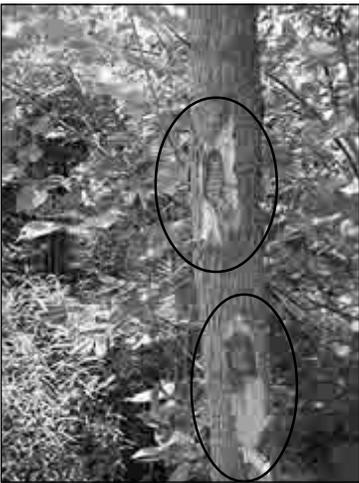


DYING ASH TREES POSE LIABILITY AND EMERGENCY MANAGEMENT CHALLENGE TO MUNICIPALITIES

APRIL, 2003

A potentially significant issue of both municipal liability and local emergency management is developing in many communities in southeastern Michigan. The infestation of the Emerald Ash Borer, a beetle which entered the area several years ago from China, is believed to have affected tens, if not hundreds, of thousands of ash trees in southeast Michigan. The ash tree problem is most apparent in the Western Wayne County communities; however, its impact is spreading throughout the entire southeast Michigan area.



Two canker-like scars are produced by Emerald Ash Borer larvae feeding beneath the bark. Affected trees are frequently attacked numerous times in this manner and may succumb to the injury in 2-3 years.

The prospect of dead and diseased trees is a potentially significant financial risk on communities who are already feeling the effects of cuts to State revenue sharing and dwindling municipal budgets. As thousands of ash trees are located on public

property and easements, the cities, villages and townships will likely need to remove these trees starting this spring. A significant storm, however, be it high winds or a tornado also has the potential of bringing down thousands of dead or dying trees in a short period of time - far more than what would normally be experienced during a storm event affecting healthy trees.

The ash tree infestation has prompted the Conference of Western Wayne, an association of communities in southeast Michigan, to establish a special

committee to study a collective approach to regional public education, emergency management and liability exposure. Even if trees do not fall during a storm, the branches off of dead or dying trees may pose an ongoing health and safety risk to pedestrian and vehicular traffic. Ash trees, which tend to be brittle when healthy, lose branches during storms. Dead or dying ash trees may present an even greater challenge to local governments through emergency response efforts and costs for removal and disposal.

Even if your community has not yet seen the impact of the ash tree disease, we would recommend that your public works or engineering staff attempt to determine how many ash trees are on public property in your community, and to develop an emergency management and liability plan to address the likely removal and disposal of these trees. We would be happy to assist you in this effort.



Emerald Ash Borer

If you have any questions relating to the ash tree problem in southeast Michigan or any other environmental law matter, please contact Gregory L. Ulrich in our Livonia office at (734) 261-2400 or via e-mail at gulrich@cnda-law.com.

This article was written by Kurt L. Heise who was an associate in our Livonia office. Since writing this article, Mr. Heise has been appointed by Wayne County Executive Robert A. Ficano to serve as the new Director of Wayne County Department of Environment. The Department of Environment is responsible for several environmental projects for Wayne County's 2.5 million residents. Although we were saddened to see Mr. Heise go, this is a great opportunity for him and we wish him the best of luck.

Timothy Young, Executive Committee

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BUSINESS SERVICES PRACTICE GROUP PROFILED

In the last few editions of ON LAW, attorneys from our Business Services Practice Group have contributed to the newsletter by writing a variety of different articles. For example, in November's newsletter Gerald C. Davis wrote an article on how to use secured transactions to reduce the risk of default in the commercial sale of product, in January's newsletter Gerald C. Davis wrote another interesting article on investigative consumer reports and credit history and last month in March's newsletter Robert J. Hahn wrote an article on the Sarbanes-Oxley Act Section 501.

We hope that our clients and friends have enjoyed reading articles that affect both individuals and the business community. We want to take this opportunity to reacquaint some of you and introduce others of you to our highly-skilled Business Services Practice Group. From representing small, local businesses to large, international corporations, the business group is qualified to assist in any business-related legal matter. In this article, you will learn more about the attorneys that make up our Business Services Practice Group.

Gerald C. Davis



Gerald C. Davis, co-founder of Cummings, McClorey, Davis & Acho, began practicing law in 1974 and has been involved in business and commercial matters since that time. He concentrates his practice on Transactional Law effecting mergers, buy-outs and reorganizations, largely from workouts, including corporate restructures and remedies in federal and state court under the federal (bankruptcy) laws and state court supervised receivership.

