STATE OF MICHIGAN

COURT OF CLAIMS

DETROIT NEWSPAPER PARTNERSHIP,

Plaintiff,

v Case No. 25-000088-MT

MICHIGAN DEPARTMENT OF TREASURY, Hon. Randy J. Wallace

Defendant.
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ORDER REGARDING PLAINTIFF'S 2/18/26 MOTION TO COMPEL

Plaintiff, Detroit Newspaper Partnership, has moved to compel defendant, the Michigan Department of Treasury, to produce documents withheld from production during discovery. The first document at issue, identified on defendant's privilege log as entry 1, is an April 12, 2012 memorandum with the subject line, "Taxability of Newspapers." The second document, which appears on defendant's privilege log as entry 2, includes an e-mail chain with the subject line, "Opinion Request." The parties dispute whether these documents are relevant to the case, as well as whether they are protected by the deliberative-process privilege, the work-product privilege, or the privilege outlined in MCL 205.28(1)(f).

The Court heard the motion on June 11, 2026. During the hearing, defense counsel explained that the privilege log contained an error for entry 2 and improperly dated the e-mail chain as "4/1/2024–4/11/205." He clarified that all responsive e-mails are dated between April 1, 2024 and April 11, 2024, and therefore predated defendant's determination that plaintiff owed taxes. Defense counsel explained that any reference to a later timeframe in the privilege log itself

was a typographical error. Plaintiff's counsel agreed on the record that if all of the e-mails in question predated 2025, then they were protected under the deliberative-process privilege. Accordingly, the Court DENIES the motion to compel as it relates to the e-mails identified in privilege log entry 2 because these documents are protected by the deliberative-process privilege.

The Court is unable to rule on the motion as it relates to the April 12, 2012 memorandum (privilege log entry 1) without reviewing the memorandum. The Court therefore orders defendant to provide this Court with a copy of the April 12, 2012 memorandum for the Court's *in camera* review within 14 days of the date of this order.

IT IS SO ORDERED. This order does not resolve the last pending claim and does not close the case.

Date: June 11, 2026

Hon. Randy J. Wallace
Judge, Court of Claims