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## DAILY BRIEFS

### Barristers' Ball to be hosted April 20

The Wolverine Bar Association and the Wolverine Bar Foundation are excited to host the 62nd Annual Barristers' Ball on Saturday, April 20, from 9 p.m. to 1 a.m. in the Detroit Marriott Renaissance Center Ballroom.

Every year, more than 1,500 leaders from the legal, business, education, civic and political communities attend the Barristers' Ball to celebrate the best of the Southeastern Michigan Community.

In partnership with Motown Museum, this year's theme is "Motown, Back Down Memory Lane" which celebrates and restores, for one night, that fabled entertainment and business district of old Detroit. The 62nd Annual Barristers' Ball will begin with a Motown style paparazzi red carpet experience, followed by the President's Reception while showcasing a silent auction display. The ball features live musical entertainment from special guest powered by Hennessy and Moët, networking, flavorful hors d'oeuvres, and signature cocktails.

Proceeds from the annual Barristers' Ball support the Wolverine Bar Association's and Wolverine Bar Foundation's student externships, internships, scholarships, education courses, and mentoring; as well as, legal information, and representation for the underrepresented.

Tickets are \$175 for members and \$200 for non-members. No reservations will be held at the door, no tickets will be mailed. Tickets are nonrefundable.

For tickets or additional information about the ball, visit [www.wolverinebar.org](http://www.wolverinebar.org).

### Attorneys provide 'Brief Corporate Transparency Act (CTA) Overview'

Maddin Hauser will present the webinar "Brief Corporate Transparency Act (CTA) Overview: Preparing/Submitting a CTA Report" on Wednesday, March 6, from 8:30 to 9 a.m.

Presenters David H. Freedman and Jordan M. Small will provide a brief overview of the Corporate Transparency Act (CTA) as well as the mechanics of gathering the necessary information and documentation in order to prepare and submit a filing with FinCEN. They will also cover how to obtain FinCEN ID's for individuals and entities.

Freedman, shareholder, concentrates his practice in these four groups: Corporate and Business, Real Estate, Bankruptcy, Restructuring and Debtor-Creditor Rights, and Financial Services and Real Property Litigation.

Small is an associate and works on a broad range of matters. He assists members of the Maddin Hauser corporate, business, and employment workforce management groups.

For additional information on the webinar or to register, visit <https://maddinhauser.com> and click on "events."

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## Business Perspective



Photo by John Meiu

A panel discussion on "Young Lawyer Perspectives on Litigation and Trial Practice" was part of the 6th Annual Symposium presented by the State Bar of Michigan Business Law Section on February 8 at the Guardian Building in Detroit. Daniel Ravitz of The Miller Law Firm served as moderator of the discussion, which featured panelists Jacob Campbell of The Miller Law Firm; Mahde Abdallah of BSP Law; Isra Khuja of Rossman P.C.; and Paige Szymanski of Taft. More photos from the Symposium can be found on the back page.

## Human Trafficking Commission conducts first meeting of 2024

The Michigan Human Trafficking Commission held its first meeting of the year on January 29. The Commission, comprising seven new members beginning a term of service this year, including new chair of the Commission Assistant Attorney General Melissa Palepu, elected a vice chair and scheduled five further meetings for the year.

Meetings of the Commission are held at the Williams Building at 525 W. Ottawa Street in Lansing and are accessible remotely via Microsoft Teams. The Commission invites survivors of human trafficking, advocacy groups, law enforcement partners, and members of the public to join their upcoming meetings scheduled for:

- Wednesday, March 27
  - Wednesday, May 22
  - Wednesday, July 31
  - Wednesday, September 25
  - Wednesday, November 13
- "Partnerships continue to be critical

in the work to end human trafficking," Michigan Attorney General Dana Nessel said. "The Human Trafficking Commission is specifically comprised of survivors, victim advocates, attorneys, and law enforcement agents who are working in lockstep on this issue. I am proud that Assistant Attorney General Melissa Palepu has been named to lead this Commission and am confident she will serve with the dedication and passion needed to fight this horrible crime."

The Michigan Human Trafficking Commission was created within the Department of Attorney General by statute, when the 2014 Human Trafficking Commission Act became law, and began operations in 2015. The Commission is comprised of 9 members appointed by the Governor, Attorney General, Michigan State Police, the Department of Health and Human Services, and the Department of Licensing and Regulatory Affairs.

