

**Robert L. Habush,**  
Milwaukee, Wisconsin,

**Daniel A. Rottier,**  
Madison, Wisconsin,

**Habush Habush & Rottier S.C.,**  
777 East Wisconsin Avenue, Suite 2300  
Milwaukee, Wisconsin 53202,  
A Wisconsin Service Corporation

Plaintiffs,

vs.

**William M. Cannon,**  
Waukesha, Wisconsin,

**Patrick O. Dunphy,**  
Milwaukee, Wisconsin,

**Cannon & Dunphy S.C.,**  
595 North Barker Road  
Brookfield, WI 53008-1750,  
A Wisconsin Service Corporation

Defendants.

FILED AND  
AUTHENTICATED  
0 NOV 1999  
JOHN BARKER  
Clerk of Court

Case No. \_\_\_\_\_  
Case Classification Type:  
Other Injunction or Restraining Order  
Case Code: 30704

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**COMPLAINT**

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“It is a form of commercial immorality to ‘reap where another has sown.’”

*Hirsch v. S.C. Johnson & Son, Inc.*, 90 Wis. 2d 379, 392, 280 N.W.2d 129 (1979)  
(quoting *Mercury Record Productions, Inc. v. Economic Consultants, Inc.*, 64  
Wis. 2d 163, 176, 218 N.W.2d 705 (1974)).

Plaintiffs Robert L. Habush, Daniel A. Rottier, and Habush Habush & Rottier S.C. bring this complaint against Defendants William M. Cannon, Patrick O. Dunphy, and Cannon & Dunphy S.C. for violations of Wisconsin's Right of Privacy Statute, Wis. Stats. § 995.50.

Plaintiffs complain against Defendants as follows:

**The Parties**

1. Robert L. Habush is an adult resident of Wisconsin and a named shareholder and the president of the law firm Habush Habush & Rottier S.C. Mr. Habush resides in Milwaukee, Wisconsin.

2. Daniel A. Rottier is an adult resident of Wisconsin and a named shareholder and the chief operating officer of the law firm Habush Habush & Rottier S.C. Mr. Rottier resides in Madison, Wisconsin.

3. Habush Habush & Rottier S.C. ("Habush Habush & Rottier" or "the Law Firm") is a Wisconsin service corporation with an office and principal place of business at 777 East Wisconsin Avenue, Suite 2300, Milwaukee WI 53202. Habush Habush & Rottier is engaged in the business of providing legal services.

4. Upon information and belief, William M. Cannon is an adult resident of Wisconsin and a named shareholder at the law firm Cannon & Dunphy S.C. Upon further information and belief, Mr. Cannon resides in Waukesha, Wisconsin.

5. Upon information and belief, Patrick O. Dunphy is an adult resident of Wisconsin and a named shareholder at the law firm Cannon & Dunphy S.C. Upon further information and belief, Mr. Dunphy resides in Milwaukee, Wisconsin.

6. Upon information and belief, Cannon & Dunphy S.C. ("Cannon & Dunphy") is a Wisconsin service corporation with an office and principal place of business at

595 North Barker Road, Brookfield, WI 53008-1750. Cannon & Dunphy is engaged in the business of providing legal services.

### **Factual Background**

7. Habush Habush & Rottier is one of the oldest and largest law firms in the state of Wisconsin, having thirteen offices located throughout the state.

8. Over the years, Mr. Habush, Mr. Rottier, and Habush Habush & Rottier have built formidable reputations as trial lawyers, which has resulted in widespread name recognition within the legal profession and the public at large throughout Wisconsin and nationally.

9. Habush Habush & Rottier has more National Board of Trial Advocacy certified trial lawyers than any other law firm in the United States.

10. Habush Habush & Rottier has more attorneys named among the Best Lawyers in America than any other personal injury law firm in Wisconsin.

11. Notable successes by Mr. Habush, Mr. Rottier, and Habush Habush & Rottier include: a \$99 million jury award to the widows of ironworkers killed in a crane collapse during the construction of Miller Park; serving as lead counsel representing the state of Wisconsin in litigation against the tobacco industry, which resulted in a \$5.9 billion settlement to the state; a \$17.3 million settlement for a child who was permanently disabled during surgery; a \$15 million award to a man injured due to a defective roof on his automobile; a \$12 million award to a woman who suffered brain damage due to over-prescription of pain medication; and an \$11 million award to a family whose children suffered birth injuries. These cases, and others like them, were widely publicized, and Mr. Habush, Mr. Rottier, and Habush, Habush & Rottier were identified by name as associated with these courtroom successes.

