


Subscribe Now | Pay Bill | Place an Ad | Contact Customer Service | Contact The Detroit News

RSS | Email Newsletters | PDA

Search 

Archive: Mon | Tue | Wed | Thu | Fri | Sat | Sun | Today

Home News **Local** Sports Autos Business Entertainment Lifestyle Opinion Classifieds Jobs Cars Real Estate For Rent Shopping

Local Metro/State Macomb Oakland Wayne Livingston Schools Commuting Michigan History Obituaries

Metro and State


Metro and State RSS Feed

Email Headlines

Text Alerts

On Your PDA



Print Email Comment Read Comments Text Size:  Save Share

Monday, April 28, 2008

Lawyer: No texts in Greene suit

Beatty's attorney seeks to quash subpoenas seeking city, police officials' messages.

George Hunter and Paul Egan / The Detroit News

DETROIT -- The attorney for former mayoral chief of staff Christine Beatty wants text messages that were sent between city and police officials excluded from a lawsuit brought by the family of Tamara Greene, the exotic dancer who was killed in a 2003 drive-by shooting.

Mayer Morganroth, Beatty's attorney in the Greene case, on Friday filed a motion in U.S. District Court to quash subpoenas seeking the text messages, claiming the federal Stored Communications Act bars their release in a civil lawsuit, unless the person sending or receiving the messages gives permission for their release.

"This court should prohibit all discovery of electronic communications purportedly pertaining to Beatty from any source whatsoever inasmuch as Beatty has not authorized the release of any communications relating to her," Morganroth wrote in his motion.

Advertisement

"The clear purpose of the SCA is to protect the privacy of 'users,' regardless of who owns or pays for the equipment or service," Morganroth wrote.

The lawsuit, filed on behalf of Greene's 15-year-old son, Jonathan Bond, by his father, Ernest Flagg, claims city officials failed to properly investigate Greene's murder.

Greene, who used the stage name "Strawberry," has been linked to a long rumored but never substantiated party at the mayor's Manoogian Mansion in the fall of 2002.

Norman Yatooma, Flagg's lawyer, several weeks ago subpoenaed SkyTel pager text messages for Kilpatrick and 33 other current or former police and city officials. Yatooma on Sunday called the motion to quash subpoenas seeking the text messages "ridiculous."

"First of all, Beatty is not a subscriber, and this act protects only the subscriber," Yatooma said. "The city is the subscriber, not Ms. Beatty. And the city is in conflict with itself, because the city, through the City Council, is asking for these same text messages.

"Also, the mayor has already waived these arguments many years ago when he said all such information is public information," Yatooma said. "He put that in writing."

University of Detroit Mercy law professor Larry Dubin believes Yatooma's argument is valid.

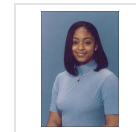
"I think there is a good possibility that the judge will find that the defendants

click to enlarge



Greene

click to view



Related Articles

More on this topic

- Worthy to appeal for new judge today
- Mayor recall drive under way
- Beatty refuses to reply to suit
- Fundraiser held for Mayor Kilpatrick
- Prosecutor presses judge case
- New Detroit policy: Texts are private
- Lawyer: Immunity could force testimony from Beatty
- Detroit council protects charter
- Christine Beatty's dilemma: Fight or cut a deal?
- Recall petitions filed against Detroit council members
- Mayor Kilpatrick issues new rule: City text messages private
- Lawyer to bill Detroit \$160K for mayor issue
- Outside judges should hear Kilpatrick case
- Cox won't skirt mayor issue
- Criminal case hearing delayed 3 months

Metro-Detroit-mayor

do not have a legitimate basis for blocking the release of these messages," Dubin said. "There's a strong argument to be made that the messages are public records and that the subscriber was the city of Detroit -- not the individuals who used the devices."

But Morganroth in his motion claims the text messages should not be allowed, no matter who owned the pagers.

"It is perfectly reasonable for Beatty to expect that her electronic communications would remain private, even when such electronic communications were sent or received via city-provided equipment," Morganroth wrote.

U.S. District Judge Gerald E. Rosen expressed frustration two weeks ago when a city attorney said Detroit officials destroyed records showing which employees were using which city pagers at the time Greene was killed in April 2003.

Rosen said if he does not receive the "personal identification numbers" that show which specific Detroit Police and city officials had which pagers, he will order SkyTel, the city's former pager contractor, to turn over all pager text messages for all city employees for the time periods relevant to the lawsuit.

SkyTel officials have agreed to turn over the records so that federal magistrates could review them, but they said they first needed the pagers' personal identification numbers showing which employees had specific pagers.

Rosen had ordered the city to turn the PINs over to Yatooma by March 28, but city attorney Krystal Crittendon told the judge April 14 that she was unable to locate the records. She said they possibly were destroyed after the city stopped using the SkyTel pagers in 2004.

Rosen said if the records are not produced, he would "order the production of all text messages during the relevant time period."

Text messages from Beatty's SkyTel pager, which were published in the media in January, led to criminal charges being brought March 24 against Kilpatrick and Beatty.

Wayne County Prosecutor Kym Worthy charged Kilpatrick and Beatty with conspiracy, obstruction of justice, perjury and official misconduct in a case related to a police whistle-blower trial in 2007.

The pager text messages hinted at a sexual relationship between Kilpatrick and Beatty.

Both the mayor and his former chief of staff denied under oath having a sexual relationship during the whistle-blower lawsuit filed by former Detroit police officers, who said they were fired or demoted for investigating wrongdoing by the mayor.

The cost of the settlement was \$8.4 million.

