

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY 7th	SUMMONS	CASE NUMBER 25- <u>52333</u> -CZ
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Court address 900 S. Saginaw Street, Flint, MI 48502	<b>DAVID J. NEWBLATT</b> <b>P-45306</b>	Court telephone number 810-424-4355
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Plaintiff's name, address, and telephone number Mackinac Center for Public Policy 140 W. Main Street Midland, MI 48640 989-631-0900	v	Defendant's name, address, and telephone number Flint Community Schools Attn: Dr. Joyce Ellis-McNeal 923 E. Kearsley St. Flint, MI 48503 810-760-1000
Plaintiff's attorney bar number, address, and telephone number Stephen A. Delie (P80209); Derk A. Wilcox (P66177) 140 W. Main Street Midland, MI 48640 989-631-0900		

**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 <u>4-30-25</u>	Expiration date* <u>7-29-25</u>	Court clerk <u>Holly McCarthy</u>
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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.

**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 \$	<b>TOTAL FEE</b> \$

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) \_\_\_\_\_

STATE OF MICHIGAN  
GENESEE COUNTY CIRCUIT COURT

THE MACKINAC CENTER FOR PUBLIC  
POLICY, a nonprofit Michigan Corporation

Plaintiff,

v.

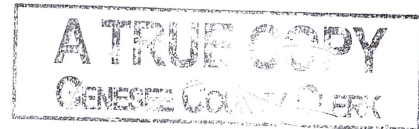
FLINT COMMUNITY SCHOOLS, a  
Michigan governmental agency.

Defendant.

Case No.: 25- 52333 -CZ

Hon. **DAVID J. NEWBLATT**  
**P-45306**

Complaint



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Stephen A. Delie (P80209)  
Derk A. Wilcox (P66177)  
Patrick J. Wright (P54052)  
Mackinac Center for Public Policy  
Attorneys for Plaintiff  
140 West Main Street  
Midland, MI 48640  
(989) 631-0900 – voice  
(989) 631-0964 – fax  
[delie@mackinac.org](mailto:delie@mackinac.org)  
[wilcox@mackinac.org](mailto:wilcox@mackinac.org)

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**COMPLAINT**

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There is no other pending or resolved civil action arising out of the same transaction or occurrence alleged in the complaint.

**NOW COMES** Plaintiff, The Mackinac Center for Public Policy, and for its Complaint alleges and states as follows:

## INTRODUCTION

The plaintiff, the Mackinac Center for Public Policy (the “Mackinac Center”) is a nonprofit organization dedicated to improving the quality of life for all Michigan residents by promoting sound solutions to state and local policy questions. To that end, the Mackinac Center routinely uses the Freedom of Information Act (“FOIA”) to obtain relevant documents from state and local governments.

On February 17, 2025, the Mackinac Center, by and through its employee, Jamie Hope, made a routine request to Flint Community Schools (“FCS”), seeking the expense reports submitted to FCS for school-related trips by FCS staff, administrative officials, and school board members. Under the FOIA, FCS was required to respond to this request no later than five business days from the date of receipt, or February 24, 2025. MCL 15.235(2). The Mackinac Center received no response to its initial request.

On March 11, 2025 (a full sixteen business days after the Mackinac Center submitted its original request), the Center sent another communication to FCS requesting a status update. In response, FCS indicated that it had received the Center’s request and was “working on it.” In light of the fact this response contained none of the information required by MCL 15.234(8), and was untimely under MCL 15.235(2), the Mackinac Center sent additional correspondence demanding compliance with the requirements of the FOIA on March 11, 2025. The Center received no response.

To date, the Center has not received any correspondence or records from FCS beyond its initial vague assurances that its request was being worked on. This suit follows, as FCS has failed to fulfill even the most rudimentary requirements of the FOIA.

## **PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff, the Mackinac Center for Public Policy (the “Mackinac Center”), is a Michigan nonprofit corporation headquartered in Midland County, Michigan.
2. Defendant, Flint Community Schools (“FCS”), is a municipal corporation and public body which is headquartered in Genesee County, Michigan.
3. Venue is proper pursuant to MCL 15.240(1)(b).
4. Pursuant to MCL 15.240(5), this action should be “assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.”
5. Pursuant to MCL 15.240(1)(b) and MCL 600.605, the circuit court has jurisdiction over this claim.

## **VIOLATIONS OF THE FREEDOM OF INFORMATION ACT**

6. The Plaintiff hereby incorporates the preceding paragraphs as if fully restated herein.
7. On February 17, 2025, Mackinac Center employee Jamie Hope submitted a FOIA request to FCS for the following records:
  - A copy of all expense reports submitted to the District for in-state and out-of-state school related trips for staff, administration officials, and school board members in 23 and 2024.
  - If there are no records responsive to the request immediately above, a copy of any records submitted to the district which itemize the costs associated with any trips for the years referenced above.

### **Exhibit A, Mackinac Center’s FOIA Request and Related Correspondence.**

8. FCS did not respond to the Mackinac Center’s request within the five (5) business day period required by MCL 15.235(2).
9. Having received no response whatsoever, the Mackinac Center contacted the FCS on March 11, 2025, to determine the status of its request. **Exhibit A.**

10. On March 11, 2025, an unknown FCS employee responded to the Mackinac Center's request thusly:

“Hello,

We have received your request and are working on it.”

The response contained no additional information about the estimated cost of the request, the time period in which the Mackinac Center could expect it to be fulfilled, or any attachments. **Exhibit A.**

11. March 11, 2025 was sixteen (16) business days after the Mackinac Center submitted its original request, meaning FCS would have failed to respond within the time period permitted by MCL 15.235(2) even if it had taken a 10-business day extension.

