



FOURTH QUARTER 2009/FIRST QUARTER 2010

# Inside Benesch

NEWS AND INFORMATION FROM BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

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## Benesch Expands National Health Care Practice to New York

MY BENESCH MY TEAM Expands National Health Care Reach

Pleased to give our clients more of what matters most.

More than a new address...broader reach.

More than new players...a stronger team.

More than a can-do attitude...have-done experience.



In January, Benesch announced the addition of three nationally renowned transactional and regulatory health care attorneys: **Michelle J. Duncan Bergman**, **Ari J. Markenson** and **Kelly A. Priegnitz\***. They will be based out of our new office in White Plains, New York.

"The addition of these three attorneys is essential to our clients' needs in the areas of health care, corporate finance and health care private equity," said Ira C. Kaplan, Managing Partner at Benesch. "These experienced attorneys allow us to service our national health care and corporate client base in a more effective and efficient manner. All three have excellent national reputations and our entire team is looking forward to working with them and their colleagues," added Kaplan.



Michelle J.  
Duncan Bergman

Michelle previously served as CEO of WilPro Products, LLC, an early-stage consumer products company that is bringing a line of over-the-counter pain relief products to market. Prior to her role at WilPro Products, Michelle was Senior Vice President, Secretary and General Counsel for Duane Reade Inc., a \$1.8 billion drugstore chain in the greater New York City area. She has an extensive and broad range of legal experience. She has held various in-house positions at private equity firms and investment banks, including

Credit Suisse First Boston, Donaldson, Lufkin and Jenrette and AEA Investors Inc. She also spent over six years in corporate practice at the New York office of Latham & Watkins, where she handled corporate securities transactions, including high yield debt financings, initial public offerings and leveraged buyouts for private equity firms. She has represented numerous companies in acquisitions and has performed general corporate work for many clients. Michelle will be working in both the Health Care and Corporate Finance areas of the firm.



Ari J. Markenson

Ari joins Benesch from Cypress Health Care Management LLC/The Schwartzberg Companies, a premier post-acute care and senior housing management company, where he served as Deputy General Counsel. Prior to this, he was an attorney with Epstein, Becker

& Green in its Health and Life Sciences practice. Ari has substantial experience counseling various health care industry clients, including providers and payers, on a wide range of matters with a concentration and specific expertise in the representation of post-acute care providers. He has assisted health care clients on a wide range of legal and regulatory compliance issues including requirements and conditions for participation, fraud and abuse, HIPAA and survey, certification and enforcement issues, administrative proceedings, acquisitions, due diligence, certificate of need approval and state licensure, health care decision making and refusal of treatment issues. Ari is Vice Chair of the Long Term Care, Senior Housing, In-Home Care and Rehabilitation Practice Groups of the American Health Lawyers Association. He is also a member of the American Health Care Association and is Chair-Elect of the Health Law Section of the New York State Bar Association.



Kelly A. Priegnitz

Prior to joining Benesch, Kelly was General Counsel and Chief Compliance Officer for The Center for Discovery (TCFD), a not-for-profit health care agency that offers individuals with a range of disabilities and medical frailties and their families educational, clinical,

residential, social and creative arts experiences designed to enrich their lives through personal accomplishment. Before her role at TCFD, Kelly was Assistant General Counsel for Sun Health Care Group, Inc. Sun is the nation's second-largest, publicly held long-term care corporation and has operations in the areas of long-term care, temporary staffing, therapy, home health and nurse practitioners/physician extenders. Kelly's practice is focused in health care law with an emphasis on long-term care and residential facilities, regulatory matters regarding nursing home survey, certification and

enforcement issues, development and maintenance of compliance programs, government investigations, and regulatory components associated with long-term care acquisitions, mergers and divestitures from initial due diligence to obtaining necessary certifications. She currently serves as a member of the American Health Care Association's Legal Subcommittee and participates in both the Patient Safety Organization and Specialty Focus Facility Task Forces. She is also an active member of and speaker for the American Health Lawyers Association.

