

Kinkade Loses 'Eavesdropping' Suit Against Attorneys who Successfully Sued Artist and His Company for Fraud

SOUTHFIELD, Mich., June 15 /PRNewswire/ -- Oakland County Circuit Court Judge Rudy J. Nichols, yesterday, dismissed a lawsuit filed by the Thomas Kinkade Co., alleging that Michigan attorney Joseph Ejbeh and others had engaged in illegal eavesdropping. The suit alleged that Ejbeh secretly transmitted testimony via the Internet in an arbitration hearing to a third party. Ejbeh's opposing counsel acknowledged at that hearing that he had known for months that testimony was being transmitted in real time via the Internet and did not object. However, after attorneys for the Kinkade team realized that one of the people on the other end of the live transcription feed was a witness in a fraud case they had lost earlier in the year and a witness in the current arbitration, Kinkade's counsel objected and filed suit. Judge Nichols ruled that Michigan's eavesdropping statute had not been violated. In explaining the ruling, Ejbeh's attorney, Steven Wolock of Maddin, Hauser, Wartell, Roth & Heller, P.C., said, "In order for there to be eavesdropping violation in Michigan, the alleged eavesdropping must be practiced on a 'private conversation.' The Judge found that the arbitration in question, in which no sequestration or confidentiality orders had been entered, was not a 'private conversation.'" The lawsuit was dismissed with prejudice against all defendants including Ejbeh's former employer, Yatooma & Associates, his wife Cynthia who was serving as a legal assistant, and Terry Shepherd, the witness who had received the live feed. "I knew I would be vindicated," said Joseph Ejbeh. "I believe that this was just a retaliatory action prompted by our win in one of the other fraud cases against Kinkade and the bad press that Kinkade was getting as a result." One week prior to the filing of the eavesdropping suit, Ejbeh obtained an \$860,000 arbitration award in favor of two other former Thomas Kinkade Signature Gallery owners. Founded in 1925, Southfield, Michigan-based Maddin, Hauser, Wartell, Roth & Heller P.C. is a multi-specialty law firm serving individuals, businesses and government entities.