

2008 Press Release Binder

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Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
Dec. 30, 2008, 3:40 p.m.

Contact: Leah Bucco-White
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Nebraska and 49 Other States Reach \$425 Million Settlement with Drug Maker *Nebraska Receives \$2.6 Million*

Note: A sound bite on this topic is available at: <http://www.ago.ne.gov>

(Lincoln, Neb.) Attorney General Jon Bruning announced today that pharmaceutical manufacturer Cephalon paid more than \$2.6 million to the State of Nebraska. The settlement resolves allegations that Cephalon improperly marketed three of its drugs, Provigil, Gabitril and Actiq.

Provigil is used for sleep disorders. Gabitril is for seizure disorders. Actiq is a powerful pain killer used to treat cancer patients. Cephalon marketed these drugs for purposes other than those that had been approved by the Food and Drug Administration (FDA).

“Promoting drugs for uses that haven’t been approved by the FDA is illegal,” said Bruning. “These laws exist to protect the safety and health of Americans and it’s important for companies to follow them.”

Cephalon also settled similar claims with the other 49 states and the federal government for \$425 million, including a \$50 million criminal fine. The corporation will plead guilty in U.S. District Court to one misdemeanor count for violating the federal Food Drug and Cosmetic Act. Cephalon will also enter into a corporate integrity agreement with the U.S. Department of Health and Human Services, requiring strict scrutiny of its future sales and marketing practices.

The Department of Health and Human Services, the agency that runs the state’s Medicaid program, will receive \$334,906 of Nebraska’s settlement. \$669,812 will go into the state’s school fund, \$27,772 in interest will be prorated between the Medicaid program and the school fund, and \$1.6 million goes back to the federal government. The state’s Medicaid program is both state and federally funded.

The case was handled by the National Association of Medicaid Fraud Control Units and the Nebraska Medicaid Fraud and Patient Abuse Unit in the Attorney General’s Office.



Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
Dec. 17, 2008, 4:45 p.m.

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Man Accused of Killing Furnas County Mother Remains in Jail

New Bond Set at \$2 Million Cash

Note: A sound bite on this topic is available at: <http://www.ago.ne.gov>

(Lincoln, Neb.) Attorney General Jon Bruning said 35-year-old Herchel Huff remains in the Furnas County jail after a Dawson County District Court judge set a new bond during a hearing today. Huff is accused of killing 28-year-old Kasey Jo Warner. Huff was allegedly intoxicated when his car struck Warner as she was jogging with her 3-year-old daughter on a country road, near Arapahoe on Oct. 3, 2007. Warner pushed her daughter out of the way at the last second. The toddler survived, but her mother did not.

“No break will be given. No deal will be made,” said Bruning. “We’re sickened by Mr. Huff and his crimes and our intent is to see him behind bars for a long time.”

The judge revoked Huff’s original bond because he was in violation and set a new bond of \$2 million cash. Huff remains in the Furnas County jail.

Mr. Huff pleaded guilty to manslaughter. He’s also charged with motor vehicle homicide while driving while intoxicated, tampering with a witness and refusal to submit to a chemical test. He pleaded not guilty to those three charges.

Manslaughter is a class III felony with a penalty of up to 20 years in prison, a \$25,000 fine or both.

Motor vehicle homicide is a class II felony with a penalty of up to 50 years in prison.

Tampering with a witness is a class IV felony with a penalty of up to five years in prison, a \$10,000 fine or both.

Refusing to submit to a chemical test is a class IIIA felony with a penalty of up to five years in prison, a \$10,000 fine or both.

Assistant Attorney General Mike Guinan and Furnas County Attorney Tom Patterson are handling the case.

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Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
Dec. 15, 2008, 3:30 p.m.

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Attorney General Bruning and 38 States Reach \$12 Million Settlement With Toy Maker Resolving Lead Paint Investigation

Note: A sound bite on this topic is available at: <http://www.ago.ne.gov>

(Lincoln, Neb) Attorney General Bruning along with the Attorneys General of 38 other states today reached a settlement agreement with Mattel, Inc. and Fisher-Price, Inc., its subsidiary. The agreement resolves a 16-month investigation into the events that resulted in a voluntary recall of the company's toys for excessive lead paint levels during 2007. The agreement, filed today in Lancaster County court, requires Mattel to make a payment of \$12 million by January 30, 2009, which will be divided among participating states. Nebraska's share of the settlement is \$204,000 which will be distributed to non-profit organizations within the state.

Protecting Nebraska's children is always a top priority, and it's important that the toys they're playing with are safe," said Bruning.

From August 2 through October 25 of 2007, the United States Consumer Product Safety Commission (CPSC) recalled approximately two million Mattel and Fisher-Price toys manufactured in China, alleging that the toys contained excessive lead in surface coatings. At the time of the recalls, the CPSC standard permitted for lead was 600 parts per million (ppm). The states' investigation uncovered that levels from the surface coatings of the recalled toys not only exceeded the federal standard, but in some instances, tested over 10,000 ppm and 50,000 ppm.

The agreement reached by the Attorneys General includes more stringent standards for lead in surface coatings, effective for toys manufactured after November 30, 2008.

Since the Attorneys General first contacted Mattel in August 2007, Congress has enacted the Consumer Product Safety Improvement Act (CPSIA) which also provides stricter standards for lead in surface coatings, starting in February 2009. Mattel has agreed to phase in the standards ahead of time. Mattel will also notify the Attorneys General if it confirms excessive lead in any of its products in violation of state or federal law, or the Consent Judgment, and will work with the Attorneys General to fix those violations.

