If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN

COURT OF APPEALS

ROBERT DAVIS,

Plaintiff-Appellant,

v

DEPARTMENT OF WAYNE COUNTY CLERK, PAMELA LANE, and WAYNE COUNTY BOARD OF COMMISSIONERS,

Defendants-Appellees.

UNPUBLISHED
August 18, 2026
2:02 PM

No. 371510
Wayne Circuit Court
LC No. 24-002315-CZ

Before: CAMERON, P.J., and MALDONADO and WALLACE, JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's grant of summary disposition to defendants under MCR 2.116(C)(4) (subject-matter jurisdiction), (8) (failure to state a claim), and (10) (no genuine issue of material fact). We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

This case arises out of two requests plaintiff sent under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*., to defendant, the Wayne County Board of Commissioners (the Commission), and defendant, the Department of Wayne County Clerk (WCC).

On January 4, 2024, plaintiff submitted a FOIA request to the Commission seeking certified copies of three resolutions: (1) the resolution appointing Joseph Palamara as the Vice-Chair of the Commission (the Palamara Resolution), (2) the resolution appointing Alex Garza to fill a vacancy on the Commission (the Garza Resolution), and (3) the resolution approving an amendment to an agreement retaining the legal services of Longstreet Law, PLLC, as counsel for the Wayne County Ethics Board (the Longstreet Resolution). On January 12, 2024, the Commission responded by denying plaintiff's requests for the Palamara and Longstreet Resolutions under the FOIA's pending-litigation exemption, MCL 15.243(1)(v), but granting his request for, and providing a copy of, the Garza Resolution. The same day, plaintiff sent an identical request to the WCC. The WCC informed plaintiff on January 22, 2024, that his request was denied, explaining that it was not the custodian of the Commission's records and did not

possess the requested documents. The WCC also noted that the Commission had already responded to plaintiff's request.

Plaintiff subsequently filed this action alleging four counts. Count I sought declaratory judgment that the WCC violated the FOIA by claiming it was not the custodian of the Commission's records and declaring that defendant, Pamela Lane, the clerk for the Commission, was an agent of the WCC. Count II sought declaratory judgment that the Commission violated the FOIA by denying plaintiff's request for the Longstreet Resolution because the pending-litigation exemption was inapplicable. Count III sought declaratory judgment that the Commission violated the FOIA by failing to provide a properly "certified" and "signed" copy of the Garza Resolution. Finally, Count IV sought declaratory judgment that the Commission violated the FOIA by denying an earlier FOIA request.[1]

Plaintiff also moved to strike the appearance of attorneys from Clark Hill, PLC, as counsel for the Commission and Lane, along with all pleadings these attorneys filed on their behalf. Plaintiff argued that the Wayne County Charter did not permit the hiring of outside counsel without approval of the county executive.

Defendants moved for summary disposition, which the trial court granted. The court reasoned, in relevant part, that plaintiff's FOIA claims were moot because the requested documents had either been produced or did not exist. The court further determined that Counts I and III were frivolous, entitling defendants to sanctions. With respect to the motion to strike, the trial court concluded that plaintiff lacked standing to challenge Clark Hill's representation and had provided no legal basis for disqualifying the firm's attorneys. The court likewise found that the motion to strike was frivolous and warranted sanctions. Plaintiff now appeals.

II. STANDARDS OF REVIEW

This Court reviews de novo a trial court's ruling on a motion for summary disposition. *El-Khalil v Oakwood Healthcare, Inc*, 504 Mich 152, 159; 934 NW2d 665 (2019).

"A motion under MCR 2.116(C)(8) tests the legal sufficiency of a claim based on the factual allegations in the complaint." *Id*. (emphasis omitted). "When considering such a motion, a trial court must accept all factual allegations as true, deciding the motion on the pleadings alone." *Id*. at 160. "A motion under MCR 2.116(C)(8) may only be granted when a claim is so clearly unenforceable that no factual development could possibly justify recovery." *Id*. "A motion under MCR 2.116(C)(10), on the other hand, tests the factual sufficiency of a claim." *Id*. (emphasis omitted). "When considering such a motion, a trial court must consider all evidence submitted by the parties in the light most favorable to the party opposing the motion." *Id*. "A motion under MCR 2.116(C)(10) may only be granted when there is no genuine issue of material fact." *Id*. "A

