

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOEL Q. HACK, an individual, and
WREN BEAULIEU-HACK, an individual,

Plaintiffs,

v

Case No.: 2:18-cv-13330
Hon. Marianne O. Battani

THE CHARTER TOWNSHIP OF MILFORD,
a Michigan municipal corporation, **TOWNSHIP
OF MILFORD BOARD**, a public body, **DONALD
D. GREEN**, in his personal capacity and in his
official capacity as Supervisor of Milford Township,
and **TIMOTHY C. BRANDT**, in his personal capacity
and in his official capacity as Building and Zoning
Administrator of Milford Township,

Defendants.

**PLAINTIFFS' FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION
OF DOCUMENTS, AND REQUESTS FOR ADMISSIONS TO DEFENDANTS**

Plaintiffs Joel Q. Hack and Wren Beaulieu-Hack (the "Hacks"), through counsel, Maddin, Hauser, Heller & Roth, P.C., submit the following First Set of Interrogatories, Requests for Production of Documents, and Requests for Admissions to Defendants ("Discovery Requests") pursuant to Fed. R. Civ. P. 26, 33, 34, and 36.

These Discovery Requests shall be deemed continuing and supplemental answers shall be required immediately upon receipt thereof, if said party directly or indirectly obtains further or different information from the time the answers are served to the time of trial.

INSTRUCTIONS AND DEFINITIONS

Each Discovery Request solicits all information available to or obtainable by you and/or your respective agents, representative, investigators, attorneys, sureties or indemnitors.

If you cannot answer any Interrogatory or respond to any Request for Production of Documents in full, you should answer the Interrogatory or Request for Production of Documents to the extent possible and explain why you are unable to answer further. If any document is withheld under a claim of privilege, include a list of the documents withheld and identify the sender and recipient and any person(s) receiving copies of the document, including their respective job titles; the subject matter of the document; and the privilege claimed.

The terms “Plaintiff” and “Defendants” also embrace and include all affiliates, agents, servants, employees, representatives, officers, directors or others who are in possession of or who have obtained information for or on behalf of Plaintiff or Defendant, any predecessor or successor corporation, partnership, joint venture, limited liability company, or other business thereof, associations or entities or other assigns thereof.

The term “person” includes human beings and corporations, partnerships, joint ventures, limited liability companies and other entities.

The term “you” means the party upon which these Discovery Requests were served.

The term “document” means all writings and other printed matter of every kind, including, but not limited to: medical files, medical charts, books, records, statements, minutes, letters, memoranda, reports, lists, studies, agreements, printouts, telegrams, pamphlets, notes, diary and calendar entries, maps, charts, tabulations, press releases, test reports, papers, information stored on computer hard drive, disk, or CD, records of meetings, conferences, and telephone or other conversations or communications in the possession, custody or control of you

or any of your agents. **The term “documents” also includes non-printed material** such as voice recordings, reproductions, film impressions, photographs, negatives, slides, microfilm, microfiche, and other things that document or record ideas, words or impressions, as well **as electronically stored information (ESI)**, including CDs, computer data, metadata, and data stored on laptops, cellular devices, desktops, or other computer and electronic devices. The term “document” further includes all punch cards, tapes, disks, and recordings used from electronic, computer, or other written materials necessary to use punch cards, tapes, disks, or other recordings, and further includes data in electronic or other form that can be printed out or reduced to readable or usable form from proper programming or decoding of the electronic or computer bank or disk information. The term “document” also includes all copies of each document if the copies contain any additional writing or are not identical to the original.

The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) by any form of transmission (written or oral, paper or electronic), including, without limitation, letters, memoranda, reports, notices, e-mails, text messages, and social media messages.

To “identify,” “to state the name of,” or to “state the identity of” a person means to state his, her, or its name and last known business address, and if a natural person, his or her last known address, the name of his or her employer, the employment position then held by said employee, the date when such employment ceased, and that person’s telephone number.

To “identify,” to “state the name of”, or to “state the identity of” a document means to state:

- a. The name of the person who prepared it;
- b. The name of the person who signed it;
- c. The name of each person to whom it was addressed or distributed;

- d. The nature and substance of the document with sufficient particularity to enable it to be identified;
- e. The date of the document and, if it bears no date, the date when it was prepared or taken;
- f. The physical location of it and the name and address of its custodian or custodians;
- g. Whether it will be made available voluntarily to counsel for inspection and copying.

