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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

THOMAS M. COOLEY LAW SCHOOL,
Plaintiff,
vs. CASE NO: 11-781-CZ
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, and JOHN DOE 4, unknown individuals,
Defendant.
_______________________________________/

HONORABLE CLINTON CANADY, III, CIRCUIT JUDGE
LANSING, MICHIGAN - THURSDAY, OCTOBER 24, 2011

IN CAMERA REVIEW

APPEARANCES:

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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APPEARANCES CONTINUED:

ON BEHALF OF PUBLIC CITIZEN:
(via video conference)

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I N D E X

WITNESSES: PLAINTIFF'S
None.
WITNESSES: DEFENDANT'S
None.

EXHIBITS:

Exhibit #	Description	Received
None.		

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Lansing, Michigan
October 27, 2011
at about 3:01 p.m.

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THE COURT: We are on the record in the matter of Thomas Cooley Law School versus John Does 1, 2, 3, 4 in file number 11-781-CZ. We have Mr. Coakley here for the Plaintiff. Mr. Hermann for John Doe Number 1, that's correct?

MR. HERMANN: Correct, Your Honor.

THE COURT: And your associate, Mr. Coakley, again, is who?

MR. COAKLEY: Mr. Hudson.

MR. HUDSON: Yes, good afternoon, Your Honor.

THE COURT: Okay. We are going to call Mr. Levy here.

MR. LEVY: I'm going to conference in your office after you called.

THE COURT: This is Judge Canady.

MR. LEVY: Forgive the frivolous response, yes. I am supposed to conference her, now that you have called. I will do that now. I will be off line until I got her back on.

1 THE COURT: All right. Ms. Harvey?
2 MR. HARVEY: Yes, Judge.
3 THE COURT: We are still on the record in
4 Thomas Cooley versus John Doe Number 1. Although
5 the case has also John Doe 2, 3 and 4, file number
6 11-781-CZ. Mr. Coakley and Mr. Hudson are here on
7 behalf of the Plaintiffs. And Mr. Hermann is here
8 on behalf of John Doe 1.
9 So we have several things up for today. I
10 think I'm going to make an oral ruling. You can
11 have a seat. Mr. Coakley is in regard to your
12 request for reconsideration of my original ruling
13 under 2.119, paren capitol (F). We were here
14 last time. I indicated that we were not going to
15 have any oral argument on that. I have reviewed
16 the request for reconsideration. And I do not
17 find that that raised anything that wasn't
18 previously raised, nor do I find that there was
19 any palpable error in my decision there. Nor do
20 I find that I have been misled in any fashion.
21 So I'm going to deny the request for
22 reconsideration.
23 We should make the record clear that
24 Mr. Levy is here in an amicus curiae position.
25 Although, I did admit him to appear at the last

1 session, and that Barbara Harvey, although she is
2 appearing last by telephone today from Detroit,
3 is the local amicus counsel. They are here in
4 that capacity, not as parties.
5 So we have – I have reviewed the in
6 camera document, for what they're worth for me.
7 So I'm just saying that I've reviewed those, and
8 so where are we today, what else are we supposed
9 to do today? Do you want me to make a ruling on
10 that?
11 MR. COAKLEY: Yes, Your Honor. We would
12 like a ruling.
13 THE COURT: I'm going to give
14 Mr. Hermann – I guess, Mr. Levy can listen.
15 Okay. I have reviewed the complaint. Okay. John
16 Doe Number 1. Statements on their surface appear
17 to be per se either slanderous or libel statements
18 which I think takes it in a different category
19 from opinions, or, you know, observations that an
20 individual might make. It appears that he uses
21 the word "criminal." But more importantly accuses
22 Cooley of committing fraud. And that, in my
23 initial observation, as set forth in the
24 complaint, would rise to the level of possibly,
25 based on the pleadings of per se slander or libel.