[1] Count IV is not at issue on this appeal.

genuine issue of material fact exists when the record leaves open an issue upon which reasonable minds might differ." *Id*.[2]

"Whether an issue is moot is a question of law that this Court reviews de novo." *In re Tchakarova*, 328 Mich App 172, 178; 936 NW2d 863 (2019). "To the extent that the trial court had discretion to order a sanction, this Court reviews the trial court's exercise of discretion for abuse." *Tolas Oil & Gas Exploration Co v Bach Servs & Mfg, LLC*, 347 Mich App 280, 319; 14 NW3d 472 (2023). "A trial court abuses its discretion when its decision falls outside the range of reasonable outcomes." *Id*. The trial court's factual findings underlying its sanction order are reviewed for clear error. *Id*. "A finding is clearly erroneous when this Court is left with the definite and firm conviction that the trial court has made a mistake." *Id*. "Whether a party has standing is a question of law that is reviewed de novo." *Mich Assoc of Home Builders v Troy*, 504 Mich 204, 212; 934 NW2d 713 (2019). Finally, questions of statutory interpretation are also reviewed de novo. *Id*.

III. SUMMARY DISPOSITION AND MOOTNESS

Plaintiff first argues that the trial court erred by summarily dismissing Counts I, II, and III of his complaint.[3] We disagree.

"This Court's duty is to consider and decide actual cases and controversies." *Adams v Parole Bd*, 340 Mich App 251, 259; 985 NW2d 881 (2022) (quotation marks and citation omitted). "[T]his Court generally does not address moot questions or declare legal principles that have no practical effect in a case." *King v Mich State Police Dep't*, 303 Mich App 162, 192, 194; 841 NW2d 914 (2013). "When the disclosure that a FOIA suit seeks has already been made, the substance of the controversy disappears and becomes moot." *Id*. (quotation marks and citations omitted).

The trial court concluded that plaintiff's claims were moot because defendants had already produced all the responsive records sought in this litigation. It reasoned that, in addition to the initial production of the Garza Resolution, defendants later attached documents relating to the Longstreet Resolution as attachments to their motions for summary disposition.[4] On appeal, plaintiff does not contend that these documents fail to satisfy his request because of their contents. Rather, he claims that they were not properly "certified" and "signed" by the appropriate

---

[2] The trial court did not explain under which subrule it was granting summary disposition, but it did not make any findings with respect to subject-matter jurisdiction. We therefore evaluate the trial court's grant of summary disposition under MCR 2.116(C)(8) and (10).

[3] Plaintiff relatedly argues the trial court erred by denying his motion for declaratory judgment as to Counts I and II. Because, as will be discussed, we find that the trial court's grant of summary disposition was proper, we need not address the question of whether its denial of plaintiff's motion was appropriate.

[4] As noted above, plaintiff's complaint claimed violations with respect to the Garza and Longstreet Resolutions but did not make any related claim with respect to the Palamara Resolution. Thus, only the Garza and Longstreet resolutions were at issue in the proceedings below.

individuals, and that, therefore, he had not been provided the specific documents he had requested. According to plaintiff, the term "certified copy" in MCL 15.233(6) incorporates the certification requirements set forth in MCL 46.4 and MCL 46.29.

The FOIA requires that public records produced in response to a FOIA request be certified upon request. Specifically, "[t]he custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record." MCL 15.233(6). But the FOIA "does not require a public body to create a new public record . . . of an already existing public record." MCL 15.233(5).[5]

Entirely separate from the FOIA, MCL 46.4 and MCL 46.29 impose independent certification and recordkeeping requirements on county boards. Under MCL 46.4, the clerk[6] of the county board must "certify, under seal of the circuit court of his county, without charge, copies of any and all resolutions or decisions on any of the proceedings of such board, when required by such board or any member thereof, or when required by any other person upon payment of 6 cents per folio therefor[.]" In addition, MCL 46.29 requires that "[e]very order, resolution and determination of such board of supervisors, made in pursuance of this act, shall be recorded in the records of such board, and signed by the chairman and clerk of such board."

