

'War' erupts between CURE Auto Insurance and Michigan accident lawyer



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Soon after auto accident attorney Steven Gursten wrote a critical blog post earlier this year about fast-growing CURE Auto Insurance, he received a stern letter by certified mail from the insurance company's own lawyer.

"IMMEDIATELY REMOVE DEFAMATORY BLOG POST," it read in bold, capitalized and underlined letters. "CEASE AND DESIST ALL LIBEL, SLANDER, AND DEFAMATION OF CURE AUTO INSURANCE."

For Gursten, who owns Farmington Hills-based Michigan Auto Law and who has blogged for years about driver's safety and auto insurance issues on the law firm's website, it was the first time that an auto insurance company responded to a post with a lawsuit threat. He opted to ignore the request he take down his Feb. 15 post, [titled](#), "Is Cure Auto Insurance Good in Michigan?" and instead sent CURE a defiant letter.

In it, Gursten denied that his blog post contained anything defamatory. Some of the bolder statements, he wrote, such as how CURE "gives horrible advice to drivers to under-insure, leaving them personally exposed to crushing medical bills," were opinions protected by free speech or observations from attorneys at his firm who have dealt with CURE.

Gursten wrote that if the insurance company were to act on its legal threat, he would aggressively defend himself, including by taking a deposition of the CURE CEO and erecting billboard ads near the insurer's own billboard ads that would ask the company's "victims" to contact his law firm.

His letter also mentioned the "Streisand effect," which refers to how actions taken to remove content from the internet can sometimes backfire — by actually drawing greater public attention to the content.

(The name derives from how actress Barbra Streisand once sued to have an aerial photo of her residence removed from an obscure website, only to have media reports about the lawsuit lead to a surge of photo downloads.)

"No one likes a bully. Especially me," Gursten wrote. "If you choose to pursue this matter and force me to defend myself, I will be exposing the shocking truth of what CURE has been doing in Michigan."



After Gursten sent the letter, all was quiet for about six months, he said. Then, in late August, CURE filed the first of two defamation lawsuits against Gursten and his law firm. And Gursten would go on to act on some of his threats, such as taking out billboard ads. The first lawsuit, in Wayne County Circuit Court, was recently dismissed. CURE refiled in federal court to counter what CURE says is Gursten's "smear campaign" of "lies" aimed at driving the insurance company out of Michigan.

CURE, according to its legal filings, says Gursten opposes the insurance company's presence in the state because it hurts his law firm's bottom line. Law firms stand to lose money when CURE gives more drivers the option of buying cheaper auto policies without carrying traditional unlimited no-fault medical coverage.

A newcomer to the state, CURE arrived in Michigan in 2021 in the wake of the no-fault auto insurance revamp, which gave drivers a first-ever choice over medical coverage in their policies and introduced price controls on medical services.

Prior to the reform, all Michigan drivers had to buy unlimited no-fault coverage and it was easier for some law firms to profit when taking [a standard one-third cut](#) of clients' medical benefits payouts. Car insurance premiums in Michigan were, by many measures, the most expensive in the country — especially in urban areas such as Detroit.



When drivers save money by choosing lower amounts of no-fault medical, known as personal injury protection, or "PIP," it can ultimately drag some accident law firms' profits. "Gursten has declared war on CURE," the CURE's lawyers wrote in its latest lawsuit against Gursten and his law firm, filed last week in U.S. District Court in Detroit. "This is not hyperbole, but rather a direct threat against CURE's business, in Gursten's own words." CURE also is one of the few auto insurers in Michigan to not use a credit score-like metric known as an "insurance score" when pricing customer rates, which has helped boost its popularity in Detroit, where many drivers have less-than-perfect credit and may previously have been priced out of insurance.

The insurer has been advertising heavily in metro Detroit with billboard ads, TV spots and high-profile sponsorships with the Detroit Lions and the Pistons. Its CEO Eric Poe has sat for many news media interviews, often speaking in favor of the no-fault reform. The company says it insures more than 90,000 vehicles in Michigan and 31% of its policies have a Detroit address.



CURE's initial defamation lawsuit, in late August, concerned Gursten's original blog post. About a month and a half later, Gursten launched his big counterattack. He made a highly critical website about the insurance company — whenCUREwontpay.com — and took out a series of negative ads on electronic billboards to promote the website. The [website features a video of Gursten warning about CURE](#) and urges those with claims denied by CURE to complete a form or call a number that connects to Michigan Auto Law.

The billboard ads portray a yellow smiley face in an apparent mock of the blue smiley faces on CURE's billboards. They tell motorists to visit the anti-CURE website and proclaim that "Cure Ins. is the 20th largest in MI, but 3rd in complaints?"

In an interview, Gursten noted how he warned in his letter what would happen if CURE actually sued him.

"So that's what I am doing, I am trying to elicit from the public the people who are really getting hurt by CURE right now," he said. "And I will tell you, I am getting flooded with people who are responding."

Last week, CURE filed the new lawsuit, this one expanding its defamation claims to include the special website and billboards.

The federal lawsuit seeks an injunction to take down the billboards, website and original blog post — plus damages. It also alleges trademark infringement for the CURE smiley face. (The lawsuit also names The Clark Law Office for "parroting and reposting" some of Gursten's "crusade" against CURE.)

In a phone interview, Poe, the CURE CEO, said that Gursten's website and blog are filled with false statements, and the claim on the billboards that CURE is No. 3 for complaints — behind only State Farm and Progressive — is highly misleading.

That [2023 figure](#) from the Michigan Department of Insurance and Financial Services counts 150 complaints for CURE, with three out of four complaints for "claim handling." But according to Poe, this tally can include nearly anything, such as a customer not realizing a policy had lapsed or not wanting to pay a late fee.

Because a significant number of CURE customers were previously unable to afford car insurance and may be new to how insurance works, the company tends to get such complaint calls, he said. What's more, he said the billboard's figures don't properly reflect CURE's current market size, as the company is growing over 30% year over year in Michigan.

Poe also noted how the 150 complaints figure isn't for what DIFS considers "confirmed complaints," which are those that have been investigated and found to be the fault or error of an insurance company.

It was unclear Monday whether DIFS tracks confirmed complaints for each insurance company in Michigan.

"It's obvious to me that Mr. Gursten didn't want to do more fact-finding to determine whether or not those statements are misleading before he decided to launch a campaign," he said.

Poe also defended CURE's decision to pursue legal action.

"If you're running a business and somebody makes false or misleading statements about your business, and it has a detrimental economic effect on your business and you ask them politely in a cease and desist letter 'Here's why they're false and misleading,' and you try to be courteous and they refuse and then threaten a campaign and then launch a campaign, what are you supposed to do as a reasonable business person?" Poe said.

For his part, Gursten insists that CURE is simply out to silence a critic — himself — who is sharing unflattering information that the insurer's customers and the public deserve to know.

"It's a silly lawsuit, but it's also incredibly serious," Gursten told the Free Press. "It shows an incredibly thin-skinned insurance company that got caught and exposed doing some very disturbing things, and then trying to use this lawsuit to suppress this information and to try and intimidate me."

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