

# Detroit Legal News

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## DAILY BRIEFS

### City council confirms Elhasan as magistrate for 20th District Court



Zenna Faraj Elhasan

Zenna Faraj Elhasan, a partner with the law firm Allen Brothers, Attorneys & Counselors, has been appointed magistrate and probation director of the 20th District Court in Dearborn Heights, Michigan.

Elhasan was appointed to the position and confirmed by the Dearborn Heights City Council.

In her new role as magistrate, Elhasan will handle traffic violations and other small crimes. She will also serve as probation director, where she will oversee the 20th District Court's probation department and play an active role in preparing recommendations for sentencing of offenders placed under the court's supervision.

Elhasan, 34, has been practicing law since 2004 and received her Juris Doctorate from the University of Detroit Mercy School of Law. She received her undergraduate degree in 2000 from the University of Michigan and is working toward her master's from Wayne State University.

Elhasan is an active member of the Arab American community and serves on the advisory board of the American-Arab Anti-Discrimination Committee and as secretary for the Arab American Political Action Committee. She also serves on a number of non-profit boards, including Child's Hope, a child abuse prevention council in Wayne County, and the Arab-American Women's Business Council.

In 2006, Elhasan was appointed assistant corporation counsel in the City of Dearborn Heights. Her appointment to the district court came in May 2011.

### WSU Law Alumni Association announces new board officers

Wayne State University Law School and its Law Alumni Association (LAA) this week announced the newly elected LAA board officers and members.

The officers for 2011-12 are: President Suzanne Johnson, '84; President-elect Rob Kent, '08; Vice President for Planning Kim Yapchai, '93; Vice President for Finance June Lee, '01; Vice President for Membership Michael Fayz, '91; Treasurer Cesare Sclafani, '08; and Secretary Stefania Gismondi, '10.

Board members who were elected or re-elected are: Kevin Bartlett, '97; Sarah Biedron, '11; Michelle Burns, '10; Meghan Curavo, '10; Carlos Escurel, '01; Kevin Kalczynski, '00; David Michael, '03; Stephen Ravas, '05; Hayley Rohn-Davé, '07; Jami Statham, '06; Sara VanderWerff, '91; and Margaret VanMeter, '87. They join the following veteran board members: David Belanger, '86; Sean Blume, '02; Jehan Crump-Gibson, '09; Christopher Darrow, '00; Gerald Gleeson, '95; Kara Hart-Negrich, '09; Diane Hutcherson, '86; Lorena Jaquet, '03; Andrew Kandrevas, '01; Jeff Klenner, '07; Eric Kociba, '01; Megan McGown, '09; Joe Richotte, '07; K.C. Rucker, '06; Bruce Segal, '84; Daniel Simjanovski, '02; and Erin Springer, '08.

The above LAA board members serve three-year terms expiring in 2012, 2013 and 2014, while officers serve one-year terms.

For more information on the LAA, see <http://law.wayne.edu/alumni/index.php>. Contact Koehler at (313) 577-6199 or [klkoehler@wayne.edu](mailto:klkoehler@wayne.edu) with questions.

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# Double Duty

## Attorney makes anything but short work of schedule

By TOM KIRVAN  
Legal News

Attorney Gretchen Colter, a partner at Bowman and Brooke in Troy, has made a habit of moonlighting, regularly spending her Saturdays far from the legal demands of defending product liability claims.

Her weekend work is no picnic, however. It is every bit as challenging and personally rewarding as any day spent in the high stakes world of a state or federal trial court.

From 7 a.m. to 7:30 p.m. each Saturday, Colter assumes a different professional persona, pulling a 12-1/2-hour shift as a nurse on the Neuroscience Unit at William Beaumont Hospital in Royal Oak. It is work for which she has been well suited since graduating with a degree in nursing from the University of Colorado in 1981.

"Nursing offers a whole different set of challenges for me, which is why I find it so interesting and professionally stimulating," Colter said. "It has become so much a part of me, of who I am as a person. It's a job that I love and from which I gain great satisfaction each and every time I walk into the hospital."

Her nursing career, which began at the University of Colorado Health Science Center in Denver, has run the medical gamut, including stints in the surgical, neurological, cardiac, emergency, oncology, and orthopedic units.