> The primary goal of statutory interpretation is to ascertain the legislative intent that may reasonably be inferred from the statutory language. The first step in that determination is to review the language of the statute itself. Unless statutorily defined, every word or phrase of a statute should be accorded its plain and ordinary meaning, taking into account the context in which the words are used. We may consult dictionary definitions to give words their common and ordinary meaning. When given their common and ordinary meaning, the words of a statute provide the most reliable evidence of its intent. [*Spectrum Health Hosps v Farm Bureau Mut Ins Co*, 492 Mich 503, 515; 821 NW2d 117 (2012) (quotation marks, brackets, and citation omitted).]

Likewise, "[s]tatutes that relate to the same subject or that share a common purpose are *in pari materia* and must be read together as one law, even if they contain no reference to one another and were enacted on different dates." *O'Connell v Dir of Elections*, 316 Mich App 91, 99; 891 NW2d 240 (2016) (quotation marks and citation omitted). "The object of the *in pari materia* rule is to give effect to the legislative intent expressed in harmonious statutes." *Id*. (quotation marks and citation omitted). "When there is a conflict between statutes that are read *in . . . par[i] materia*, the more recent and more specific statute controls over the older and more general statute." *Id*. (quotation marks and citation omitted).

We conclude that the FOIA is not to be read *in pari materia* with MCL 46.4 and MCL 46.29 because they do not address the same subject or share a common legislative purpose. "The FOIA

---

[5] There are exceptions to this rule, but it is undisputed that they are inapplicable in this case.

[6] The statute refers to the "board of supervisors" for a county, but MCL 46.416 explains that this reference is "deemed to mean county commissioners and county boards of commissioners[.]"

is written to provide to those who seek it full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, thereby allowing them to fully participate in the democratic process." *Bitterman v Oakley*, 309 Mich App 53, 60; 868 NW2d 642 (2015) (quotation marks and citations omitted). By contrast, Chapter 46 of the Michigan Compiled Laws was enacted "to define the powers and duties of the county boards of commissioners[.]" 1851 PA 156.[7] It is apparent from the specific language of MCL 46.4 and MCL 46.29 that these statutes consider the recordkeeping responsibilities of the Commission's clerk. In other words, while Chapter 46 governs how certain public records are *kept*, the FOIA governs how they are to be *provided* upon request. In this respect, the FOIA merely requires that the custodian furnish a certified copy of the requested public record. MCL 15.233(6).

The absence of any meaningful overlap between these statutory schemes, beyond the fact that that both may apply to the same records under the circumstances of this case, together with the complete lack of any cross-reference between them, demonstrates that the Legislature did not intend for these statutes to be read *in pari materia*. *O'Connell*, 316 Mich App at 99.

Moreover, construing MCL 46.4 and MCL 46.29 to require additional certification for records produced in response to a FOIA request would effectively require the Commission to create a new version of an existing public record by adding certifications that were not part of the original record. Such alterations are expressly proscribed by the FOIA. MCL 15.233(5). Thus, the certification requirements imposed by MCL 46.4 and MCL 46.29 do not apply to records produced under the FOIA. Rather, the FOIA requires only that the requestor be furnished a "certified copy" of the existing public record.

The FOIA does not define what constitutes a "certified copy." Therefore, we give the phrase its plain and ordinary meaning. *Spectrum Health Hosps*, 492 Mich at 515. "Certified" is defined as genuine or authentic. *Merriam-Webster's Collegiate Dictionary* (12th ed). The only individual identified in MCL 15.233(6) as responsible for providing a certified copy is the custodian of the public record. Thus, reading the entire section in context, *id*., the Legislature intended that the custodian of the public record authenticate the copy provided as a true and genuine reproduction of the existing public record. Nothing in the FOIA requires an additional certification from the Commission clerk or chair, nor does it incorporate the certification procedures set forth in MCL 46.4 or MCL 46.29.

Because plaintiff only challenges the certification of the documents on which the trial court relied in concluding that his claims were moot, and because his argument that the documents also required separate certification by Lane and the Commission chair lacks merit, the trial court's

[7] "Although a preamble [sic: title] is not to be considered authority for construing an act, it is useful for interpreting its purpose and scope." *O'Connor v State*, 345 Mich App 595, 607; 9 NW3d 351 (2023) (quotation marks, citation, and emphasis omitted; corrective brackets in *O'Connor*).

mootness ruling was within the range of reasonable outcomes. *Tolas Oil & Gas Exploration Co*, 347 Mich App at 319.[8]

IV. MOTION TO STRIKE AND STANDING

Plaintiff next argues that the trial court erred by denying his motion to strike on the basis of standing. We disagree.