"I have worked with all of these highly qualified professionals over the years, and I'm looking forward to the opportunity to work with them on a daily basis to serve our clients better. All three attorneys have considerable in-house experience, and the perspective that they collectively bring to Benesch will be a great competitive advantage," said health care partner Alan Schabes.

The attorneys in Benesch's Health Care Practice Group have provided counsel to a wide spectrum of for-profit and tax-exempt non-profit health care clients throughout the country, including physicians and physician organizations, hospitals and health systems, long-term care and senior living facilities, behavioral health providers, ambulatory surgical centers, diagnostic imaging enterprises, durable medical equipment manufacturers and suppliers, retail and institutional pharmacies and pharmaceutical wholesalers, distributors and manufacturers, managed care organizations, home health agencies and other health care providers, facilities and organizations. ►

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\*Admitted to practice in Oklahoma. Admission to New York Bar pending.



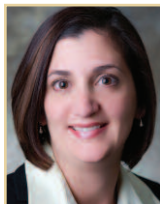
## Diversity Corner

As part of its continuing effort to focus on the importance of diversity, Benesch's Diversity Initiative Committee has expanded its page on the firm's website. The enhanced page can be found at [www.beneschlaw.com/diversity](http://www.beneschlaw.com/diversity).

In addition to containing more in-depth information regarding the firm's history as a diverse workplace and various community involvement efforts relating to diversity, the page also offers a new video message from Managing Partner **Ira Kaplan**. Ira welcomes visitors to the page and shares his thoughts on the firm's commitment to maintaining an environment that welcomes and embraces diversity. ►

## Clady, Laven and Verginis Named Partners

Benesch announced that **Susan E. Clady**, **Stuart A. Laven, Jr.** and **Theologos Verginis** have been named partners.



Susan E. Clady

Susan is a member of the firm's Intellectual Property Practice Group. She focuses her practice on trademark, copyright and e-commerce matters, particularly the selection, clearance and adoption of trademarks, and the preparation and prosecution of trademark applications. Susan has considerable experience with managing trademark portfolios that range in size from a few U.S. trademarks to extensive national and international portfolios containing numerous marks. In protecting clients' rights, Susan regularly advises clients regarding trademark and copyright infringement and enforcement issues, including right-to-register and right-to-use advisory opinions, and preparing and responding to cease and desist letters. Susan has litigated in federal courts, state courts and before the Trademark Trial and Appeal Board. In addition, she negotiates strategic licensing agreements, asset purchase agreements, co-existence agreements, and assignments. Susan also counsels clients regarding e-commerce matters and domain name selection, acquisition, transfer and disputes. She received her B.A. *summa cum laude* from The Ohio State University and her J.D. *with honors in law* from The Ohio State University, Moritz College of Law.



Stuart A. Laven, Jr.

Stuart is a member of the firm's Business Reorganization Practice Group. He focuses his practice on Chapter 11 bankruptcy, insolvency litigation and financial restructuring. Stuart is experienced in representing business debtors, secured lenders, equipment lessors, and creditors' committees in all phases of the bankruptcy reorganization process, including going concern asset sales, debtor-in-possession financing, plan confirmation, and adversary litigation. He also represents both debtors and creditors in insolvency and collection litigation, non-bankruptcy workouts, receiverships and liquidations. Stuart specializes in representation of hedge funds and other financial buyers in distressed asset transactions, including stalking horse 363 sales, distressed real estate deals, claims trading and troubled loan refinancings. He received his B.B.A. from George Washington University and his J.D. from The Ohio State University, Moritz College of Law.