"I love the clinical aspect of nursing and the high intensity of the profession," Colter said. "I have tremendous compassion and respect for my patients. When I see what they are going through with their health challenges, it puts



Photo by Robert Chase

As a lawyer and a registered nurse, Gretchen Colter knows the ins and outs of the legal and medical professions.

into perspective all the things in life that we should be thankful for each day. Being in nursing helps keep me grounded and heightens my awareness of the struggles and suffering so many people experience on a daily basis."

Her interest in the medical field undoubtedly can be traced to her mother, Eva Lou, a

longtime nurse at St. Joseph Mercy Hospital in Pontiac and a graduate of Rush University School of Nursing in Chicago.

"She is my best friend, and I've long admired her dedication and commitment to the nursing profession," Colter said of her mother, who now lives in San Diego. "She always had a real passion for her work."

The mother-daughter bond has grown stronger since Colter's father, Robert, died of complications from lymphoma at age 59. A graduate of Purdue University, where he played football for the Boilermakers, her father served in the Marines during the Korean War.

"He was a very gregarious man who loved the outdoors, hunting, and fishing," Colter said of her father, who worked as an engineer for a tool and die company. "He got the most out of life, but unfortunately his life was far too short."

Like her father, Colter has enjoyed a lifelong fascination with the wonders of nature, working after high school at various waitressing jobs in Yellowstone Park, the Grand Teton National Park, and several ski resorts out west.

"I was a waitress at the Old Faithful Inn at Yellowstone," Colter said of her western odyssey after graduation from Birmingham Seaholm High School. "It was a great experience to live in such magnificent areas out west. The beauty is simply amazing."

A decade into her nursing career, Colter began to consider the possibility of enrolling in medical school or law school, eventually electing to return to Michigan to attend the University of Detroit Mercy School of Law, where she earned her juris doctor in 1994.

"I attended law school during the day and then worked nights at Beaumont Hospital," Colter said. "The challenge of going to school and working full time was a schedule that I was accustomed to, since most of my life I've always worked two jobs. It has become second nature to me. My work drives me."

She landed a summer associate's position with Bowman and Brooke entering her final year of law school, immediately whetting her appetite for work in the products liability field.

"The firm's offices were located in the Fisher Building at the time and I loved getting the experience of defending product liability claims, especially those related to the medical or pharmaceutical fields," Colter said. "My interest in science and medicine really proved to be beneficial as I became more involved in those types of cases."

Since joining the firm 17 years ago, Colter has defended cases involving medical device, pharmaceutical, and automotive manufacturers in both state and federal courts. She has defended claims related to surgical implants, contact

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## DETROIT State ban on affirmative action may get 2nd look

### Key question: Will judges take the case?

By ED WHITE  
Associated Press

DETROIT (AP) — Facing a deadline this week, Michigan Attorney General Bill Schuette has pledged to ask an entire federal appeals court to suspend and re-examine a landmark decision that overturned the state's ban on affirmative action in college admissions.

But here's the key issue: Will a majority of the court's 15 active judges agree to take the case?

The 6th U.S. Circuit Court of Appeals hears cases in three-judge panels. It would be rare for the full court to sweep aside the work of one of its panels and start from scratch, but this is not a typical case. It involves a 2006 law approved by 58 percent of Michigan voters and a very contentious issue — the role of race and gender in decisions by public officials.

"This is a fascinating case. It's a close call," said Jonathan Adler, who teaches constitutional law at Case Western Reserve University law school in Cleveland.

Robert Sedler, an expert in constitutional law at Wayne State University law school in Detroit, said affirmative action may be "politically hot," but that's not a reason for the full court to intervene.

"The reason may be it raises an important constitutional issue," Sedler said.

On July 1, the appeals court, in a 2-1 decision, struck down Michigan's Proposal 2, which bans the consideration of race and gender in college admissions and government hiring. Judges R. Guy Cole Jr. and Martha Craig Daughtrey said it put an unconstitutional burden on minorities who would have to launch their own statewide petition drive to try to undo the law.

Proposal 2 supporters could have chosen "less onerous avenues to effect political change," the judges said.

