

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY Court of Claims	SUMMONS	CASE NO. 24- 000060 -MZ
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Court address Michigan Court of Claims, Hall of Justice, 925 W. Ottawa Street, P.O. Box 30185, Lansing, MI 48909 **Court telephone no.** 517-373-0807

Plaintiff's name, address, and telephone no.
GOVERNMENT ACCOUNTABILITY & OVERSIGHT,
 a Wyoming nonprofit corporation

v

Defendant's name, address, and telephone no.
REGENTS OF THE UNIVERSITY OF MICHIGAN
 1109 Geddes Ave., Suite 3300
 Ann Arbor, MI 48109

 c/o General Counsel's Office
 University of Michigan
 5010 Fleming Bldg.
 503 Thompson Street
 Ann Arbor, MI 48109

Plaintiff's attorney, bar no., address, and telephone no.
 Zachary C. Larsen (P72189)
 James J. Fleming (P84490)
 Clifford (Gary) Cooper II (P85606)
 CLARK HILL PLC
 215 S. Washington Square, Ste. 200
 Lansing, MI 48933
 (517) 318-3100

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where

it was given case number _____ and assigned to Judge _____

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS



NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date May 1, 2024	Expiration date* July 31, 2024	Court clerk <i>Jerome W. Zimmer Jr.</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

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PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

- I served personally by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:
- I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

- I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.
- I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) on _____
Date and time

Signature on behalf of _____

Name (type or print)

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**STATE OF MICHIGAN
COURT OF CLAIMS**

GOVERNMENT ACCOUNTABILITY & OVERSIGHT,
a Wyoming nonprofit corporation,

Plaintiff,

v.

REGENTS OF THE UNIVERSITY OF MICHIGAN,

Defendant.

Case No. 24- 000060-MZ

Hon. Brock A. Swartzle

Zachary C. Larsen (P72189)
James J. Fleming (P84490)
Clifford (Gary) Cooper II (P85606)
Clark Hill PLC
215 South Washington Square, Ste. 200
Lansing, MI 48933
zlarsen@clarkhill.com
jfleming@clarkhill.com
ccooper@clarkhill.com
Attorneys for Plaintiff

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

There is no other pending or resolved civil action arising out of the transition or occurrence alleged in this Complaint.

Plaintiff Government Accountability & Oversight, by and through its attorneys, Zachary C. Larsen, James J. Fleming, and Clifford (Gary) Cooper II, of Clark Hill PLC, hereby bring this Verified Complaint and state as follows in support:

INTRODUCTION

1. This action under the Michigan Freedom of Information Act (“FOIA”), MCL 15.231 *et seq.*, seeks to remedy state university’s declaration that FOIA does not cover records

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pertaining to the University's involvement with outside pressure groups and ideological lobbies to promote certain legislation across the United States, using public positions and resources.

2. The Plaintiff in the instant matter, Government Accountability & Oversight ("Plaintiff" or "GAO"), is a Wyoming nonprofit corporation dedicated to transparency relating to environmental and energy policy and how public institutions come to be used the way they are, with whom, and with what public resources. GAO regularly uses state and federal public records laws to obtain documents from government bodies, including universities, to educate the public on the interaction between private interests and those holding publicly financed positions.

3. GAO made three requests for electronic correspondence of a certain University of Michigan faculty member, covering a period of time in 2023 and pertaining to work with outside parties on activist legal work which the Regents also promote on the University's website.

4. Defendant Regents of the University of Michigan ("Defendant" or "Regents") has replied each time with a blanket denial by stating that any and all records requested responsive to the three requests at issue here, "if they were to exist," would not be "public records."

5. At no time has Defendant Regents indicated that it conducted a search in response to any of the three requests at issue and/or examination of records described therein.

6. Defendant Regents misapplies Michigan's FOIA not only to prevent the public from obtaining the "full and complete information regarding the affairs of government" that is the purpose of the FOIA, MCL 15.231, including affairs which Regents publicize on the University's website, but to avoid even searching for and assessing any records described by these requests.

7. The chosen course reflects that Defendant Regents is applying FOIA not as a transparency statute but as a means to shield the University from public oversight.

PARTIES AND JURISDICTION

8. Plaintiff Government Accountability & Oversight is a nonprofit research and public policy organization incorporated in Wyoming. Its programs include a transparency initiative seeking public records relating to environmental and energy policy and how public institutions come to be used in the ways they are, with whom and, as applicable, at whose request.

9. Defendant Regents of the University of Michigan is a body corporate, which forms the governing body of the University of Michigan (“the University”). Const 1963, art 8, § 5. In turn, the Regents is a “public body” as defined in MCL 15.232(h)(i) and/or (h)(iv), which creates and maintains “public records” as defined in MCL 15.232(i). See, e.g., *Booth Newspapers, Inc v Univ of Mich Bd of Regents*, 444 Mich 211, 225; 507 NW2d 422 (1993) (observing it is “beyond question” that the University is a “public body” under OMA and FOIA).

10. The Court of Claims has jurisdiction over this matter pursuant to MCL 15.240(1)(b) and MCL 600.6419(1)(a).

11. Venue is proper in this Court pursuant to MCL 15.240(1)(b).

THE FOIA REQUESTS

The February 9, 2024 Request

12. On February 9, 2024, GAO submitted a FOIA request to Defendant Regents, seeking all email correspondence sent to or from (including as cc: and/or bcc:) Rachel Rothschild, Assistant Professor, University of Michigan Law School, dated at any time from January 1, 2023, through July 31, 2023, inclusive, that was sent to or from or includes as a copied party any email address ending in a) @rffund.org, b) @michiganlcu.org, c) @climateintegrity.org, d) @michiganlcu.org, e) @biologicaldiversity.org, and/or e) @pirgim.org. **(Ex. A.)**

13. The named recipient/correspondent organizations are actively engaged in and/or behind lobbying campaigns to impose a particular policy agenda targeting certain other outside parties, a topic of inherent and obvious public interest.