To “identify” or “describe” an act, conduct, or event means to state:

- a. The person engaging in the conduct or act;
- b. The date when and the place where such conduct or act occurred;
- c. The identities of all persons who witnessed or have knowledge of such conduct or act; and
- d. The identity of each document or recording which reflects or otherwise sets forth part or all of the substance of such conduct or act.

When requested to state the “factual basis” of any allegation, identify each occurrence, incident, and fact upon which Plaintiffs rely to support such allegation, including:

- a. The date thereof;
- b. The place thereof;
- c. The substance of each occurrence, incidence and fact;
- d. The identification of each person who participated therein;
- e. The identification of each person present; and
- f. The source of knowledge thereof.

All references to the singular in these Discovery Requests shall be deemed to include the plural, and all references to the plural shall be deemed to include the singular.

As used herein the word "or" shall not be read so as to eliminate any part of the Interrogatory but, whenever applicable, it should have the same meaning as the word “and.”

The term “the Property” refers to 2610 Pearson Road, Milford Township, Michigan 48380.

The term “Milford” means Defendant The Charter Township of Milford and its departments, agents, servants, employees, representatives, board members, experts, or others who are in possession of or who have obtained information for or on behalf of The Charter Township of Milford.

The term “HRC” means Hubbell, Roth & Clark, Inc.

INTERROGATORIES

1. Please identify the address for every single-family detached residence constructed in Milford from 2000 to the present, as well as the name of the occupant(s) identified in any related occupancy permits submitted in connection with the construction.

ANSWER:

2. Please identify the address for every building or structure, other than single-family detached residences, constructed in Milford from 2000 to the present, as well as the name of the occupant(s) identified in any related occupancy permits submitted in connection with the construction.

ANSWER:

3. In connection with every single-family detached residence constructed in Milford from 2000 to the present, including those identified in response to Interrogatory No. 1, please identify each project in which Milford required a fill permit as part of the construction.

ANSWER:

4. In connection with every single-family detached residence constructed in Milford from 2000 to the present, including those identified in response to Interrogatory No. 1, please identify each project in which Milford required a grading application as part of the construction.

ANSWER:

5. In connection with every single-family detached residence constructed in Milford from 2000 to the present, including those identified in response to Interrogatory No. 1, please identify each project in which Milford required a topographical survey as part of the construction.

ANSWER:

6. Please identify all individuals who, on behalf of Milford, were involved in reviewing or approving the Hacks' building permit application for the Property.

ANSWER:

7. Please identify all Milford ordinances, and other sources of authority, that authorize any of the Defendants to require the Hacks to submit a drainage plan in connection with the Property.

ANSWER:

8. Please identify all Milford ordinances that were not complied with, pursuant to Milford Ordinance, Sec. 32-29, in connection with the Hacks' building permit application.

ANSWER:

9. Why did Milford issue the Hacks a building permit in connection with the proposed construction on the Property if the Hacks' building permit application, including its proposed driveway, did not comply with Milford's ordinances?

ANSWER:

10. Please identify all Milford ordinances, and other sources of authority, that authorize any of the Defendants to require the Hacks to submit a grading plan in connection with the Property.

ANSWER:

11. Please identify all Milford ordinances, and other sources of authority, that authorize any of the Defendants to require the Hacks to submit a site engineering plans in connection with the Property.

ANSWER:

12. Please identify how the Hacks have failed to comply with ordinance Milford Ordinance, Sec. 32-574.

ANSWER:

13. Please identify all "filling and grading activity" mentioned in the cease and desist letter of Timothy C. Brandt, dated June 13, 2018, as well as all ordinances that required "review,

approval, and permitting” from Milford or its agents in connection with the “filling and grading activity”.

ANSWER:

14. Provide the name, address and phone number of each expert you have retained and/or may call at the time of trial, and the subject matter about which each such expert is expected to testify.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents relating to the Property, including, without limitation, all applications, permits, schematics, surveys, plans, photographs, letters, and non-attorney-client-privileged communications.