Schuette, a Republican, has said he'll meet a Friday deadline to ask the full 6th Circuit to review the decision. "Entrance to our great universities must be based upon merit," he said earlier this month.

On its website, the Ohio-based court explains why a case may deserve reconsideration "en banc," a French phrase meaning by all judges. A chief reason is that a decision conflicts with rulings from the U.S. Supreme Court or other 6th Circuit opinions. The court says a case also could pose a "question of exceptional importance."

It is an "extraordinary procedure," the court says, that typically is "not favored."

Indeed, some 6th Circuit judges in the past have said no, even if they disagreed with a

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## Legal Mentors



Just The Beginning Foundation (JTBF) hosted "Oral Arguments, Parent Seminar and Reception" to close its inaugural Detroit Summer Legal Institute on Friday, July 15, at the U.S. District Court in Detroit. Approximately 35 lawyers were recruited to serve as continuing mentors to the high school students in the program and most of those lawyers attended the reception. Among those taking part were (l-r) Thomas Randolph of Randolph Law Group; Leslie Scott; Khailah Spencer of Honigman, Miller, Schwartz, & Cohn LLP; Terrence Thompson, assistant U.S. attorney, Eastern District of Michigan; Jesse Dagen, JTBF program director; Saima Mohsin of the U.S. Attorney's Office; Chastity Graham of the Wayne County Prosecutor's Office; Andrew Densmo of Federal Defender Office; U.S. District Court Magistrate Judge Mark Randon, Eastern District of Michigan; Dennis Levasseur of Bodman PLC; U.S. District Court Judge Victoria Roberts, Eastern District of Michigan; Prentis Edwards of the Wayne County Prosecutor's Office; University of Detroit Mercy School of Law Assistant Dean Markeisha Miner; Michael Stevenson of Stevenson & Bullock PLC; Sherrie Farrell of Dykema Gossett PLLC; Chanille Carswell of Brooks Kushman PC; Margaret Costello of University of Detroit Mercy School of Law; Michelle Gallardo of Automotive Components Holdings LLC; State of Michigan Administrative Law Judge Yasmin Elias; Stephanie Dawkins Davis, executive assistant U.S. attorney; Mitraja Fary; and RuShonda Jones of the Wayne County Prosecutor's Office.



U.S. District Court Chief Judge Gerald Rosen (left) and U.S. District Court Judge Victoria Roberts addressed the attendees at the Summer Legal Institute's closing reception. The program, now offered in eight major metropolitan locations around the country, seeks to diversify the legal profession by opening the eyes of students of color to the possibility that law might be an achievable career goal for them.

Photos by John Meiu

Official Newspaper: City of Detroit • Wayne Circuit Court • U.S. District Court • U.S. Bankruptcy Court

### Money Matters

Do all your homework before deciding to buy a house

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### Law Life

Nicole Black: ABA further examines ethics and technology

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### Walking the Walk

Attorneys Title Agency hosts inaugural 'Walk to End Homelessness'

Back page

**ACTION:**

**ACLU against reopening case**

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result. In December, Judge Jeffrey Sutton said having the full court regularly intervene could undermine the work of three-judge panels.

"Sometimes there is nothing wrong with letting the United States Supreme Court decide whether a decision is correct and, if not, whether it is worthy of correction," he said.

There is some conflict between the Michigan affirmative-action decision and a similar case handled by the 9th U.S. Circuit Court of Appeals in San Francisco. In 1997, a three-judge panel there said California's Proposition 209, which also bars consideration of race and gender in public education, did not violate the U.S. Constitution. The California Supreme Court also said it was legal.

Michael Steinberg of the Michigan branch of the American Civil Liberties Union said his group will argue that reopening the Michigan case by the full 6th Circuit is not necessary.

"We believe the opinion was persuasive and governed by clear precedent of the United States Supreme Court," he said.

Michael Rosman, an attorney with the Center for Individual Rights in Washington, wants the court to step in. He said the case raises "serious issues of democracy and self-governance."

"This is not some rogue state Legislature that went awry. This is the people of the state of Michigan expressing their views that they do not want race or sex or national origin to be considered in the distribution of certain public benefits," Rosman said. "Their opinion should be given substantial weight."

