

As of July, 2014
C.V. OF TOM R. PABST

PERSONAL:

Married to Vickie Pabst for 40 years. We have two sons, Justin (lawyer, graduated from DCL) and Jarrett (lawyer, graduated from Cooley).

EDUCATION and PROFESSIONAL AWARDS/ACHIEVEMENTS:

- (1) BA Degree, U of M – Flint – 1974 (GPA 3.56)
- (2) JD, Wayne State University – 1977 (GPA 3.02)
- (3) LLM (Tax) Wayne State University – 1980 (GPA 3.56)
- (4) Michigan Lawyers Weekly "Leaders in the Law 2011" Recipient
- (5) Superlawyer 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014
- (6) President, Flint Trial Lawyers, 1992, 1993 & 1994
- (7) Former Director of Michigan Association for Justice, statewide organization
- (8) President, Genesee County Bar Association, 1994-1995
- (9) Chairman of many committees for the Genesee County Bar Association, 1987-1995
- (10) Commander, American Legion Post 413, Grand Blanc, 1994
- (11) C.I.B. (Combat Infantryman Badge) and purple heart – Vietnam, 1968
- (12) Attorney Grievance Hearing Panel Attorney, 2003-present
- (13) My November, 2012 oral argument to the Michigan Supreme Court in *Whitman v City of Burton, et al*, 493 Mich 303 (2013), persuaded the Michigan Supreme Court to change the Whistleblower Protection Act law to be more favorable to plaintiff victims

EMPLOYMENT HISTORY:

- (1) Leitson, Dean, Dean, Segar & Hart, P.C. 1977-1981
- (2) (Mort) Leitson & Pabst 1981-1985
- (3) Tom R. Pabst, P.C. 1985-Present

LEGAL/LITIGATION HISTORY:

- (1) 1977 – 1981 = Solely commercial practice and litigation, drafting pension and profit sharing plans, commercial leases, etc.
- (2) 1981 – 1985 = Total shift to P.I. and medical malpractice litigation.
- (3) 1985 – Present = Continued to try all quality P.I. cases that came my way, but since 1986 I have shifted $\frac{3}{4}$ my active trial practice to employment discrimination/civil rights litigation. My practice now = 75/25 between employment discrimination/civil rights litigation and P.I.
- (4) Have tried 80+ cases to verdict, including medical malpractice cases, all types of P.I. cases, complicated insurance litigation, malicious prosecution cases, whistleblower cases, handicap discrimination cases, ELCRA cases, and federal civil rights violations, in both state and federal courts in Michigan.

TRIAL HIGHLIGHTS:

- (1) HASKIN V GERACE CONSTRUCTION COMPANY (1997, Midland County—co-tried with Attorney John van Benschoten) \$2,100,000 verdict. Midland jury awarded victim of handicap discrimination \$2,100,000 for loss of job. Haskin, the company star superintendent, wanted to come back to work after

suffering a low back injury, but the company refused to let him do his old job. Social Significance: Enforced our discrimination law, and forced company to change its policies.

- (2) STEVENS, ET AL V CITY OF FLINT (2006, Genesee County, Judge Fullerton) \$1,200,000 verdict in trespass nuisance case when the City of Flint caused raw sewage to back up into 7 Plaintiffs' homes, destroying their property. Social Significance: When they could not get justice from the City, they got it from a Genesee County jury.
- (3) WOJAHN V VIENNA TOWNSHIP AND ANTHONY McKERCHIE (2007, Federal Court, Judge Denise Page Hood) \$687,750 verdict based on First Amendment retaliation. Social Significance: You can fight City Hall and win!
- (4) BROWN V THYGESEN (2000, Genesee County) \$815,000 verdict, reduced to \$520,000 because of comparative negligence. Young 21 year old mother suffered severe and substantial injuries when her car was t-boned by a speeding truck. Social Significance: Enforced our traffic safety laws and got private monetary justice for severely injured young mother.
- (5) FILLMORE V CITIZENS BANK (2004, Genesee County) \$715,000 verdict. White supervisor of bank policy which resulted in black customers being singled out for thumb printing, but not white customers, protested unfairness of policy to bank. Bank fired the supervisor, then made up a cover story that the supervisor was a "thief" and "Simon Legree" supervisor to his employees. Citizens further tried to "blackball" the supervisor from getting bank repo work when supervisor tried to develop private repo business. Social Significance: Enforced our discrimination laws against a powerful bank, and "cleared name" of innocent supervisor who had been branded a "thief" and "Simon Legree boss" unfairly.
- (6) LEONARD V RADIO STATION (1999, Genesee County) \$550,000 verdict. Whistleblower Protection Act claim of good citizen and Samaritan Robert Leonard, whose radio show was going to blow the whistle on a local bar serving alcohol to minors, many of whom later were seriously injured. Bar was big \$\$ sponsor of the radio station. Social Significance: Enforced Whistleblower Protection Act, and vindicated the honor and good name of Robert Leonard, former premier prosecuting attorney for Genesee County for many years.
- (7) GOINS V CONNERLY (1984, Genesee County) \$535,000 verdict. Young woman whose car was t-boned by a tractor trailer rig, and she suffered severe and substantial injuries. Social Significance: Enforced our traffic safety laws, and got monetary justice for this young woman.
- (8) POLICE CHIEF JOEL DOBIS V CITY OF ZILWAUKEE (2005, Saginaw County) (Confidentiality Agreement against disclosing dollar amount). 22-year Chief of Police of Zilwaukee, with two silver stars in the line of duty as a Zilwaukee police officer, unjustly fired for "cell phone abuse"! Social Significance: Enforced our civil rights law, vindicated the Chief's honor and "cleared his name", as well as purged his personnel file of bogus charges against him, and gave him a new start in life (who was 44 years old).
- (9) POLICE CHIEF TERRY VANKEUREN V ARGENTINE TWP. (2008, Genesee County) \$655,000 settlement. Chief of Police of Argentine Township unjustly fired for refusing to cover up/go along with exposing women motorists to sexual abuse dangers. Social Significance: Enforced our civil rights law, protected women motorists, vindicated the Chief's honor and "cleared his name" and gave him a clean slate to seek other employment given his numerous skills and professionalism.
- (10) GRAND BLANC RACQUETBALL & FITNESS COURT CENTER FIRE LOSS SETTLEMENT (2008, Genesee County) \$1,200,000+ fire loss settlement. Social Significance: While television and newspapers sullied the insured's business owner's good name and reputation by raising suspicion of "arson", it was not arson, as the settlement proves. The insurance company was made to pay in accordance with its written promises, which it was paid significant money to make. The insurance settlement was published in the newspapers, and vindicated the business owner's honor and "cleared his name", to the extent that was possible given the previous bad press and television coverage. It also gave him a new start in life, as he was a young businessman proud to be a member of the business community.