12. Mr. Habush was named by the National Law Journal in 2001 as one of the top ten litigators in the United States, and was named by Wisconsin Super Lawyers in 2005 as Wisconsin's Top Trial Lawyer and within the top ten lawyers in Wisconsin for the last five years.. He has been listed in the Best Lawyers in America for twenty years, is a Fellow of the International Academy of Trial Lawyers, was a past president of the American Association for Justice (formerly the Association of Trial Lawyers of America), and has taught at both the University of Wisconsin Law School and Marquette University Law School. He is a past president of the Wisconsin Association for Justice. He is a member of the Inner Circle of Advocates and a recipient of the Leonard Ring national award for excellence. The name of the award bestowed on the annual trial lawyer of the year is the Robert L. Habush award.

13. Mr. Rottier is listed among the Best Lawyers in America and is a Fellow of the International Academy of Trial Lawyers and the American College of Trial Lawyers. He was the President of the Wisconsin Association for Justice, has taught at the University of Wisconsin Law School, and was named by the Wisconsin Law Journal in 2009 as a Leader in the Law. He is a past chair of the Litigation Section of the State Bar of Wisconsin. For the last four years he has been recognized as one of the top ten lawyers in Wisconsin by Super Lawyers. He is a member of the Inner Circle of Advocates.

14. Beyond the courtroom successes of Mr. Habush, Mr. Rottier, and Habush Habush & Rottier, the Law Firm and these individuals have contributed significantly to the communities of the state of Wisconsin by charitable giving and other community involvement. Among these community activities and charitable gifts are a \$500,000 donation to Marquette University Law School to create the Howard B. Eisenberg Memorial Hall; a major contribution to the University of Wisconsin Law School's Law Library Grand Reading Room; a \$200,000 gift

to renovate the University of Wisconsin Law School's appellate courtroom; establishment of the Habush Habush & Rottier Foundation and a \$5 million commitment to charity from the fee the firm received from its representation of the state of Wisconsin against the tobacco industry; endowment of a scholarship at Marquette University Law School; donation of over 70,000 bicycle safety helmets for public distribution by police departments, schools, and other civil organizations; and numerous other charitable contributions from the firm and from Mr. Habush and Mr. Rottier, individually.

15. These accomplishments and charitable contributions have been publicized and have contributed to the reputation and name recognition of Mr. Habush, Mr. Rottier, and Habush, Habush & Rottier throughout the both the State of Wisconsin and nationally.

16. Mr. Habush, Mr. Rottier, and Habush Habush & Rottier also have invested substantial sums of money in advertising and other promotional efforts to enhance their name recognition among members of the general public and the legal profession.

17. In the early 1980s, Mr. Habush and the Law Firm (then Habush Habush & Davis) became pioneers in the area of legal advertising and marketing after a 1976 Supreme Court decision had legalized attorney advertisements. Before launching into the new territory of attorney advertising, Mr. Habush and the Law Firm retained a public relations expert to help determine how the public would respond to legal advertising. The result was Mr. Habush's and the Law Firm's decision to provide the public with useful legal information in order to get the Law Firm's name institutionalized and to demonstrate that the Law Firm's attorneys were competent legal advisors.

18. In the Law Firm's early television commercials, which were coined "Knowing the Law," Mr. Habush discussed legal issues and answered common questions rather

than making pleas for business. Print and radio ads delivered similar messages. This marketing strategy was praised by colleagues and attorney associations as the ideal way for lawyers to advertise. Based on its advertising, the Law Firm won the 1992 American Bar Association award for Dignity in Attorney Advertising.

19. The dignified and respected marketing campaign engaged in by the Law Firm substantially bolstered the name recognition of Mr. Habush and Mr. Rottier, as well as others in the Law Firm, and their business opportunities.

20. The remarkable and consistent courtroom results of Mr. Habush, Mr. Rottier, and the Law Firm, along with scrupulous advertising campaigns, have helped generate positive publicity for the Law Firm and for Mr. Habush and Mr. Rottier, individually.

21. Cannon & Dunphy is also a personal injury law firm which, upon information and belief, provides legal services to clients primarily in the Milwaukee metropolitan area. Mr. Cannon and Mr. Dunphy were the founders of Cannon & Dunphy and, upon information and belief, primarily direct and control the advertising and business activities of that firm.

