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Client Bulletin



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Judicial Notice and Football Season

In the trial of a lawsuit, the parties have to establish facts by presenting evidence, testimonial or physical or both, but there is the long-established concept of “judicial notice,” which Black’s Law Dictionary defines as “a court’s acceptance, for purposes of convenience and without requiring a party’s proof, of a well-known and indisputable fact.” In 1908, the Iowa Supreme Court, 118 N.W. 292, held: “The court will take judicial notice that the football season proper, in American institutions of learning, begins in the fall and ends Thanksgiving day.” Assumedly, the Iowa Supreme Court would still take judicial notice of the college football season, but with a different ending date.

Congratulations to 3 Pillar Homes, LLC

Business First has announced that 3 Pillar Homes, LLC is among the 2015 “Fast 50” honorees (the 50 fastest growing privately held companies, by percentage increase in gross revenue). The rankings, from 50 down to number 1, will be announced at The Fast 50 Awards Luncheon on October 15 at the Hyatt Regency in downtown Columbus.

Movie Premiere-The Vettters: All We Needed

On October 8 at the historic Strand Theatre in downtown Delaware, the Rotary Club of Delaware is hosting the premiere of a film that has won numerous film festival awards, The Vettters: All We Needed. The Vettters is about a close-knit family of six siblings of Mexican/Native American descent from Chardon, Ohio, and intimately reflects on the sacrifices and steadiness of their humble, devoted father and how they overcame poverty and the heartbreaking loss of their mother to become national champions, world record holders, and Olympians as runners in the 1970s and 1980s. Two of the movie’s producers will be in attendance for a talkback session after the movie.

The fun begins at 5:30 p.m. with a social hour with food and beverage. There will also be a silent auction. All proceeds of the evening go to The Strand (70%) and the Delaware Rotary Foundation (30%) for its charitable works. Tickets are \$30.

Manos, Martin & Pergram is a sponsor, along with The Alpha Group of Delaware, Consolidated Electric, Delaware Animal Clinic, Edward Jones, Fruth & Co., Ohio Health, Sarah Moore Community, and SourcePoint.

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Big Change on October 1, 2015 for Merchants and Other Acceptors of Credit Cards

A great sea change takes place on October 1, 2015 in the relationship between credit card issuing institutions (the bank or other organization issuing VISA, MasterCard, etc., cards) and the merchants and others who accept those credit cards.

Essentially, since the advent of credit card use in this country, the cards have used magnetic strip technology (a magnetic strip on the back of the credit card that is read by the machine when the credit card is “swiped” through it). A problem with the magnetic strip technology is the relative ease with which fraudulent transactions can be accomplished by identity thieves and other fraudsters. Under the agreements between the credit card issuers and the merchants, the liability for fraudulent transactions was assumed by the financial institution issuing the credit card.

Most U.S. financial institutions issuing credit cards are now going to credit cards with an implanted chip (EMV technology), which has been used in Europe since the early 1990s. A merchant or other acceptor of in-person credit card use needs to replace existing magnetic strip terminals/readers with terminals that use the EMV technology.

Effective October 1, 2015, there is a great motivator for merchants and other acceptors to replace the old magnetic strip terminals with EMV technology terminals. On that date, for most merchants or other credit card acceptors (those that are not in a type of business exempted from the October 1, 2015 change date), the agreement between the credit card issuing financial institution and the merchant or other credit card acceptor changes so that if the merchant or other credit card acceptor does not switch to EMV technology terminals/readers, the credit card issuer no longer assumes liability for fraudulent transactions. To find out if your business must convert to the EMV technology or assume liability, go to the website of each type of card your business accepts.

Notice

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates who you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

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