14. After taking an extension of time to respond, on March 1, 2024, Defendant Regents denied the request in full with a blanket denial stating, in pertinent part: “Your request is denied because we have no responsive records. Any records that meet the description you provided, if they were to exist, would not be public records of the University of Michigan pursuant to Section 2 (i) of the Michigan Freedom of Information Act, which defines a ‘public record’ as ‘a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function’” (Ex. B.)

15. Based on the University’s categorical denial and apparent refusal even to search for and assess any potentially responsive records—as well as the other records in the public domain that strongly suggest the records are directly related to the named individual’s work at the public university—Plaintiff alleges, on information and belief, that all or certain records responsive to this request are subject to FOIA.

16. Moreover, because Regents did not acknowledge the existence of potentially responsive records nor has Regents met its burden to properly search for records and respond or to demonstrate the propriety of each withholding, GAO alleges, on information and belief, that Regents continues to unlawfully withhold records and portions of records as described in GAO’s February 2024 request that are properly subject to FOIA.

17. On information and belief, GAO further asserts that the withheld information is properly subject to disclosure under FOIA and that it is withheld unlawfully.

18. GAO asserts that this categorical denial and refusal to even search for an assess potentially responsive records is *prima facie* proof of Defendant Regents’ violation of Michigan law, and is an arbitrary and capricious application of FOIA.

The March 6, 2024 FOIA Request

19. On March 6, 2024, GAO submitted a FOIA request to Regents seeking copies of all email correspondence sent to or from (including as cc: and/or bcc:) Rachel Rothschild, Assistant Professor, University of Michigan Law School, which is dated at any time from January 1, 2023 through July 31, 2023, inclusive, that includes, anywhere, whether in an email or an attachment thereto, “American Petroleum Institute Opposition to a Climate Superfund Act” and was sent to or from or includes as a copied party any email address ending in “.edu”. (Ex. C.)

20. This request pertained to a memorandum released to Plaintiff by another governmental entity, the California Department of Justice, “TO: Interested Persons FROM: Rachel Rothschild, Assistant Professor, University of Michigan Law School, Affiliated Scholar, Institute for Policy Integrity, NYU School of Law DATE: 3/29/2023 RE: American Petroleum Institute Opposition to a Climate Superfund Act.” (Ex. D.) Regents acknowledges on the University’s website that the subject matter pertains to Professor Rothschild’s work at the University.¹

21. On March 26, 2024, after taking an extension of time to respond, Defendant Regents denied the request in full with a blanket denial stating, in pertinent part: “Your request is

¹ See, e.g., Bob Needham, “5Qs: Rothschild on Fighting Climate Change with State “Superfunds,” Michigan Law, July 5, 2023, <https://michigan.law.umich.edu/news/5qs-rothschild-fighting-climate-change-state-superfunds> (“A major part of my current work has been answering legislators’ questions about the constitutionality of these bills. For example, the American Petroleum Institute recently released a memo laying out their opposition to New York’s bill, including several reasons they believe the bill is unconstitutional. So I drafted a response memo for state legislators explaining why I don’t think their arguments have merit and how they’re misreading certain cases.”). (Ex. E.)

denied because we have no responsive records. Any records that meet the description you provided, if they were to exist, would not be public records of the University of Michigan pursuant to Section 2 (i) of the Michigan Freedom of Information Act, which defines a ‘public record’ as ‘a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function’” **(Ex. F.)**

22. This is the same boilerplate language that Regents provided in response to the February request.

The March 26, 2024 FOIA Request

23. On March 26, 2024, GAO submitted a FOIA request to Regents, broken into three separate parts, seeking the same described correspondence sought in the March 6, 2024 request, except this time seeking those which were: 1) sent to or from or includes as a copied party any email address ending in “.org”; 2) sent to or from or includes as a copied party any email address ending in “.gov”; and/or 3) was sent to or from or includes as a copied party any email address ending in “.com”. **(Ex. G.)**

24. On April 3, 2024, Defendant Regents denied the request in full with a blanket denial stating, in pertinent part: “Your request is denied because we have no responsive records. Any records that meet the description you provided, if they were to exist, would not be public records of the University of Michigan pursuant to Section 2(i) of the Michigan Freedom of Information Act, which defines a “public record” as “a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function” **(Ex. H.)**

25. This is the same boilerplate language that Regents provided in response to the February 9, 2024 and March 6, 2024 requests.

26. Based on the University’s categorical denial and apparent refusal even to search for and assess any potentially responsive records—as well as the other records in the public domain that strongly suggest the records are directly related to the named individual’s work at the public university—Plaintiff alleges, on information and belief, that all or certain records responsive to this request are subject to FOIA.

27. Moreover, because Regents did not acknowledge the existence of potentially responsive records nor has Regents met its burden to properly search for records and respond or to demonstrate the propriety of each withholding, GAO alleges, on information and belief, that Regents continues to unlawfully withhold records and portions of records as described in GAO’s two March 2024 requests that are properly subject to disclosure under FOIA.

28. GAO asserts that these categorical denials and refusals to even search for and assess potentially responsive records is *prima facie* proof of Defendant Regents’ violation of Michigan law, and is an arbitrary and capricious application of FOIA.