Theologos Verginis

Theo is a member of the firm's Litigation Practice Group. Theo focuses his practice on commercial and business matters, construction matters, and consumer matters. He also has experience litigating product liability disputes, securities disputes, intellectual property disputes, real estate disputes, and preference actions in bankruptcy. In this context, Theo has handled litigation involving issues over distribution agreements, manufacturing agreements, tolling agreements, sales representative agreements, service agreements, asset purchase agreements, leases, warranties, non-compete agreements, shareholder agreements, trade secrets, consumer sales practices, deceptive trade practices, preferences, alleged product defects and various other matters and torts in federal and state court and arbitration. He has defended and prosecuted claims on behalf of various clients, large and small, from Fortune 500 Companies to individuals. Theo received his B.S.W. *magna cum laude* from The University of Akron, his M.S.W. *magna cum laude* from The Ohio State University and his J.D. *magna cum laude* from The University of Akron School of Law. ►

## Economic Growth & Development Team Update



William M. Todd

As we begin 2010, the American economy is slowly recovering from the worst recession period of the post-World War II era. In fact, the economy has been slowly, but steadily, growing since June. The emerging consensus among economists is speculation of a GDP growth rate of 4 to 4.5% in 2010.

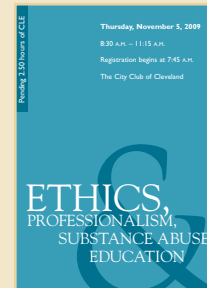
Two important factors, however, are contributing to continuing concerns regarding the state of the economy. The first is the ongoing high rate of unemployment. Although it may have reached its peak, the national unemployment level remained at approximately 10% in November. Moreover, the unemployment numbers are distributed unevenly throughout the U.S., with significant regional and state variances. The state with the highest rate of unemployment is Michigan at 15.1%, and the state at the low end of the unemployment rate curve is North Dakota at 4.2%. During 2009, Ohio lost over 240,000 nonfarm jobs and has a current unemployment rate of 10.5%.

The other factor that is hampering the return to a robust economy is the continuing crisis in the commercial credit markets. At the high end of these markets, the Obama Administration is actively pressuring large banks to loan more money through a combination of “carrot and stick” methods designed to loosen credit policies. Certainly, more pressure will be applied in the weeks and months to come.

Throughout the financial system, underwriting standards remain high, and, consequently, the commercial credit markets remain essentially frozen. Many small and medium-sized businesses are in limbo as they face upcoming balloon payments and other financing requirements in 2010. These payments will require access to a thriving commercial credit market.

It is generally believed that credit will be more available in the second half of 2010 as the country continues to gradually recover from the recent recession. Whether or not the commercial credit markets fully recover in 2010, more flexible and pragmatic decisions will be needed to facilitate a smooth turnover for the large number of credit arrangements that will require renegotiation in 2010. A practical approach to these refinancing situations will help to avoid turmoil spreading in the commercial credit markets. ►

## Benesch Holds Ethics, Professionalism & Substance Abuse Education Seminars in Cleveland and Columbus



Benesch held its Ethics, Professionalism & Substance Abuse Education Seminar at The City Club of Cleveland on

November 5, 2009. This year, the firm hosted the seminar for the first time in Columbus at the Capital Club of Columbus on December 3, 2009.

This seminar offered friends of the firm an opportunity to meet their Ohio Supreme Court requirements for Continuing Legal Education (CLE) while learning from fellow attorneys as well as guest speakers. ►



Benesch partner Mark D. Tucker moderates a discussion on professionalism by panelists James L. Ervin (Of Counsel with Benesch), Dean Jack A. Guttenberg and Judge Charles A. Schneider.





## Benesch Expands Transportation & Logistics Practice

Benesch has recently announced that it is expanding its national Transportation & Logistics Practice with the addition of an attorney, **Teresa E. Purtiman** and import/export paralegal, **Mary L. Bianchi**.



Teresa E. Purtiman

Teresa is Of Counsel in the firm's Transportation & Logistics Practice Group. She comes to Benesch after serving as in-house transportation counsel for YRC Worldwide Inc., one of the largest less-than-truckload motor carriers in North America.

