STATE OF MICHIGAN

COURT OF CLAIMS

TARYN JANATI,

Plaintiff,

v

Case No. 26-000205-MZ

THE UNIVERSITY OF MICHIGAN,

Hon. Randy J. Wallace

Defendant.
_____ /

ORDER GRANTING PLAINTIFF'S 11/6/26 MOTION FOR AN EX PARTE TEMPORARY RESTRAINING ORDER (TRO) AND ORDERING DEFENDANT TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE ENTERED

On September 28, 2026, plaintiff Taryn Janati, a law student at the University of Michigan Law School, filed this Freedom of Information Act (FOIA) lawsuit against defendant University of Michigan (the University) after the University denied plaintiff's FOIA request. In his August 25, 2026 FOIA request, plaintiff requested

> any and all [U]niversity email communications from or to U-M employee Kimberly D'Haene, either at her U-M email address or any other email address, between the dates of 7/1/2024-8/24/2026. . . . I am therefore requesting all email correspondence and all notes regarding, and related to, my employment (including prospective and/or former employment) at Milbank, specifically all correspondence from or to Kimberly D'Haene regarding this employment.

On September 2, 2026, the University denied plaintiff's FOIA request "because there are no responsive records."

On the same day that plaintiff submitted his FOIA request, D'Haene announced her resignation as Dean of Students of the University's Law School in a statement contained within an

email sent to the students by Acting Dean of Students Ramji Kaul. On August 27, 2026, plaintiff submitted a record-retention letter to D'Haene via email, requesting that she preserve a variety of email communications relating to plaintiff. He forwarded that email to the University's Office of the Vice President and General Counsel and to Associate General Counsel Kelly Cruz.

Plaintiff contends that at some point between August 27 and September 23, the University deactivated or disabled D'Haene's @umich.edu email address. On September 23, plaintiff sent an email to D'Haene's @umich.edu account and received a "bounce back" email indicating that the email account was "inactive." On September 28, plaintiff filed this action, asserting that the University arbitrarily and capriciously violated FOIA by failing to disclose that the requested records do not exist and then deactivating D'Haene's @umich.edu email address.

The University answered the complaint, admitting that it received plaintiff's preservation request. In response to the allegation that the University has deactivated or disabled D'Haene's @umich.edu address, the University responded that it lacked information or knowledge.

On November 6, plaintiff moved, on an ex parte basis, for a TRO to restrain the University from "disabling and/or deactivating the email account of University alumna and employee or former employee Ms. Kimberly D'Haene (kdhaene@umich.edu); scheduling for automatic deletion, or permitting to be scheduled for automatic deletion, the email account, emails and/or electronic records currently or formerly in [D'Haene's] possession or custody and stored at or in the University email account belonging to her." Plaintiff also requested an order for the University to appear before this Court and show cause why this Court should not convert the TRO into a preliminary injunction.

Plaintiff contends that the University's Email Account Policy provides that the email accounts of alumni who are employed by the University and later leave their positions are deleted as a matter of course 90 days after resignation. Thus, plaintiff maintains that he faces imminent injury because D'Haene's email account could be deactivated at any time and is scheduled to be permanently deleted on November 25. He asserts that he will face irreparable harm if the University destroys D'Haene's email account because that account may contain documents responsive to his FOIA request. Plaintiff argues that the University will not be harmed by the TRO because the TRO would merely preserve the status quo as it relates to D'Haene's email address on a temporary basis. Plaintiff included as an attachment to his motion a certification explaining that he has not made efforts to notify the University of his motion for a TRO because of his concern that doing so may precipitate adverse action (i.e., the deletion of D'Haene's @umich.edu account).

MCR 3.310(B) provides:

> (1) A temporary restraining order may be granted without written or oral notice to the adverse party or the adverse party's attorney only if
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> (a) it clearly appears from specific facts shown by affidavit or by a verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant from the delay required to effect notice or from the risk that notice will itself precipitate adverse action before an order can be issued;
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> (b) the applicant's attorney certifies to the court in writing the efforts, if any, that have been made to give the notice and the reasons supporting the claim that notice should not be required; and
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> (c) a permanent record or memorandum is made of any nonwritten evidence, argument, or other representations made in support of the application.
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> (2) A temporary restraining order granted without notice must:
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> (a) be endorsed with the date and time of issuance;
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> (b) describe the injury and state why it is irreparable and why the order was granted without notice;

> (c) except in domestic relations actions, set a date for hearing at the earliest possible time on the motion for a preliminary injunction or order to show cause why a preliminary injunction should not be issued. [MCR 3.310(B)(1)–(2).]

The Court finds that it is clearly apparent from the specific facts shown in plaintiff's verified complaint, the answer to the complaint, and the exhibits attached to the motion for a TRO that immediate and irreparable injury, loss, or damage will result to plaintiff from the risk that notice to the University will precipitate adverse action. Specifically, the University's own policy provides that D'Haene's email account will be deleted within 90 days of her departure (or by November 25), and the University denied knowledge of whether the email address has already been deactivated or deleted. Of concern to the Court is the fact that the University's answer indicated that it lacked knowledge sufficient to answer the allegation that it has deactivated or disabled D'Haene's @umich.edu address. It seems to the Court that the University could simply determine the status of D'Haene's email address through a discussion with the University's Information Technology Department, which raises concerns about whether the University has or intends to deactivate or delete D'Haene's email account on or before November 25. Therefore, the Court will issue the TRO without notice to the University. The Court further finds that a TRO is warranted in this circumstance. Plaintiff may face irreparable injury if D'Haene's email account or any of its contents are deleted because the email account may contain emails or documents responsive to plaintiff's FOIA request. Finally, the Court will not require plaintiff to pay security because it is not apparent that the University will suffer any costs or damages for having to preserve an already-existing email account on a short-term basis. See MCR 3.310(D)(2).[1] Accordingly,

[1] The Court notes that it has not considered any evidence outside of the motion plaintiff submitted to this Court. See MCR 3.310(B)(1)(c).

IT IS HEREBY ORDERED that plaintiff's ex parte motion for a TRO is GRANTED.

IT IS FURTHER ORDERED that the University is temporarily restrained from disabling and/or deactivating the email account of Kimberly D'Haene (kdhaene@umich.edu), scheduling D'Haene's email account for automatic deletion, or permitting D'Haene's email account, emails and/or electronic records stored in her @umich.edu email account to be scheduled for automatic deletion.

IT IS FURTHER ORDERED that the University shall appear before the Court on November 17, 2026, at 10:00 a.m., via Zoom, and show cause why a preliminary injunction should not issue. The Court will provide Zoom information.

IT IS FURTHER ORDERED that the University shall file a response to the motion for a preliminary injunction by noon on November 16, 2026. No reply brief is permitted.

This order does not resolve the last pending claim and does not close the case.

Date: November 12, 2026, 9:00 a.m.

Hon. Randy J. Wallace
Judge, Court of Claims