

News & Announcements

HEWSON & VAN HELLEMONT, P.C. CELEBRATES 25 YEARS



In the mid-1980s Mr. Hewson and Mr. Van Hellemont met while handling insurance cases for the same clients. As the number of cases increased early in the 1990s James F. Hewson and Jerald Van Hellemont recognized the insurance industry need for an aggressive defense of fraudulent claims. After some discussion they, in 1991, combined practices, files and employees to form Hewson & Van Hellemont, P.C. They started a partnership based on honesty, trust and doing what they believed to be right for the client. Both have continued to set a high standard for excellence and dedication to the legal profession. There has been a balance between them providing steady leadership to the expanding firm that continues to follow the mission statement they established over 20 years ago. The firm has grown to serve an expanding client base to be one of the top 20 largest law firms in Michigan with three offices in Michigan and an office in Florida.

The firm is an industry leader in litigating fraudulent claims asserted against insurance companies, growing from a handful of attorneys to over 60 today. Though the firm's roots are in insurance law the firm has embraced the future by diversifying and servicing clients in other areas of law; including Criminal Law, Family Law, Probate, Contract Disputes, Subrogation, Collections and Workers' Compensation. Both Mr. Hewson and Mr. Van Hellemont are recognized experts in their fields.

Mr. Hewson, Co-founder and Partner of the firm, since the first No-Fault summit in April 2014, has been a moderator and presenter for the Institute of Continuing Legal Education (ICLE) and a faculty member. He has worked with third year law students at the University of Detroit "Professionalism in Action" dealing with ethical issues and problems. He was appointed to the Supreme Court committee on the Michigan Model Civil Jury Instructions and a defense counsel for a mock trial at the Arson Prevention Committee. And most recently, Mr. Hewson was elected as one of the Leaders in the Law for 2016.

Mr. Van Hellemont, Co-founder, former shareholder and now Of Counsel to the firm, has been consistently active in the Insurance Industry. He continues to participate in management meetings and seminars with major insurance companies as legal advisor, representative and instructor. Mr. Van Hellemont has drafted various policy provisions, changes and endorsements on behalf of numerous insurance clients. Currently, he is also legal counsel for the Michigan Chapter of the International Association of Special Investigative Units.

They not only built a law firm they built a family and life that has set an example to young attorneys of providing dedicated service to clients and making a difference in people's lives.

HEWSON & VAN HELLEMONT, P.C. SUPPORTS 2016 BRITT'S TAILGATE



The 4th Annual, Britt's Tailgate, to raise money and remember Britt, will be held October 8, 2016 at The Lodge Grill & Bar in Keego Harbor, MI. Those in attendance will watch the UofM vs. Rutgers game.

The ticket price provides an evening with game fans along with food and beverages. Both UofM and Rutgers' fans are welcome. HVH has given a monetary donation to support the scholarship awarded in Britt's name.

For charity information, to purchase tickets or to make a donation visit www.brittsommerfield.org.

WALKING TO SUPPORT TARA



HVH employees join others on October 1st at Freedom Hill Amphitheatre in Sterling Heights to raise awareness for the prevention of domestic violence. Contact Michelle Wypiszewski to support or join a team.

This local charity was started by Tara Grant's family to raise awareness about domestic violence and to prevent other families from experiencing the tragedy and loss of loved ones from domestic violence. All registrations go to the Tara Liberation Fund that provides emergency cash assistance to domestic violence survivors.

HVH FALL FOOD DRIVE

Calling all open hearts to fill food baskets. Donated items will provide meals for families who otherwise would go without.



Look for the boxes from September 1 to October 31, 2016 for food donations in all HVH locations.

For information or to make a cash donation contact michellew@vanhewpc.com

HVH SERVICE AWARDS

Join us in congratulating individuals who, in 2016, have been with HVH for 5 years:

Stephanie Becker
Devoney Crockett
Brandy Kurefich

Paula Bliss
Michael Faust
Anne Marie Reiman

Geri Calvetti
Michelle Kitch

THE NEW HVH ASSOCIATES' COMMITTEE

Amber Cervantez, Sydney Terenzi, Josh Trombley and Anthony Vitucci are the first Board for an Associates' Committee that was formed earlier this year. The committee is the Associates' voice to HVH Partners/Owners. The Committee Board members are available to HVH Associates to discuss ideas to enhance the work experience at HVH. Associates also are encouraged to attend scheduled meetings with the Associates' Board to discuss as a group working at HVH. The Associates' Board will consolidate the ideas into a report with suggestions for change and present to the HVH Partners/Owners for consideration.

Even though HVH has grown considerably it continues to be a team oriented firm where the leadership is committed to including Associates in the process and vision for expansion. The Associates' Committee ensures an open relationship between Associates and Partners/Owners, makes a positive difference in the work environment and fosters an enviable work experience.

CONGRATULATIONS!!!



