# 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 ADDITIONAL RELIEF AND CLOSING CASE**

On July 7, 2025, the Court granted summary disposition in plaintiff's favor, ordering defendant to "search its records for internal communications pertaining to investigations and inspections of plaintiff" and produce any documents uncovered "unless a statutory exemption applies." The Court left the case open to allow plaintiff to seek post-judgment remedies available under the Freedom of Information Act (FOIA).

On September 30, 2025, having received no motion for post-judgment remedies from plaintiff, the Court directed the parties to show cause why a final order should not be entered. On October 8, 2025, plaintiff responded that defendant had "not produced a single Court-ordered document," and on October 23, 2025, plaintiff moved to enforce the July 7, 2025 opinion and order and for sanctions.

Defendant did not respond to the Court's show cause order or plaintiff's motion to enforce. The Court entered another show cause order on December 16, 2025. Defendant finally responded

on December 29, 2025, and asserted that it had produced all information required by the Court's July 7, 2025 opinion and order on September 29, 2025.

Given the parties' conflicting positions regarding the production of documents, the Court conducted an evidentiary hearing on January 27, 2026. The parties agreed on the record that approximately 570 pages of documents were produced by defendant in September 2025. Plaintiff believed additional internal documents existed and that defendant had withheld them. Finding insufficient information to resolve the dispute, the Court ordered defendant "to produce for a deposition the witness with the most knowledge regarding plaintiff's FOIA request, the efforts made to respond to that request, and the efforts made to comply with the Court's 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 with the Court. Nine days later, on March 26, 2026, plaintiff moved to show cause, contending that defendant was required to produce its FOIA coordinator for deposition and asserting that Harns, as defendant's public relations manager had "no apparent role in coordinating, conducting, or supervising" the FOIA search and production related to this case. The Court denied plaintiff's motion without prejudice, finding that the question of Harns's knowledge could not be resolved without conducting the deposition.

After reviewing Harns's deposition testimony and affidavit, the parties' supplemental briefs, and the exhibits provided by the parties, including the Redaction Log connected with the September 29, 2025 disclosure, the Court finds:

1. Plaintiff's October 2025 response to the Court's September 30, 2025 Order to Show Cause and Motion to Enforce were the result of a lack of communication between plaintiff and its counsel.

2. Defendant compounded these difficulties by failing to respond to the Court's September 30, 2025 order until a second Order to Show Cause was entered in December 2025.

3. Plaintiff caused further delay in March 2026, by first accepting David Harns as defendant's proposed witness and later filing a Motion to Show Cause accusing defendant of producing an improper witness and withholding documents.

4. Defendant has produced 1,679 pages of documents since the entry of the July 7, 2025 Opinion and Order.

5. Those documents were internal communications along with attachments culled from the Outlook e-mail accounts of all of defendant's employees following a review of 40,000 pages of documents by defendant's FOIA liaison.

6. Defendant thereby complied with the July 7, 2025 opinion and order.

7. David Harns was an appropriate witness to present for deposition. Defendant does not have a FOIA coordinator. Although Harns did not personally search for and review the records ultimately produced, he oversaw and managed the individuals who conducted that labor. The work was performed by a FOIA liaison, a back-up liaison, and several individuals from at least three of defendant's departments. As the Court directed the presentation of only one witness for deposition, it was appropriate to present the individual with the most institutional knowledge.

Based on these findings, the Court directs:

1. Defendant will not be ordered to compensate plaintiff for any fees or costs under the FOIA.

2. This case is now closed.

3. This is a final order resolving all issues and claims in this matter.

Date: July 9, 2026

Sima G. Patel
Judge, Court of Claims