"The purpose of the standing doctrine is to assess whether a litigant's interest in the issue is sufficient to ensure sincere and vigorous advocacy." *Lansing Sch Ed Ass'n v Lansing Bd of Ed*, 487 Mich 349, 355; 792 NW2d 686 (2010) (quotation marks and citation omitted). Standing involves "whether a litigant is a proper party to request adjudication of a particular issue and not whether the issue itself is justiciable." *Id*. (quotation marks and citation omitted). Therefore, one with a legal cause of action has standing. *Id*. at 372.

> Where a cause of action is not provided at law, then a court should, in its discretion, determine whether a litigant has standing. A litigant may have standing in this context if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant. [*Id*.]

"[A]n interest in the proper enforcement of a statute has never before been thought sufficient to confer standing; instead, a concrete and particularized injury is required to confer standing." *Federated Ins Co v Oakland Co Rd Comm*, 475 Mich 286, 291 n 4; 715 NW2d 846 (2006).

Plaintiff argues that, because he had standing under MCR 2.605,[9] he necessarily had standing to challenge the appearances of the Clark Hill attorneys. Plaintiff's argument

---

[8] Plaintiff's argument with respect to Count I involves his repeated contention that Lane was an agent of the WCC which rendered the WCC the record-keeper for the Commission. Because plaintiff's claims are moot, we need not address the merits of this argument. See, e.g., *Gleason v Kincaid*, 323 Mich App 308, 314-315; 917 NW2d 685 (2018) (explaining that the issue of mootness "is a threshold question that we address before reaching the substantive issues of a case[,]" and "[b]ecause reviewing a moot question ordinarily would be a 'purposeless proceeding,' we generally dismiss a moot case without reaching the underlying merits.") (citation omitted).

[9] MCR 2.605 provides:

> (A) Power to Enter Declaratory Judgment.
>
> (1) In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.

misconstrues the scope of MCR 2.605. Our Supreme Court explained that, "whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing *to seek a declaratory judgment*." *Id*. (Emphasis added). Plaintiff therefore had standing under MCR 2.605 to seek the declaratory judgments he requested in this case, but his motion to strike did not seek declaratory judgment. Accordingly, his standing to pursue declaratory relief did not, by itself, confer standing to bring the motion to strike.

Because plaintiff identified no legal cause of action supporting his motion, he was required to demonstrate that the retention of Clark Hill inflicted upon him a special injury or impacted a substantial interest he had "different from the citizenry at large[.]" *Lansing Sch Ed Ass'n*, 487 Mich at 372. On appeal, plaintiff argues that he suffered a special injury because the Commission hired Clark Hill to litigate cases against him specifically. But plaintiff did not present this argument to the trial court. "In civil cases, Michigan follows the raise or waive rule of appellate review." *Tolas Oil & Gas Exploration Co*, 347 Mich App at 289 (quotation marks and citation omitted). "Under that rule, litigants must preserve an issue for appellate review." *Id*. "To preserve an issue, the party asserting error must demonstrate that the issue was raised in the trial court[]" and must "show that the same basis for the error claimed on appeal was brought to the trial court's attention." *Id*. See also *Walters v Nadell*, 481 Mich 377, 388; 751 NW2d 431 (2008) ("Generally, a party may not remain silent in the trial court, only to prevail on an issue that was not called to the trial court's attention."). Because plaintiff failed to present this theory of standing to the trial court, plaintiff has waived it on appeal. *Tolas Oil & Gas Exploration Co*, 347 Mich App at 289.

> (2) For the purpose of this rule, an action is considered within the jurisdiction of a court if the court would have jurisdiction of an action on the same claim or claims in which the plaintiff sought relief other than a declaratory judgment.
>
> (B) Procedure. The procedure for obtaining declaratory relief is in accordance with these rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in the constitution, statutes, and court rules of the State of Michigan.
>
> (C) Other Adequate Remedy. The existence of another adequate remedy does not preclude a judgment for declaratory relief in an appropriate case.
>
> (D) Hearing. The court may order a speedy hearing of an action for declaratory relief and may advance it on the calendar.
>
> (E) Effect; Review. Declaratory judgments have the force and effect of, and are reviewable as, final judgments.
>
> (F) Other Relief. Further necessary or proper relief based on a declaratory judgment may be granted, after reasonable notice and hearing, against a party whose rights have been determined by the declaratory judgment.