Teresa assists transportation companies with contract drafting, review and negotiation; shipping solutions; real estate transactions, including leases, environmental releases, liens, construction and design agreements, easements, and oil, gas and mineral rights leasing; and HR issues. She is experienced in serving as legal counsel in transportation, contractual, real estate, telecommunications/cable matters, litigation and employment matters. Additionally, Teresa has a growing practice in the entertainment industry representing

independent filmmakers, drafting and negotiating agreements for all aspects of film production. Teresa received her B.A. *summa cum laude* from The Ohio State University, and her J.D. *magna cum laude* from the University of Akron School of Law. She will work out of Benesch's offices in both Cleveland and Columbus.



Mary L. Bianchi

Mary is a paralegal and licensed customs broker (not practicing) in the firm's Transportation & Logistics/Supply Chain Management & Distribution Practice Group. She comes to Benesch from GEAR for Sports, Inc. where she worked as Director of Global Logistics and

Customs. Prior to working at GEAR for Sports, Inc., Mary worked at Chico's FAS, Inc. where she specialized in customs and import issues relating to wearing apparel. Mary is experienced in all phases of customs compliance, import/export and global supply chain management for specialty retailers, manufacturers and wholesalers. Mary received her B.S. *cum laude* from Hodges University. ▶

## Benesch e-Update

### Webinars

Benesch is continuing to offer webinars to clients and friends of the firm. These webinars are a convenient way for participants to stay up-to-date on the latest legal topics. Without having to leave their offices, participants can log-on to a Benesch webinar and interactively learn and ask questions via the Internet. Recent topics have included, "Profiting in Uncertain Times and Positioning for Recovery," and "Issues that Not-for-Profit Companies are Facing in 2009–2010 and Beyond." For more information, please contact Megan Thomas at (216) 363-4639 or [mthomas@beneschlaw.com](mailto:mthomas@beneschlaw.com).

Please join Benesch and OANO for a **FREE** four part webinar series:

Issues that Not-for-Profit Companies are Facing in 2009–2010 and Beyond

Webinar 1	<b>Heightened Disclosure Requirements Under the New Form 990</b> Monday, October 26, 2009   12:00 P.M. – 1:00 P.M.
Webinar 2	<b>Best Practices: Required Policies Under the New Form 990</b> Tuesday, November 10, 2009   12:00 P.M. – 1:00 P.M.
Webinar 3	<b>Changing Perceptions of Entitlement to Tax Exemption: What Does Community Benefit Mean Today?</b> Tuesday, December 8, 2009   12:00 P.M. – 1:00 P.M.
Webinar 4	<b>Real Estate Tax Exemption</b> Tuesday, January 12, 2010   12:00 P.M. – 1:00 P.M.

Please RSVP for one, two, three or all four webinars to Megan Thomas at (216) 363-4639 or [mthomas@beneschlaw.com](mailto:mthomas@beneschlaw.com). You will receive dial-in/log-in instructions when you RSVP.

**BENESCH**  
Attorneys at Law

**OANO**  
OHIO ASSOCIATION OF  
NONPROFIT ORGANIZATIONS

## Kaplan Named *Best Lawyers*® 2010 Cleveland Corporate Lawyer of the Year

Benesch's Managing Partner, **Ira C. Kaplan**, has been named by *Best Lawyers*® as "Cleveland Corporate Lawyer of the Year" for 2010.

*Best Lawyers* designates "Lawyers of the Year" in high-profile legal specialties in large legal communities. Only a single lawyer in each specialty within each community is being honored as "Lawyer of the Year." *Best Lawyers* compiles its lists of outstanding attorneys by conducting peer-review surveys in which thousands of lawyers confidentially evaluate their professional peers.

The lawyers being honored as "Lawyers of the Year" have received particularly high ratings in the surveys by earning a high level of respect among their peers for their abilities, professionalism and integrity.