22. Internet search engines, such as those operated by Google and Yahoo, generate a substantial amount of revenue by allowing advertisers to bid on and purchase or otherwise pay for the use of keywords, with the result that when a search engine user enters those purchased keywords, the advertiser's advertisement and website link will be displayed on the user's computer screen. To illustrate, if Company A would purchase the keywords "Company B" from a search engine, an Internet user searching for the keywords "Company B" would be forced to view Company A's advertisement and website link among the user's intended search

results. Such advertisements are displayed as a “sponsored link” or “sponsored result”, usually as the first entry that appears in response to the search, followed by the searcher’s desired results.

23. Upon information and belief, Defendants have bid on and purchased or otherwise paid for the use of the keywords “Habush” and “Rottier” from several Internet search engine providers without the permission of either Mr. Habush, Mr. Rottier, or Habush Habush & Rottier. As a result of Defendants’ purchase of these keywords, an Internet user in the Milwaukee metropolitan area who searches using the keywords “Habush” or “Rottier” or “Habush Habush & Rottier” is confronted with Cannon & Dunphy’s advertisement and website link. This Cannon & Dunphy advertisement and website link usually is prominently displayed as the first entry prior to the website link for Habush Habush & Rottier and other random results generated from the search of the names “Habush” or “Rottier” or “Habush Habush & Rottier”. Attached as Exhibits A – C are screenshots of the search results from three major Internet search engines when various iterations of “Habush” and/or “Rottier” are used as the search keywords. These screenshots demonstrate the manner in which the Defendants’ advertisement and website link are prominently displayed in the search results when an Internet user attempts to search for “Habush,” “Rottier,” “Habush Habush & Rottier,” or other iterations of those words.

24. Defendants’ obtaining and using the keywords “Habush” and “Rottier” is an intentional and illegal effort to trade upon the hard earned names, personal reputations, and good will that belong to Plaintiffs, and is an unauthorized commercial use of the names “Habush” and “Rottier.” It is a blatant attempt by Defendants to distract consumers of legal services who are seeking information on the names “Habush” or “Rottier”, or the Law Firm that bears their names, and to divert those consumers to Defendants’ Internet site and ultimately to the use of Defendants’ services rather than those of Plaintiffs. It also serves to confuse and

mislead consumers of legal services by, among other things, leaving the impression that Mr. Habush, Mr. Rottier, or the Law Firm are endorsing the Defendants and the self aggrandizing statements included in their solicitations.

25. Neither Mr. Habush, Mr. Rottier nor the Law Firm has ever given written consent nor any other indication of consent to Defendants to use their names in this fashion.

26. The utilization of the names “Habush” and “Rottier”, without permission, was purposefully for the Defendant’s benefit and commercial gain. The harm to Mr. Habush and Mr. Rottier cannot be readily compensated for in damages. Habush Habush & Rottier has incurred similar harm because the personal reputations and goodwill of Mr. Habush and Mr. Rottier are irrevocably intertwined with those of the firm.

#### **Cause of Action**

27. Paragraphs 1 – 26 are incorporated by reference as if set forth here in full.

28. Wisconsin Statutes section 995.50(2)(b), prohibits “[t]he use, for advertising purposes or for purposes of trade, of the name, portrait or picture of any living person, without having first obtained the written consent of the person.”

29. Through their actions recited above, Defendants have used, and continue to use, the names of Mr. Habush and Mr. Rottier, both of whom are living persons.

30. The use by Defendants of the names of Mr. Habush and Mr. Rottier has been, and continues to be, both for advertising purposes and for purposes of trade.

31. The use by Defendants of the names of Mr. Habush and Mr. Rottier has been, and continues to be, without the written or any other consent of Mr. Habush or Mr. Rottier.

32. Such conduct violates Wisconsin Statutes section 995.50(2)(b) and entitles Plaintiffs to equitable injunctive relief and reasonable attorney fees, pursuant to Wisconsin Statutes 995.50(1)(a) and (c).

33. If Defendants' activities are not enjoined, Plaintiffs will continue to suffer harm that cannot be adequately compensated for by a monetary award and the Defendants will continue to trade on, and profit from the use of, the names and reputation of Plaintiffs.