The Commission is comprised of the following members:

- Chair, Assistant Attorney General Melissa Palepu.
- Vice Chair, Katie Papke, a survivor of human trafficking and advocate.
- Michael Draminski, with the Department of Licensing and Regulatory Affairs.
- Jeff Getting, the Kalamazoo County prosecutor.
- Alice Johnson, survivor of human trafficking and advocate.
- Leslie King, a survivor of human trafficking and advocate.
- Lisa McCormick, a judge in the 30th Circuit Court in Ingham County.
- Ben O'Hearn, with Migrant Legal Aid.
- Jonathan Walden, with the Michigan State Police.

Palepu was appointed to the commission and named chair by Governor See **COMMISSION**, Page 15

### LANSING

## National Republican party sides with Pete Hoekstra in battle over Michigan GOP chair

By JOEY CAPPELLETTI  
Associated Press

LANSING, Mich. (AP) — Former Congressman Pete Hoekstra has been officially recognized by the national Republican party as the Michigan GOP chairman in a vote that also affirmed that Kristina Karamo was properly removed from the position earlier this year.

The decision was made Wednesday following a unanimous vote by the executive committee of the Republican National Committee, or RNC, to recognize Hoekstra as chair and confirm his status as a voting member of the national party.

Some members of the Michigan GOP had coalesced last month to vote Karamo out of the position, a result that she has refused to accept. Since then, dueling factions have claimed to control the state party.

Donald Trump had endorsed Hoekstra for the position over Karamo, a once loyal supporter of the former president, whom he previously endorsed in 2022 for Michigan's secretary of state position. Karamo was elected last February to lead the Michigan Republican Party through the 2024 presidential election after losing her secretary of state race by over 14 percentage points.

The RNC's decision comes less than two weeks before the state holds its presidential primary and in a year where Michigan Republicans are desperate to win back some power after historic losses in 2022.

"We must put our nose to the grindstone over the next several months and focus on party unit to secure a red-wave victory in November," said Hoekstra in a statement following the RNC decision.

Hoekstra added that Karamo should "end her misinformation campaign" and "join the fight to re-elect Donald Trump rather than dividing this Party."

Hoekstra served as a U.S. representative from 1993 until 2011 and acted as the United States ambassador to the Netherlands under Trump.

"Pete will make the Republican Party of Michigan great again and has my complete and total endorsement to be its chairman," Trump wrote on social media on Jan. 26.

While the RNC's ruling gives Hoekstra some legitimacy to the position, a final ruling is expected to come in the courts. Karamo has repeatedly said that the RNC had no legal authority in the fight over the

See **GOP**, Page 15

## THE CONVERSATION

By RONALD E. HALL  
Michigan State University

### Back in the Day, Being Woke Meant Being Smart



(THE CONVERSATION) — If Florida Gov. Ron DeSantis had his way, the word "woke" would be banished from public use and memory.

As he promised in Iowa in December 2023 during his failed presidential campaign, "We will fight the woke in education, we will fight the woke in the corporations, we will fight the woke in the halls of Congress. We will never, ever surrender to the woke mob."

DeSantis' war on "woke ideology" has resulted in the banning of an advanced placement class in African American studies and the elimination of diversity, equity and inclusion programs in Florida's universities and colleges.

Given the origins of the use of the word as a code among Black people, DeSantis has a nearly impossible task, despite his tireless efforts.

For Black people, the modern-day meaning of the word has little to do with school curriculum or political jargon and goes back to the days of Jim Crow and legal, often violent, racial segregation. Back then, the word was used as a warning to be aware of racial injustices in general and Southern white folks in particular.

In my view as a behavioral scientist who studies race, being woke was part of the unwritten vocabulary

that Black people established to talk with each other in a way that outsiders could not understand.

#### The early days of wokeness

It's unclear when exactly "woke" became a word of Black consciousness. Examples of its use — in various forms of the word "awake" — date back to before the Civil War in Freedom's Journal, the nation's first Black-owned newspaper.

In their introductory editorial on April 21, 1827, the editors wrote that their mission was to "plead our own cause." Part of that mission was offering analysis on the state of educating enslaved Black people who were prohibited from learning how to read and write.

Because education and literacy were "of the highest importance," the editors wrote, it was "surely time that we should awake from this lethargy of years" during enslavement.

By the turn of the 20th century, the use of versions of the word "woke" by other Black newspaper editors expanded to include the fight for Black voting rights. In a 1904 editorial in the Baltimore Afro-American, for instance, the editors urged Black people to "Wake up, wake up!" and demand full-citizenship rights.

By 1919, Black nationalist Marcus Garvey frequently used a version of the word in his speeches and newspaper, The Negro World, as a clarion call to Black people to become more socially and politically conscious: "Wake up Ethiopia! Wake up Africa!"