Article Tools: [Print](#) [Email](#) [Comment](#)

Most Popular

[Most Read](#) [E-Mailed](#) [Printed](#)

Edwards says U-M's No. 1 tradition safe
 Used truck price drop hurts new pickups
 Mayor recall drive under way
 It's time for Wings' stars, others to take a stand
 Workers expect Axle pact to pass
 Pistons-Celtics rivalry has a new chapter
 Tigers continue pathetic stretch
 Prince gets Pierce
 Michigan dad fights for joint custody law
 John Niyu drops the puck on Game 6

(updated hourly. Rankings as of 9 am)

In the Blogs...

Daniel Howes' Blog



Daniel Howes: So says the General top sales analyst, who in one sweeping statement essentially confirms what General Motors Corp.'s critics -- including my Toyota Prius-loving ... [Continued](#)

Raging Bullard

George Bullard: Barbara Walters is all over talk TV talking about ex-lover Edward Brooke, an ex senator. Before writing about Brooke in her new autobiography, "Audition," Walters wrote ... [Continued](#)



Going Home



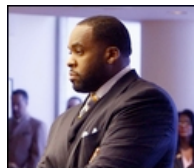
Michael Happy: Pulling weeds on the baseball diamond. Thanks to Michael Flinoil, a City of Detroit park maintenance supervisor, for doing the heavy lifting - cutting the grass, whacking ... [Continued](#)

[More blogs](#)

MORE IN: METRO AND STATE

[Key document in text-message scandal surfaces](#) - 04/28/2008

[Wright: Criticism of sermons is attack on black church](#) - 04/28/2008



[Lawyer: No texts in Greene suit](#) - 04/28/2008

[Lawyer at Fieger's firm testifies he was not promised to be reimbursed for donations](#) - 04/28/2008

[Detroit Police to honor fallen officers at event Tuesday night](#) - 04/28/2008

[Michigan driver in fatal Chicago train station crash is ticketed](#) - 04/28/2008

[Jobs expected to migrate with workers to suburbs](#) - 04/28/2008

[Ex-Wing, seller of limo face off today](#) - 04/28/2008

[Coming cold snap to bring rain, even frost](#) - 04/28/2008

[Man, 20, falls 8 stories trying to reach parking structure at Metro Airport](#) - 04/28/2008

Vessels at Detroit - 04/28/2008

Patterson stands by comments on Wright - 04/28/2008

Site Index

Essentials:

- [Home](#)
- [Page One PDF](#)
- [Sports PDF](#)
- [Weather](#)
- [Horoscope](#)
- [Lottery](#)
- [Crossword](#)
- [Sudoku](#)
- [Contact Us](#)
- Multimedia:**
- [Photos/Video](#)
- [News Photos](#)
- [Autos Photos](#)
- [Audio Galleries](#)
- [Video](#)
- [Photo Store](#)

News:

- [Nation/World](#)
- [Politics/Govt.](#)
- [Elections](#)
- [Religion](#)
- Local/State:**
- [Metro/State](#)
- [Wayne](#)
- [Oakland](#)
- [Macomb](#)
- [Livingston](#)
- [Commuting](#)
- [Schools](#)
- [Michigan History](#)
- [Obituaries](#)
- [Death Notices](#)

Autos:

- [Autos Insider](#)
- [Drive](#)
- [Joyrides](#)
- [Auto Shows](#)
- [Auto Reviews](#)
- [Auto Photos](#)
- [Autos Talk](#)
- [Test Drive blog](#)
- Business:**
- [Business News](#)
- [Personal](#)
- [Finance](#)
- [Stocks](#)
- [Technology](#)

Sports:

- [Sports](#)
- [Lions/NFL](#)
- [Pistons/NBA](#)
- [Red Wings/NHL](#)
- [Tigers/MLB](#)
- [Shock/WNBA](#)
- [MSU](#)
- [U-M](#)
- [More Colleges](#)
- [High Schools](#)
- [Golf](#)
- [Motor Sports](#)
- [More Sports](#)
- [Ski Guide](#)
- [Scoreboards](#)

Entertainment:

- [Entertainment](#)
- [Music](#)
- [Calendar](#)
- [Movies](#)
- [Movie Finder](#)
- [TV Listings](#)
- [TV/Radio](#)
- [Restaurants](#)
- [Wine Report](#)
- [Celebs](#)
- [Performing Arts](#)
- [Casinos](#)
- [Puzzles/Games](#)

Forums:

- [Forums Index](#)
- [Lions Talk](#)
- [Wings Talk](#)
- [Pistons Talk](#)
- [Tigers Talk](#)
- [Ask Mike](#)
- [O'Hara](#)
- [Big Ten Talk](#)
- [News Talk](#)
- [Autos Talk](#)
- [Faith Talk](#)
- Opinions:**
- [Editorials](#)
- [Letter to Editor](#)
- [Blogs](#)
- [Columnists](#)
- [Cybersurveys](#)

Lifestyle:

- [Lifestyle](#)
- [Homestyle](#)
- [Food](#)
- [Recipe Finder](#)
- [Health/Fitness](#)
- [Fashion/Shopping](#)
- [Families/Parenting](#)
- [Travel/Recreation](#)
- [MichMoms](#)
- [MichDads](#)
- Other**
- [Special Reports](#)

Special Reports



Special report: Maxed out on prison spending

It costs \$5 million a day, or \$2 billion a year, to run Michigan's prison system, whose population stands at 50,200 and is projected to top 56,000 within five years. - Apr. 14, 2008

[The war in Iraq: Five years and counting - Mar. 14, 2008](#)

[Special section: Madonna, from Michigan to the Hall of Fame - Feb. 28, 2008](#)

[Special report: Detroit's mayor under fire - Jan. 24, 2008](#)

[Special report: The foreclosure factory - Nov. 26, 2007](#)

More Special Reports

© Copyright 2008 The Detroit News. All rights reserved.

[Terms of Service](#) | [Contact](#) | [Help](#)