

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



BILL SCHUETTE
ATTORNEY GENERAL

P.O. Box 30754
LANSING, MICHIGAN 48909

August 9, 2018

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

Re: *Michigan Open Carry, Inc. v Michigan State Police*
Docket No. 18-000087-MZ

Dear Clerk:

Enclosed for filing, please find the Defendant Michigan State Police's
Answers to Plaintiff's Second Discovery Requests - Requests for Admission along
with Proof of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam de Bear".

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

AdB/llw
c: Philip L. Ellison

AG# 2018-0217975-A

STATE OF MICHIGAN

COURT OF CLAIMS

MICHIGAN OPEN CARRY, INC,

Plaintiff-Petitioner,

No. 18-0000087-MZ

v

HON. CYNTHIA D. STEPHENS

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

Defendant.

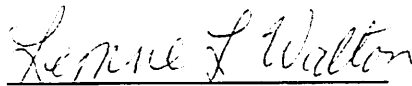
Philip L. Ellison (P74117)
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Attorney for Plaintiff-Petitioner
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Adam de Bear (P80242)
Assistant Attorney General
Attorney for Defendant Michigan
State Police
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PROOF OF SERVICE

On August 9, 2018 a copy of Defendant's Answers to Plaintiff's Second
Discovery Requests – **Requests for Admission**; Answers to Plaintiff's Second
Discovery Requests – **Interrogatories** and Answers to Plaintiff's Second Discovery
Requests – **Requests for Production** was sent by first class mail to the following:

Philip L. Ellison
P.O. Box 107
Hemlock, MI 48626


Lynne L. Walton

STATE OF MICHIGAN

COURT OF CLAIMS

MICHIGAN OPEN CARRY, INC,

Plaintiff/Petitioner,

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MICHIGAN DEPARTMENT OF STATE

POLICE,

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**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S
SECOND DISCOVERY REQUESTS – REQUESTS FOR ADMISSION**

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

General Objections

Defendants object 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. Defendants further object 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: As part of your answer to the first set of discovery requests, you asserted that Plaintiff sought, by its FOIA request, “the number of times the database was been accessed.” Please admit that Plaintiff’s FOIA request dated October 26, 2017 *did not* request the number of times the database was been accessed but rather disclosure of records containing “the reason(s) provided pursuant to MCL 28.421b(2)(f), as well as the related information pertaining to the fulfillment of statutory access obligations pursuant to MCL 28.425e(4).”

OBJECTION: MSP denies the allegations in the first sentence of this Request to Admit because it did not assert that “Plaintiff sought, by its FOIA request, ‘the number of times the database [h]as been accessed.’” The only time this quoted phrase appears in MSP’s earlier answers is in an objection—not an answer—to Interrogatory 4. Furthermore, this Request to Admit fails to quote the entire sentence in which the quoted language appears. The entire sentence is quoted below:

What is publicly available information, and not exempt from disclosure, is what is required under MCL 28.425e(5)(o) to be reported to the legislature—i.e. the number of times the database has been accessed. [Object to First Set of Discovery, Int 4.]

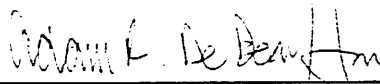
And the objection further indicated that “Plaintiff already has in its possession these records”—i.e. the number of times the database was accessed.

MSP is unable to truthfully admit or deny the second sentence of this Request to Admit because it does not and cannot know what Plaintiff sought in its

October 26, 2017 FOIA request—only Plaintiff has that knowledge. Moreover, it is worth noting that, as an affirmative defense to Plaintiff's Complaint, MSP stated that "Plaintiff failed to sufficiently describe the information it sought in its October 26, 2017 FOIA request." (Answer, ¶ 44, Aff Def ¶ 12.)

Respectfully submitted,

Bill Schuette
Attorney General

A handwritten signature in dark ink, appearing to read "Adam R. De Bear", is written over a horizontal line.

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

Dated: August 9, 2018

STATE OF MICHIGAN

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MICHIGAN OPEN CARRY, INC,

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**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S
SECOND DISCOVERY REQUESTS - INTERROGATORIES**

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

General Objections

Defendants object 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. Defendants further object 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.

2. INTERROGATORY: If the answer to the previous request for admission is anything other than a complete affirmation, please take a pen and clearly circle/mark the specific language in Plaintiff's FOIA request dated October 26, 2017 (copy attached as Exhibit A) which you assert is Plaintiff requesting "the number of times the database was been accessed."

OBJECTION: MSP incorporates by reference its objection to Request to Admit 1.

3. 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 these discovery requests (the second set of discovery requests). MSP further objects to this Interrogatory to the extent it improperly seeks attorney work product. MSP further incorporates by reference its objection to Request to Admit 1.

AS TO ANY OBJECTIONS



Adam R. de Bear (P80242)

Attorney for Defendant

State Operations Division

P.O. Box 30754

Lansing, Michigan 48909

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**DEFENDANT MICHIGAN STATE POLICE'S ANSWERS TO PLAINTIFF'S
SECOND DISCOVERY REQUESTS – REQUESTS FOR PRODUCTION**

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

General Objections

Defendants object 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. Defendants further object to each instruction, definition, and request to the extent that it seeks information or documents protected from

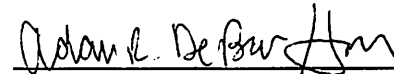
disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine or any other applicable privilege.

2a. REQUEST FOR PRODUCTION: Once the above document is circled by a pen, please produce that document.

OBJECTION: MSP objects to this Request for Production for the reason that the document referenced in Interrogatory 2 was not circled by a pen. MSP further incorporates by reference its objections to Interrogatory 2 and Request to Admit 1.

Respectfully submitted,

Bill Schuette
Attorney General


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

Dated: August 9, 2018
AG# 2018-0217975-A