

NEW CALIFORNIA OFFICE  
**OPEN FOR BUSINESS**

**MAY, 2002**

**B**ecause of the increased needs of our clients, we are pleased to announce that our second California office opened May 1, 2002 in Riverside.

Christopher Mulder has joined the firm as the Principal Attorney in our Riverside office. Donald Day and Alan Jablin, both from our Phoenix office, will also be working with Chris.



*Christopher Mulder*

**CHRIS MULDER** concentrates his practice on Insurance Defense, Premises Liability, Professional Negligence and Business, Commercial and Complex Litigation.

He is a member of the State Bar of California, American Bar Association and Orange County Bar Association. In addition, he is a Certified Public Accountant and a member of the New Jersey Society of Certified Public Accountants.

Chris received his Juris Doctorate degree from Loyola Law School in 1991 and his Bachelor of Science degree in Accounting from LaSalle University in 1980. He can be reached by calling our Riverside office at (909) 276-4080 or via e-mail at [cmulder@cmda-law.com](mailto:cmulder@cmda-law.com).

**DON DAY** is a nationally recognized attorney who concentrates his practice on Labor and Employment Law, Labor and Contract Negotiations, ERISA Litigation, Risk Management, Insurance Defense, Products Liability and Commercial Litigation.

He is a member of the State Bars of Arizona and Michigan, Maricopa County Bar Association and American Bar Association. He is also an Arbitrator for Maricopa County Superior Court.

Don received his Juris Doctorate degree from the Detroit College of Law in 1974 and his Bachelor of Arts degree in Advertising from Wayne State University in 1965. He can be reached by calling our Phoenix office at (602) 207-2829 or via e-mail at [dday@cmda-law.com](mailto:dday@cmda-law.com).

**ALAN JABLIN** concentrates his practice on Litigation (Insurance Defense, Commercial and General, Corporate, Construction Lien, Administrative Proceedings), Corporate and Business Law and Wills and Estates.

He is a member of the State Bars of Arizona, California and Michigan. He received his Juris Doctorate degree from the Detroit College of Law in 1973 and his Bachelor of Science and Business Administration degree in Accounting from Wayne State University in 1970. Alan can be reached by calling our Phoenix office at (602) 207-2829 or via e-mail at [ajablin@cmda-law.com](mailto:ajablin@cmda-law.com).

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*Timothy Young, Executive Committee*

**EMPLOYMENT MANAGEMENT SEMINAR**

WEDNESDAY, JUNE 26  
9:30 A.M. ~ 12:30 P.M.

LIVONIA PUBLIC LIBRARY  
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(734) 261-2400

**ATTENTION EMPLOYERS:  
ATTORNEYS TO HOLD  
EMPLOYMENT MANAGEMENT SEMINAR**

**O**n Wednesday, June 26, 2002, attorneys at Cummings, McClorey, Davis & Acho will hold an informative seminar at the Livonia Civic Center Library. The seminar will cover the legal and practical means available to protect confidential information and trade secrets from disclosure, including how companies should best protect their competitive interests, how to effectively handle termination and layoffs of employees who possess confidential information, how to establish confidentiality with electronic information and much more. CMDA Partners Gregory Roberts, Eileen Husband and Gregory Ulrich will share their knowledge of the law during the three hour seminar.

For more specific information on the seminar and/or to assure your seat, contact Jennifer Sherman before June 12, 2002 at (734) 261-2400. Reservations are required. The cost of the conference is payable at the door. As a special courtesy to our clients and friends, if you call before June 5, we will waive the cost of the conference.

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## ATTENTION INSURANCE COMPANIES: NFPA REPORTS **FIRE STATISTICS**

OUR EXPERIENCED ATTORNEYS AGGRESSIVELY INVESTIGATE AND DEFEND ERRONEOUS FIRE CLAIMS

Cummings, McClorey, Davis & Acho is dedicated to aggressively investigating and defending erroneous fire claims and discouraging fraud in the insurance industry. To assist our clients, we have a core group of highly-skilled and experienced attorneys armed with the requisite knowledge of fire investigation protocol, scene preservation, motive and opportunity analysis and the development of a winning circumstantial case.

The National Fire Protection Association (NFPA) recently released its compiled fire statistics for 2000.<sup>1</sup> NFPA's mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating scientifically-based consensus codes and standards, research, training and education.

According to NFPA, a total of 505,000 structure fires and 370,500 residential structure fires occurred in the United States in 2000. One structure fire occurred every 62 seconds, and one residential structure fire occurred every 83 seconds. Nine and a half billion dollars of property damage was caused by residential structure fires. Over 75,000 of the 370,500 residential structure fires were determined to be deliberately set, which was a 4.2 percent increase from the preceding year.

Furthermore, in 2000, there were 348,000 vehicle fires. One vehicle fire occurred every 90 seconds. It was determined that 46,500 vehicle fires were deliberately set. This accounted for 186 million dollars in property damage.

NFPA also determined that the leading causes of accidental fires were: heating equipment (27%); cooking equipment (17%); electrical distribution systems (8%); smoking materials (6.6%); children playing with matches (5%); and natural causes (1.6%).