RESPONSE:

2. Please produce all documents and non-attorney-client-privileged communications exchanged between Milford, or any of its agents (including Don Green and Timothy Brandt), and HRC, or any of its agents (including Michael Darga), regarding the Property.

RESPONSE:

3. Please produce all documents and non-attorney-client-privileged communications exchanged between Milford, or any of its agents (including Don Green and Timothy Brandt), and HRC, or any of its agents (including Michael Darga), regarding any property adjoining the Property, including regarding 2488 Pearson Road, Milford Township, Michigan 48380.

RESPONSE:

4. Please produce all non-attorney-client-privileged communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between Milford agents regarding the Property.

RESPONSE:

5. Please produce all communications and correspondence, including, without limitation, emails, text messages, letters, and faxes between Milford agents and David Mamo or Valerie Mamo.

RESPONSE:

6. Please produce all communications and correspondence, including, without limitation, emails, text messages, letters, and faxes, between Milford agents and the Hacks, or agents thereof, including Bill Rogers and Brent LaVanway.

RESPONSE:

7. In connection with every single-family detached residence constructed in Milford from 2000 to the present, including those identified in response to Interrogatory No. 1, please produce the following with each such single-family detached residence:

- a. Building permit applications.
- b. Site plan applications.
- c. Building Permits.
- d. Site plans.
- e. Building site plans.
- f. Engineered grading plans.

- g. Grading applications.
- h. Grading permits.
- i. Drainage Plans.
- j. Site engineering plans, preliminary or otherwise.
- k. Fill plans.
- l. Fill permits.
- m. Driveway plans.
- n. Driveway permits.
- o. Drainage Area maps.
- p. Retention volume calculations.
- q. Drainage calculations.
- r. Topographical surveys.
- s. Any other application not identified above.
- t. Any other permit not identified above.

RESPONSE:

8. In connection with every single-family detached residence identified in response to Interrogatory No. 3, please produce all documents relating to the fill permit required as part of the construction.

RESPONSE:

9. In connection with every single-family detached residence identified in response to Interrogatory No. 4, please produce all documents relating to the grading application required as part of the construction.

RESPONSE:

10. In connection with every single-family detached residence identified in response to Interrogatory No. 4, please produce all documents relating to the topographical survey required as part of the construction.

RESPONSE:

11. All documents supporting the following:
 - a. That construction at the Property “forced water” onto any other property.
 - b. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 caused the home thereon to be raised or elevated.
 - c. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 caused the septic system thereon to be raised or elevated.
 - d. That construction at 2610 Pearson Road, Milford Township, Michigan 48380 caused the material on the east side of the Property to be “pushed up at the property line.”

RESPONSE:

12. Please produce all documents which you intend to introduce into evidence at the trial of this case or may be used to refresh the recollections of witnesses at depositions or trial.

RESPONSE:

13. Produce copies of all statements, notes, transcripts, diaries, calendars or other documents in your possession, custody or control, given by or related to any person(s), obtained by you, or your attorneys or representatives, which relate in any manner to the facts and issues of this litigation, or any claim or defense in any pleading.

RESPONSE:

14. Produce copies of all communications, including but not limited to, letters, e-mails, notes, facsimiles, text messages, instant messages, LinkedIn, Facebook, or by any other

mode, method, or manner of communications to or from Defendants, or any of their agents, relating in any way to the claims or allegations contained in the Complaint.

RESPONSE:

15. Please produce a privilege log if you assert a claim of privilege or protection in connection with any of these Discovery Requests. You must provide a written statement setting forth the nature of the alleged privilege or protection. If the claimed privilege or other objection is presented as a reason why the responding party need not produce a document as requested by these Discovery Requests, then the responding party must also provide a written statement setting forth:

- a. The name and present address of each person who received or otherwise had access to the document involved or to copies thereof or with whom the document was discussed and the capacity in which the person had access thereto or in which it was discussed;
- b. The nature and subject matter of the document involved, including a title describing the document;
- c. The date on which the document was prepared;
- d. The name and title of the person who prepared the document; and
- e. The present location, name, and title of the custodian of the document.