The states were led by an Executive Committee, consisting of Assistant Attorneys General in Arizona, Florida, Illinois, Kentucky, Massachusetts, Missouri, Ohio, Pennsylvania and Vermont. California also took part in negotiations, reaching a separate agreement under its Safe Drinking Water and Toxic Enforcement Act.

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Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
Dec. 11, 2008, 5:00 p.m.

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Dakota County Man Sentenced to 18 to 20 Years for Alcohol-Related Motor Vehicle Homicide

(Lincoln, Neb.) Attorney General Jon Bruning announced Michael L. Broveak of Sioux City was sentenced to 18-20 years in prison for motor vehicle homicide today in Dakota County Court.

On May 5, 2007, Broveak, 23, stole a van from Nelson Engineering in South Sioux City. Around 1:30 a.m., he was speeding on U.S. Highway 20 without any headlights when the van crossed the center line and crashed into a car driven by 46-year-old Sherry Perrin.

Perrin of Jackson, died at the scene. Broveak's blood-alcohol level was .142. The legal limit is .08. He was arrested the night of the accident and later released on bond. While Broveak was out on bond, he chose to again drink alcohol and steal another car. When law enforcement encountered him, he took them on a high-speed chase before being apprehended.

"Mr. Broveak was a danger to society and now he's off the streets," said Bruning. "Sherry Perrin's death was senseless. The emotional impact on her family has been devastating."

Part of Mr. Broveak's sentence was also a 15-year license revocation which starts when he's released from prison.

Motor vehicle homicide is a class III felony which carries a penalty of one to 20 years in prison, a \$25,000 fine or both.

Assistant Attorney General Ed Vierk and Dakota County Attorney Kim Watson handled the case.

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Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
Dec. 11, 2008, 4:45 p.m.

Contact: Leah Bucco-White
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Former National Guard Employee Pleads Guilty to Theft

(Lincoln, Neb.) Attorney General Jon Bruning today announced that former National Guard employee Antrina Berks, 46, of Lincoln pleaded guilty to one count of theft by unlawful taking, and one count of theft by deception.

In February 2008, a Nebraska State Patrol investigation found that Berks, as a civilian employee with the Nebraska National Guard, made \$39,092 in unauthorized refund requests on the Nebraska National Guard's postage meter accounts between August 2005 and May 2006. These refund checks were illegally endorsed by Berks and deposited into an unauthorized joint account in the name of Berks and the Nebraska National Guard. Berks was charged with felony theft by unlawful taking and pleaded guilty.

"Ms. Berks stole from those who work every day to protect us," said Bruning. "What she did was wrong, and she'll suffer the consequences."

The investigation also revealed other checks illegally signed by Berks and payable to the National Guard between March and May of 2006, totaling around \$700. Berks deposited these checks into the same joint account. She then wrote checks on the joint account for her personal expenses. Berks was also charged with seven counts of forgery for the checks. Those charges were dismissed as part of the plea agreement. The theft by unlawful taking charge covers the illegally endorsed checks.

Berks also pleaded guilty to felony theft by deception for illegally obtaining \$12,756 in housing assistance from the Lincoln Housing Authority from May 2005 to April 2007. Berks didn't report her civilian employee income to the Lincoln Housing Authority. Her combined income as a civilian employee and a guardsman of the Nebraska National Guard would have made her ineligible for assistance.

Theft by unlawful taking is a class III felony. The penalty is one to 20 years in prison, a \$25,000 fine or both. Theft by deception is a class IV felony. The penalty is up to five years in prison, a \$10,000 or both. Berks' sentencing is Feb. 25 at 10:30 a.m. in Lancaster County Court.

Assistant Attorneys General Doug Warner and Stacy Foust are handling the case.

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Greetings,

Do your children have video games on their holiday wish lists? Today's video games aren't made for players of all ages, which means some have content that's not suitable for kids. As a parent, it's important to make informed decisions about which games are right for your family.

One of the best tools to help you is the Entertainment Software Rating Board's video game rating system. The rating system provides symbols on the front and back of every game package so you can tell which games are age-appropriate for your children.

EC - Early Childhood 3+

E - Everyone 6+

E10+ - Everyone 10 and up

T - Teen 13+

M - Mature 17+

You can find additional information on the rating system along with a Discussion Guide to help you talk with your kids about which games are appropriate for them to play at http://www.ago.ne.gov/media/Gaming_Brochure.pdf.

The ratings are an effective tool every parent can use to pick video games that are family-friendly. I use them when I buy games for my children. I hope you will too.



Attorney General Jon Bruning

NEWS RELEASE

FOR IMMEDIATE RELEASE
Dec. 2, 2008, 3:00 p.m.

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Attorney General Bruning Names Lindsay Buss of Adams to Youth Advisory Council

(Lincoln, Neb.) Attorney General Jon Bruning announced today that Freeman High School student Lindsay Buss of Adams is among 127 high school juniors and seniors selected from across Nebraska to serve on the Attorney General's Youth Advisory Council (AGYAC).

The Council is designed to involve young Nebraskans in the processes of government and law. It also provides a forum for members to share views on issues by having an open dialogue with the Attorney General.

"These students care about Nebraska. Getting them interested and excited about state government builds a solid foundation for future state leaders," said Bruning.

Members of the Council were nominated by state senators, educators and other community leaders. Students were also required to submit formal applications to be considered for the Council.

AGYAC members will participate in a series of events at the State Capitol in Lincoln this spring including meetings with members of the executive, legislative and judicial branches. They will also tour the Nebraska State Penitentiary.

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