**DUTY:**

**Colter embraces high stakes**

From Page 1

lens solution, laser devices, cellulite reduction, microdermabrasion, Botox, and various other aesthetic services. She currently is working with the Bowman and Brooke team that is defending the "unintended acceleration" litigation against Toyota.

In addition, she has earned numerous defense verdicts at trial for General Motors involving claims of alleged defects in the design and manufacture of seat belts, seat backs, and air bags.

Colter, who has two sisters, became a partner at the firm in 2003 and said that she "loves trial work and being in court,"

especially when the stakes are high and the cases are complex.

"There is something particularly satisfying about connecting with a jury on claims that are highly technical," Colter said. "I enjoy the opportunity to explain scientific matters in terms that the laymen can understand. I try to put myself in the shoes of a juror in cases like that, knowing full well that they need to understand the scope of the matter before they can render an intelligent verdict. I want to give them as much information as they need in a simplified and straightforward fashion. If I've done that, then I feel confident about our chances."

**Political Scene**

IOWA

**GOP kingmaker?**

**New Jersey's Christie casts shadow over primary**

By THOMAS BEAUMONT  
*Associated Press*

DES MOINES, Iowa (AP) — New Jersey Gov. Chris Christie says he's not running for president, but he's still leaving an imprint on the 2012 Republican campaign as a potential kingmaker — and distraction.

His visit to Iowa on Monday is evidence of both.

Christie is swooping in to speak at an education conference in Des Moines and headline a political fundraiser for a congressman.

Although Christie has batted away the possibility of a 2012 run at every turn, some of the GOP presidential contenders have sought his advice and support.

"If he feels compelled that he can make a difference, he may endorse a candidate," said Christie's senior political adviser, Mike DuHaime.

Christie is inviting national attention at a time when GOP voters have been slow to embrace the field of announced candidates. His visit comes on the same day when two hopefuls, former Minnesota Gov. Tim Pawlenty and Rep. Michele Bachmann of Minnesota, were scheduled to campaign in the leadoff caucus state ahead of an August straw poll.

"Any time Christie comes out here, he's obviously going to take some air out of the room," said Doug Gross, an influential Iowa Republican who has not committed to a candidate in the 2012

campaign. "He again creates this sense that the current field isn't complete or isn't sufficient."

The attention on Christie may ebb if Texas Gov. Rick Perry enters the race next month.

But efforts to court Christie have continued this summer even though he has said that his four school-age children and further goals in his first term make a White House bid out of the question.

This past week, Christie met with Home Depot co-founder Kenneth Langone, among the influential economic conservatives who want Christie to run.

In May, a meeting with Christie in Princeton, N.J., that was arranged by a group of Iowa business leaders and donors made headlines as a sign of discontent with the GOP field. Iowa activists are accustomed to being courted in their own state.

The group's leader, energy company executive Bruce Rastetter, had been impressed by Christie last fall when the New Jersey governor headlined a fundraiser for Iowa gubernatorial candidate Terry Branstad's campaign. Rastetter was Branstad's top fundraiser in 2010.

Christie agreed during the May meeting to attend the education conference organized by Branstad and to stop in at the fundraiser in West Des Moines for Rep. Steve King.

It makes sense for Christie to stay in the good graces of Iowa Republicans, should he keep the

door open for running for president in 2016, as he has.

The King event is in part out of gratitude for the congressman's support for Christie at a congressional hearing two years ago, King adviser Chuck Laudner said.

Christie, then the nominee for New Jersey governor, faced pointed questioning at a Judiciary subcommittee hearing in the then-Democratic-controlled House about no-bid contracts he awarded as U.S. attorney in New Jersey. Christie's star has risen quickly after he defeated a Democratic

governor in a Democratic state just a year after Democrat Barack Obama was elected president.

But Christie's national profile has continued to rise, in part for his frank and sometimes confrontational exchanges with media, captured on video and circulated on the Internet by his staff.

He has drawn praise from fiscal hawks and loud complaints from public-sector unions for efforts to trim benefits for public employees as part of steep budget cuts in his first two years in office.

Christie is pursuing education measures aimed at abolishing indefinite tenure for teachers and establishing merit-based pay. Branstad said last week he will propose linking teacher pay raises to classroom performance.