Ira focuses his practice on mergers and acquisitions as well as public and private debt and equity financings. He represents both publicly and privately held companies at various stages of growth. He has been involved in planning for growth companies, helping to position them for various stages of private financing and anticipated public offerings. Ira also represents private equity, subordinated debt and venture funds as well as portfolio companies of such funds. ►



MY BENESCH MY TEAM  
**WHAT MAKES A GREAT TEAM?  
GREAT PLAYERS.**



Congratulations to our Managing Partner  
**IRA KAPLAN**  
Cleveland's *Best Lawyers*®  
Corporate Lawyer of the Year for 2010

**BENESCH**  
Attorneys at Law

Cleveland • Columbus • Philadelphia • Shanghai • Wilmington • [www.beneschlaw.com](http://www.beneschlaw.com)



our firm. In addition, our B-Casts videocast page is home to videos of our webinars in addition to B-Casts, all of which can be viewed directly on our website.

Also now available at [www.beneschlaw.com](http://www.beneschlaw.com) are our most recent client bulletins and newsletters, including our Fall 2009 *InterConnect* transportation newsletter, and new collateral pieces such as our Intellectual Property Case Book and our Women's Initiative brochure.

### Website Enhancements

The Media Center section of Benesch's website offers an ever-increasing amount of resources. From listings of upcoming events to information on recent publications written by our attorneys, the Media Center provides the latest information on happenings at

### Twitter

For regular updates on firm news and happenings, as well as links to client alerts, check out Benesch on Twitter. We can be found at [www.twitter.com/beneschlaw](http://www.twitter.com/beneschlaw). ►

**twitter**  
[www.twitter.com/BeneschLaw](http://www.twitter.com/BeneschLaw)





## 26 Benesch Attorneys Named 2010 Super Lawyers®

Benesch is pleased to announce that 26 of its attorneys have been named 2010 Super Lawyers®, and 9 have been named 2010 Rising Stars. The Ohio Super Lawyers® listings are determined through a statewide nomination process, peer review by practice area and independent research on candidates.

### Super Lawyers

#### Cleveland

Steven M. Auvil  
Gary B. Bilchik  
Gregory G. Binford  
Harry M. Brown  
Maynard A. Buck  
Elizabeth A. Dellinger  
Jeremy Gilman  
Bernard D. Goodman  
Joseph Gross  
Norman W. Gutmacher  
James M. Hill  
Ira C. Kaplan  
William I. Kohn  
David W. Mellott  
Barry J. Miller  
Alan E. Schabes  
Howard A. Steindler  
Michael K. Swearingen  
Ronald J. Teplitzky  
Eric L. Zalud  
Robert A. Zimmerman

#### Columbus

Frank W. Carsonie  
Janet K. Feldkamp  
N. Victor Goodman  
Stephen P. Grassbaugh  
C. David Paragas

### Rising Stars

#### Cleveland

Bryan Jaketic  
Jayne E. Juvan  
Ross C. Kirchick  
M. Casey Kucharson  
Scott Lepene  
Christopher P. Reuscher  
Nicole Schaefer  
Theologos Verginis

#### Columbus

Susan Bender Price

## Benesch Welcomes New Attorneys



Michael J. Barrie

### MICHAEL J. BARRIE

*Partner, Business Reorganization and Litigation Practice Groups  
Delaware | (302) 442-7068 | mbarrie@beneschlaw.com*

*B.A. University of Maryland College Park*

*J.D. Rutgers University School of Law*

**Mike Barrie's** practice centers on bankruptcy and litigation, with emphasis on workouts, business reorganizations and distressed debt situations for both creditors and debtors, and real estate related litigation. He frequently litigates in both federal and state courts, including bankruptcy court, representing lenders, servicers, management companies, landlords, secured and unsecured creditors and debtors. He is admitted to practice in Delaware, Pennsylvania and New Jersey.



