

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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KEARNEY CREDIT,

Plaintiff-Appellee,

v

DOUGLAS L. DAVIS,

Defendant-Appellant,

and

RICH PLAN OF MICHIGAN and SANDY L.  
MILITELLO,

Defendants.

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Before: Marilyn Kelly, P.J., and Gribbs, and W. E. Collette,\* JJ.

PER CURIAM.

Defendant Douglas L. Davis appeals the circuit court order finding him guilty of contempt. We affirm.

Defendant argues that the contempt conviction is invalid because he was denied due process by the failure to inform him whether the proceedings were civil or criminal, and by the failure to apply the correct standard of proof. We disagree. Defense counsel expressly indicated awareness at the contempt hearing that the proceeding was criminal in nature, and emphasized to the trial court the appropriate standard of proof. In addition, the criminal nature of the charge was implicit in the charge, the pleadings, and throughout the proceedings. Defendant's right to due process was not violated.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

There is no merit to defendant's claim that the evidence was insufficient to sustain his criminal contempt conviction. Defendant contends that there was no proof that he had actual knowledge of the protective order he was charged with violating. There was evidence that defendant's attorney was present at the underlying hearing and approved the protective order, and an attorney's knowledge is generally imputed to his client. See *Saltmarsh v Burnard*, 151 Mich App 476, 491-492; 391 NW2d 382 (1986).

Defendant also argues that there was no proof that he, rather than another corporate employee, was personally involved in violating the protective order. However, there was evidence that defendant instructed another employee to use cards which had the word "Northern" stenciled on them, and that the cards contained information protected under the court's order. There was sufficient evidence from which the trial court could have inferred beyond a reasonable doubt that defendant had knowledge of the protective order and personally participated in its violation.

Finally, the trial court did not err in sentencing defendant to pay plaintiff's attorney fees and costs. See *In re McRipley*, 204 Mich App 298, 301-302; 514 NW2d 219 (1994); *Homestead v Holly Twp*, 178 Mich App 239, 245-246; 443 NW2d 385 (1989). Plaintiff provided an affidavit which extensively detailed the amount of its attorney expenses. We find no abuse of discretion.

Affirmed.

/s/ Marilyn Kelly  
/s/ Roman S. Gribbs  
/s/ Helene N. White