FIRST CLAIM FOR RELIEF

Duty to Produce Records Under the FOIA
Declaratory Judgment

29. Plaintiff GAO re-alleges paragraphs 1–28 as if fully set out herein.

30. GAO has sought and been denied access to responsive records reflecting the conduct of official business, including correspondence of a Regents employee with outside parties, on matters not only of great public interest but by Regents’ own admission directly related to the employee’s official work using public resources and position on behalf of the State of Michigan.

31. GAO asks this Court, upon reviewing the records at issue in this matter or mutually agreed upon exemplars of such records, to enter a judgment declaring:

A. The records specifically described in GAO's FOIA requests identified above are public records as defined in MCL 15.232(i) and, as such, are subject to release under the Michigan FOIA barring a specific, applicable exemption;

B. No FOIA exemption or privilege excludes the records from disclosure, or, in the alternative, should Defendant Regents alter its position and now declare that exemption(s) apply, that any such modified interpretation of the FOIA is overly expansive and Defendant Regents must release the records subject only to narrow application of statutory exemptions as dictated by FOIA and this Court's precedent;

C. Defendant Regents is unlawfully withholding these records, and/or unlawfully failed to search for such records as required by law.

SECOND CLAIM FOR RELIEF

Duty to Produce Records Under FOIA **Injunctive Relief**

32. Plaintiff GAO re-alleges paragraphs 1–31 as if fully set out herein.

33. GAO is entitled to injunctive relief compelling Defendant Regents to produce all records in its possession responsive to GAO's FOIA requests described, *supra*, without fees, and subject only to legitimate withholdings.

34. GAO asks the Court to order the Defendant Regents to produce to GAO, within 5 business days of the date of the order, the requested records described in GAO's requests, and any attachments thereto, subject only to legitimate withholdings.

35. GAO asks the Court to order Defendant Regents to submit the withheld documents, or mutually selected exemplars of such records, to the Court for *in camera* review of whether and to what extent any exemptions found in MCL 15.243 apply.

36. Alternatively, GAO asks the Court to allow counsel for the parties to review the documents under seal, pending further order of the Court, and to make arguments relating to whether the exemptions found in MCL 15.243 apply.

37. Alternatively, and if necessary to reduce the number of documents that must be reviewed *in camera*, GAO asks the Court to allow counsel for the parties to meet and confer to reach an agreement for a reduced number of withheld records subject to challenge.

THIRD CLAIM FOR RELIEF

Costs and Fees

38. Plaintiff GAO re-alleges paragraphs 1–37 as if fully set out herein.

39. Pursuant to MCL 15.240(6), the Court shall award reasonable attorney fees and other litigation costs to any party prevailing in a FOIA action.

40. GAO is statutorily entitled to recover fees and costs incurred as a result of bringing this action.

41. GAO asks the Court to order the Defendant Regents to pay reasonable attorney fees and other litigation costs reasonably incurred in this case.

42. GAO asks the Court to award punitive damages for Defendant Regents' arbitrary and capricious withholding of records pursuant to MCL 15.240(7).

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, Plaintiff GAO requests the declaratory and injunctive relief herein sought, and an award for its attorney fees and costs and such other and further relief as the Court shall deem proper.

Respectfully submitted,

CLARK HILL PLC

/s/ Zachary C. Larsen

Zachary C. Larsen (P72189)

James J. Fleming (P84490)

Clifford (Gary) Clifford II (P85606)

Clark Hill PLC

215 South Washington Square, Ste. 200

Lansing, MI 48933

zlarsen@clarkhill.com

jfleming@clarkhill.com

ccooper@clarkhill.com

Attorneys for Plaintiff

Dated: May 1, 2024

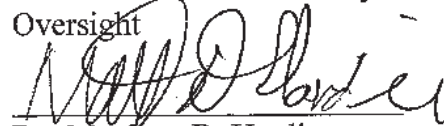
VERIFICATION

Per the requirements of MCL 600.6434(2), I, Matthew D. Hardin, depose and say the following:

1. I am the Executive Director and Member of the Board of Directors of Government Accountability & Oversight. I am duly authorized to sign this Verification for and on behalf of Plaintiff in this matter.

2. Pursuant to MCR 1.109(D)(3)(b), I declare under the penalties of perjury that this Verified Complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Government Accountability & Oversight



By: Matthew D. Hardin
Its: Executive Director / Board Member

Dated: April 30, 2024

STATE OF PENNSYLVANIA)
)ss
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 30th day of April, 2024.

[Signature]
Notary Public
Lancaster County, PA
My Commission expires:
Acting in Lancaster County

Commonwealth of Pennsylvania - Notary Seal
Erika N. Trauger, Notary Public
Lancaster County
My commission expires December 19, 2026
Commission number 1431218
Member, Pennsylvania Association of Notaries

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EXHIBIT A



MICHIGAN PUBLIC RECORDS REQUEST

February 9, 2024

University of Michigan FOIA Office
3300 Ruthven Building
1109 Geddes Avenue
Ann Arbor, MI 48109-1079

By Email: foia-email@umich.edu

On behalf of Government Accountability & Oversight (GAO), a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program, and pursuant to the Michigan Freedom of Information Act, MCL §15.231, *et seq.*, please provide us copies of **all correspondence** sent to or from (including as cc: and/or bcc:) **Rachel Rothschild, Assistant Professor, University of Michigan Law School**, which is **dated at any time from January 1, 2023 through July 31, 2023**, inclusive, that was sent to, from or which copies **any email address ending in a) @rffund.org, b) @michiganlcv.org, c) @climateintegrity.org, d) @michiganlcv.org, e) @biologicaldiversity.org, and/or e) @pirgim.org.**

We request entire “threads” of which any responsive electronic correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO’s ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy

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news and developments. The public information obtained by GAO have been relied upon by established media outlets, including the Washington Times, Fox News and the Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address.

Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
30 N. Gould Street
#12848
Sheridan, WY 82801
(434) 882-4217

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EXHIBIT B



FOIA THO 0144-24

1 message

Shannon Hill <hillsr@umich.edu>
To: info@govoversight.org, joe@govoversight.org
Cc: Freedom of Information Act Office <foia-email@umich.edu>

Fri, Mar 1, 2024 at 1:06 PM

Dear Joe Thomas,

I am writing in response to your Freedom of Information Act request dated February 9, 2024, which was received on February 12, 2024.

You requested:

On behalf of Government Accountability & Oversight (GAO), a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program, and pursuant to the Michigan Freedom of Information Act, MCL §15.231, et seq., please provide us copies of all correspondence sent to or from (including as cc: and/or bcc:) Rachel Rothschild, Assistant Professor, University of Michigan Law School, which is dated at any time from January 1, 2023 through July 31, 2023, inclusive, that was sent to, from or which copies any email address ending in a) @rffund.org, b) @michiganlcv.org, c) @climateintegrity.org, d) @michiganlcv.org, e) @biologicaldiversity.org, and/or e) @pirgim.org.

We request entire “threads” of which any responsive electronic correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

Your request is denied because we have no responsive records. Any records that meet the description you provided, if they were to exist, would not be public records of the University of Michigan pursuant to Section 2 (i) of the Michigan Freedom of Information Act, which defines a “public record” as “a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function...”

Please note that within 180 days from the date of this letter, you have the right to appeal the denial of information to the President of the University or seek judicial review in the court of claims to try to compel disclosure. If you elect to appeal and the President upholds the denial, you may still seek judicial review within the 180-day period.

An appeal to the President must be submitted in writing to: President’s Office, c/o Steve Yaros, The University of Michigan, Ruthven Bldg. Suite 3190, [1109 Geddes Ave., Ann Arbor, Michigan 48109-1079](https://www.umich.edu/directory/109-geddes-ave-ann-arbor-michigan-48109-1079) (or by email to: FOIAappeals@umich.edu). The statement must (1) identify the request and the final determination by the FOIA officer that is being appealed, (2) specifically state the word “appeal,” and (3) identify the reason or reasons why the final determination should be reversed.

If you seek judicial review in the Michigan court of claims and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$1,000.00 if the court finds that the University was arbitrary and capricious in its denial.

A copy of Section 10 of the Michigan FOIA is available for your reference and review online at <http://foia.vpcomm.umich.edu/foia-right-to-appeal/>.

Sincerely,

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Shannon Hill
FOIA Coordinator
Freedom of Information Act Office | University of Michigan
<http://foia.vpcomm.umich.edu> | hillsr@umich.edu | (734) 763-4167

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EXHIBIT C



MICHIGAN PUBLIC RECORDS REQUEST

March 6, 2024

University of Michigan FOIA Office
3300 Ruthven Building
1109 Geddes Avenue
Ann Arbor, MI 48109-1079

By Email: foia-email@umich.edu

On behalf of Government Accountability & Oversight (GAO), a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program, and pursuant to the Michigan Freedom of Information Act, MCL §15.231, *et seq.*, please provide us copies of **all email correspondence** sent to or from (including as cc: and/or bcc:) **Rachel Rothschild, Assistant Professor, University of Michigan Law School**, which is **dated at any time from January 1, 2023 through July 31, 2023**, inclusive, that includes, anywhere, whether in an email or an attachment thereto, **“American Petroleum Institute Opposition to a Climate Superfund Act”**¹ and was sent to or from or includes as a copied party any email address ending in **“.edu”**.²

We request entire “threads” of which any responsive electronic correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand there may be some overlap in records responsive to the above due, and do not request duplicates however we do request duplicate listing in any index or log you provide.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, GAO is a non-profit public policy organization dedicated to

¹ Quotation marks are not part of a search term, but only delineate it. This is the title of a March 29, 2023, Memorandum “FROM: Rachel Rothschild, Assistant Professor, University of Michigan Law School”.

² Quotation marks are not part of a search term, but only delineate it.

informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets, including the Washington Times, Fox News and the Wall Street Journal editorial page.

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GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address.

Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
30 N. Gould Street
#12848
Sheridan, WY 82801
(434) 882-4217

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EXHIBIT D

MEMORANDUM

TO: Interested Persons

FROM: Rachel Rothschild, Assistant Professor, University of Michigan Law School
Affiliated Scholar, Institute for Policy Integrity, NYU School of Law

DATE: 3/29/2023

RE: American Petroleum Institute Opposition to a Climate Superfund Act

I. Introduction

This memorandum responds to the American Petroleum Institute (API)'s statement in opposition to the "Climate Change Superfund Act." As detailed below, API's claim that the bill may be unconstitutional is not supported by case law on similar types of environmental legislation. Nor is there support for API's claim that the state climate superfund is preempted by the Clean Air Act.

Response: Retroactive Law Making and Due Process

There are numerous examples of retroactive liability laws that have withstood constitutional challenges under the due process clause.¹ These include environmental laws that impose retroactive liability on polluters just like the New York state climate superfund.² The appropriate inquiry under due process is not the "amount of potential liability," but whether the application of retroactive liability is based on a "legitimate legislative purpose furthered by rational means."³ Courts have unanimously found that environmental improvements are a legitimate government purpose, and that it is rational to impose retroactive liability for environmental harms upon parties who "created and profited" from activities that caused the pollution.⁴ Nor is the liability imposed in the state climate superfund bill "severely disproportionate" to the parties' contributions to the problem or the harm incurred.⁵ Furthermore, the potentially responsible parties should have expected that they would be subject to regulation

¹ See e.g., *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1 (1976).