At around the same time, blues singers were using the word to hide protest messages in the language of love songs. On the surface, Willard "Ramblin'" Thomas laments a lost love in "Sawmill Moan":

*If I don't go crazy,  
I'm sure gonna lose my mind  
'Cause I can't sleep for dreamin',  
sure can't stay woke for cryin'*

But instead of a love song, some historians have suggested that the lyrics were a veiled protest against the atrocious conditions faced by Black workers in Southern sawmills.

The song given the most credit by historians for the use of the word woke was written and performed in 1938 by Huddie Leadbetter, known as Lead Belly. He advises his listeners to "stay woke" lest they run afoul of white authority.

In an archived interview about the song "Scottsboro Boys," Lead Belly explained how tough it was at the time for Black people in Alabama.

"It's a hard world down there in Alabama," Lead Belly said. "I made this little song about down there. ... I advise everybody, be a little careful when they go along through there — best stay woke, keep their eyes open."

And that's the message that came out in the song lyrics:

*Go to Alabama and ya better watch out*

See **HALL**, Page 5

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# Legal Affairs

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## Business Law Symposium Draws a Crowd



Photos by John Meiu

"Experts and Trial Practice" was the title of the 6th Annual State Bar of Michigan Business Law Section Symposium on February 8 at the Guardian Building in Detroit. The program, which has been organized and produced since its inception by Troy attorney Mark Rossman (pictured above) of Rossman P.C., annually attracts some of the top practitioners and academics in the field of business law. Three panel discussions – featuring perspectives from young lawyers, expert witnesses, and judges – highlighted the program, which also included a presentation on "The Art of the Opening Statement" by E. Powell Miller of The Miller Law Firm.



Among those on hand for the February 8 Symposium were (l-r) Rochester attorney E. Powell Miller; retired U.S. District Judge Victoria Roberts, now a mediator with JAMS in Detroit; retired Oakland County Circuit Judge James Alexander, a mediator with JAMS; and retired Wayne County Circuit Judge Lita Popke, a mediator with JAMS.



Sharing a photo op at the event were Coleman Potts (left) and Clayton Miller, both of the Detroit Legal Group.



Attorneys Yohana Iyob (left) of Taft and Martha Olijnyk of The Miller Law Firm were among those attending the event at the Guardian Building.



Pictured are Patrick McCarthy (left), an attorney with Howard & Howard and a past president of the Oakland County Bar Foundation, and David Jones, a CPA and senior managing director of Van Conway & Partners.

### ANALYSIS

## Don't let 'FDA-approved' or 'patented' in ads give you a false sense of security

*Having a patent doesn't mean the invention works or won't blow up in your face*

By MICHAEL MATTIOLI  
Indiana University

(THE CONVERSATION) — If you've ever reached for a bottle of moisturizer labeled "patented" or "FDA approved," you might want to think twice. In a recent study of hundreds of advertisements, I found that supplements and beauty products often misleadingly use these terms to suggest safety or efficacy.

As a law professor, I suspect this is confusing for consumers, maybe even dangerous. Having a patent means only that you can stop others from making, using, selling or importing your invention. It doesn't mean the invention works or that it won't blow up in your face.

"FDA approved," meanwhile, means a product's benefits have been found to outweigh its risks for a specific purpose — not that it's of high quality or low risk in general.

#### Led astray by the label

I wanted to know whether com-

panies exploit these sorts of misunderstandings, so I analyzed hundreds of ads from print, television and social media that mention patents or FDA approval. I found that advertisers throw these terms around in confusing ways.

For example, I found an ad for a probiotic supplement stating, "The proof is in the patent"; an ad for an earwax removal product stating its "patented formula is safe, effective, and clinically proven"; and an ad for a headache remedy that made the words "FDA approved" a bold visual focal point.

Here's the concerning part: I looked at all kinds of products and found that these terms appear most often in ads for things you eat or rub onto your skin, such as supplements, insecticides, toothpaste and lotions.

That's probably no coincidence. Products like this aren't tightly regulated, yet consumers want to know they're safe. It seems likely that advertisers are name-dropping the government to make people think

just that.

#### Risks to consumers — and to innovation

One danger is clear: Ads with vague references to government authorities could dupe consumers into thinking products are safer or more effective than they actually are. In fact, there's some evidence this is already happening.

Another risk is that this creates perverse incentives for business. Companies could choose to forgo actual innovation, focusing instead on securing dubious patents or regulatory nods to keep up in the advertising race.

These practices could distort competition, burden government agencies with frivolous patent applications and deter new entrants from competing in markets where they can't employ similar advertising tactics.