RESPONSE:

16. As to each expert you have consulted or employed to render an opinion with respect to the subject matter of this litigation, regardless of whether you have retained or compensated such expert, and regardless of whether you intend to call such expert at trial, produce and attach copies of:

- a. His or her curriculum vitae, professional resume, or similar document regarding education, employment, qualifications, licenses, and professional organizations;
- b. Each written report and/or document you have received from each such expert;
- c. Each and every document or item of tangible evidence which has been provided to each such expert, whether by you, your counsel, or any third party or entity;
- d. Each and every document reviewed by each such expert in his or her study, assessment or evaluation of the subject matter of this litigation and his or her expected area of expert testimony;
- e. Each and every document relating in any manner to the date, nature, findings, result of any and all tests, studies or simulations conducted by each such expert;
- f. Each and every article, table, study or similar document reviewed, utilized or relied upon by each such expert in reaching his or her opinion or opinions concerning the subject matter of this litigation;
- g. All evidence and/or other documents not already requested and which were relied upon or utilized by each such expert in reaching his or her opinion(s) concerning the subject matter of this litigation; and
- h. Each and every document regarding your agreement or contract with respect to each such expert as to compensation and expenses.

RESPONSE:

REQUESTS FOR ADMISSIONS

1. Please admit that the Hacks' proposed construction at the Property involves a single-family detached residence.

ANSWER:

2. Please admit that the Hacks' building site plan for the Property was submitted to Milford in 2017.

ANSWER:

3. Please admit that the Hacks' building site plan for the Property identified construction of a driveway.

ANSWER:

4. Please admit that Milford, through its agent(s), approved the Hacks' building site plan for the Property in 2017.

ANSWER:

5. Please admit that the Hacks' proposed construction on the Property involves property zoned residential.

ANSWER:

6. Please admit that the Hacks' proposed construction on the Property does not involve any type of residence other than a single-family detached residence.

ANSWER:

7. Please admit that the Hacks' proposed construction on the Property does not involve industrial use.

ANSWER:

8. Please admit that the Hacks' proposed construction on the Property does not involve commercial use.

ANSWER:

9. Please admit that the site plan review procedures set forth in Milford Ordinance, Sec. 32-586 is inapplicable to the Hacks' proposed construction on the Property.

ANSWER:

10. Please admit that the Milford ordinances do not authorize any of the Defendants to require the Hacks to submit a drainage plan in connection with the proposed construction on the Property.

ANSWER:

11. Please admit that the Milford ordinances do not authorize any of the Defendants to require the Hacks to submit a grading plan in connection with the proposed construction on the Property.

ANSWER:

12. Please admit that the Milford ordinances do not authorize any of the Defendants to require the Hacks to submit a site engineering plans in connection with the proposed construction on the Property.

ANSWER:

13. Please admit that Milford Ordinance, Sec. 32-586 exempts single-family detached residences and accessory buildings, structures, and uses thereto, from the site plan review procedures set forth in Milford Ordinance, Sec. 32-586.

ANSWER:

14. Please admit that you have not assessed the Hacks' compliance with Milford Ordinance, Sec. 32-574.

ANSWER:

15. Please admit that, other than in connection with the Property, Milford, in the past ten years, has not required a fill permit in connection with the construction of any single-family detached residence.

ANSWER:

16. Please admit that, other than in connection with the Property, Milford, in the past ten years, has not required a grading application in connection with the construction of any single-family detached residence.

ANSWER:

17. Please admit that, other than in connection with the Property, Milford, in the past ten years, has not required a drainage area map in connection with the construction of any single-family detached residence.

ANSWER:

18. Please admit that, other than in connection with the Property, Milford, in the past ten years, has not required retention volume calculations in connection with the construction of any single-family detached residence.

ANSWER:

19. Please admit that, other than in connection with the Property, Milford, in the past ten years, has not required drainage calculations in connection with the construction of any single-family detached residence.

ANSWER:

20. Please admit that, other than in connection with the Property, Milford, in the past ten years, has not required topographical surveys in connection with the construction of any single-family detached residence.

ANSWER:

Respectfully submitted,

/s/ R.J. Cronkhite
Maddin, Hauser, Roth & Heller, P.C.
Michelle C. Harrell (P48768)
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November 27, 2018

VERIFICATION

I declare the statements above to be true to the best of my information, knowledge and belief.

Milford Township

Dated: _____, 2018

By: _____
Its: _____