² See, e.g., *United States v. Monsanto Co.*, 858 F.2d 160, 174 (4th Cir. 1988) (upholding retroactive application of liability for hazardous waste pollution).

³ See *Pension Benefit Guar. Corp. v. R. A. Gray & Co.*, 467 U.S. 717, 729 (1984) ("Provided that the retroactive application of a statute is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches."); see also *United States v. Alcan Aluminum Corp.*, 49 F. Supp. 2d 96, 101 (N.D.N.Y. 1999) (explaining that "economic legislation enjoys a 'presumption of constitutionality' that can be overcome only if the challenger establishes that the legislature acted in an arbitrary and irrational way").

⁴ See, e.g., *United States v. Ne. Pharm. & Chem. Co.*, 810 F.2d 726, 734 (8th Cir. 1986); *O'Neil v. Picillo*, 883 F.2d 176, 183 n.12 (1st Cir. 1989).

⁵ See, e.g., *Commonwealth Edison Co. v. United States*, 271 F.3d 1327, 1347 (Fed. Cir. 2001) (rejecting a due process challenge to the 1992 Energy Policy Act and noting that the responsible parties were only liable for a portion of the cleanup costs from uranium processing).

and/or liability for their greenhouse gas emissions after the year 2000. The companies knew that climate change was a serious global problem and were operating in a highly regulated industry at that time.⁶ All of these factors indicate that a state climate superfund would not infringe on these companies due process rights.⁷

Response: The State Climate Superfund May Constitute a Taking

The state climate superfund's imposition of liability on responsible parties for the environmental harms that result from their activities is not a taking.⁸ In evaluating a "regulatory" taking, courts examine several factors, including "the economic impact of the regulation, its interference with reasonable investment backed expectations, and the character of the governmental action."⁹ Under this framework, courts have repeatedly upheld environmental laws and regulations that impose financial costs on polluters for environmental harms.¹⁰ The responsible parties under a state climate superfund reap significant private profits from their activities while the public bears the broader health and environmental costs; these profits dwarf the financial liabilities imposed by the bill. And as noted above, it is unreasonable for companies to have expected no government regulation of fossil fuels after the year 2000.¹¹

⁶ On the relevance of operating in a highly regulated industry with clear potential for environmental harm, see *Monsanto Co.*, 858 F.2d at 174 ("While the generator defendants profited from inexpensive waste disposal methods that may have been technically 'legal' prior to CERCLA's enactment, it was certainly foreseeable at the time that improper disposal could cause enormous damage to the environment.").

⁷ See *United States v. Alcan Aluminum Corp.*, 315 F.3d 179, 190 (2d Cir. 2003) ("We are in accord with this consistent authority that both pre- and post-dates *Eastern Enterprises*. As a consequence, holding Alcan jointly and severally liable under CERCLA for the cleanup costs incurred at PAS and Fulton does not result in an unconstitutional taking adverse to Alcan, or a deprivation of its right to due process.");

⁸ See *United States v. Conservation Chem. Co.*, 619 F. Supp. 162, 217 (W.D. Mo. 1985) ("What defendants have loosely referred to as a 'taking' is, in reality, nothing more than an attempt to transform a substantive due process challenge of an economic regulation (which is subject only to the 'rational purpose' and 'arbitrary and capricious' standards), into a confiscation of defendants' property rights. This characterization is, however, inappropriate and the claim lacks merit.").

⁹ *Penn Cent. Transp. Co. v. New York City*, 438 U.S. 104, 124-25 (1978).

¹⁰ See, e.g., *Alcan Aluminum Corp.*, 315 F.3d at 190; *United States v. Ne. Pharm. & Chem. Co.*, 810 F.2d 726, 734 (8th Cir. 1986) ("Appellants also summarily argue retroactive application of CERCLA constitutes an unconstitutional taking of property. We disagree."); *United States v. Alcan Aluminum Corp.*, 49 F. Supp. 2d 96, 100 (N.D.N.Y. 1999) (distinguishing *Eastern Enterprises v. Apfel* from environmental liability in the context of a hazardous waste superfund because in the latter case the liability was connected to an environmental harm, rather than imposed for "no reason"); *United States v. Dico, Inc.*, 189 F.R.D. 536, 543 (S.D. Iowa 1999) ("[T]he only rationale embraced by at least five judges in *Eastern Enterprises* is that retroactive application of the Coal Act to *Eastern* did not violate the Takings Clause. It therefore remains settled in this circuit that retroactive application of CERCLA does not violate either the Due Process or Takings Clauses.").

¹¹ See Peter H. Howard and Minhong Xu, *Enacting the "Polluter Pays" Principle: New York's Climate Change Superfund Act and Its Impact on Gasoline Prices*, INST. POL'Y INTEGRITY 14 (2022), https://policyintegrity.org/files/publications/Polluter_Pays_Policy_Brief_v2.pdf (discussing reasons firms should expect liability for greenhouse gas emissions and noting that potentially responsible parties like Exxon, BP, Shell, and Chevron already put a price on carbon internally to account for this expected liability).

Response: The State Climate Superfund Imposes Arbitrary, Excessive Fines that May Violate Due Process

The financial liability imposed under the state climate superfund is not arbitrary or excessive. Responsible parties must contribute funds in proportion to the amount of greenhouse gas emissions that result from their products;¹² an overwhelming number of scientific studies have connected greenhouse gas emissions to climate change and its attendant effects. Nor are the fines excessive given oil company revenue, market capitalization, and profits,¹³ as well as the expected environmental damage to New York.

