

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. BOX 30754  
LANSING, MICHIGAN 48909

**BILL SCHUETTE**  
ATTORNEY GENERAL

May 29, 2018

Clerk of the Court  
Michigan Court of Claims  
Hall of Justice – 2<sup>nd</sup> Floor  
925 West Ottawa Street  
Lansing, MI 48909-7522

Re: *Michigan Open Carry, Inc. v Michigan State Police*  
Docket No. 18-000058-MZ

Dear Clerk:

Enclosed for filing, please find the Proof of Service of Defendant Michigan State Police's Answers to Plaintiff's First Discovery Requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam de Bear", written over a circular scribble.

Adam de Bear  
Assistant Attorney General  
State Operations Division  
(517) 373-1162

AdB/llw  
c: Philip L. Ellison

AG# 2018-0215209-A

STATE OF MICHIGAN

COURT OF CLAIMS

MICHIGAN OPEN CARRY, INC,

Plaintiff-Petitioner,

No. 18-0000058-CZ

v

HON. MICHAEL J. TALBOT

MICHIGAN DEPARTMENT OF STATE  
POLICE also commonly known as the  
MICHIGAN STATE POLICE,

Defendant.

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Philip L. Ellison (P74117)  
Outside Legal Counsel PLC  
Attorney for Plaintiff-Petitioner  
P.O. Box 107  
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P: (989) 642-0055  
F: (888) 398-7003  
[pellison@olcplc.com](mailto:pellison@olcplc.com)

Adam de Bear (P80242)  
Assistant Attorney General  
Attorney for Defendant Michigan  
State Police  
Michigan Department of Attorney General  
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(517) 373-1162  
[deBearA@michigan.gov](mailto:deBearA@michigan.gov)

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**PROOF OF SERVICE**

On May 29, 2018 a copy of Defendant Michigan State Police's Answers to Plaintiff's First Discovery Requests was sent by first class mail and e-mail to the following:

Philip L. Ellison  
P.O. Box 107  
Hemlock, MI 48626  
[pellison@olcplc.com](mailto:pellison@olcplc.com)

  
Lynne L. Walton

STATE OF MICHIGAN  
COURT OF CLAIMS

MICHIGAN OPEN CARRY, INC.,

Plaintiff,

No. 18-0000058-CZ

v

HON. COLLEEN A. O'BRIEN

MICHIGAN DEPARTMENT OF STATE  
POLICE A/K/A MICHIGAN STATE POLICE,

Defendant.

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**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S  
FIRST DISCOVERY REQUESTS**

Defendant Michigan State Police ("MSP"), through counsel, responds to  
Plaintiffs' First Discovery requests as follows:

**INTERROGATORIES**

**1. INTERROGATORY:** In response to Plaintiff Michigan Open Carry, Inc's  
FOIA request for the "*list of expenditures made by the Department of State Police  
from money received under the Firearms Act (1927 PA 372, MCL 28.421 et. seq.),  
regardless of purpose, between October 1, 2015 to September 30, 2016*), you

responded via your FOIA Coordinator that “the records you have requested are available at the department's website at [http://www.michigan.gov/msp/0,4643,7-123-1878\\_1591\\_3503\\_4654-77621--,00.html](http://www.michigan.gov/msp/0,4643,7-123-1878_1591_3503_4654-77621--,00.html).” Compare **Exhibit A with Exhibit G** attached. On this webpage (a printout of which is attached hereto as **Exhibit K**), there are additional links to documents entitled *[Year- Year] CPL Annual Report* for the periods referenced by the FOIA request.

Please state the *exact* page number(s) within the applicable *CPL Annual Report* which contains the information sought by Plaintiff Michigan Open Carry, Inc's FOIA Request dated Sept 28, 2017 for expenditures between October 1, 2015 to September 30, 2016.

OBJECTION: MSP objects to this Interrogatory as Plaintiff has not completely described its September 28, 2017 FOIA request. In addition to the language quoted in this Interrogatory, Plaintiff also explained that the information it was seeking in its FOIA request “is required by law to be posted to the Department's website per Section 5e of 1927 PA 372, MCL 28.425e(5)(m).”

ANSWER: Subject to and without waving the above objection, MSP states that the information sought by Plaintiff in its September 28, 2017 FOIA request is located on page 3 of the October 1, 2015 – September 30, 2016 Concealed Pistol Licensing Annual Report.

