

# Memo

**To:** Township Board  
**From:** Holly Brandt, Clerk  
**Date:** March 15, 2019  
**Re:** Joel Hack & Wren Beaulieu-Hack Litigation vs. Charter Township of Milford

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In regard to the Joel Q. Hack, et. al. (Plaintiffs) vs. the Charter Township of Milford, et. al. (Defendants) US District Court litigation, the following actions have occurred, which were accompanied by related filings (emailed separately due to file sizes):

- February 15, 2019 – Plaintiffs filed a Motion for Entry of a Qualified Protective Order and a Motion to Compel Emails in Possession of Third-Party.
  - The Motion for the QPO was filed by Plaintiffs as an objection to the Township insisting that its legal counsel be able to consult with the Plaintiff's treating physician in order to assess Plaintiffs' claims of emotional distress.
  - The Motion to Compel was filed in response to the Township refusing to produce privileged documents in connection with a subpoena served upon the Township engineering consultant Michael Darga. The Township objected to production of those materials based upon attorney-client privileged, as they included communication with the Township attorney's office.
- February 20, 2019 – The deposition of Township engineering consultant Michael Darga (HRC) was taken by Plaintiffs.
- February 28, 2019 – A hearing was held in the US District Court regarding the Township's Motion for Summary Judgment. Arguments were made in regard to application of the Township's ordinance and whether proper

litigation procedures were followed. Ultimately, Judge Battani took the Motion under advisement and stated that an opinion would be issued in the future.

- March 1, 2019 – The Township filed its Response to Motion for Entry of a Qualified Protective Order and its Response to Plaintiffs’ Motion to Compel Emails in Possession of Third-Party.
  - The Township’s Response to the Motion for QPO was based upon the Township’s right to obtain Plaintiffs medical records through ex parte meetings with the treating physician, which satisfies HIPAA requirements and follows past practice of the federal courts.
  - The Township’s Response to the Motion to Compel once again reiterated that the requested materials are protected by attorney-client privilege.
- March 8, 2019 – Plaintiffs filed their Reply to the Township’s Response to Motion for Entry of a Qualified Protective Order and its Reply to the Township’s Response to Motion to Compel Emails in Possession of Third-Party, which simply repeated Plaintiffs arguments in the initial motions.
- March 13, 2019 – Continuation of the deposition of Township engineering consultant Michael Darga was taken by Plaintiffs.

Although the afore-mentioned motions still need to be argued, discovery needs to be completed, and the Court still needs to rule on the Township’s Motion for Summary Judgment, a tentative trial date has been set for July 16, 2019.