**Prayer for Relief**

WHEREFORE, Plaintiffs seeks the following relief from this Court:

A. A temporary injunction: (1) requiring the Defendants immediately to take all necessary steps to remove their advertisements from all Internet sites in response to the entry of the key words "Habush" or "Rottier", and (2) enjoining Defendants from using the names "Habush," "Rottier," or any combination or variation of those names, on the Internet in any manner for purposes of advertising or trade.

B. A permanent injunction: (1) requiring the Defendants immediately to take all necessary steps to remove their advertisements from all Internet sites in response to the entry of the key words "Habush" or "Rottier", and (2) enjoining Defendants from using the names "Habush," "Rottier," or any combination or variation of those names, on the Internet in any manner for purposes of advertising or trade..

C. An award of reasonable attorneys fees incurred by Plaintiffs in this action, as provided for in Wis. Stats. § 995.50(1)(c).

D. Such other relief as this Court deems just and proper.

FOLEY & LARDNER LLP

By: 

James R. Clark

Attorneys for Plaintiffs Robert L. Habush,  
Daniel A. Rottier, and  
Habush Habush & Rottier S.C.

James R. Clark, WI Bar No. 1014074  
Paul Bargren, WI Bar No. 1023008  
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777 East Wisconsin Avenue  
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414-297-5543 (JRC)  
414.297.4900 Facsimile  
Email: James R. Clark:  
jclark@foley.com

**Exhibit A**

Google habush

Search

Advanced Search

Web Show options...

Results 1 - 10 of about 106,000 for habush. (0.12 seconds)

**Cannon & Dunphy Attorneys**

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www.Cannon-Dunphy.com Milwaukee's leading personal injury attorneys - free initial interview!

**Milwaukee Personal Injury Lawyer, Milwaukee Personal Injury ...**

Milwaukee personal injury lawyers, **Habush Habush & Rottier**, handle a wide variety of personal injury cases such as motor vehicle accidents, ...

www.habush.com/ - [Cached](#) - [Similar](#)

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[More results from habush.com »](#)

**Our Wisconsin Personal Injury Attorneys, Habush Habush & Rottier S.C.**

Get to know the Wisconsin personal injury attorneys of **Habush Habush & Rottier SC**.

www.habush.com/attorneys/ - [Cached](#) - [Similar](#)

**Habush Habush & Rottier S.C. - Company Profile on LinkedIn**

**Habush Habush & Rottier SC** handles all types of personal injury claims. If you or someone you love has been injured, we are confident that our...

www.linkedin.com/companies/habush-habush-&-rottier-s.c. - [Cached](#)

**Local business results for habush near Milwaukee, WI - Change location**



**Habush Habush & Rottier - www.habush.com**  
777 E Wisconsin Ave # 2300, Milwaukee - (414) 271-0900  
[Directions and more »](#)

**Laura Habush Law Offices - maps.google.com**  
2051 W Wisconsin Ave, Milwaukee - (414) 344-9005  
[Directions and more »](#)

**Habush Habush & Rottier SC: West Bend Tel No - maps.google.com**  
Ste 2300, 777 E Wisconsin Ave, Milwaukee - (262) 338-3540  
[Directions and more »](#)

[More results near Milwaukee, WI »](#)

**Habush Habush & Rottier S.C | Milwaukee 53202**

View **Habush Habush & Rottier SC** company information. Search for more Legal companies in the Milwaukee Business Directory.

businessdirectory.bizjournals.com/.../habush-habush---rottier-s-c.html - [Cached](#)

**Habush Habush and Rottier S.C. - Law Firm in Madison, Wisconsin ...**

**Habush Habush and Rottier SC** is a law firm in Madison, Wisconsin specializing in various areas of law. Contact this law firm in Madison, ...

www.lawyers.com/.../Habush-Habush-and-Rottier-S.C.-1794173-f.html - [Cached](#) - [Similar](#)

**Habush Habush & Rottier, S.C., Milwaukee, WI, 53202 - YELLOWPAGES.COM**

Get directions, reviews, payment information on **Habush Habush & Rottier, SC** located at Milwaukee, WI. Search for other Attorneys in Milwaukee.

www.yellowpages.com/info-3613081/Habush-Habush-Rottier-S-C - [Cached](#)



Waukesha Personal Injury Attorney, Waukesha Personal Injury Lawyer ...  
Waukesha personal injury attorneys, **Habush Habush & Rottier SC**, have the knowledge and experience to effectively defend your rights if you've been harmed by ...  
[www.waukeshapersonalinjurylawyer.com/](http://www.waukeshapersonalinjurylawyer.com/) - [Cached](#) - [Similar](#)