Courts have repeatedly found that the imposition of financial liability on parties that caused past environmental harm does not violate due process.¹⁴ No court has suggested that the state needs precision in calculating liability in order to satisfy due process requirements.¹⁵

Response: Use of Strict Liability Standard and the Nexus between Fine and Liability

Legislatures and the courts have historically imposed strict liability on parties engaging in a variety of harmful activities, including those that injure the environment, under the reasoning that the party who engaged in the activity for a specific purpose or profit is in the best position to absorb the cost of those harms.¹⁶ In the environmental context, the requirement that companies who engaged in the polluting activity pay the costs of any resulting damage is known as the “polluter pays” principle, a longstanding legal doctrine.¹⁷ Here, the responsible parties are not

¹² See *Franklin Cty. Convention Facilities Auth. v. Am. Premier Underwriters, Inc.*, 240 F.3d 534, 553 (6th Cir. 2001) (upholding CERCLA’s constitutionality from due process and takings challenges, noting that “[a]lthough the economic impact on [the party] of retroactive CERCLA application is potentially significant, it is also directly proportional to [the party’s] prior acts of pollution).

¹³ See *Howard and Xu*, *supra* note 11, at 16.

¹⁴ See *Alcan Aluminum Corp.*, 315 F.3d at 190; *Dico, Inc.*, 189 F.R.D. at 543; *Franklin Cty. Convention Facilities Auth. v. Am. Premier Underwriters, Inc.*, 240 F.3d at 552 (finding no due process violation for imposing liability on hazardous waste polluters because “Congress acted rationally by spreading the cost of cleaning hazardous waste sites to those who were responsible for creating the sites. Cleaning abandoned and inactive hazardous waste disposal sites is a legitimate legislative purpose which is furthered by imposing liability for response costs upon those parties who created and profited from those sites.”); *United States v. Newmont USA Ltd.*, No. CV-05-020-JLQ, 2007 U.S. Dist. LEXIS 63726, at *14 (E.D. Wash. Aug. 28, 2007) (“[C]ourts that have been asked to reconsider whether CERCLA’s retroactive liability scheme is constitutional in light of *Eastern Enterprises* have “uniformly held that CERCLA continues to pass constitutional muster.”);

¹⁵ See *United States v. Hardage*, Case No. CIV-86-1401-P, 1989 U.S. Dist. LEXIS 17878, at *14 (W.D. Okla. Nov. 28, 1989) (finding that the imposition of joint and several liability for parties who caused environmental harms that were “indivisible” did not violate due process); *United States v. Conservation Chem. Co.*, 619 F. Supp. 162, 214 (W.D. Mo. 1985) (“there is no support for the underlying premise . . . that imposition of joint and several liability creates a constitutional question. . . The application of the principle of joint and several liability where there is indivisible injury resulting from multiple causes has been applied in many contexts, without constitutional challenge”); see also *Monsanto Co.*, 858 F.2d at 174.

¹⁶ See Alexandra Klaas, *From Reservoirs to Remediation: The Impact of CERCLA on Common Law Strict Liability Environmental Claims*, 39 WAKE FOREST L. REV. 903, 907 (2004) (noting that “strict liability has been historically applied through common law and statutory developments in a wide range of areas,” including environmental pollution).

¹⁷ Boris N. Mamlyuk, *Analyzing the Polluter Pays Principle through Law and Economics*, 18 SOUTHEASTERN ENV’T L.J. 39, 41-42 (2009) (“In domestic law, the polluter pays principle states that polluting entities are legally and financially responsible for the harmful consequences of their pollution.”).

just “one segment of the economy” but those who engaged in the activity and profited from it. API’s statements here are thus policy critiques of the bill rather than arguments about its legal validity. API may wish that the doctrine of strict liability didn’t exist, or believe that New York should add a causation requirement to the bill, but the legislature is legally allowed to impose strict liability on responsible parties and determine financial contributions based on greenhouse gas contributions.

Response: Disproportionate Penalties

It is reasonable for the New York state legislature to impose joint and several liability on responsible parties for the harms resulting from climate change, thus requiring some companies to pay more to help with adaptation and mitigation efforts. This is the approach taken in other environmental laws where the harms cannot be specifically attributed to individual polluters as well as situations where some responsible parties are insolvent or otherwise unable to contribute to remedying the environmental damages resulting from their activities.¹⁸

Response: Federal Preemption

The state climate superfund is not preempted by the Clean Air Act. Under the Clean Air Act, states do not need permission from the federal government to enact environmental laws, on climate change or any other air pollution problem. The Clean Air Act takes what is known as a “cooperative federalist” approach to air pollution problems, preserving state authority to regulate more stringently than the federal government through a savings clause,¹⁹ with a few specific exceptions like setting new motor vehicle emission standards.²⁰ The Clean Air Act’s savings clause would apply to a state climate superfund in the same way it does to state laws concerning other types of pollution problems.²¹

¹⁸ See *United States v. Monsanto Co.*, 858 F.2d 160, 172 (4th Cir. 1988) (noting that under CERCLA the uniform federal rule is that if parties “cause a single and indivisible harm [], they are held liable jointly and severally for the entire harm”).

¹⁹ See 42 U.S.C. § 7416 (2022) (“Except as otherwise provided . . . nothing in this chapter shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution.”); see also Holly Doremus & W. Michael Hanemann, *Of Babies and Bathwater: Why the Clean Air Act’s Cooperative Federalism Framework Is Useful for Addressing Global Warming*, 50 ARIZ. L. REV. 799, 817 (2008) (“The Clean Air Act was the first modern federal environmental statute to employ a ‘cooperative federalism framework,’ assigning responsibilities for air pollution control to both federal and state authorities.”).