Mr. Davis has performed negotiations, loan agreements, workouts, forbearances and litigation through conclusion on behalf of non-bank commercial lending entities, which include documenting and securing collateral composed largely of personal property, but also involving real estate that involves remedies for collateralizing business assets. He has rendered professional advice to municipal and quasi-municipal organizations on the issuance of public debt instruments, and has rendered feasibility opinion with regard to such transactions.

He routinely represents institutional business clientele, including specific entities for compliance and suitability of various business components, including personnel, environmental, financing and product development through finished process.

Mr. Davis is a partner in our Farmington Hills office and can be reached by calling (248) 737-3333 or via e-mail at gdavis@cmda-law.com.

Gregory L. Ulrich



Gregory L. Ulrich began practicing law in 1977. His practice areas are Business Litigation, Professional Liability, Real Estate, Employment and Labor Law, Public Official Liability, Environmental Law, Mediation/Negotiation, Public Finance and Governmental Affairs. He heads up our Real Estate group and has over 30 years experience as a licensed real estate broker.

Mr. Ulrich is very active with the State Bar of Michigan and was recently elected to a second term on the State Bar of Michigan's Computer Law Section Council. He was also named Commissioner Liaison to the Computer Law Section. His role as Commissioner Liaison is to facilitate communication between those entities and the State Bar of Michigan's Board of Commissioners. Mr. Ulrich also serves as State Bar Commissioner and was named to the Public Policy Committee by President Reginald Turner. In addition, he is a member of the Judicial Ethics Committee and the Publications Committee.

For over 15 years, while with the Michigan Supreme Court, he oversaw Court operations, finances, trained judges and investigated judicial or Court personnel misconduct. He served on the Trial Courts Administration Committee and the Bench/Bar Conference Committee.

Mr. Ulrich is a partner who divides his time between our Livonia and Roseville offices and can be reached by calling our Livonia office at (734) 261-2400, our Roseville office at (586) 775-5200 or via e-mail at gulrich@cmda-law.com.

Robert J. Hahn



Robert J. Hahn began practicing law in 1986. He became employed by Cummings, McClorey, Davis & Acho in 1987 in the Commercial Litigation Group. Mr. Hahn represents corporate clients in breach of contract actions, as well as antitrust, trade secrets and covenant not to compete matters.

In 1992, Mr. Hahn obtained a Master's degree in Corporate and Finance Law from Wayne State University School of Law. Since that time, he has expanded his practice areas to include Shareholder Disputes, Corporate Restructuring, Securities Regulation and Business Planning. His clients include securities brokers, employee leasing companies, dental laboratories, auto part manufactures and owners of small, medium and large businesses.

Mr. Hahn is a partner in our Farmington Hills office and can be reached by calling (248) 737-3333 or via e-mail at rhahn@cmda-law.com.

Christopher G. Schultz



After spending several years as a CPA with an international accounting firm, Christopher G. Schultz began practicing law in 1986. Initially his practice was limited to Complex Financial and Tax Transaction Planning. His practice area has since broadened to reflect full representation services for the closely held corporate clients that he serves, in the manufacturing, financial services and retail sector. Mr. Schultz also does a substantial amount of work representing business associations of groups within industry segments, providing advice and counsel for both the associations and the individual members of the associations.

With economic and commercial globalization, Mr. Schultz has been asked to provide guidance and assist on many international agreements and transactions. He currently devotes a majority of his business practice to

Transactional Work, Business Planning and Tax and Estate Planning areas. He is also involved with Probate, Trust and Estate Administration, Real Estate and other related areas.

Mr. Schultz is a partner in our Farmington Hills office and can be reached by calling (248) 737-3333 or via e-mail at cschultz@cnda-law.com.

Eugene W. Pyatenko



Eugene W. Pyatenko started his legal career as a law clerk for Cummings, McClorey, Davis & ACHO from 1978-80 and returned in 2000 as a partner. His practice areas include General Commercial and Business Transactions (specializing in debtor/creditor rights and international joint ventures in the former Soviet Union), Commercial Litigation, Mergers and Acquisitions, Real Estate and Lien Law. Throughout his legal

career, he has been significantly involved in representing clients in Acquisitions, Mergers, Insolvency and Bankruptcy Matters, Turnaround and Case Management, Financing Transactions and Corporate Renewal.

His international client activities include identification of a United States partner and assistance in establishing a logistically integrated freight and transportation system within the Russian federation; establishment and implementation of a cable and satellite television network within the Russian Federation; sourcing hydro-electric power plants for Bangladesh based power station; acquisition of UK based manufacturing facility with United States expansion; acquisition of Swedish based medical equipment and research company and establishment of its U.S. and global market network.