Only a small percentage of accidental fires were undetermined in cause. This affords an excellent opportunity for insurance companies to obtain full or partial reimbursement of insurance proceeds paid through aggressive subrogation actions. Although all courts recognize the company's legitimate equitable and contractual rights to seek subrogation, more and more, courts are attempting to frustrate access to juries through procedural and legal barriers. Spoilation of evidence, the economic loss doctrine and re-

strictions on product liability prosecutions all serve to create frustrations for the subrogating insurer.

These statistics serve to underline the continuing severity of the fire problem for insurance companies, which is why it is extremely important to be diligent in investigation and ferreting out arson and fraud.

Our staff of experienced subrogation litigators have developed and prosecuted successful subrogation actions throughout the United States. Whether the cause is electrical, mechanical, explosive, collapse or fire spread issues, our attorneys have the background and resources to challenge manufacturers on their own ground. The risk of dangerously defective products causing loss to the insurance industry should not be borne by the insurance company. The only way to effectively prevent this unintended assumption of risk is to aggressively pursue subrogation recoveries whenever possible. We have, at our immediate disposal, a bank of qualified, certified and nationally recognized experts who assist us in pursuing the most sophisticated manufacturing or design defect to a successful conclusion.

If you would like more information on our Insurance Law Practice, please contact one of our highly-skilled attorneys (Livonia: Timothy Young; Traverse City: Christopher Cooke; Battle Creek: Allan Vander Laan).



<sup>1</sup> Fire Loss in the United States during 2000, Michael J. Carter, Fire Analysis and Research Division NFPA.

*Christopher K. Cooke*

# Attorney Profile

Christopher K. Cooke



**C**hris, the partner managing our Traverse City office, concentrates his practice on Subrogation Cases, First and Third Party Property Cases, Personal Injury, Wrongful Death, Major Property Damage, Medical Malpractice and Construction Defect.

Chris is a member of the State Bar of Michigan, the National College of District Attorneys Association and is admitted to the United States Court for the Western District and the Sixth Court of Appeals. He has taught numerous classes at the American Paralegal Institute, presented seminars at various businesses and is an instructor at the Michigan State Police Fire Academy.

He received his Juris Doctorate degree, *cum laude*, from Thomas M. Cooley Law School in 1982 and his Bachelor of Science degree in Computational Mathematics and Economics from Albion College in 1977. Chris can be reached at [ccooke@cnda-law.com](mailto:ccooke@cnda-law.com) or by calling our Traverse City office at (231) 938-2888.

## ASSOCIATE ATTORNEYS WITH SPECIALIZED PRACTICE AREAS JOIN FIRM

**I**n April, three experienced and knowledgeable attorneys joined the firm. Each attorney has a specialized background and is a welcomed addition to Cummings, McClorey, Davis & Acho.

Jana Berger and Karen Haapala joined our Livonia office and Bradley Wierda joined our Traverse City office all as associates.

**JANA BERGER** focuses her practice on Municipal Law, Probate Law, Estates, Gaming Law and Legal Research and Writing. She received her Juris Doctorate degree from Roger Williams University School of Law in 1998 and her Bachelor of Arts degree in Political Science from Northern Michigan University in 1993.

She is a member of the Michigan Bar Association and the Livingston County Bar Association. She is also a member of the Howell Rotary, the Howell Downtown Development Promotion Committee and the Howell Gun Club. Jana can be reached by calling our Livonia office at (734) 261-2400 or via e-mail at [jberger@cnda-law.com](mailto:jberger@cnda-law.com).

**KAREN HAAPALA** focuses her practice on Civil Defense, Municipal Law, Insurance Coverage and Defense and Appellate Practice. She received her Juris Doctorate degree, *magna cum*

*laude*, from Thomas M. Cooley Law School in 2000 and her Bachelor of Arts in Criminal Justice and Sociology from the University of Michigan in 1995. While in law school, she was the Law Review associate editor, received the John D. Voelkner award for Outstanding Law Review Service, was a Grade Appeals Board Magistrate and received book awards in wills/estates/trusts, research and writing, scholarly writing, family violence practice and advanced writing.

She is a member of the State Bar of Michigan and Oakland Bar Association. Karen can be reached by calling our Livonia office at (734) 261-2400 or via e-mail at [khaapala@cnda-law.com](mailto:khaapala@cnda-law.com).

**BRAD WIERDA** focuses his practice on Insurance Defense Litigation, Civil Litigation and Governmental Law. He received his Juris Doctorate degree from Boston College Law School in 1997 and his Bachelor of Arts degree in English from Calvin College in 1994.

He is a member of the State Bar of Michigan. Brad can be reached by calling our Traverse City office at (231) 938-2888 or via e-mail at [bwierda@cnda-law.com](mailto:bwierda@cnda-law.com).

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*Timothy Young, Executive Committee*

CUMMINGS, McCLOREY, DAVIS & ACHO  
OFFICE LOCATIONS

**MICHIGAN**

**Livonia**

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**CALIFORNIA**

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**GERMANY**

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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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DAVIS & ACHO, P.L.C.

**ON LAW** is a monthly publication from  
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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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