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FOR IMMEDIATE RELEASE

**FEDERAL JUDGE TO DECIDE IF POLICE CAN USE REGULATIONS NOT ENACTED
PURSUANT TO LAW TO TICKET MOTORCYCLISTS FOR WEARING ALLEGEDLY
UNLAWFUL HELMETS.**

BINGHAM FARMS, MICHIGAN. April 1, 2011. On Wednesday, April 13, 2011, the Hon. Robert Holmes Bell of the United States District Court for the Western District of Michigan will hear arguments in the matter of *Stanley Constantino, et al. v Col. Kristie K. Etue*, Commander of the Michigan State Police, docket no. 1:09-cv-506. In this case Mr. Constantino, Abate of Michigan, Inc., and other members of Abate of Michigan, Inc., have sued the Defendant making a number of claims. Basically they have claimed that in 2001, pursuant to the Michigan helmet law, the State Police adopted the Federal Regulations regarding specifications that motorcycle helmets have to follow, 49 CFR §571.218. However, the Plaintiffs claim that the State Police themselves have admitted not understanding what the Federal regulations mean and, instead, have adopted for use by State Troopers, a guideline called "How to Recognize a Novelty Helmet" and have been ticketing motorcyclists across the state for helmets not meeting that guideline. The State Police have admitted not even giving their troopers or other law enforcement officers

across the state copies of the federal regulations because, in their own words, they are “incomprehensible.” Judge Bell will decide if the use of that guideline violates Michigan law. He will also decide whether stopping a motorcyclist solely in order to determine whether or not the helmet is legal violates Federal and Michigan constitutional protections against illegal stops and searches, as well as Michigan statutes outlining police authority for issuing traffic citations which are only civil infractions, such as Michigan’s helmet law.

The law suit in question was begun by Abate of Michigan, Inc. and its members. Abate is a non-profit organization dedicated to preserving the overall rights and promoting the safe operating practices of all Michigan motorcyclists. Abate of Michigan is a freedom of choice organization. Believing that the rider is best able to decide the type of motorcycle to ride, and the type and extent of safety gear worn. Abate’s primary objective is to monitor motorcycle related legislation and encourage all members to become politically involved.

The individual plaintiffs and Abate of Michigan, Inc. are being represented by Mr. Lawrence S. Katkowsky of the Law Offices of Lawrence S. Katkowsky, P.C., of Bingham Farms, Michigan. The Law Offices of Lawrence S. Katkowsky, P.C., have specialized for over 35 years in representing clients injured in motorcycle, off road vehicle, and snowmobile accidents including product liability involving those vehicles and their equipment such as defective helmets, and road defects. For many years they have represented their clients in areas involving motorcycle civil rights and motorcycle zoning cases concerning motorcycle clubs and organizations. Among their representative clients are Abate of Michigan and the Michigan Confederation of Motorcycle Clubs. Mr Katkowsky is the Michigan attorney for the Aid to Injured Motorcyclists (A.I.M.) national association. Mr. Katkowsky has appeared in Lansing on many occasions to present the motorcyclists’ point

of view to the Michigan governor and legislature and has written columns of general and legal interest to motorcyclists for many years. He is a former motorcycle safety instructor and has ridden motorcycles for over 40 years.

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