²⁰ See 42 U.S.C.S. § 7543(a) (2022) (“No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines . . .”). Another exception concerns the Acid Rain trading provisions. See *Clean Air Mkts. Group v. Pataki*, 338 F.3d 82 (2d Cir. 2003).

²¹ Indeed, many states have programs to address greenhouse gas emissions; though different in form than a state climate superfund, the same principles of federalism and preemption analysis apply. See, e.g., William Funk, *Constitutional Implications of Regional CO2 Cap-and-Trade Programs: The Northeast Regional Greenhouse Gas Initiative as a Case in Point*, 27 J. ENV’T L. 353, 357 (2009) (explaining that the regional greenhouse gas initiative should not be preempted by federal law, at least until a federal cap-and-trade program passes Congress).

The decision of the U.S. Court of Appeals for the Second Circuit in *City of New York v. Chevron Corp* does not suggest that the Clean Air Act preempts legislation like a climate superfund.²² The *Chevron* case solely concerned whether nuisance lawsuits against fossil fuel companies could be brought under state law or whether they had to be brought under federal common law.²³ Musings from the Second Circuit about whether the federal government is better positioned to address climate change are immaterial to a legal analysis of preemption. Only Congress – not the Second Circuit – has the power to amend the Clean Air Act and preempt state action; under the Act’s current framework, states have the authority to create a climate superfund.

²² See, e.g., Jonathan Adler, *Displacement and Preemption of Climate Nuisance Claims*, 17 J. L., ECON. & POL’Y 217, 221 (2022) (criticizing the 2nd circuit decision for holding “that state law claims against fossil fuel companies are preempted, despite the lack of any preemptive legislative action, implicit or otherwise . . . [w]hether state law nuisance actions are to be preempted is a choice for Congress to make, and is a choice Congress has not yet made”).

²³ *City of N.Y. v. Chevron Corp.*, 993 F.3d 81, 91 (2d Cir. 2021)

EXHIBIT E

EXHIBIT F



FOIA THO 0239-24

1 message

Shannon Hill <hillsr@umich.edu>
To: joe@govoversight.org, info@govoversight.org
Cc: Freedom of Information Act Office <foia-email@umich.edu>

Tue, Mar 26, 2024 at 3:50 PM

Dear Joe Thomas,

I am writing in response to your Freedom of Information Act request dated March March 6, 2024, which was received on March 7, 2024.

You requested:

[P]lease provide us copies of all email correspondence sent to or from (including as cc: and/or bcc:) Rachel Rothschild, Assistant Professor, University of Michigan Law School, which is dated at any time from January 1, 2023 through July 31, 2023, inclusive, that includes, anywhere, whether in an email or an attachment thereto, "American Petroleum Institute Opposition to a Climate Superfund Act" and was sent to or from or includes as a copied party any email address ending in ".edu".

Your request is denied because we have no responsive records. Any records that meet the description you provided, if they were to exist, would not be public records of the University of Michigan pursuant to Section 2 (i) of the Michigan Freedom of Information Act, which defines a "public record" as "a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function..."

Please note that within 180 days from the date of this letter, you have the right to appeal the denial of information to the President of the University or seek judicial review in the court of claims to try to compel disclosure. If you elect to appeal and the President upholds the denial, you may still seek judicial review within the 180-day period.

An appeal to the President must be submitted in writing to: President's Office, c/o Steve Yaros, The University of Michigan, Ruthven Bldg. Suite 3190, [1109 Geddes Ave., Ann Arbor, Michigan 48109-1079](#) (or by email to: FOIAappeals@umich.edu). The statement must (1) identify the request and the final determination by the FOIA officer that is being appealed, (2) specifically state the word "appeal," and (3) identify the reason or reasons why the final determination should be reversed.

If you seek judicial review in the Michigan court of claims and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$1,000.00 if the court finds that the University was arbitrary and capricious in its denial.

A copy of Section 10 of the Michigan FOIA is available for your reference and review online at <http://foia.vpcomm.umich.edu/foia-right-to-appeal/>.

Sincerely,

Shannon Hill
Acting Chief Freedom of Information Act Officer
Freedom of Information Act Office | University of Michigan
<http://foia.vpcomm.umich.edu> | hillsr@umich.edu | (734) 763-4167

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EXHIBIT G



MICHIGAN PUBLIC RECORDS REQUEST

March 26, 2024

University of Michigan FOIA Office
3300 Ruthven Building
1109 Geddes Avenue
Ann Arbor, MI 48109-1079

By Email: foia-email@umich.edu

On behalf of Government Accountability & Oversight (GAO), a non-profit public policy organization dedicated to transparency in government and with an active public dissemination and media program, and pursuant to the Michigan Freedom of Information Act, MCL §15.231, *et seq.*, please provide us copies of **all email correspondence** sent to or from (including as cc: and/or bcc:) **Rachel Rothschild, Assistant Professor, University of Michigan Law School**, which is **dated at any time from January 1, 2023 through July 31, 2023**, inclusive, that includes, anywhere, whether in an email or an attachment thereto, **“American Petroleum Institute Opposition to a Climate Superfund Act”**¹ and:

- 1) was sent to or from or includes as a copied party any email address ending in **“.org”**.²
- 2) was sent to or from or includes as a copied party any email address ending in **“.gov”**, and/or
- 3) was sent to or from or includes as a copied party any email address ending in **“.com”**.

We request entire “threads” of which any responsive electronic correspondence is a part, regardless of whether any portion falls outside of the above time parameter.