**3. INTERROGATORY:** If the answer to [2. Request to Admit] is anything other than a complete affirmation, identify *with particularity* the factual and/or legal basis (including full citations to all laws) for your denial, including the name,

home and business address, and telephone number of every person having first-hand knowledge of any portion of the facts or law; specify the substance of the facts or law that you or your attorney may seek to elicit from those persons and how those persons gained the information regarding those facts or law; and identify the contents of any written materials or computer data relied on in support of your denial (or attach copies to your answers to these discovery requests). If you are unable to admit or deny the request, identify all the information that you have available in your answer to this discovery request and specify why you cannot admit or deny the previous request for admission.

OBJECTION: No answer is required because MSP admitted the request.

**4. INTERROGATORY:** Identify (name, address, telephone number, email address) the name(s) of each and every employee/agent/contractor/official within or on behalf of the Michigan Department of State Police who is the custodian of records and/or is responsible for compiling the expenditures made by the Department of State Police from money received under the Firearms Act between October 1, 2015 to September 30, 2016.

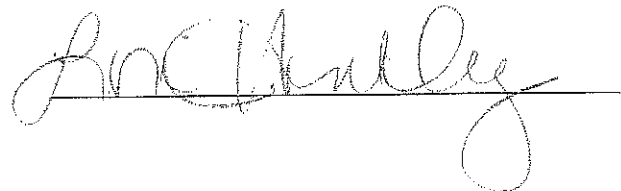
OBJECTION: MSP objects to this Interrogatory as it is unclear what Plaintiff means by terms “custodian of records” and “responsible.”

ANSWER: Subject to and without waiving the above objections, MSP states that Amanda Baker is the director of MSP’s Budget and Financial Services Division which ultimately produces the annual Concealed Pistol License Reports.

6. INTERROGATORY: Identify all persons with whom you consulted and/or checked with to investigate actual or possible answers to these discovery requests; for each person, itemize each discovery request the person contributed information which became your answer in response thereto.

ANSWER: MSP states that the following individuals were collectively involved with the response to Plaintiff's discovery requests: Lori Hinkley, Lance Gackstetter, David Morris, Kevin Collins, Amanda Baker, Shawn Sible, Dawn Brinningstaull.

I DECLARE THAT THE FOREGOING ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF AND BASED UPON INFORMATION THAT I OBTAINED OR THAT WAS OBTAINED OR GATHERED BY PERSONS WHO REPORT TO ME.



Subscribed and sworn to before me  
this 29 day of May, 2018

Staci Bee Yenc  
Notary Public  
Eaton County, MI

My Commission Expires: 1-13-24  
Acting in Ingham County, MI

AS TO ANY OBJECTIONS

\_\_\_\_\_  
Adam R. de Bear (P80242)  
Attorney for Defendant  
State Operations Division  
P.O. Box 30754  
Lansing, Michigan 48909

Dated: May 29, 2018

**REQUEST TO ADMIT AND REQUEST TO PRODUCE**

**2. REQUEST TO ADMIT:** Please admit that attached as Exhibit L is a full and complete and authenticated copy of the Department's "*Concealed Pistol License Annual Report October 1, 2015 to September 30, 2016*" as existing on your website ([http://www.michigan.gov/msp/0,4643,7-123-1878\\_1591\\_3503\\_4654-77621--\\_00.html](http://www.michigan.gov/msp/0,4643,7-123-1878_1591_3503_4654-77621--_00.html)) on October 11, 2017.

ANSWER: Admit

**5. REQUEST FOR PRODUCTION:** All email and/or written communications involving Plaintiff Michigan Open Carry, Inc's Sept 28, 2017 FOIA request, including (but not limited to) all communications to/from/between the Department of State Police's FOIA Coordinator and any other employee/agent/contractor/official within the Michigan Department of State Police.

**OBJECTION:** MSP objects to this Request for Production to the extent that it seeks communications created after the lawsuit was filed. Such communications are not discoverable under the attorney-client and work product privileges.

ANSWER: See MSP000001 – 000063 which are being transmitted to Plaintiff's counsel via email and not US mail.

Respectfully submitted,

Bill Schuette  
Attorney General



Adam R. De Bear (P80242)  
Assistant Attorneys General  
Attorneys for Defendant  
State Operations Division

Dated: May 29, 2018