



BARBERI LAW

INSIDER

JANUARY/FEBRUARY
2019 NEWSLETTER

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Joe's Corner

Well, Super Bowl 2019 is over and once again experience carried the day. Tom Brady and Bill Belichick notched their SIXTH Super Bowl victory. And, Tom's "little brother," Julian Edelman, was the MVP. Experience and relationships both matter, and that's what we do here at Barberi Law – we use our experience of over 50 years of legal talent and the relationships we've made to best serve our clients' needs. And, talking about experience, Sesame Street is celebrating 50 years of shows this year. Jim Henson's muppets have been teaching children fun ways to learn their ABC's and other important values, such as being kind to all they encounter. But, most of all, if you ask Big Bird, the primary message is about spreading love to everyone you touch. So, my message this month, is to trust those who are most experienced in dealing with whatever issue you need help with – and rely on those who you have a relationship with as you love others you meet along the way. Happy Valentine's Day, and God bless!

-Joe

Summit Smokehouse offers BBQ

By Renae Gould

When the lease for Mountain Town Brewing Company was ending at its Pickard Street location, owner Jim Holton looked at a variety of vacant buildings around Mt. Pleasant. He couldn't find quite what he was looking for, until McGuirk's approached him and they worked out a deal for some space in their new building off M-20.

Holton wanted to get creative, and bring something with a different feel and flavor to the restaurant market. He came up with Summit Smokehouse, a sit-down BBQ, which he calls a "purist smokehouse."

"All of our meats are smoked, not sauced," he said. "All are made in house."

Holton wants people to feel like they're in a big city, like Chicago or Detroit, and offer a diverse, but family-oriented dining experience.

"I want it to be a true Southern BBQ and smokehouse," he said. "It's not about time, it's about temperature."

Menu items range in price from \$10 to \$15. After being open for two weeks and getting

some great feedback from customers, Holton and his chef have already tweaked the menu. Along with catering, the restaurant also will have carryout service that can be ordered by the pound with one of Summit Smokehouse's four barbecue sauces.

Along with the food, the microbrewing business is housed in the back of the restaurant. Mountain Town Brewing was the 96th brewery in the state of Michigan, and now there are over 400 in the state, Holton said. The new location will also have outdoor seating with a fireplace for warmer months.

There are 18 beers on tap at Summit Smokehouse, and they rotate on a daily basis. The also plan to serve four different kinds of wine, two reds and two whites.

Holton has 30 employees at the new location, which includes microbrewers. He also owns Mountain Town Station and Camille's Prime in downtown Mt. Pleasant, as well as Alma Brewing Company on Superior Street in Alma.



Near deadline case results in recovery

By Joseph Barberi

If a person is injured in a motor vehicle accident, he/she has three years to file a lawsuit against the at fault driver. Our client, Kathleen Sponseller, came to us in 2017, just a month before her statute of limitations on her accident was almost up.

On Nov. 30, 2014, Kathleen and her daughter were traveling on Blanchard Road in Isabella County, when a woman failed to stop at a posted stop sign on Crawford Road. Kathleen was driving the posted speed limit of 55 mph, and could not avoid hitting the vehicle crossing her path. Kathleen hit the other vehicle, which caused her Saturn Outlook to spin around and face the opposite direction she was traveling in. The collision caused the other vehicle to collide with an apartment complex on the corner of Blanchard and Crawford Roads.

After the accident, Kathleen and her

daughter vividly remember seeing the mangled vehicle of the at fault driver against the building. They had no idea what the condition of the at fault driver was, but knew she was airlifted to a hospital. The memories of the horrific accident and the unknown condition of the driver caused Kathleen and her daughter a tremendous amount of emotional stress. Kathleen also sustained physical injuries to her back, neck and shoulder. Unfortunately, her pain from these injuries did not resolve.

So, after almost three years of dealing with emotional and physical pain, Kathleen contacted a lawyer. She was referred to Barberi Law by another local attorney's office. Attorney Tony Cavalieri and Lori Erskin, one of our paralegals, worked on Kathleen's case.

After going through "discovery," a process in which both sides seek information from each other, Kathleen's deposition was taken



in our office. The defense counsel and Barberi Law voluntarily agreed to pursue facilitative mediation, which took place in Jackson on Oct. 17, 2018. Barberi Law was able to secure a substantial settlement for Kathleen during that facilitation.