Plaintiff raises no other challenges to the trial court's ruling. As such, plaintiff has failed to demonstrate to this Court that reversal is warranted.

V. FRIVOLOUSNESS

Finally, plaintiff argues the trial court erred by finding that Counts I and III of his complaint, as well as his motion to strike, were frivolous. We disagree.

A trial court may award attorney fees and costs as sanctions if it finds that a pleading or action is frivolous. MCL 600.2591, provides, in pertinent part:

> (1) Upon motion of any party, if a court finds that a civil action or defense to a civil action was frivolous, the court that conducts the civil action shall award to the prevailing party the costs and fees incurred by that party in connection with the civil action by assessing the costs and fees against the nonprevailing party and their attorney.
>
> * * *
>
> (3) As used in this section:
>
> (a) "Frivolous" means that at least 1 of the following conditions is met:
>
> (*i*) The party's primary purpose in initiating the action or asserting the defense was to harass, embarrass, or injure the prevailing party.
>
> (*ii*) The party had no reasonable basis to believe that the facts underlying that party's legal position were in fact true.
>
> (*iii*) The party's legal position was devoid of arguable legal merit. [MCL 600.2591(1) and (3).]

Relatedly, MCR 1.109(E) authorizes sanctions for frivolous filings made during litigation. Under MCR 1.109(E)(5), a party's signature on a document certifies that (1) the party has read the document, (2) the filing is sufficiently grounded in fact and warranted under the law, and (3) the document is not filed for improper purposes such as harassment, delay, or the imposition of additional litigation costs. If a signed pleading does not satisfy these elements, sanctions are warranted. MCR 1.109(E)(6). In short, sanctions are warranted when a lawsuit or specific pleading lacks a factual or legal basis or is designed to harass the other party.

With respect to Count I, regardless of whether plaintiff's claims that Lane is an agent for the WCC have merit, the trial court observed that plaintiff served identical FOIA requests to the Commission and the WCC. The Commission responded the same day plaintiff submitted his request to the WCC. As the trial court explained, once plaintiff served the proper FOIA coordinator and received a response from the Commission, his remedy was to pursue the procedures provided under the FOIA—not serve and sue another county entity simply because he was dissatisfied with the Commission's response. Indeed, plaintiff had no practical reason to submit a duplicate request to the WCC because the Commission had provided a timely response

to his request. Thus, plaintiff's decision to sue the WCC on the basis of his belief that it, by virtue of Lane's alleged agency, is the custodian of the relevant records at issue served no purpose. The Commission produced a copy of the Garza Resolution and denied the remaining requests under the pending-litigation exemption, thereby demonstrating that it possessed and could access the requested Commission records. Given the Commission's acknowledgment and response, involving the WCC could not have affected plaintiff's ability to obtain those records. Under these circumstances, the trial court did not clearly err by concluding that Count I served no legitimate purpose and was instead intended to harass the WCC by drawing it into unnecessary litigation. As such, the trial court properly found Count I was frivolous and imposed sanctions.

The trial court likewise did not abuse its discretion by finding Count III was frivolous. Plaintiff's claim rested on his contention that the documents required an additional certification, an argument he had repeatedly advanced in prior litigation and that multiple trial courts had soundly rejected. Despite these prior rulings, plaintiff continued to assert the same theory without identifying any new factual or legal basis to support it. We further note that plaintiff has never attempted to explain how the alleged certification defect rendered the documents inaccurate or unreliable, nor does he challenge the substance of the documents on appeal. These circumstances support the trial court's conclusion that that Count III lacked arguable legal merit and was asserted primarily to harass the Commission.

Finally, the trial court found plaintiff's motion to strike was frivolous. The motion largely repeated arguments plaintiff had unsuccessfully raised in other lawsuits. In addition, plaintiff argued that the Commission and Lane lacked authority to retain Clark Hill as counsel, despite defendants having previously provided documentation establishing that the Commission had approved the retention. Thus, the trial court properly determined that plaintiff's motion was devoid of any legal or factual merit, warranting sanctions.

Affirmed.

/s/ Thomas C. Cameron
/s/ Allie Greenleaf Maldonado
/s/ Randy J. Wallace