- (11) SABO V TONEY (2007, Genesee County, Judge Yuille) \$122,500 verdict. Mike Sabo's hand and arm became badly infected when his sister's cat, "Randy," bit him. He spent 2 weeks in the hospital and 2 ½ months lost work. Social Significance: Vietnam veteran rights vindicated when hurt by pets gone wild.
- (12) HANCOCK V WESTWOOD HEIGHTS SCHOOL DISTRICT (2008, Genesee County, Judge Fullerton) \$300,000 verdict. 20-year teacher/administrator Mark Hancock and alum of Westwood Heights was a victim of reverse gender discrimination, in that women less qualified than him were promoted, while he was demoted. Social Significance: Enforced our civil rights law prohibiting reverse gender discrimination and vindicated long-time employee's, and alum's, honor.
- (13) HOFFMEYER V KANG, ET AL (2008, Genesee County, Judge Fullerton) \$100,000 verdict. 58-year old woman Bonnie Hoffmeyer had her appendix removed—twice! Dr. Kang's inept 1st surgery left Bonnie with a gangrenous infection which required a 2nd surgery to remove the rest of the appendix Dr. Kang hadn't removed. Social Significance: Enforced our right to proper medical care and brought to light doctors who make mistakes and do not want to admit or correct them.
- (14) WHITMAN V MAYOR SMILEY & CITY OF BURTON (2009, Genesee County, Judge Neithercut) \$232,500 verdict. Police Chief Bruce Whitman's name is cleared. He was fired for doing his job and enforcing a law Defendant Mayor wanted to violate. Successfully argued to the Michigan Supreme Court, the result of which changed Michigan's Whistleblower Protected Act accordingly. Social Significance: You can fight City Hall and win!
- (15) GARVIN V. DETROIT PUBLIC SCHOOLS (GARVIN I) (April, 2010, Wayne County, Judge Gillis). \$750,000 verdict. Former teacher Beverly Garvin's good name and reputation cleared. Fired for reporting sexual abuse of students. Social Significance: Teachers who protect and stand up for the rights for students being sexually abused at home and at school will themselves be protected.
- (16) BUGGS, ET AL V. FLINT PUBLIC SCHOOLS, ET AL (July, 2012, Genesee County, Judge Fullerton) \$299,000 jury verdict, with interest, costs and attorneys at \$400/hr awarded by Judge Fullerton, the total amount came to be in excess of \$400,000. Two security guards reported violations of important laws and/or school regulations, and were retaliated for it. Ten years in future lost wages awarded to Ricky Buggs, even though he never technically lost his job.
- (17) GARVIN V. DETROIT PUBLIC SCHOOLS (GARVIN II) (November, 2013, Wayne County, Judge Gillis). \$721,000 verdict, which together with interest, costs and attorney fees from the first trial brought the total judgment amount in excess of \$1.2 million. This was the second/re-trial of the *Garvin* case, this time without the school as a Defendant, the lawsuit being against only the four individual Defendant administrators who took part in firing Bev Garvin. Social Significance: Teachers who protect and stand up for the rights for students being sexually abused at home and at school will themselves be protected.
- (18) SCHWARZ V. GENESEE COUNTY ROAD COMMISSION, ET AL (November 2013, Genesee County, Judge Yuille). Case settled on third day of trial for \$185,000. Rich Schwarz was retaliated against and disciplined for calling the police when another co-employee violated the law, and arguably endangered members of the public. Social Significance: You can fight City Hall and win.
- (19) BEVERLY KNOX-PIPES V. GISD, ET AL (March, 2014, Genesee County, Judge Fullerton). Total jury verdict of \$1,080,000, plus interest, costs and attorney fees at the rate of \$400/hr (stipulated to by Defense Counsel). Former administrator Beverly Knox-Pipes was wrongfully terminated for participating in a court action, a violation of the Michigan's Whistleblower Protection Act. Social Significance: Even if public opinion is dead-set against you because of mis-information fed to the local press, the jury will do the right thing based on the evidence.
- (20) HISPANIC WOMAN – RETALIATED AGAINST AT WORK. Two day non-jury trial to arbitrator Judge Ransom, who awarded Plaintiff victim \$365,000. (Details and identities not disclosed because of "confidentiality" agreement).
- (21) OTHER TRIAL HIGHLIGHTS: Many six figure dollar verdicts between \$100,000-\$250,000.