#### Questions remain

Even though my study has shed light on how often these tricky

advertising methods are used, it leaves some big questions unanswered. What exactly makes consumers respond so favorably to terms like "patented" or "FDA approved"? And who is most likely to be confused by these tactics?

As a next step, I plan to conduct comprehensive surveys of consumers, along with in-depth interviews, to explore how these labels resonate emotionally. I hope to coordinate with researchers from psychology and media studies. Research along these lines could offer policymakers the robust evidence they need to make changes to the law.

What might those changes look like? For one thing, the law could make it easier for groups of consumers to sue in federal courts over misleading ads. The Federal Trade Commission could also place more of a burden on companies to prove their ads are honest. These changes could make a big difference in ensuring companies persuade shoppers without confusing them.

At a time when ads are everywhere and Americans are losing trust in institutions — and each other — the stakes for truthful product claims are high.

### LANSING

## Nessel re-issues IRS scam alert after fraudulent emails sent in her name

Michigan Attorney General Dana Nessel wants consumers to be on the lookout for scam emails that may contain her name. It has been recently reported to the Department of Attorney General's Consumer Protection Team that bad actors are sending emails purporting to be from Nessel. The email claims to offer help with scammers attempting to steal the recipient's tax refund. However, the emails themselves are a scam.

The attorney general's duties protecting and serving the people of Michigan do not include collecting or facilitating the collection of federal tax debt, so her name would never be attached to a debt collection email. Nessel has re-issued her IRS Phone and Email Tax Scams alert to remind consumers of how these scams look and sound.

"Each year at tax time, bad actors appear out of the woodwork to scam hard-working consumers out of their tax refund," Nessel said. "Remember, government agencies rarely ask for personal information by phone or email. These calls and emails should be reported immediately. My Consumer Protection Team stands ready to offer resources and advice when needed."

In the scam email, the person writing from a fake "Attorney Dana Nessel" email address claims to have received information that the recipient had complained about their tax refund. The fake attorney general goes on to ask the taxpayer, "Are you

dealing with scammers? If so, kindly get back to me with the letter whereas, scammers are going to cost a huge amount of debt that you can't even complete it through your entire living..."

Readers will notice the broken English and incorrect tenses, which are important clues to the email's lack of authenticity. Additionally, the emails are purportedly being sent from a gmail account, not an official state or federal email address.

Nessel also wants to inform the public about what the IRS will never do. As the alert points out, the IRS will never:

- Demand immediate payment.
- Demand payment without any chance to appeal or dispute the amount due.
- Threaten to have you arrested.

- Require payment in the form of a gift card, pre-paid debit card, or wire transfer.
- Call, text, or email you and ask for your personal or financial information.

To file a complaint with the Department of Attorney General, residents are encouraged to contact:

Consumer Protection Team  
P.O. Box 30213  
Lansing, MI 48909  
517-335-7599  
Fax: 517-241-3771  
Toll-free: 877-765-8388  
Online complaint form at  
<https://secure.ag.state.mi.us/complaints/consumer.aspx>

### SPY:

## Since 2016, Rocha and wife spent \$5.2 million on apartments

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Rocha, in part because she was all but certain her father's poor health would have kept her parents from making such a trip to Washington. And she found it strange that Rocha and his partner spoke as if "they knew for sure" of the intentions of Cuban officials.

The idea, according to Rocha's former business partner, Tim Ashby, was to "kill communism with capitalism" by swapping the claims for land concessions, leases

and joint ventures in Cuba at a time when the communist island was desperate for foreign investment.

"For Cuba, there was a lot more at play," said Ashby, a lawyer and former senior official in the U.S. Commerce Department. "This was crucial to normalizing relations with the U.S."

The investment group would eventually spend around \$5 million buying up nine claims valued at over \$55 million, Ashby said. But the venture collapsed after some

claim holders complained to the George W. Bush administration that they thought they were being bamboozled. In 2009, the Treasury Department moved to bar the transfer of any certified claims against Cuba.

That didn't stop Rocha from continuing to make money. Records show that since 2016 alone, Rocha and his current wife spent more than \$5.2 million to buy a half-dozen apartments in high-rise buildings in Miami's financial district. This month, four

of those properties were transferred entirely into his wife's name, a move former law enforcement officials said could potentially shield them from government seizure.

In hindsight, Ashby acknowledged he was taken in by the image his former partner wanted the world to see.

"He was fiercely anti-communist and a staunch, early, Trump supporter," he said. "Rocha was the last person I would have suspected of being a Cuban spy."

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