**Habush** Campaign Contributions and Donations -- Huffington Post  
**Habush** donations and other campaign contributions on Huffington Post.  
[Show map of 1516 E Dean Rd, Fox Point, WI 53217](#)  
[fundrace.huffingtonpost.com/neighbors.php?type...Habush](http://fundrace.huffingtonpost.com/neighbors.php?type...Habush) - [Cached](#) - [Similar](#)

**Gabi Habush** - Los Angeles, CA | Facebook  
**Gabi Habush** (Los Angeles, CA) is on Facebook. Join Facebook to connect with **Gabi Habush** (Los Angeles, CA) and others you may know. Facebook gives people the ...  
[www.facebook.com/people/Gabi-Habush/30510192](http://www.facebook.com/people/Gabi-Habush/30510192) - [Cached](#)

Milwaukee Personal Injury Lawyers | Wisconsin Accident Attorneys ...  
**Habush, Habush & Rottier, SC** Milwaukee, Wisconsin personal injury lawyers with 12 locations throughout Wisconsin. All personal injury and accident cases.  
[wisconsininjury.poweradvocates.com/](http://wisconsininjury.poweradvocates.com/) - [Cached](#) - [Similar](#)

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**Cannon & Dunphy Attorneys**

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[www.Cannon-Dunphy.com](http://www.Cannon-Dunphy.com) Milwaukee's leading personal injury attorneys - free initial interview!

**Rottier - Cheap Prices**

Get the Best Value for Rottier.

Find NexTag Sellers' Lowest Price!

[www.NexTag.com](http://www.NexTag.com)

[See your ad here »](#)

**Milwaukee Personal Injury Lawyer, Milwaukee Personal Injury ...**

Milwaukee personal injury lawyers, Habush Habush & Rottier, handle a wide variety of personal injury cases such as motor vehicle accidents, ...

[www.habush.com/](http://www.habush.com/) - [Cached](#) - [Similar](#)

**Rottier.org**

Rottier.org. Domain registered. Not for sale.

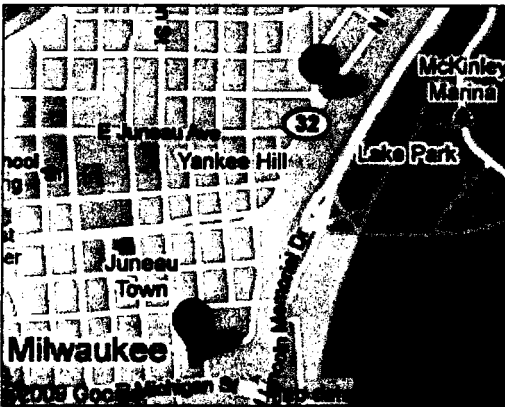
[www.rottier.org/](http://www.rottier.org/) - [Cached](#) - [Similar](#)

**Rottier - Wikipedia, the free encyclopedia**

Commune of Rottier. Location. Rottier is located in France. Rottier ... Rottier is a commune in the Drôme department in south-eastern France. ...

[en.wikipedia.org/wiki/Rottier](http://en.wikipedia.org/wiki/Rottier) - [Cached](#)

**Local business results for rottier near Milwaukee, WI - Change location**



**Habush Habush & Rottier** - [www.habush.com](http://www.habush.com)  
777 E Wisconsin Ave # 2300, Milwaukee - (414) 271-0900  
[Directions and more »](#)



**Habush Habush & Rottier SC: West Bend Tel No** - [maps.google.com](http://maps.google.com)  
Ste 2300, 777 E Wisconsin Ave, Milwaukee - (262) 338-3540  
[Directions and more »](#)



**Habush Habush & Rottier SC: Fond Du Lac Area** - [www.habush.com](http://www.habush.com)  
Milwaukee - (920) 921-7300  
[Directions and more »](#)

[More results near Milwaukee, WI »](#)

**www.rottier.com**

CLICK HERE FOR FREE DOMAINS.

[www.rottier.com/](http://www.rottier.com/) - [Cached](#) - [Similar](#)

**Rachel Rottier - Grand Rapids, MI | Facebook**

Rachel Rottier (Grand Rapids, MI) is on Facebook. Join Facebook to connect with Rachel Rottier (Grand Rapids, MI) and others you may know.

