STATE OF MICHIGAN

COURT OF CLAIMS

EXCLUSIVE BRANDS,

Plaintiff,

v

Case No. 24-000164-MZ

MICHIGAN CANNABIS REGULATORY AGENCY,

Hon. Sima G. Patel

Defendant.
_____ /

ORDER DENYING SHOW CAUSE

On January 27, 2026, the Court ordered defendant to produce for a deposition the witness with the most knowledge regarding plaintiff's request under the Freedom of Information Act (FOIA) and defendant's efforts to comply with the July 7, 2025 opinion and order. Defendant notified plaintiff that it would produce David Harns for this deposition. The parties then agreed to a two-month extension to file post-deposition briefs to the Court. Nine days later, plaintiff moved to show cause, contending that defendant is required to produce its FOIA coordinator for deposition and asserting that Harns is defendant's public relations manager, "who has no apparent role in coordinating, conducting, or supervising" the FOIA search and production related to this case.

There is no record indication that Harns is an improper person to present for the ordered deposition. The depth of Harns's knowledge can be explored at the deposition, along with the details of defendant's efforts to comply with this Court's July 7, 2025 opinion and order requiring

production of certain information. If plaintiff believes that Harns is not the person within defendant's agency with the most knowledge of the FOIA activity underlying this suit, plaintiff may seek relief after the deposition.

Accordingly,

1. The Court DENIES plaintiff's motion to show cause without prejudice to filing a new motion following Harns's deposition.
2. The Court DIRECTS the parties to schedule Harns's deposition as soon as possible.
3. The Court DIRECTS the parties to provide supplemental briefing no later than 3:00 p.m. on May 27, 2026.
4. This is not a final order.

Date: April 7, 2026

Sima G. Patel
Judge, Court of Claims