

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF HURON**

THOMAS LAMBERT and
MICHIGAN OPEN CARRY, INC,
Plaintiffs,

Case No.: 16-105457-CZ
Honorable Gerald R. Prill

v.

STIPULATION AND ORDER

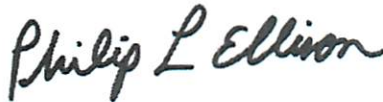
CITY OF HARBOR BEACH,
Defendant

OUTSIDE LEGAL COUNSEL PLC
PHILIP L. ELLISON (P74117)
Attorney for Plaintiffs
PO Box 107
Hemlock, MI 48626
(989) 642-0055
(888) 398-7003 - fax
pellison@olcplc.com

AUDREY J. FORBUSH (P41744)
RHONDA R. STOWERS (P64083)
PLUNKETT COONEY
Attorneys for Defendant
Plaza One Financial Center
111 E. Court Street - Suite 1B
Flint, MI 48502
(810) 342-7014
(810) 232-3159- fax
aforbush@plunkettcooney.com

STIPULATION

NOW COMES Plaintiff MICHIGAN OPEN CARRY, INC and Defendant CITY OF HARBOR BEACH, by counsel, and stipulate to entry of the order below.



07/24/2017

/s/ RRS (with permission via email)

OUTSIDE LEGAL COUNSEL PLC
PHILIP L. ELLISON (P74117)
Attorney for Plaintiffs

AUDREY J. FORBUSH (P41744)
RHONDA R. STOWERS (P64083)
PLUNKETT COONEY
Attorneys for Defendant

AT A SESSION OF THE ABOVE COURT
HELD IN THE CITY OF BAD AXE, COUNTY OF HURON

PRESENT: Honorable Gerald ^{m.}R. Prill, Circuit Court Judge

Upon the stipulation of the parties, the Court finds and orders as follows:

1. On October 3, 2016, an email was sent to the City of Harbor Beach requesting production of certain public records under the *Freedom of Information Act*, MCL 15.231 et seq.
2. The email, sent from the account of tlambert@miopencarry.org, was signed by Tom Lambert as “President” of Michigan Open Carry, Inc.
3. However, the email stated that—

Pursuant to the Michigan Freedom of Information Act (FOIA), Michigan Public Act 442 of 1976; MCL 15.231 et. seq., I am hereby requesting an opportunity to inspect or obtain copies of public records.

4. Between counsels, there was an open question whether the City of Harbor Beach believed and treated the October 3, 2016 email as being from either Plaintiff Thomas Lambert or from Plaintiff Michigan Open Carry, Inc.
5. In Plaintiffs’ Pre-Trial Statement, Plaintiffs asserted—

It is unclear whom the City of Harbor Beach deems as having made the FOIA request, Mr. Lambert or the Michigan Open Carry, Inc entity. Once that is established (discovery request pending), the other plaintiff will be voluntarily withdrawn from the suit.

6. Discovery ensued and a discovery interrogatory, dated January 16, 2017, was issued upon the City of Harbor Beach, by counsel, asking—

Does the City of Harbor Beach treat the October 3, 2016 FOIA Requests (copy attached as Exhibit A) as being from 1.) Thomas Lambert (personally); OR 2.) Michigan Open Carry, Inc; OR 3.) both.

7. On February 13, 2017, the City of Harbor Beach’s responded, under oath, that “the request was deemed to be from Thomas Lambert, personally.”
8. Plaintiff Michigan Open Carry, Inc and Defendant City of Harbor Beach stipulate that Plaintiff Michigan Open Carry, Inc shall be dismissed from the lawsuit with prejudice and without costs, interest, or attorney fees to, from, or between Plaintiff Michigan Open Carry, Inc and Defendant City of Harbor Beach.
9. This order shall not be deem an adjudication or concession as to any issue, argument, or position of any party as the remainder of the case between Plaintiff Thomas Lambert and Defendant City of Harbor Beach, including (but not limited to) whether the October 3, 2016 communication was a single FOIA request or three FOIA requests.

THEREFORE, IT IS HEREBY ORDERED that the claim(s) by Plaintiff MICHIGAN OPEN CARRY, INC, solely as to this case under the *Freedom of Information Act*, are hereby dismissed with prejudice. This dismissal shall be without costs, interest, or attorney fees to, from, or between Plaintiff MICHIGAN OPEN CARRY, INC and Defendant CITY OF HARBOR BEACH.

This is not a final order and does not close the case.

Date: 7-26-17

GERALD M. PRILL

Honorable Gerald R. Prill, Circuit Court Judge

Sean L. Hatch
Deputy Clerk

7-26-17

RE: Stip and Order - Lambert v City of Harbor Beach

Stowers, Rhonda <RStowers@plunkettcooney.com>

Mon 7/24/2017 7:59 AM

To: Philip Ellison <pellison@olcplc.com>;

This is fine. Thank you.

From: Philip Ellison [mailto:pellison@olcplc.com]
Sent: Friday, July 21, 2017 3:58 PM
To: Stowers, Rhonda
Subject: Stip and Order - Lambert v City of Harbor Beach

Rhonda:

Attached is a proposed stipulation and order to dismiss Michigan Open Carry, Inc. If this works for you, please provide me permission to sign and I will submit it to the Court for signature.

//Philip L. Ellison, MBA, JD, Esq
Attorney at Law & Business Counselor

OUTSIDE LEGAL COUNSEL PLC
www.olcplc.com

pellison@olcplc.com
Office: (989) 642-0055
Fax #: (888) 398-7003