We were so happy to help Kathleen, and she was pleased with the results and the peace of mind she obtained from the resolution of her case.

Communication key in any relationship

By Renae Gould

February is a month when we celebrate love with Valentine's Day. However, we all know that one day isn't enough when it comes to showing people how much you love and appreciate them. Can you imagine if that was the only day someone knew how much you cared about him/her?

My husband and I call Valentine's a Hall-mark holiday, and I know there are others who agree. It's definitely nice to hear someone say, "I love you, or I appreciate you," with a card or gift, but shouldn't that be something that happens more frequently?

I think it's pretty obvious communication is a big part of any relationship, whether it be with a spouse or partner, a child, a co-worker, friends, etc. Have you ever read, "The 5 Love Languages," by Gary Chapman? I haven't read the book, but I took the official assessment on the website. You can do this at www.5lovelanguages.com. You can also learn your child's love language through a different assessment.

The website says, "Your love language profile will explain your primary love language, what it means and how you can use it to connect to others." After you take the assessment, the site gives you a breakdown of what your primary love language is, followed by the other four. Obviously, people prefer to be "talked" to in different ways. You know the saying, "Actions speak louder than words"? Well, some of the love languages are solely based on that.

You can say you love someone all you want, but if your actions don't correspond to how you treat him/her, it kind of defeats the purpose. It's like a mother telling her children she loves all of them equally, but then totally ignoring one when it comes to family gatherings. Four of the five love languages don't necessarily include the spoken word, they are all about what you do and how you treat someone you love.

HOW TO SPEAK YOUR PARTNER'S LOVE LANGUAGE

WHICH LOVE LANGUAGE?	HOW TO COMMUNICATE	ACTIONS TO TAKE	THINGS TO AVOID
WORDS OF AFFIRMATION	Encourage, affirm, appreciate and listen actively.	Send an unexpected note, text, or card.	Not recognizing or appreciating effort.
PHYSICAL TOUCH	Non-verbal use of body language and touch to show love.	Hugs, kisses, cuddling.	Physical neglect or abuse.
RECEIVING GIFTS	Thoughtfulness, make your Spouse a priority.	Give thoughtful gifts and gestures. Express gratitude when receiving gifts.	Unenthusiastic gift receiving, forgetting special occasions.
QUALITY TIME	Uninterrupted and focused conversations. One on one time is important.	Create special moments, take walks and do small things with your partner.	Distractions when spending time together. Long time without one-on-one time.
ACTS OF SERVICE	Let them know you are wanting to help, to lighten their load.	Make them breakfast or dinner. Go out of your way to help with chores.	Lacking follow-through on small and large tasks.

I have to admit, it's pretty easy to let what affects you during the day have an effect on the relationships you have. It's easy to take your frustrations out on someone you love, but it's not as easy to take it back after you've done something to hurt someone you love.

So, in short, it's really better for you, and especially the ones you love, to really think carefully before you speak and act.

Explaining new marijuana law

By Tony Cavalieri

In last November's election, Michigan voters approved Proposal 1, paving the way for Michigan to join nine other states in legalizing the recreational use of marijuana. After the election, most prosecutors in the state began the process of dismissing minor marijuana possession offenses that were pending, despite the fact that it was illegal at the time the offense occurred.

The Michigan Regulation and Taxation of Marihuana Act took effect on December 6, 2018. Since that time, a lot of people have been wondering what exactly this means. What can people do? What can't people do? What rights do property owners and employers have? Hopefully, this brief overview will help answer some of those questions.

