

STATE OF MICHIGAN
WASHTENAW COUNTY TRIAL COURT

PATRICIA D. LESKO, THOMAS
STULBERG and THOMAS F. WIEDER,

Plaintiffs,

v.

CITY OF ANN ARBOR,

Defendant.

Case No. 19-639- CZ

Hon. Carol Kuhnke

Circuit Court Judge

Thomas F. Wieder (P33228) Attorney for Plaintiffs 2445 Newport Rd. Ann Arbor, MI 48103 Phone: (734) 994-6647 wiedert@aol.com	Stephen K. Postema (P38871) Matthew P. Thomas (P80686) Office of the City Attorney 301 E. Huron, P.O. Box 8647 Ann Arbor, MI 48104 (734)794-6170 spostema@a2gov.org mthomas@a2gov.org
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STIPULATED INJUNCTIVE ORDER

At a session of court held in the courthouse
in Ann Arbor, Michigan, on
June 12, 2019.

PRESENT: Honorable Carol Kuhnke

This action concerns a Freedom of Information Act ("FOIA") request filed with Defendant City of Ann Arbor (the "City") by Luis Vazquez, which is designated Request #1980 (the "Request"). The Request is attached to the Complaint herein as Exhibit A. The Request seeks, in Parts 1, 2 and 3 thereof, production of records of certain communications between each of the Plaintiffs and City staff and/or Councilmembers, which may have occurred during the period January 1 – April 18, 2019.

In their Complaint, Plaintiffs assert that, to the extent that any such records exist, they are not "public records" as defined in the FOIA, and the City is not required to produce any such records. Further, Plaintiffs assert that, to the extent that any such records exist, they are private communications, primarily conveying their concerns and viewpoints regarding certain governmental issues and matters.

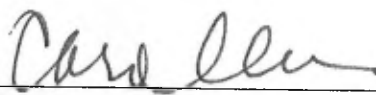
The City disagrees with the Plaintiffs complaint and, although it has not yet filed an answer to the Complaint, the City expects to assert that there exist one or more documents which would be subject to the Request, that it is compelled to produce them under FOIA, under penalty of sanctions under FOIA, and that it intends to do so absent a Court order .

Plaintiffs are asking the Court to declare that the records sought, if any exist, would not be "public records" as defined by the FOIA, and the City has no obligation to produce them.

Given that both parties wish the efficient adjudication of this complaint, and the City is required to respond to the request under FOIA and the City intends to produce all responsive records by June 13, 2019, before this Court could fully adjudicate the matter, the parties have stipulated that the City will not disclose to the public the substance of, or produce pursuant to the Request, any documents which may exist which would be covered by the language of Parts 1, 2 and 3 of the Request until this Court has ruled on the merits of the Plaintiffs' Complaint.

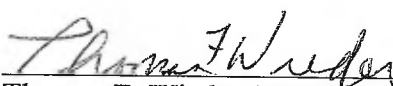
IT IS ORDERED, that pursuant to the parties' agreement, the Defendant City shall not disclose to the public the substance of, or produce pursuant to the Request, any documents which would be covered by the language of Parts 1, 2 and 3 of the Request until this Court has ruled on the merits of the Plaintiffs' Complaint, or further order of the Court.


By agreeing to this Stipulated Order, no party will have waived any claim or defense that it may have in this action.


Hon. Carol Kuhnke
Circuit Court Judge **P55348**

Order Prepared By:

Approved as to form and substance:

 6/12/19
Thomas F. Wieder (P33228) Date
Attorney for Plaintiffs

 6/12/19
Stephen K. Postema (P38871) Date
Attorney for Defendant