[www.facebook.com/people/Rachel-Rottier/1440604057](http://www.facebook.com/people/Rachel-Rottier/1440604057) - [Cached](#)

**Jack Rottier photographs and papers of the C and O Canal**

Photographs and documents from the Jack Rottier photographs and papers of the C and ...

Jack Rottier (1910-1988) was a photographer for the National Capital ...

[www.aladin.wrlc.org/dl/collection/hdr?rottier](http://www.aladin.wrlc.org/dl/collection/hdr?rottier) - [Cached](#) - [Similar](#)

**Habush Habush & Rottier S.C. - Company Profile on LinkedIn**

Habush Habush & Rottier SC handles all types of personal injury claims. If you or someone you love has been injured, we are confident that our...

[www.linkedin.com/companies/habush-habush-&-rottier-s.c.](http://www.linkedin.com/companies/habush-habush-&-rottier-s.c.) - [Cached](#)

**Arthur Rottier Chaise Longue | Selectism.com**

Jan 7, 2009 ... Perfect for reading or marathon sessions of Halo, the Chaise Longue by Arthur Rottier has been designed for display at the IMM Cologne ...  
[www.selectism.com/news/2009/01/07/arthur-rottier-chaise-longue/](http://www.selectism.com/news/2009/01/07/arthur-rottier-chaise-longue/) - [Cached](#)

**Attorney Daniel Rottier - Madison, WI Lawyer - Cornell LII Lawyer ...**

Madison, WI - Daniel Rottier - Car Accidents, Injury Law, Legal Malpractice - Cornell LII Lawyer Directory.

[Show map of 150 E Gilman St, Madison, WI 53703](#)  
[lawyers.law.cornell.edu/lawyer/daniel-rottier-849433](http://lawyers.law.cornell.edu/lawyer/daniel-rottier-849433) - [Cached](#) - [Similar](#)

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ALL RESULTS

1-10 of 24,200 results · [Advanced](#)

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[www.habush.com](#) · [Cached page](#)  
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Get to know the Wisconsin personal injury attorneys of Habush Habush & Rottier S.C.  
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Waukesha personal injury attorneys, Habush Habush & Rottier S.C., have the knowledge and experience to effectively defend your rights if you've been harmed by someone else's ...  
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[Milwaukee Personal Injury Lawyers | Wisconsin Accident Attorneys ...](#)  
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[wisconsininjury.poweradvocates.com](#) · [Cached page](#)

[Wausau Personal Injury Lawyer, Wausau Personal Injury Attorney](#)  
Wausau personal injury attorneys, Habush Habush & Rottier S.C., have the knowledge and experience to effectively defend your rights if you've been harmed by someone else's ...  
[www.wausaupersonalinjurylawyer.com](#) · [Cached page](#)

[Appleton Personal Injury Attorney, Appleton Personal Injury Lawyer ...](#)  
Appleton personal injury attorneys, Habush Habush & Rottier S.C., have extensive experience in personal injury cases such as product liability, medical malpractice, automobile ...  
[www.appletonpersonalinjurylawyer.com](#) · [Cached page](#)

[Racine Personal Injury Lawyer, Racine Personal Injury Attorney, Racine ...](#)  
Habush, Habush & Rottier, S.C. is a Racine law firm with offices throughout Wisconsin featuring a team of personal injury lawyers.  
[www.racinepersonalinjurylawyer.com](#) · [Cached page](#)

[Kenosha Personal Injury Lawyer, Kenosha Personal Injury Attorney](#)  
Habush Habush & Rottier S.C., Kenosha personal injury lawyers, is one of Wisconsin's oldest and most respected personal injury law firms. Why choose anyone else?  
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[wisconsininjury.poweradvocates.com/atty\\_habush.html](#) · [Cached page](#)

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Milwaukee's leading personal injury attorneys - free initial interview

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[Milwaukee Personal Injury Lawyer, Milwaukee Personal Injury Attorney ...](#)  
Milwaukee personal injury lawyers, Habush Habush & Rottler, handle a wide variety of personal injury cases such as motor vehicle accidents, aviation accidents, wrongful death ...  
[www.habush.com](http://www.habush.com) · [Cached page](#)

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[Rottler - Wikipedia, the free encyclopedia](#)  
Rottler is a commune in the Drôme department in south-eastern France. See also: Communes of the Drôme department References. INSEE commune file  
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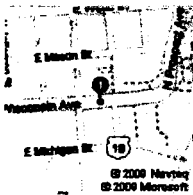
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