1 I don't know what actually it would be called
2 under the blog.
3 So, therefore, my feeling, and I will
4 allow Mr. Hermann to respond, is that takes it
5 beyond opinion. And I think in connection with
6 the identity of John Doe Number 1, we need to
7 address, we know how Plaintiff got his identity.
8 But if it's potentially per se, my initial
9 feeling is that he could be named as a Defendant,
10 just based on my review at this particular point.
11 I'll give Mr. Hermann an opportunity to
12 respond so that a record can be made. Then we
13 will go after that to 2, 3 and 4. Because I
14 think we need to address them as well.
15 Mr. Hermann?
16 MR. HERMANN: Yes, Your Honor. I
17 understand the Court's ruling with regard to the
18 statement and the Court's opinion with regard to
19 consideration that they appear to be based on a
20 complaint libelous or slanderous per se. One of
21 the issues that was raised early on in terms of
22 the –
23 MR. LEVY: Mr. Hermann, if you could just
24 speak up a little bit?
25 THE COURT: I don't know how loud this

1 goes.
2 MR. LEVY: I understand the problem.
3 THE COURT: Maybe if you could speak into
4 the mike, Mr. Hermann. Maybe you can come up to
5 the podium and speak into this one.
6 MR. HERMANN: Fair enough, Your Honor.
7 Your Honor, I believe that the Court's
8 findings with regard to that still play into what
9 Mr. Levy may perhaps address in terms of his
10 *Dendrite* standard. I would let Mr. Levy perhaps
11 address the Court in terms of the *Dendrite*
12 standard. And one of those factors is the
13 likelihood of success, given the ability to plead
14 and properly allege in the complaint allege in
15 your complaint an allegation of actionable libel
16 or slander per se. And the Court's inclined or
17 has indicated that it's inclined to find those
18 statements as it's alleged in the complaint –
19 THE COURT: And that were printed on the
20 blog?
21 MR. HERMANN: Correct.
22 THE COURT: I think that's more persuasive
23 to me, that they were actually printed on the
24 blog, or published on the blog. I guess they
25 printed them.

1 MR. HERMAN: And that is but one of the
2 standards or factors to be considered in the
3 overall *Dendrite* analysis.
4 So one of the things that I would suggest
5 to the Court, the Court could perhaps find,
6 although the allegations in the complaint may be
7 actionable, that the other factors under the
8 *Dendrite* analysis could outweigh some of the
9 considerations given the pleading requirements,
10 and still, nonetheless, decide that the subpoena
11 is in, in balancing the interests under the
12 *Dendrite* standard, that even though there is an
13 actionable allegation in the complaint, that the
14 overwhelming majority of the considerations under
15 the *Dendrite* analysis would weigh in favor of the
16 Defendants such that a disclosure of his identity
17 is unwarranted under the *Dendrite* standard.
18 THE COURT: But then *Dendrite* also wasn't a
19 multiple John Doe situation, and really the ruling
20 came out on the secondary John Doe, is the way I
21 read it, rather than on the primary John Doe.
22 MR. HERMANN: Well, and that's something I
23 would have Mr. Levy address as well.
24 One of the other issues, Your Honor, is
25 what impact, if any, the inadvertent disclosures

1 and the violations of the Court Rule, with regard
2 to the disclosure would have. I understand the
3 Court's ruling and opinion with regard to the
4 fact that the allegations in the complaint, as
5 far as the Court's concerned, do specify
6 statements that the Court believes to be libel.
7 THE COURT: Could be.
8 MR. HERMANN: Yes. Could be. But at the
9 same time, one of the other factors that we have
10 here is a clear violation of the Court Rule. And
11 that may be another step that needs to be analyzed
12 in crafting an appropriate remedy in terms of what
13 impact does that have on this case.
14 Here we did have a disclosure, an
15 inadvertent disclosure the Court ruled was an
16 inadvertent disclosure. And we did have the
17 Court Rule, which we cited which specifies the
18 exact remedy and responsibility on the part of
19 the parties that received that information.
20 Under the circumstances, it's clear that counsel
21 did not comply with that Court Rule.
22 And what I would suggest, as an
23 alternative, in addition to applying the *Dendrite*
24 standard in analysis, would be that an
25 appropriate remedy would be in exclusion from