Matthew P. Delguyd

### MATTHEW P. DELGUYD

*Associate, General Practice Group*

*Cleveland | (216) 363-4627 | mdelguyd@beneschlaw.com*

*B.A. Northwestern University*

*J.D. Cleveland State University, Cleveland-Marshall College of Law*

**Matt Delguyd's** legal experience includes evaluating commercial leases, operating agreements, purchase agreements and finance agreements; researching transactional and litigation issues; and assisting in the preparation for civil litigation and business transactions. Matt has also examined statutory and case law with reference to civil cases and assisted in drafting motions to dismiss, motions in limine and summary judgment motions.



Elizabeth A. Evans

### ELIZABETH A. EVANS

*Associate, Corporate & Securities Practice Group*

*Cleveland | (216) 363-4417 | eevans@beneschlaw.com*

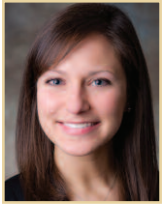
*B.A. Baldwin-Wallace College*

*M.B.A. Cleveland State University*

*J.D. Cleveland State University, Cleveland-Marshall College of Law*

**Elizabeth Evans** has experience in drafting and reviewing documents for multiple asset, stock and merger transactions. Elizabeth has performed and led operations for multimillion-dollar acquisitions and represented issuers and underwriters in multimillion-dollar debt offerings. She also represents public companies in corporate governance and compliance issues as related to SEC, NYSE and NASDAQ regulations.





Allison E. Taller

**ALLISON E. TALLER**

*Associate, Construction Practice Group*

Cleveland | (216) 363-4508 | [ataller@beneschlaw.com](mailto:ataller@beneschlaw.com)

*B.S. The Ohio State University*

*J.D. Cleveland State University, Cleveland-Marshall College of Law*

**Allison Taller** has experience representing clients in construction, business and commercial contracts and disputes, including private and public contracts and entities. Additionally, she has drafting and motion practice experience as well as deposition and trial preparation experience.



James Weikamp

**JAMES WEIKAMP**

*Associate, General Practice Group*

Cleveland | (216) 363-4559 | [jweikamp@beneschlaw.com](mailto:jweikamp@beneschlaw.com)

*B.A. Cleveland State University*

*M.A. Cleveland State University*

*J.D. Case Western Reserve University School of Law*

**James Weikamp** has experience serving as an Economic Research Analyst for the Federal Trade Commission, where he assisted staff economists with economic modeling and worked with international antitrust attorneys to analyze the effectiveness of antitrust education efforts overseas. He also served as a Research Fellow for the Case Western Reserve University School of Law's Center for Business Law and Regulation.



Lori H. Welker

**LORI H. WELKER**

*Associate, Litigation Practice Group*

Cleveland | (216) 363-4642 | [lwelker@beneschlaw.com](mailto:lwelker@beneschlaw.com)

*B.A. Hanover College*

*M.S.Ed. University of Pennsylvania*

*J.D. Case Western Reserve University School of Law*

**Lori Welker's** legal experience includes serving as a research assistant and teaching assistant for the Case Western Reserve University School of Law. She also interned for The Autism Legislation Project in Chicago, IL, which included researching and updating current state legislation on autism awareness, services and programming for adults and children. ►

## Caring for Our Communities

Benesch employees continue to serve the communities in which we live and work.



### Benesch Supports the Marines' Toys for Tots Foundation Drive

Every year, the marines, sailors and civilian volunteers of 3d Battalion, 25th Marines in the Cleveland neighborhood of Brookpark volunteer their time during the holiday season to make a difference for children in need. The Marine Toys for Tots Foundation relies on donations from people in the community to make its local campaign a success.

Benesch employees brought new toys to work between November 9 and December 2, 2009, adding them to a collection box for the 3d Battalion, 25th Marines' Toys for Tots Foundation drive. Employees also made cash donations to the program, helping the marines to ensure the spirit of the holidays lives on for less fortunate children in our communities. ►

## Appointments

### American Board of Certification



William I. Kohn

**William I. Kohn** has been elected Chair of the Board, and **Stuart A. Laven Jr.** has been elected Director of the **American Board of Certification (ABC)**. Will will serve a one-year term in his role as Chair and Stuart will serve a three-year term in his role as Director.



