial retainer in the amount [\$__] for our services and anticipated costs.

[Alternative A – Non-Refundable Retainer] Our monthly bills will be paid from this retainer until the level decreases to [\$__]. At that time, we will require restoration of the

retainer level to [\$_____]. Any unused portion of the retainer at the conclusion of the matter is not refundable.

[Alternative B – Refundable Retainer held against Final Fees] We will bill you monthly for our time and disbursements, and will provide a summary of billable activity and disbursements paid within each billing period. Payment of our statements within 30 days is expected. The advance retainer will remain on deposit with our Firm in our client trust fund account against which our final fees and costs will be charged, and any unused portion of the retainer will be refunded at the conclusion of the engagement.

[Alternative C – Retainer with Restoration Feature] This retainer will be placed in our client trust account. Our monthly bills will be paid from this retainer until the level thereof decreases to [\$_____]. At that time, we will require restoration of the retainer level to [\$_____].

[Optional paragraph for startup companies]

Personal Guaranty of Fees. Although this engagement relates to our representation of the Company in connection with the matter(s) described above, given the start-up nature of the Company, we have agreed that the principals shall be individually liable for our fees and costs until such time as the Company has fulfilled its payment obligations to us or we have notified you, in writing, that your individual liability is no longer required.

[Option 1 – conflict with current client]

Conflicts Issues. We are counsel for [current client]. We mutually understand that undertaking our representation of [Company] in this matter will in no way preclude our acceptance of employment by [current client] for its matters generally. We specifically understand that we are free to undertake matters on behalf of [current client] against [Company] at any time unless it is clearly demonstrated that information confidential to [Company] has come into our possession which would ethically require us to refrain from representation of either [current client] or you in a matter in controversy between [current client] and you.

[Option 2 – conflict with former client]

Conflicts Issues. You should be aware of the fact that our Firm has, from time-to-time, furnished legal services to [former client]. We regard that representation as having ceased. We make disclosure of this fact to you, however, so that if it causes you any concern with our contemplated representation, you may select other counsel.

[Whether Conflict option 1 or 2, include:]

As we have discussed, Dickinson Wright represents large numbers of business entities and financial institutions, as well as individuals. It is possible that, during the time we are representing you, some of our current or future clients will have disputes or transactions with you [for example, although we are representing you on _____ (describe matter), we have or may have

a client who is a lender or a supplier to you or a customer of yours]. You agree that we may continue to represent or undertake in the future to represent existing or new clients in any matter, including litigation, even if the interests of such other clients in such other matters are directly adverse to yours, so long as those matters are not substantially related to our work for you, and our representation of the other clients would not involve our use of any confidential information you have provided us and would otherwise be permitted by the Michigan Rules of Professional Conduct..

Disclosure of related attorneys. You should be aware that [Firm attorney] is related to [related attorney]. We do not regard the existence of that relationship as in any manner impeding our duty of undivided loyalty and zeal to your representation, nor do we regard the existence of the relationship as one which will impair our confidential relationship with you.

Right to withdraw from representation. The Firm reserves the right to withdraw from this representation in the event that invoices are not paid on a timely basis or you have failed otherwise to fulfill your obligations to us.

Dickinson Wright's Standard Terms of Engagement are attached hereto and made a part hereof. Thank you for selecting our Firm to represent you. We appreciate the confidence you have in us and look forward to working with you on this matter.

Sincerely,

Attorney Name



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/31/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The James B. Oswald Company 39572 Woodward Ave Suite 201 Bloomfield Hills MI 48304	CONTACT NAME: Cindy Prusinowski PHONE (A/C, No, Ext): (248) 433-1466 FAX (A/C, No): (248) 433-7611 E-MAIL ADDRESS: cprusinowski@oswaldcompanies.com																					
INSURED Dickinson Wright PLLC 2600 W Big Beaver Rd #300 Troy MI 48084	<table><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>National Fire Insurance Co of Hartford</td><td>20478</td></tr><tr><td>INSURER B:</td><td>Continental Insurance Company</td><td>35289</td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	National Fire Insurance Co of Hartford	20478	INSURER B:	Continental Insurance Company	35289	INSURER C:			INSURER D:			INSURER E:			INSURER F:		
INSURER(S) AFFORDING COVERAGE		NAIC #																				
INSURER A:	National Fire Insurance Co of Hartford	20478																				
INSURER B:	Continental Insurance Company	35289																				
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES**CERTIFICATE NUMBER:** 22-23 Liability**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			6043568536	11/01/2022	11/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			6043568553	11/01/2022	11/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			6043568567	11/01/2022	11/01/2023	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	WC643568570	11/01/2022	11/01/2023	<input checked="" type="checkbox"/> PER STATUTE E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

For Proof Only

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.