1 using that information that was inadvertently
2 disclosed, and disclosed it utilized, contrary to
3 the Court Rule.
4 THE COURT: Well, don't we have – I mean,
5 really, you have somebody who, at one point, was a
6 John Doe who may have made per se a slanderous or
7 libelous statement. And we have this inadvertent
8 disclosure that gives us the name of the John Doe,
9 apparently. And I don't know, we can have
10 Mr. Levy address that, but the balancing test is,
11 I mean, I don't think people have a right, we can
12 see how the case law comes out, to make per se
13 slanderous or libellus statements. And so the
14 fact that the Plaintiff has pled that. So I don't
15 think that they can go on a searching expedition
16 to find out what other statements may have been
17 made.
18 My initial feeling is we can hear from
19 them, and not to allow them to go in and have
20 discovery on these sites to see whatever else may
21 have been exchanged. Because we get to the
22 *Dendrite* balancing test in the privacy of these
23 other people. And in this case, the distinction
24 between John Doe Number 1 and 2, 3, and 4 appear
25 to be responders to the information that John Doe

1 Number 1 posted. So I think that puts them in a
2 different category, really. But, I mean, my
3 initial thoughts on that are that Plaintiff could
4 not go and get this information that was
5 inadvertently disclosed beyond the name of John
6 Doe Number 1, and use that to try to find out
7 what else he may have said or whom else he may
8 have contacted, and then pull all these other
9 people in unnecessarily. I think that's pretty
10 much the way I read *Dendrite*.
11 MR. HERMANN: And that may have been as the
12 case was in August. Unfortunately, there have
13 been a number of other subpoenas that have been
14 issued and that are temporarily on hold.
15 THE COURT: Right.
16 MR. HERMANN: And the problem, also, is
17 that I assume that Cooley is attempting to try and
18 gather information about this particular
19 individual's identity from multiple sources. Now
20 that they know who he is, through the inadvertent
21 disclosure, I suppose the strategy is, well,
22 suppose we can't get his identity from Weebly
23 Incorporated because of the inadvertent
24 disclosure, let's go to Google and find out who he
25 is. The problem with that is the only way that

1 they would know about his potential connection
2 with Google is the information that was originally
3 contained in the Weebly disclosure that would have
4 the Hotmail addresses, the MSN Hotmail addresses,
5 and the other identifying information.
6 In fact, in the Weebly disclosures,
7 there's nothing that identifies this individual
8 by name. There is an A. Siad information in
9 there. But my client name is not A. Siad. What
10 they were able to do is to take the information
11 that they had from the Weebly disclosure, and
12 cross-reference it with their own records, and
13 determine through their own archive and database,
14 who, at Cooley, or what former Cooley student
15 maintained any one of these addresses. And
16 that's how they were able to identify his
17 identity. And what we were attempting to do is
18 really a two-part strategy. One was to apply the
19 *Dendrite* standard to say protect this
20 individual's anonymous right to speech outweighs
21 the risk of prejudice to the Plaintiff in terms
22 of pursuing its rights. That's strategy Number
23 1. And strategy Number 2 would have been: What
24 would be the appropriate remedy, or if the Court
25 were to craft a remedy for violation of the Court

1 Rule, in which Cooley did disclose our did
2 publish that information, or acquire that
3 information, before they were allowed to do so.
4 And that's where they use the analogy of the
5 criminal law analogy of the fruit of the
6 poisonous tree. Having seen that fruit of the
7 poisonous tree, and having an opportunity to
8 review that, they have been able to connect the
9 dots in order to identify who this person is.
10 And they no longer need the information in that
11 disclosure. The key thing would be, if they are
12 not allowed to use any of that information in the
13 disclosure because of their violation of the
14 Court Rules, then anything that flows from that
15 would also be precluded.
16 THE COURT: Well, that would leave us with
17 a situation where someone may have made a
18 slanderous per se statement is not accounted for
19 their actions.
20 MR. HERMANN: Perhaps that's true, Your
21 Honor. And perhaps the litigation tactics of
22 counsel in choosing not to abide by Court Rules is
23 something to consider as well.
24 THE COURT: Well, we ruled that was
25 inadvertent.

