

Other Voices

## Adell Broadcasting to pay \$1.3 million to estate of former WADL-TV employee

By Chad Halcom

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Kevin Adell

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**Adell Broadcasting Corp.** is paying \$1.3 million to settle with the family of a former **WADL-TV 38** employee who died last year while embroiled in litigation with the media company over a loss of his health care benefits.

The Clinton Township-based media company this week formalized its agreement to dismiss a 2013 lawsuit by the estate of Robert Vella, a former account executive of several months who suffered an apparent heart attack in August 2012. Vella alleged he was reclassified from employee to independent contractor without his knowledge while he was on a medical leave from the TV station.

His estate alleged breach of contract and fiduciary duty, violations of the federal Americans with Disabilities Act and Employee Retirement Income Security Act, misrepresentation and silent fraud, promissory estoppel and other violations in the case.

Vella alleged he was confirmed for health coverage in June 2012 by WADL group benefits administrator **Hantz Benefit Services LLC**, then received several heart stents after the August 2012 incident.

For his part, Adell owner and CEO Kevin Adell said the case was a "nuisance" and that a comparable case in **Macomb County Circuit Court** was dismissed more than a year ago, but he disputes some unfavorable rulings his company received in U.S. District Court Judge Judith Levy's court recently.

"I looked at it as a nuisance matter, that's why I settled the case. I have no axe to grind with anyone," he said. "This case had no merit for almost four years. It was in Macomb County before, it's been dismissed there and it went all around the mulberry bush, and now it's in Ann Arbor (where Levy presides) and things there are done a different way, so suddenly there is a case."

Vella alleged he only learned of his employment status change after a second medical leave for developing pancreatitis, when he was informed by a **Wal-Mart** pharmacist that he was uninsured while trying to get a prescription filled.

Vella's attorney, Sarah Prescott of **Gordon, Laughbaum & Prescott PLC** doing business as **Deborah Gordon Law** in Bloomfield Hills, said he was fired after making several inquiries about it at WADL and later developed an antibiotic-resistant staph infection and died.

"The hope for a while was that (treatments) could save him long enough for some of Obamacare to go into effect, then he could get chemo and some of the longer-term outpatient care he needed. But

he died about six weeks after those things took effect," Prescott said. "And he had it pretty rough those last few months of his life."

Good Afternoon, DEBORAH

Schwartz, owner of Farmington Hills-based **Schwartz PLLC** and an attorney for Adell [Subscribe](#) Broadcasting in the case, referred requests for comment to co-counsel Thomas Van Dusen of **Bodman PLC**, who did not return phone calls.

Adell said Levy seemed to favor the other side in recent pretrial rulings and seemed too familiar with the Gordon firm.

The settlement called for about \$470,000 in attorney fees to the Gordon firm, \$680,000 to a trust for Vella's daughter, Andreana Vella, and \$150,000 to Vella's sister as representative of his estate.



By Chad Halcom

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