Stuart A. Laven, Jr.

The ABC is the only certification organization recognized by the American Bar Association for attorneys practicing in business bankruptcy, consumer bankruptcy and creditors' rights.

Certification requires a minimum of five years of practice in the area of certification, peer support from attorneys who have been adverse in litigated matters, review of the candidate's bar record and passing an examination prepared by law school professors in the area of certification and ethics. The ABC is cosponsored by The American Bankruptcy Institute and the Commercial Law League of America.

Will is a partner in the firm's Business Reorganization Practice Group. He has more than 30 years' experience in the reorganization practice, with a focus on representing corporate debtors, banks, unregulated lenders and secured parties in Chapter 11 proceedings, out-of-court workouts, debt restructuring and DIP financing.

Stuart is a partner in the firm's Business Reorganization Practice Group, where he focuses his practice on Chapter 11 bankruptcy, financial restructuring and distressed mergers and acquisitions. He is experienced in representing private equity funds and other financial buyers, business debtors and secured lenders in all phases of the bankruptcy reorganization and distressed M&A process.

### The Center for Community Solutions



Maynard A. Buck

**Maynard A. (Mike) Buck** has been elected to serve a two-year term on the Board of Directors for **The Center for Community Solutions**. His term began January 1, 2010. The Center for Community Solutions provides strategic leadership to improve targeted health,

social and economic conditions. Community Solutions helps policymakers, community leaders and service providers to identify health, social and economic challenges, and to target resources toward sound, cost-effective solutions.

Mike is Chair of Benesch's Labor & Employment Practice Group. He focuses his practice on the areas of employment-related litigation, collective bargaining, National Labor Relations Board proceedings, Equal Employment Opportunity counseling, arbitrations and wage and hour matters. Mike has handled employment matters in a variety of industries, including industrial product distribution, printing, health care, beverage distribution, manufacturing, retail sales, aerospace and automotive aftermarket parts.

### Settlement Music School West Philadelphia



Bradford J. Sandler

**Bradford J. Sandler** has been appointed to the Board of the **Settlement Music School West Philadelphia Branch**.

Settlement Music School (Settlement) is the largest community school of the arts in the United States with six locations in South, West and Northeast Philadelphia,

Germantown, Jenkintown and Camden, New Jersey. Settlement serves more than 15,000 students each year without regard to age, race or financial circumstances, and awards more than \$2 million annually in financial aid and scholarships. It is dedicated to its mission of providing children and adults with the highest quality individual and group instruction and activity in music, dance and the related arts. Settlement provides a wide range of programs for preschool, school age children, adults and seniors.

Brad is a partner with the firm's Business Reorganization Practice Group and a member of its China Group and Energy Group. He has experience in the representation of businesses in out of court reorganizations, and of debtors, creditors committees, secured and unsecured creditors, purchasers, landlords, Chapter 11 and Chapter 7 trustees and post-confirmation plan administrators in business bankruptcies. ►

## Not-For-Profit Spotlight:

### The Gathering Place Releases *Someone I Love is Sick*

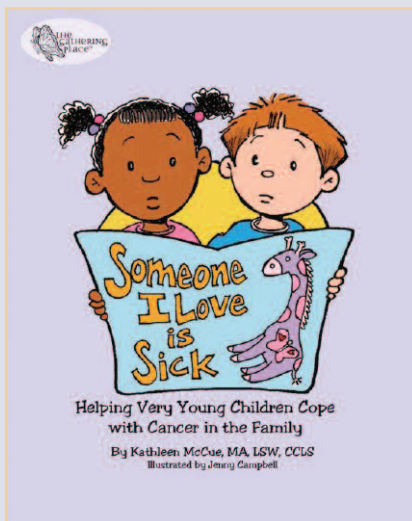
The Gathering Place is a non-profit, community-based cancer support center serving the needs of individuals and families touched by cancer. With locations in the Cleveland neighborhoods of Beachwood and Westlake, its programs and services focus on healing the mind, body and spirit, and assisting individuals in actively managing the impact of cancer in their lives. All programs and services are provided free of charge, and The Gathering Place is 100% privately funded. Benesch has a long-standing relationship with The Gathering Place, and many of the firm's attorneys and staff have personal connections to the organization and its mission.

