

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

MICHIGAN OPEN CARRY, INC,
Plaintiff/Petitioner,

Case No.: 18-000087-MZ
Honorable Cynthia Stephens

v.

DISCOVERY

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

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FIRST SET OF DISCOVERY REQUESTS (DATABASE CASE)

TO: DEFENDANT MICHIGAN DEPARTMENT OF STATE POLICE

As used within this request:

A. "Identify" when referring to an individual, corporation, or other entity shall mean to set forth the name, address, and telephone number, and if a corporation or other entity, its principle place of business, or if an individual, the present or last known home address, his or her job title or titles, by whom employed and address of the place of employment.

B. Where knowledge or information in possession of a party is requested, such request includes knowledge of the party's principals, employees, staffers, agents, insurance companies, representatives, and unless privileged, his, her, or its attorney or attorneys. When an answer/response is made by a corporate or other non-individual party, state the name, address and title of person(s) supplying the information and list the source of his or her information.

C. The pronoun "you" refers to the party this request is directed at as well as to the individuals and entities mentioned in subsection (B) above.

Kindly answer, respond, and/or produce, in full, all discovery items/requests propounded below pursuant to MCR 2.302, MCR 2.309, MCR 2.310, and/or MCR 2.312 of the Michigan Court Rules:

1. REQUEST TO ADMIT: Please admit that Plaintiff Michigan Open Carry, Inc's Oct 26 FOIA Request (attached as Exhibit A to the Verified Complaint) was not correctly fulfilled as you did not provide the information actually sought by the request.
2. INTERROGATORY: If the answer to the previous request for admission 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.
3. REQUEST TO ADMIT: MCL 28.421b(2)(f) provides that “[f]irearms records may only be accessed and disclosed by a peace officer or authorized system user for the following purposes: *** A peace officer or an authorized user has reason to believe that access to the firearms records is necessary within the commission of his or her lawful duties. The peace officer or authorized system user shall enter and record the specific reason in the system in accordance with the procedures in section 5e.” Please admit that the “specific reason” information entered and recorded into the Department’s “system” as required by MCL 28.421b(2)(f) is not exempt from disclosure under the Freedom of Information Act, MCL 15.231 et seq.
4. INTERROGATORY: If the answer to the previous request for admission 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.

5. INTERROGATORY: If the answer to the previous request for admission in Discovery Request No. 3 is anything other than a complete affirmation, please list all applicable exemptions, including full citations to the applicable exemption.
6. INTERROGATORY: Identify (name, title, address, telephone number, email address) the person(s) most knowledgeable within Michigan Department of State Police regarding how information being collected from the peace officer or authorized system is enter, maintained, and/or recorded into "the system" as outlined by MCL 28.421b(2)(f).
7. PRODUCE: All email and/or written communications involving Plaintiff Michigan Open Carry, Inc's Oct 26 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.
8. INTERROGATORY: Identify all documents, papers, and/or exhibits you have or claim to have which support your allegation(s) as set forth in the filed pleadings and all amendments thereto.
 - a. PRODUCE: All documents, papers, and/or exhibits (or crisp clean copies of all documents, papers, and/or exhibits) you have or claim to have which support any claim(s) or defense(s) you will assert this legal action.
9. INTERROGATORY: Identify by name, home and business address, and telephone number, every person you or your attorney may call as a witness at any trial or hearing in this matter. You are directed that a response which defers or refers to a witness list (or like-kind document) is insufficient and shall be treated as an evasive answer pursuant to MCR 2.313(A)(4).
 - a. INTERROGATORY: For each witness listed in the preceding interrogatory, please provide a specific and complete itemization of all factual or legal testimony you or your attorney may seek to elicit from those witnesses and how those persons gained the information regarding the facts or law; and list the contents of any evidence (including written materials or computer data) that you or your attorney may seek to introduce through those witnesses, or attach copies to your answers to these discovery requests.
10. INTERROGATORY: In regard to the two previous interrogatories, identify all witnesses you or your attorney may attempt to qualify as experts at any trial or hearing in this matter, as well as any experts you have consulted but do not intend to use, including a specification of their respective areas of expertise, the number of years of experience in their areas of expertise, their educational backgrounds, copies of their résumés or curriculum vitae, and copies of all reports or summaries prepared by those witnesses (including written materials or computer data), as well as any evidence you or your attorney may seek to introduce through those

witnesses not disclosed in your prior answers, or attach copies to your answers to these discovery requests.

11. INTERROGATORY: In regard to the three previous interrogatories, identify with particularity all criminal convictions of those witnesses (especially any crime containing an element of dishonesty, false statement, or theft), and all reprimands or censures by professional organizations, including the name and complete address of the court or professional organization rendering conviction, reprimand, or censure, the specific charge, the date of the conviction, reprimand, or censure, and the docket number of the court file for each conviction, or attach copies to your answers to these discovery requests.

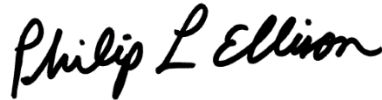
12. INTERROGATORY: Identify the contents of all items you or your attorney will seek to introduce into evidence at any trial or hearing in this matter (including demonstrative evidence) not disclosed in your prior answers to these discovery requests, or attach copies to your answers to these discovery requests.

a. PRODUCE: All items (or crisp clean copies of all items) you or your attorney will seek to introduce into evidence at any trial or hearing in this matter (including demonstrative evidence).

13. 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.

Date: June 8, 2018

RESPECTFULLY SUBMITTED:

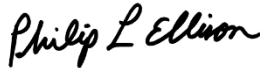


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PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing document(s) was served on parties or their attorney of record by mailing the same via US mail to their respective business address(es) as disclosed by the pleadings of record herein with postage fully prepaid, on the

9th day of June, 2018.



PHILIP L. ELLISON
Attorney at Law

**Electronic signature authorized by MCR 2.114(C)(3) and MCR 1.109(D)(1)-(2)