We understand there may be some overlap in records responsive to the above due, and do not request duplicates however we do request duplicate listing in any index or log you provide.

In the event that the Office’s custodian of public records determines that a release of a given record would contain confidential or private information or otherwise seek to withhold information, we request to state the reasons for any such withholdings.

We understand that in some instances a public body may charge a fee for the cost of the search, examination, review, copying, separation of confidential from nonconfidential information, and

¹ Quotation marks are not part of a search term, but only delineate it. This is the title of a March 29, 2023, Memorandum “FROM: Rachel Rothschild, Assistant Professor, University of Michigan Law School”.

² Quotation marks are not part of a search term, but only delineate it.

mailing costs. If your Office expects to seek a charge associated with the searching, copying or production of these records, please provide an estimate of anticipated costs.

As noted earlier in this request, GAO is a non-profit public policy organization dedicated to informing the public of developments in the area of energy and environmental issues and relationships between governmental and non-governmental entities as they relate to those issues. GAO's ability to obtain fee waivers is essential to this work. GAO intends to use any responsive information to continue its work highlighting the nexus between interested non-governmental entities and government agency decision-making. The public is both interested in and entitled to know how regulatory, policy and enforcement decisions are reached. GAO ensures the public is made aware of its work and findings via media, its websites govoversight.org and climatelitigationwatch.org dedicated to broadly disseminating energy and environmental policy news and developments. The public information obtained by GAO have been relied upon by established media outlets, including the Washington Times, Fox News and the Wall Street Journal editorial page.

GAO requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account.

GAO looks forward to your response. In the event you have any questions, please feel free contact me at the below email address.

Thank you for your prompt attention, time and consideration to this matter.

Respectfully submitted,
Joe Thomas
Joe@govoversight.org

Government Accountability & Oversight
30 N. Gould Street
#12848
Sheridan, WY 82801
(434) 882-4217

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EXHIBIT H



FOIA THO 0308-24

1 message

Shannon Hill <hillsr@umich.edu>
To: joe@govoversight.org, info@govoversight.org
Cc: Freedom of Information Act Office <foia-email@umich.edu>

Wed, Apr 3, 2024 at 4:49 PM

Dear Joe Thomas,

I am writing in response to your Freedom of Information Act request dated March March 26, 2024, which was received on March 27, 2024.

You requested:

[P]lease provide us copies of all email correspondence sent to or from (including as cc: and/or bcc:) Rachel Rothschild, Assistant Professor, University of Michigan Law School, which is dated at any time from January 1, 2023 through July 31, 2023, inclusive, that includes, anywhere, whether in an email or an attachment thereto, "American Petroleum Institute Opposition to a Climate Superfund Act" and:

- 1) was sent to or from or includes as a copied party any email address ending in ".org".
- 2) was sent to or from or includes as a copied party any email address ending in ".gov", and/or
- 3) was sent to or from or includes as a copied party any email address ending in ".com".

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An appeal to the President must be submitted in writing to: President's Office, c/o Steve Yaros, The University of Michigan, Ruthven Bldg. Suite 3190, [1109 Geddes Ave., Ann Arbor, Michigan 48109-1079](#) (or by email to: FOIAappeals@umich.edu). The statement must (1) identify the request and the final determination by the FOIA officer that is being appealed, (2) specifically state the word "appeal," and (3) identify the reason or reasons why the final determination should be reversed.

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Sincerely,

Shannon Hill

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Acting Chief Freedom of Information Act Officer
Freedom of Information Act Office | University of Michigan
<http://foia.vpcomm.umich.edu> | hillsr@umich.edu | (734) 763-4167

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STATE OF MICHIGAN
COURT OF CLAIMS

Bundle Cover Sheet

Lower Court:	L Ct No.:	COC No.: TEMP-MNE02QMK
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Case Title:
GOVERNMENT ACCOUNTABILITY & OVERSIGHT v. REGENTS OF THE UNIVERS

Priority: NONE	Filing Option: File Only
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Filer Information

Filer
Zachary Larsen
215 South Washington Square
Lansing, MI 48933-1888

Attorney
Zachary Larsen, P72189(MI)
215 South Washington Square
Lansing, MI 48933-1888

ZLarsen@clarkhill.com

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Filing Summary

Filing Type	Filing Name	Fee
Summons and Complaint	Summons & Complaint, Verification, & Exhibits (GAO) 5.01.2024	\$150.00
	eFiling System Fee:	\$25.00
	NON-REFUNDABLE Automated Payment Service Fee:	\$5.25
	Total:	\$180.25

Alternate Payment Reason: None

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The document(s) listed above were electronically filed with the Michigan Court of Claims.

TEMP-MNE02QMK-42083373

TrueFiling Case Initiation - Summons and Complaint

Case Title:

GOVERNMENT ACCOUNTABILITY & OVER

Case Type:

MZ

Case Description:

Other Damage Suits: All other claims not otherwise coded

Party 1 (Plaintiff)

Business: Government Accountability & Oversight **Phone:**

Address: 30 N. Gould Street Suite # 12848

City: Sheridan **State:** Wyoming **Zip:** 82801

Attorney(s) for Party 1

Name: Zachary C. Larsen **Bar Number:** P72189 **(Lead Counsel)**

Name: James J. Fleming **Bar Number:** P84490 **(Lead Counsel)**

Name: Clifford (Gary) Cooper **Bar Number:** P85606 **(Lead Counsel)**

Party 2 (Defendant)

Business: Regents of the University of Michigan **Phone:**

Address: 1109 Geddes Avenue Suite # 3300

City: Ann Arbor **State:** Michigan **Zip:** 48190

Party is Pro Se