1 MR. HERMANN: That's correct. But the
2 remedy –
3 THE COURT: Inadvertent disclosure, let me
4 put it that way.
5 MR. HERMANN: Right. And in choosing to
6 publish without permission of the court or
7 counsel, that is a violation of the Court Rules.
8 And I guess what I am trying to suggest, under
9 that Court Rule, by the willful and deliberate
10 violation of that Court Rule, I believe the Court
11 has discretion, the power and the authority to
12 delve or to create an appropriate remedy which
13 would include a limitation on the use of that
14 information.
15 Clearly that rule has been violated, and
16 to the extent that it would prejudice my client's
17 identity and all of the rights flowing with that,
18 it certainly is something that would provide an
19 alternate basis for relief in protecting my
20 client's identity and disclosure of his name.
21 THE COURT: I don't know. Somebody would
22 have to help me on that. I mean, if it's – I
23 don't know how we can protect his identity.
24 MR. LEVY: May I address that, Your Honor?
25 THE COURT: You will have a chance.

1 MR. COAKLEY: Excuse me, Your Honor.
2 But –
3 THE COURT: Just a minute. Everybody will
4 have a chance. I don't know how we can do that
5 without disclosing his identity. That's what I am
6 asking. I understand your argument that it was
7 obtained inadvertently. Therefore, it should be
8 excluded. But if we exclude it, a person who
9 maybe made a per se statement that's libellus or
10 slanderous, not be held accountable. So it's a
11 tough balancing, you would agree, balancing test?
12 MR. HERMANN: It is a balancing test. And
13 that's exactly what the *Dendrite* analysis
14 encompasses is looking at a series of factors to
15 weigh all of those factors in order to –
16 THE COURT: Right. The First Amendment
17 Rights of free speech don't necessarily rise to
18 slanderous per se statements, though. I'm just
19 saying, my initial impression is they do not rise
20 to slanderous per se statements.
21 MR. HERMAN: That's correct, Your Honor.
22 And that is a factor, and one of the factors to be
23 considered in the *Dendrite* analysis. It's not the
24 only factor.
25 THE COURT: All right. Let's hear from

1 Mr. Levy. Then we'll hear from Mr. Coakley.
2 MR. COAKLEY: Your Honor, I object to
3 Mr. Levy speaking, and arguing –
4 MR. LEVY: Um, Your Honor –
5 THE COURT: Mr. Levy, just a minute, we
6 have an objection. Just a moment. Let me deal
7 with Mr. Coakley's objection to you saying
8 anything.
9 MR. LEVY: I am sorry, Your Honor.
10 THE COURT: All right. Well, you couldn't
11 hear it. All right. Mr. Coakley?
12 MR. COAKLEY: Your Honor, as I understood
13 the Court's ruling, the last time we were here,
14 you were going to permit –
15 MR. LEVY: I can't hear, Your Honor.
16 THE COURT: He is going to come to the
17 podium.
18 MR. COAKLEY: Your Honor, as I understood
19 the Court's ruling at the last hearing, when
20 amicus briefs were permitted to be filed, you
21 ruled very clearly that Mr. Levy or anybody
22 appearing as amicus would not be permitted oral
23 argument.
24 THE COURT: I don't remember that. I
25 thought they weren't going to be allowed discovery

1 and things like that. I don't recall saying that
2 they wouldn't have oral argument. I don't know.
3 I'm sure you ordered the transcript.
4 MR. COAKLEY: I did, Your Honor.
5 MR. LEVY: Your Honor, I thought what you
6 said was that I could address the questions that
7 arose during the hearing.
8 THE COURT: We are going to get the
9 transcript. We will see. That was my
10 understanding that you couldn't participate in
11 discovery, that you couldn't issue your own set of
12 Interrogatories, but you could probably comment.
13 That was my feeling. But I don't know. They are
14 going to tell me what I said.
15 MR. COAKLEY: Well, Your Honor, I'm going
16 to have to stand on my own recollection, because
17 apparently I don't have the transcript with me.
18 THE COURT: All right. Well, this is just
19 a motion. And so I am going to allow Mr. Levy to
20 answer questions or assist the Court in arriving
21 at some solution to this issue. Mr. Levy?
22 MR. LEVY: Yes.
23 THE COURT: You're on.
24 MR. LEVY: The first thing is, I think I
25 actually haven't heard Mr. Coakley speak to the