The Gathering Place recently created a unique, customizable tool to aid families in understanding the effects of cancer on their loved ones. *Someone I Love is Sick* is the first book of its kind designed to help children ages two through six cope with a parent's or grandparent's cancer. It uses colorful, age-appropriate illustrations and simple statements that focus on the feelings and realities of cancer. The tool offers educational information while initiating safe, open conversation between parent and child during every point of the cancer journey, from diagnosis to treatment, recurrence, hospitalization and end of life. The book's pages are unbound, so parents and professionals can arrange pages based on the stage of the cancer journey and the family's specific situation.

Author Kathleen McCue, The Gathering Place's Director of Children's Programming and a child life specialist with more than 30 years' experience, says, "A parent's cancer diagnosis is more frequent than abuse, more widespread than natural disaster and more common than automobile accidents, yet resources designed to assist families and children are extremely limited and often not age appropriate. A severe parental illness can cause children distress and developmental problems, but when managed well, the family crisis can produce resiliency and strength."

The Gathering Place has sent copies of *Someone I Love is Sick* to a number of hospitals and cancer centers nationwide for professionals to use with patients and their families, and the book is being sold throughout the U.S. as well as internationally. University Hospitals Ireland Cancer Center has purchased 350 copies to provide to their patients with young children. The public can purchase either the parents' or grandparents' version of the book at [www.SomeoneILoveisSick.com](http://www.SomeoneILoveisSick.com) or by phone at (216) 595-9546. All proceeds will support those touched by cancer by funding the free programs and services offered at The Gathering Place.

Benesch is proud to continue to support The Gathering Place as it assists individuals and families in the community. For more information about The Gathering Place, please visit [www.touchedbycancer.org](http://www.touchedbycancer.org). ►





# Inside Benesch

## E V E N T S

### **Hot Topics: SNF/NF Legislative, Regulatory & Case Law Updates**

JANET FELDKAMP

Long Term Care and The Law Program, sponsored by the American Health Lawyers Association  
February 17–19, 2010 | Miami, FL

### **Inventorship: Traps for the Unwary**

STEVE AUVIL

Cleveland Intellectual Property Association Meeting  
February 18, 2010 | Cleveland, OH

### **Enforceability of Limitations of Liability in Transportation Contracts**

MARC BLUBAUGH

Transportation Lawyers Association Webinar  
February 19, 2010

### **Legal & Regulatory Updates**

JANET FELDKAMP

District Three American College of Health Care Administrators Meeting  
March 4, 2010 | Rising Sun, IN

### **Speaking on Panel “Transportation & Logistics Contracts Best Practices”**

MARTHA PAYNE

Transportation Loss Prevention/Transportation and Logistics Council Annual Conference  
April 18–20, 2010 | San Diego, CA

### **Identifying OIG LTC Priorities and Making Necessary Changes**

ALAN SCHABES

Health Care Compliance Association's 14th Annual Compliance Institute  
April 18–21, 2010 | Dallas, TX

### **Loss & Damage Claims—Best Practices**

MARC BLUBAUGH, Moderator

Transportation Logistics Council's 36th Annual Conference  
April 21, 2010 | San Diego, CA

For more information on upcoming and current events, contact Megan Thomas, Client Services Manager, at [mthomas@beneschlaw.com](mailto:mthomas@beneschlaw.com) or (216) 363-4639.

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