The act has made it legal in the State of Michigan for a person 21 years of age or older to:

1) Possess, use or consume, internally possess, purchase, transport, or process 2.5 ounces of marijuana, except that not more than 15 grams of marijuana may be in the



Tony Cavalieri, J.D.

form of marijuana concentrate; **2)** Possess, store and process not more than 10 ounces of marijuana; any marijuana produced by marijuana plants for personal use, provided that no more than 12 marijuana plants are possessed, cultivated

or processed on the premises at once;

3) Assist another person who is 21 years of age or older in any of the acts described in the section; and,

4) Give away or otherwise transfer up to 2.5 ounces of marijuana, except that not more than 15 grams of marijuana may be in the form of a marijuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

A municipality can limit the number of marijuana establishments within their borders



up to, and including, prohibiting them all together. Landlords can prohibit all conduct otherwise legal under this act other than lawfully possessing and consuming marijuana by means other than smoking. Employers can still maintain a workplace drug policy, prohibit use on their property and prohibit working under the influence of marijuana. Additionally, employers can refuse to hire, discipline and even dismiss an employee for failing to comply with a workplace drug policy.

As always, consult an attorney if you have specific legal questions, or are looking for more in-depth answers.

Estate planning: Filling in the blanks?

By Joseph Barberi

Everybody wants to save a buck. Who doesn't? Even though smart people really know that hiring an experienced estate planning attorney certainly is a better choice, there are plenty of form wills and estate planning documents out there in our Internet world that can be used. They may get the job done, and using something like this is certainly better than doing nothing, yet if you do go this route, [beware of mistakes people commonly make when preparing their own wills.](#)

1) Including end of life or funeral preferences in your will. Does the will drafter wish to be buried or cremated after they die? Sadly, some individuals end up with an open casket at a funeral, only to have their will later reviewed where it explicitly indicated a preference for cremation.

2) Leaving assets to a pet. Under Michigan law, a pet cannot receive an inheritance. If that's your wish, leave your "pet money" to an individual, and direct that individual to care for your pet for as long as it is alive. And, by the way, make sure that individual has agreed to carry out your



wishes.

3) Attempting to disinherit an heir by omitting any mention of him or her in the will. If you have a natural descendant, such as one of your children that you don't want to receive any of your estate after your death, make sure to mention him/her and at least some general reasons why you wish to disinherit them.

4) Setting conditions for inheritance. For example, only if my child graduates from college, stays sober, stops using marijuana,

etc. That's a provision that is extremely difficult to enforce, can delay the probating of your estate and create excessive expenses for your personal representative to follow.

5) Leaving significant assets directly to minors. This will cause a conservator to have to be appointed by the probate court (which is an expensive process). The minor will come into full use of all such monies allocated when he/she turns 18. Typically this is a bad thing to happen for a high school senior, to suddenly have access to a lot of money.

6) Failing to draft powers of attorneys. A will is helpful to resolve issues after a person has died. During their lifetime, a much more important document for an individual to have is a set of carefully drawn powers of attorney that take care of an individual during a period of disability, or just assist that individual in managing his/her financial affairs. Additionally, an individual should have a trusted person appointed as their patient advocate and/or an alternate individual appointed as well.

How assets are titled actually can make

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EVERY CASE WE TAKE,
WE TAKE PERSONALLY.SM

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Peanut Butter Pie*

1 graham cracker 9 inch pie crust
(I make my own, but can be store bought)

4 oz. softened cream cheese
1 c. powdered sugar
- Beat these two ingredients together

1 c. peanut butter
(I use a heaping cup)
1/3 c. half and half
- Add to previous mixture and beat

1 pint heavy whipping cream
- Whip and add 3 heaping T.
powdered sugar and 2 t. vanilla

Fold whipped and sweetened cream into peanut butter mixture. Pour into pie crust and refrigerate at least 4 hours before serving. I usually add dark chocolate shreds to the top.



* Barb is Joe's wife, and she's famous for her good cooking!

Estate Planning: Filling in the blanks?

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much more of an impact on an individual's estate after death. For example, it is typically unwise to put children's' names on a deed to a home, as complications can occur should an individual decide, at some point, to mortgage or finance the home and one of the children has become incapacitated. In such a case, a conservator for that child would have to be appointed by the court, and then the court would have to approve such refinancing or sale of the home, as the case might be. Capital gains tax can also be an issue in this situation.

Lastly, it is often wiser to have a trust to deal with special issues, such as a disabled child, or a child that is not able to wisely spend his/her money if given an outright significant gift of money. All these are excellent reasons to contact an experienced estate



planning attorney to give an individual peace of mind. And, remember I published a book, "Estate Planning in Michigan," which is free and available to any of my readers by simply requesting one from my office staff.