

STATE OF MICHIGAN

COURT OF CLAIMS

MICHIGAN OPEN CARRY, INC,

Plaintiff/Petitioner,

No. 18-000087-MZ

v

HON. CYNTHIA D. STEPHENS

MICHIGAN DEPARTMENT OF STATE
POLICE,
Defendant.

Philip L. Ellison (P74117)
Outside Legal Counsel PLC
Attorney for Plaintiff/Petitioner
P.O. Box 107
Hemlock, MI 48626
(989) 642-0055 (phone)
pellison@olcplc.com

Adam R. de Bear (P80242)
Attorney for Defendant
Michigan Department of Attorney General
State Operations Division
P.O. Box 30754
Lansing, MI 48909
(517) 373-1162 (phone)
debeara@michigan.gov

**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S
FOURTH SET OF DISCOVERY REQUESTS – REQUESTS FOR ADMISSION**

Defendant Michigan Department of State Police ("MSP"), through counsel,
responds to Plaintiffs' Fourth Set of Discovery Requests (Requests for Admission) as
follows:

General Objections

Defendant objects to each instruction, definition, and request to the extent
that it purports to impose any requirement or discovery obligation greater than or
different from those under the Michigan Court Rules and any applicable rules and
orders of the Court. Defendant further objects to each instruction, definition, and

request to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine or any other applicable privilege.

1. REQUEST TO ADMIT: The head of the Michigan Department of State Police, Col. Kriste Kibbey Etue, did not personally render the decision on Plaintiff Michigan Open Carry's November 20, 2017 FOIA appeal.

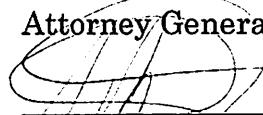
ANSWER: Admitted.

2. REQUEST TO ADMIT: FOIA Appeals Officer Lori M. Hinkley rendered the decision on Plaintiff Michigan Open Carry's November 20, 2017 FOIA appeal.

ANSWER: Admitted.

Respectfully submitted,

Bill Schuette
Attorney General



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

Dated: November 16, 2018

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**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S
FOURTH SET OF DISCOVERY REQUESTS - INTERROGATORIES**

Defendant Michigan Department of State Police ("MSP"), through counsel,
responds to Plaintiffs' Fourth Set of Discovery Requests (Interrogatories) as follows:

General Objections

Defendant objects to each instruction, definition, and request to the extent that it purports to impose any requirement or discovery obligation greater than or different from those under the Michigan Court Rules and any applicable rules and orders of the Court. Defendant further objects to each instruction, definition, and request to the extent that it seeks information or documents protected from

disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine or any other applicable privilege.

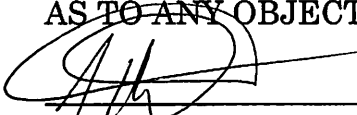
6. INTERROGATORY: If the answer to either Request to Admit No. 1 or Request to Admit No. 2 are answered with anything other than a complete admission, identify *with particularity* the factual and/or legal basis (including full citations to all laws) for your denial, including the name, home and business 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: MSP objects to this interrogatory because it admitted the matters described in Requests to Admit 1 and 2. No answer is required.

7. 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.

OBJECTION: MSP objects to the interrogatory for the reason that it did not answer any of the interrogatories or requests for production in Plaintiff's Fourth Set of Discovery Requests. MSP further objects to this Interrogatory to the extent it improperly seeks information protected by attorney work product or the attorney client privilege.

AS TO ANY OBJECTIONS

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

Dated: November 16, 2018

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**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S
FOURTH SET OF DISCOVERY REQUESTS – REQUESTS FOR
PRODUCTION**

Defendant Michigan Department of State Police ("MSP"), through counsel,
responds to Plaintiffs' Fourth Set of Discovery Requests (Requests for Production)
as follows:

General Objections

Defendant objects to each instruction, definition, and request to the extent
that it purports to impose any requirement or discovery obligation greater than or
different from those under the Michigan Court Rules and any applicable rules and

orders of the Court. Defendant further objects to each instruction, definition, and request to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine or any other applicable privilege.

3. REQUEST FOR PRODUCTION: All communications, emails, memoranda, and/or documents which involve in any way the decision and/or the process of rendering the same regarding Plaintiff Michigan Open Carry's November 20, 2017 FOIA appeal as held, possessed, and/or utilized by Col. Kriste Kibbey Etue at any time.

OBJECTION: MSP objects to this Request for Production for the reason that it is duplicative of Request 7 in Plaintiff's first set of discovery requests and refers Plaintiff to the documents produced in response to that request.

4. REQUEST FOR PRODUCTION: All communications, emails, memoranda, and/or documents which involve in any way the decision and/or the process of rendering the same regarding Plaintiff Michigan Open Carry's November 20, 2017 FOIA appeal as held, possessed, and/or utilized by FOIA Appeals Officer Lori M. Hinkley at any time.

OBJECTION: MSP objects to this Request for Production for the reason that it is duplicative of Request 7 in Plaintiff's first set of discovery requests and refers Plaintiff to the documents produced in response to that request.

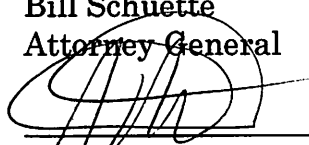
5. REQUEST FOR PRODUCTION: All communications, emails, memoranda, and/or documents which involve in any way the decision and/or the

process of rendering the same regarding Plaintiff Michigan Open Carry's November 20, 2017 FOIA appeal not otherwise produced by the preceding two production requests.

OBJECTION: MSP objects to this Request for Production for the reason that it is duplicative of Request 7 in Plaintiff's first set of discovery requests and refers Plaintiff to the documents produced in response to that request.

Respectfully submitted,

Bill Schuette
~~Attorney General~~

A handwritten signature in black ink, appearing to read 'Adam R. de Bear', is written over a horizontal line.

Adam R. de Bear (P80242)
Attorney for Defendant
State Operations Division
P.O. Box 30754
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Dated: November 16, 2018
AG# 2018-0215209-B