STATE OF MICHIGAN

COURT OF CLAIMS

HANNA FRIEDLANDER,

Plaintiff,

v

Case No. 25-000167-MZ

MICHIGAN STATE POLICE,

Hon. James Robert Redford

Defendant.
_____/

OPINION AND ORDER GRANTING DEFENDANT'S 12/3/25 MOTION FOR SUMMARY DISPOSITION

Before the Court is defendant's motion to summarily dismiss plaintiff's complaint because it was not timely filed under the Freedom of Information Act (FOIA). Plaintiff filed her complaint 19 days past the statutory deadline. Accordingly, the Court GRANTS defendant's motion and DISMISSES plaintiff's action.

I. BACKGROUND

On January 21, 2025, plaintiff submitted a request for information under the FOIA to defendant, Michigan State Police (MSP). The MSP responded on April 11, 2025, denying in part plaintiff's request and producing other documents with heavy redaction. On April 22, 2025, plaintiff appealed the partial denial of her FOIA request to the head of the MSP. The MSP granted in part plaintiff's appeal. On May 5, 2025, MSP representative Renee Hultberg provided additional documents to plaintiff. The documents, however, continued to be heavily redacted.

On October 27, 2025, plaintiff filed suit in this Court, challenging the partial denial of her FOIA request. Plaintiff identified the MSP's May 5, 2025 communication as the final denial of her FOIA request. In lieu of an answer, the MSP sought summary disposition, claiming plaintiff failed to timely file her civil action within 180 days of the MSP's final decision, which was entered on April 11, 2025.

II. ANALYSIS

MCL 15.235 identifies two methods for a public body to reach a "final determination" in relation to a FOIA request. First, under MCL 15.235(3), a public body reaches a final determination if it fails to respond to a FOIA request within five days, the failure was willful and intentional, and the requester's communication was clearly a FOIA request. Second, under MCL 15.235(5), "[a] written notice denying a request for a public record in whole or in part is a public body's final determination to deny the request or portion of that request."

A final determination made by a public body triggers deadlines for the requesting party to seek relief. Pursuant to MCL 15.240(1):

> If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
>
> (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
>
> (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records *within 180 days after a public body's final determination* to deny a request. [Emphasis added.]

It is undisputed that plaintiff first opted to appeal the partial denial of her FOIA request to the head of the MSP under MCL 15.240(1)(a) and later opted to file a civil action under MCL

15.240(1)(b). The civil action was commenced on October 27, 2025. This was 199 days after the MSP's April 11, 2025 partial denial of plaintiff's FOIA request, but 175 days after the May 5, 2025 provision of additional information following plaintiff's partially successful internal appeal.

The MSP correctly argues that its April 11, 2025 decision was its final determination and that plaintiff was required to file suit within 180 days of that date. MCL 15.235 identifies only two actions that amount to a "final determination." This includes "[a] written notice denying a request for a public record in whole or in part." The April 11, 2025 letter is such a written notice. MCL 15.235 does *not* identify a letter or order following an internal appeal as a final determination. Such a post-appeal decision is not a final determination under the plain language of the statute.

This interpretation is supported by MCL 15.240(1). The statute plainly states than an appeal or lawsuit comes *after* a final determination is made. Any action taken by the public body in response to an appeal, therefore, necessarily comes after a final determination is made. The public body's decision on appeal could not be a final determination under the plain language of this statute either.

This interpretation of the FOIA statutes is supported by dicta in *Progress Mich v Attorney General*, 324 Mich App 659, 671; 922 NW2d 654 (2018). In that case, the plaintiff filed its civil complaint within 180 days of the public body's final determination. In a footnote, the Court of Appeals stated:

> Plaintiff's counsel conceded at oral argument that the FOIA 180-day limitations period began to run from the October 19, 2016 date of defendant's initial denial of its request, not from the later date of defendant's denial of plaintiff's departmental appeal. This undoubtedly is correct because the FOIA explains that such an appeal happens after a "final determination" is made. See MCL 15.240(1)(a). Thus, the public body's decision in the departmental appeal, although later in time, is not a "final determination" under the statute. [*Id.* at 671 n 1.]

The actual issue on appeal, however, was whether the complaint was filed in compliance with the requirements of the Court of Claims Act, making this analysis dicta.

The plaintiff in *Progress Mich* appealed to the Michigan Supreme Court, which reversed the Court of Appeals' resolution of the Court of Claims Act dispute. *Progress Mich v Attorney General*, 506 Mich 74; 954 NW2d 475 (2020). That Court, too, explained why the plaintiff's complaint was timely filed under the FOIA:

> [B]ecause a decision of a state public body was at issue, plaintiff was required to commence its civil action in the Court of Claims within 180 days of October 19, 2016, the date defendant first denied plaintiff's FOIA request. Plaintiff did exactly that: in compliance with MCL 15.240, plaintiff filed its action in the Court of Claims within the 180-day limitations period. [*Id.* at 89.]

The Supreme Court decided not to address the question of whether a public body's decision following an internal appeal could also be a "final determination" because it was not necessary to the resolution of the case before it. *Id.* at 89 n 7.

The Court finds the Court of Appeals' analysis in *Progress Mich* persuasive and adopts it here. Under the plain language of the FOIA, a civil action must be filed within 180 days of the public body's final determination on a FOIA request. That date in this case was April 11, 2025. Plaintiff filed her complaint 199 days after the final determination, 19 days past the deadline permitted in the FOIA. Accordingly,

1. The Court GRANTS defendant's motion for summary disposition.
2. The Court DISMISSES plaintiff's action in full and with prejudice.
3. This is a final order resolving all issues in this case.

Date: January 29th, 2026

James Robert Redford
Judge, Court of Claims