Jim Hewson has been invited to speak at the American Academy of Physical Medicine and Rehabilitation in New Orleans on October 19, 2016. This is part of the 2016 AAPM&R precourse, *Building and Maintaining Medicolegal Work in Your Physiatric Practice*. The course's overall topic is effective medical examinations and the legal implications of those examinations. Mr. Hewson will specifically address "What the attorney expects during your testimony" and provide insight into expectations, strategies, goals and deposition tactics.



Joshua Trexler has relocated to the Hewson & Van Hellemont Grand Rapids MI office. He will serve existing clients and new clients from his new location.

WELCOME TO OUR NEW ATTORNEYS

Scott Stawiasz



Scott Stawiasz has been a licensed attorney for 4 years. He graduated with a B.A. in Political Science with honor from Michigan State University. He then obtained his Juris Doctor in 2012 from Michigan State University College of Law, where he graduated *summa cum laude* and a King Scholar. While attending law school Mr. Stawiasz was a member of the King Scholar Program, an editor of the Michigan State Law Review and worked for federal judges in the Eastern District of Michigan and the Sixth Circuit Court of Appeals.

Prior to joining Hewson & Van Hellemont, Mr. Stawiasz worked at a Detroit law firm specializing in civil rights, business litigation and criminal defense. During this time, Mr. Stawiasz successfully appealed multiple case to the United States Court of Appeals for the Sixth Circuit as well he prepared a Petition for Certiorari to the United States Supreme Court.

At Hewson & Van Hellemont, P.C Mr. Stawiasz will focus his practice around Michigan No-Fault Automobile Insurance.

John W. Sechler



John W. Sechler received a Bachelor's Degree in English from Oakland University in 2004. He then went on to obtain his Juris doctorate in 2009 from Thomas M. Cooley Law School. While in law school, Mr. Sechler served as a judicial intern for the Honorable Mark S. Switalski and Honorable James L. Wittenberg.

In November 2009, Mr. Sechler was admitted into the State Bar of Michigan. Following his admission, he started as a solo practitioner by handling civil, criminal and landlord-tenant matters. Mr. Sechler then joined a civil litigation defense firm where he gained valuable insight into personal injury cases, including first and third party no-fault claims, vicarious liability, property damage, dog bite and general negligence claims.

Mr. Sechler joined Hewson & Van Hellemont, P.C. in August 2016. His primary area of practice at the firm is defending claims for first and third party benefits under the Michigan No-Fault Act.

**Bazzi v Sentinel Insurance Co.
Michigan Court of Appeals**

For Publication - Docket No. 320518
June 14, 2016

Ali Bazzi sustained injuries in an automobile accident while driving a car owned by Hala Bazzi under a commercial vehicle automobile insurance policy. Sentinel claims the policy was fraudulently procured for a lower premium therefore; Ali Bazzi's injuries are not covered. Ali Bazzi asserts his PIP claims should be covered under the "innocent third party" rule.

Sentinel maintains that the vehicle involved in the automobile accident was for personal and family use not for commercial use and that the business "Mimo" was a shell company with no actual business activity. They claim Hala Bazzi secured the commercial automobile policy to avoid paying a higher rate based on her driving record. Sentinel also claims Ali Bazzi was not named as a regular driver of the vehicle.

Ali Bazzi was not part of the fraud and claims his medical charges for no-fault insurance claimed under PIP benefits should be covered. He asserts he is innocently caught in the middle and under the Supreme Court's decision in *Titan* Sentinel is compelled to pay his no-fault insurance claims for PIP benefits.

The court considered the distinction between the "easily ascertainable" rule discussed in *Titan* and the "innocent third-party" rule advanced in this case and concluded they were one and the same. Therefore, if an insurer can establish that a no-fault policy was obtained through fraud, it is entitled to rescind the policy and deny payment of benefits to innocent third parties. In this case Ali Bazzi's claims can be denied.

**Ronald Thomas v Frankenmuth
Mutual Insurance Co.
Michigan Court of Appeals**

Unpublished - Docket No. 326744
July 12, 2016

The Bahri framework is applied in a new set of circumstances. Ronald Thomas' claim for PIP benefits, predominately transportation services is denied based on surveillance videos and evidenced fraudulent statements.

Mr. Thomas was involved in a motor vehicle accident on July 6, 2013. At the time he carried a no-fault automobile insurance policy from Frankenmuth Mutual Insurance Co. After the accident Mr. Thomas received treatment from several medical providers for injuries allegedly arising from the accident. The treating physician instructed Mr. Thomas not to drive for a specified period of time.

Mr. Thomas filed for PIP benefits, including transportation benefits. The claim was denied and Mr. Thomas filed suit seeking payment.

Frankenmuth Mutual argued that surveillance videos showed Mr. Thomas driving on the same day he used a medical transportation service during the proscribed period that the doctor had instructed him to not drive. During Mr. Thomas' deposition he, on multiple occasions, stated that he had not driven at all during the relevant time period.

The surveillance videos and the deposition together indicated fraudulent statements and fraudulent conduct.

At the hearing the Court confirmed that Mr. Thomas' conduct in driving an automobile while receiving medical transportation services and his statements at the deposition constituted fraud so his claims under the no-fault policy were dismissed. An appeal followed where the decision was upheld.



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