1 issue, but my guess is that I may agree with him
2 in this respect, and not agree with Mr. Hermann
3 about the impact of the violation of the Court
4 Rule about disclosing information that's subject
5 to a claim of privilege.
6 I think the impact of Your Honor's ruling
7 in that regard was to take the parties back to
8 where they were before the violation occurred so
9 that Your Honor – so that the motion to quash is
10 no longer moot. That the issue of whether you
11 should recognize First Amendment privilege and
12 how you should apply it in the context of this
13 case is now squarely before you. And that
14 assuming that you decide that the information was
15 not, in fact, privileged, because, obviously, as
16 soon as you reject the *Dendrite* analysis, or
17 because you decide that following *Dendrite's*
18 analysis you think the First Amendment right of
19 anonymity is outweighed by what was said and what
20 was shown in support of the action, that that
21 really protects the interest that the Court Rule
22 protects it is intended to provide. And so I
23 just think what I would like to do is go directly
24 to the question of should you allow disclosure of
25 identity under the *Dendrite* analysis.

1 THE COURT: Okay.
2 MR. LEVY: Turning to that, I understand
3 the Court's sensitive ruling that use of the word
4 "criminal," and use of the word "fraud" in the
5 statements of Doe 1 in contradiction to there were
6 more factual things that Does 2, 3 and 4 made,
7 puts Doe 1 in a situation of having committed a
8 per se libel.
9 First, I want to address – I don't know
10 if Your Honor is final on that. I don't want to
11 address that. But I do think –
12 THE COURT: Well, I think what I'm saying
13 is, I think it's a real question of fact whether
14 or not those statements are per se on their face.
15 And since they were published on a blog, I think
16 that carries a lot of weight with me.
17 MR. LEVY: I would compare the use of the
18 word "criminal."
19 THE COURT: Well, I think one of the – the
20 word is criminal, and then there's the allegation
21 of fraud. So I'm not – I don't know if criminal
22 rises to the level of a per se or criminal, that's
23 per se or not. It says commission of a crime.
24 But I think fraud, really, crosses, gives a
25 reasonable trier of fact, they could conclude that

1 that was a per se statement.
2 MR. LEVY: In the context – you have a
3 blog that made very specific factual statements
4 about Cooley, and then drew a conclusion from the
5 facts stated that this showed that Cooley was a
6 criminal, or that they had committed fraud. But I
7 would compare that to what happened in the
8 *Kevorkian* case, where Doctor *Kevorkian* was told he
9 could not sue the American Medical Association and
10 others for defamation for accusing him of criminal
11 practices.
12 Now, of course Doctor Kevorkian was a
13 rather notorious individual in the State of
14 Michigan. And some might say, yes, he was in
15 fact committing crimes. But the basis upon which
16 the Michigan Court of Appeals ruled was that
17 accusing him of criminal practices and criminal
18 activities was just a rhetorical expression of
19 opinion about Doctor Kevorkian's practices. So
20 they were not defamatory. They were, rather,
21 statements of opinion. And criminally and
22 statutorily decided on paper –
23 THE COURT: All right. Mr. Levy, she
24 missed the second case you mentioned.
25 MR. LEVY: I think I cited it twice. The