12. MCL 15.231(2) states:

It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to fully and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may participate in the democratic process.

13. MCL 15.235(2) requires a public body to respond to a FOIA request within five (5) business days. That response must be either a grant of the request, a denial of the request, or a ten (10) business day extension of the period to respond. *Id.*

14. The Mackinac Center's request was filed on February 17, 2025. Thus, FCS' response was due no later than February 24, 2025. **See Exhibit A.**

15. At time of writing, it has been fifty (50) business days since the Center filed its request. FCS has not responded in the fashion required by MCL 15.235(2).

16. Thus, FCS has violated FOIA by failing to respond within the five (5) business days as required by MCL 15.235(2).

17. Under MCL 15.235(3), a failure to respond to a written request constitutes a public body's final determination to deny the request if the request included language conveying a request for information within the first two hundred and fifty (250) words of the body of an e-mail. MCL 15.235(3) specifically cites communications including the words "freedom of information" or "FOIA" as satisfying this requirement.
18. The subject line of the Mackinac Center's request was "FOIA Request." **Exhibit A.**
19. The initial clause of the request read: "Pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, ...." **Exhibit A.**
20. Thus, under MCL 15.235(3), FCS' failure to respond within the time period required by MCL 15.235(2) constitutes a final determination denying the Center's request.
21. MCL 15.235(8) permits the Center to commence this civil action to appeal FCS' final determination to deny the Center's request.
22. FCS' failure to respond to the Center's request is arbitrary and capricious under MCL 15.240(7), thereby subjecting it to a civil fine of \$1,000.00 payable to the general treasury and a separate \$1,000.00 to the Mackinac Center.
23. FCS' failure to respond as required by MCL 15.235(2) constitutes a willful and intentional failure to comply under MCL 15.240b, thereby subjecting it to a civil fine of \$2,500 to \$7,500 payable to the state treasury.

### **RELIEF REQUESTED**

Plaintiff, Mackinac Center for Public Policy, respectfully requests that this Court order Defendant, Flint Community Schools, to provide all documents sought in the FOIA request in unredacted form; apply the full penalties available under MCL 15.234(9), MCL 15.240(7), and

MCL 15.240b; and award any other relief this Court determines to be just and equitable to remedy FCS' failure to produce the requested information and causing the need to bring this suit.

Dated: April 28, 2025

/s/ Stephen A. Delie  
Stephen A. Delie (P80209)  
Derk Wilcox (P66177)  
Mackinac Center Legal Foundation  
140 W. Main Street  
Midland, MI 48640  
989-631-0900  
[delie@mackinac.org](mailto:delie@mackinac.org)  
[wilcox@mackinac.org](mailto:wilcox@mackinac.org)



# Exhibit A

**Delie, Steve**

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**From:** Delie, Steve  
**Sent:** Tuesday, March 11, 2025 3:57 PM  
**To:** Freedom of Information Act; Hope, Jamie  
**Subject:** RE: FOIA request

Good afternoon.

Pursuant to MCL 15.235, an initial FOIA respond must be made within 5 business days. Further, that initial response must contain certain information, including a good-faith calculation of the total permissible labor fees, and "a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor." MCL 15.234(8).

We respectfully request to be provided with a response that satisfies the statutory criteria.

Sincerely,

Steve Delie  
Attorney  
Mackinac Center Legal Foundation

**From:** Freedom of Information Act <[foia@flintschools.org](mailto:foia@flintschools.org)>  
**Sent:** Tuesday, March 11, 2025 3:46 PM  
**To:** Hope, Jamie <[Hope@mackinac.org](mailto:Hope@mackinac.org)>; Freedom of Information Act <[foia@flintschools.org](mailto:foia@flintschools.org)>  
**Cc:** Delie, Steve <[Delie@mackinac.org](mailto:Delie@mackinac.org)>  
**Subject:** RE: FOIA request

Hello,

We have received your request and are working on it.



**From:** Hope, Jamie <[Hope@mackinac.org](mailto:Hope@mackinac.org)>  
**Sent:** Tuesday, March 11, 2025 3:20 PM  
**To:** Freedom of Information Act <[foia@flintschools.org](mailto:foia@flintschools.org)>  
**Cc:** Delie, Steve <[Delie@mackinac.org](mailto:Delie@mackinac.org)>  
**Subject:** Re: FOIA request

You don't often get email from [hope@mackinac.org](mailto:hope@mackinac.org). [Learn why this is important](#)

Good Afternoon,

I never received a response from Flint to a FOIA I filed on Feb. 17. When will this be fulfilled as required by law?

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**From:** Hope, Jamie  
**Sent:** Monday, February 17, 2025 9:31 AM  
**To:** [foia@flintschools.org](mailto:foia@flintschools.org) <[foia@flintschools.org](mailto:foia@flintschools.org)>  
**Cc:** Delie, Steve <[Delie@mackinac.org](mailto:Delie@mackinac.org)>  
**Subject:** FOIA request

Good Morning,

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, I respectfully request the following records on behalf of the Mackinac Center for Public Policy:

- A copy of all expense reports submitted to the District for in-state and out-of-state school related trips for staff, administration officials, and school board members in 23 and 2024.
- If there are no records responsive to the request immediately above, a copy of any records submitted to the district which itemize the costs associated with any trips for the years referenced above.

Please contact me if the cost of this request is expected to exceed \$500. I request that these records be provided to me electronically.

Sincerely,

Jamie Hope, assistant managing editor  
Michigan Capitol Confidential  
Mackinac Center for Public Policy  
140 W. Main Street  
Midland, MI 48640  
989-631-0900  
[hope@mackinac.org](mailto:hope@mackinac.org)