Mr. Pyatenko is a partner in our Livonia office and can be reached by calling (734) 261-2400 or via e-mail at epyatenko@cnda-law.com.

Eileen K. Husband



Eileen K. Husband began practicing law in 1985 and concentrates her practice on Commercial Litigation, Franchise Law, Labor and Employment Law and Gaming Law. She is a Civil Mediator trained under the model adopted by the Michigan State Court Administrative Offices.

Prior to joining the firm, Ms. Husband served as General Counsel for a global pizza franchise based out of Detroit, Michigan. Her experience in Franchise Law includes Uniform Offering Circulars, Franchise Agreements, Area Development Agreements and License Agreements; Commercial Transactions; Major Contracts; Trademarks; Major Corporate Policy Matters; Real Estate; and other franchise related matters.

Ms. Husband also heads our Labor and Employment Law Group. She represents both public and private sector employers and is an experienced litigator in the field of labor and employment. Ms. Husband is also very experienced in labor negotiations and union grievances. She works pro-actively with clients in the development of policies and practices to prevent lawsuits and claims. She provides legal advice regarding labor relations, employee discipline, family and medical leaves, wages, drug testing, employee handbooks, workforce reductions and other employment matters.

Ms. Husband is a member of the Forum on Franchise Law of the American Bar Association and the State Bar of Michigan's Franchise Law and Labor and Employment Sections. Ms. Husband has participated in various presentations and seminars on franchise, general business and

labor and employment related issues.

Ms. Husband is a partner in our Livonia office and can be reached by calling (734) 261-2400 or via e-mail at ehusband@cnda-law.com.

W. Gregory Shanaberger



Greg Shanaberger began practicing law in 1988 as a trial attorney in Birmingham, Michigan. Initially, his practice concentrated on Complex Commercial Litigation involving Contracts, Labor and Employment Relations, Trucking and the Interstate Commerce Code, Employer Liability under the Multi-employer Pension Plan Amendments Act of 1980, Shareholder Derivative Suits, Distributor and Sales Representative Relationships, Franchise Litigation and Construction Contracts and Liens.

Mr. Shanaberger's practice quickly expanded to provide service from small to large sized businesses in non-litigation matters such as Real Estate Acquisitions, Commercial Loans and Finances, Mergers and Acquisitions, Corporate Reorganization, and acting as outside General Counsel. He is also an experienced Domestic Relations attorney, who has received appointments from the Oakland County Circuit Court to act as a private mediator. Mr. Shanaberger's trial record during the past 15 years is amazing - no jury has ever decided a case against any of his clients.

Mr. Shanaberger's involvement in many types of businesses as outside General Counsel has recently led him to new ventures. He is in the process of obtaining his NFLPA license as an NFL Agent, his Realtor's license and is involved as a Producer, Business Agent and Attorney for a Hollywood feature film, which is expected to be released this November.

Mr. Shanaberger is a partner in our Farmington Hills office and can be reached by calling (248) 737-3333 or via e-mail at wgshanaberger@cnda-law.com.

Joseph Nimako



Joseph Nimako began practicing law in 1992. He concentrates his practice on Business and Finance, Transactions and Real Estate.

Mr. Nimako was born and raised in Ghana, West Africa and is the principal of our Ghana office, which opened last February. He received both his Bachelor of Arts degree and Bachelor of Laws degree from the University of Ghana. He has served as a Solicitor and Advocate for the Ghana Supreme Court and as a Senior Legal Advisor for the Ghana Department of Justice.

He moved to the United States and attended law school at the University of Detroit College of Law. Mr. Nimako speaks both French and Spanish fluently and has his Master of Arts degree in French from the University of Miami.

Mr. Nimako can be reached by calling our Livonia office at (734) 261-2400 or via e-mail at jnimako@cnda-law.com.

If you have any business-related legal question, please do not hesitate to contact one of the highly-skilled attorneys that make up our Business Services Practice Group.

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Our Vision

To meld our legal expertise, professional support staff, technical resources and variety of locations to deliver first rate legal services at a fair value to a full range of business, municipal, insurance and individual clients.

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ONLAW is a monthly publication from
Cummings, McClorey, Davis & Acho, P.L.C.

Comments and questions regarding specific articles should be addressed to the attention of the contributing writer. Remarks concerning miscellaneous features or comments to the editor should be addressed to the attention of Jennifer Sherman.

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