Christie's approval has begun to slip in public opinion polls from a healthy rating of roughly half of New Jersey voters a year ago to below 50 percent in recent months, while his disapproval has also inched higher to near 50 percent at the same time.

**INFLUENCE GAME**

**India, Pakistan vie for U.S. backing**  
**U.S taking 'hands-off' approach to Kashmir**

By RICHARD LARDNER  
*Associated Press*

WASHINGTON (AP) — Rep. Dan Burton criticized the White House last September for ignoring the persistent violence and unrest in the disputed Himalayan territory of Kashmir. Barack Obama, he noted, pledged during the 2008 presidential campaign to defuse what long has been a flashpoint between Pakistan and India, nuclear-armed neighbors that each claim Kashmir as their own. "So far, this is a promise unfulfilled," Burton, R-Ind., said.

Not for a lack of trying on Pakistan's part. Pakistan's spy agency, Inter-Services Intelligence, directed a clandestine, multimillion dollar effort through a Washington non-profit group to influence the U.S. position on Kashmir, the Justice Department said last week. Documents filed in federal court describe donations to political campaigns and meetings with White House and State Department officials. Burton, co-chairman of the House Pakistan Caucus, may have received more than \$11,000 in illicit contributions.

But there's little to show for Pakistan's hefty investment of money and time. The U.S. considers Kashmir an issue to be resolved by Pakistan and India and not by policymakers in Washington, a hands-off approach India firmly backs. The result sheds light on the high-stakes proxy battle between Pakistan and India as waging behind the scenes for U.S. attention and assistance. The U.S. sends billions of dollars in counterterrorism aid and development money to Pakistan each year. Yet India's influence, not Pakistan's, is on the upswing.

The issue of Kashmir's future did not come up publicly during Secretary of State Hillary Rodham Clinton's visit to India last week. Clinton was in the Indian capital when the Justice Department announced charges against Syed Ghulam Nabi Fai for allegedly trying to influence U.S. officials about Kashmir. He allegedly took his marching orders from an ISI handler.

India and Pakistan maintain forces in Kashmir along a cease-fire line created in 1947 when the British Indian empire was partitioned. Two of the three wars India and Pakistan have fought since colonial rule ended have been over control of the region. But there is a deep anti-India sentiment in Kashmir, where some politicians and armed rebels envision a separate homeland or merging with neighboring Pakistan. And while India has favored quiet diplomacy, Pakistan has sought to draw international attention to the situation.

During the Cold War, Pakistan, not India, was America's ally in South Asia. But it is India that has emerged as the country most aligned with U.S. interests: democratic, market-oriented and capable of being a counterweight in Asia against an increasingly assertive China.

The allegations about the ISI campaign to influence U.S. officials about Kashmir comes on the heels of the May 2 raid by Navy SEALs that killed al-Qaida chief Osama bin Laden at a compound in a military garrison town outside Pakistan's capital. Bin Laden's nearly six-year stay at the compound in Abbottabad left U.S. officials suspecting that people within Pakistan's military and intelligence agencies knew he was there and gave him safe harbor. The case unveiled by the Justice Department on Tuesday will likely intensify the mistrust.

FBI agents arrested Fai, the executive director of the Kashmiri American Council, and charged him with being an unregistered agent of a foreign government. Fai, a Virginia resident, operated under the close watch of a senior member of the ISI and received as much as \$700,000 a year from the government of Pakistan, the court documents said.

A second man, Zaheer Ahmad, was also charged. Ahmad recruited people to act as "straw donors" — they allegedly gave money to Fai's organization that really was coming from the Pakistani government. Ahmad is believed to be in Pakistan and has not been arrested, prosecutors said. Both he and Fai are U.S. citizens.

Fai donated to congressional campaigns of Republicans and Democrats for years, including \$250 to Obama in 2008, according to Federal Election Commission records.

The FEC records show that since 1997 Burton's campaign received \$7,500 from Fai. Ahmad gave \$4,000 to Burton between 2008 and 2010. In a statement, Burton said he was shocked by Fai's arrest and had no idea he was involved in a foreign intelligence operation. Burton said he does not accept illegal campaign contributions and would donate the proceeds to charity if there were any doubts about their origins.

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