1 *Chmura* case.
2 THE COURT: That's the one that she didn't
3 get.
4 MR. LEVY: Okay. Where –
5 THE COURT: Spell that for her.
6 MR. LEVY: *C-H-M-U-R-A*. That's a Michigan
7 Supreme Court decision, saying that when Judge
8 *Chmura*, I'm not sure whether he was a judge or
9 simply running for Judge, said that certain
10 political figures stole the abundance of suburban
11 tax payers by causing it to be spent on the
12 Detroit city schools, that this wasn't the literal
13 accusation of criminality, but just the figurative
14 expression of opinion.
15 So it would be argued, and, similarly, you
16 have cases like the *Santaturi*(sp) case in which
17 the word "fraud" was held to be rhetorical
18 hyperbole. Now, this is really, I think,
19 question of law, not a question of fact, whether
20 it's rhetorical hyperbole. We certainly,
21 respecting Your Honor's ruling, or tentative
22 ruling, understanding that I have to go to the
23 next stage because of your inclination is to
24 regard these statements as being statements of –
25 that are per se defamatory.

1 But I think a very substantial argument
2 can be made that these are so rhetorical that
3 they are statements of opinion rather than
4 statements of fact. And, therefore, if they are
5 an opinion, of course, they are not actionable.
6 But even assuming that you decide that
7 these are statements of – actionable statements
8 of fact as a matter of law, then I think you
9 still, under the *Dendrite* standard, there would
10 still be requirements that the Plaintiff should
11 have to make.
12 First of all, the Plaintiff should have to
13 allege that the false statements about it were
14 made with actual knowledge. Now, we agree with
15 Cooley that it's not fair to have to produce
16 evidence of actual malice. But at the very least
17 it should have to allege that to go – made false
18 statements about it with actual malice. Because
19 for the reasons that I explained in our reply
20 brief, it should be clear that a law school which
21 claims to be the second best law school in the
22 country puts itself forward for comments on the
23 quality of its legal education. Therefore, it is
24 a public figure with respect to those comments,
25 if not generally, because of its role in the

1 community.
2 So the first thing that I think Cooley has
3 not done, even if you adhere to your sensitive
4 inclination in determining that the use of the
5 words "criminal" and "fraud" rise to the level of
6 per se defamation, is that the Plaintiff has not
7 pleaded a proper case given the fact that it's a
8 public figure because it has not pleaded actual
9 malice.
10 And the second thing Cooley has not done,
11 under whether it be the *Dendrite* standard or the
12 *Cahill* standard, there are two different
13 approaches that Courts of Appeals in these
14 various states across the country have been
15 applying, is that it haven't put forth any
16 evidence that anything stated by the Doe in the
17 case is false.
18 It's interesting that there was an
19 affidavit submitted with a complaint from
20 Mr. Thelen, the dean of the law school, attesting
21 to their efforts to obtain the Doe's identity.
22 It would have been so easy to put in an affidavit
23 attesting to the falsity of the statements that
24 Doe made. And yet, for reasons, basically stood
25 on its view of the law. And of course it's

1 entitled to stand on its view of the law. But I
2 think I would ask the Court to wonder why it is
3 that given how easy it is to show the falsity of
4 the statements, that they had made no efforts to
5 do so by putting in evidence.
6 THE COURT: All right. Thank you.
7 Mr. Coakley?
8 MR. COAKLEY: Thank you, Your Honor.
9 THE COURT: You need to come up here so
10 that Mr. Levy can hear.
11 MR. COAKLEY: Your Honor, let me, if I may,
12 first address this allegation that there has been
13 some violation of the Court Rules.
14 THE COURT: You covered that. I already
15 ruled it was inadvertent. We don't need to go
16 back over that.
17 MR. COAKLEY: Thank you, Your Honor.
18 So really, all we are asking for here is
19 what we are entitled to under Michigan law and
20 under Michigan Court Rules, which is, you know,
21 liberal and open discovery, full discovery, which
22 we need to prosecute our case.
23 THE COURT: But, I mean, if I allow you to
24 add John Doe as a named party, then you can
25 proceed down regular discovery lines, rather than

1 dragging all these other folks in. I agree with
2 Mr. Levy, I think for people who are on blogs, and
3 they might respond to something, I don't think
4 that you can use discovery as a fishing expedition
5 to try and go and find something other than what
6 you already have. You have statements from, at
7 least, John Doe Number 1, that are published. You
8 have those.
9 But as far as the necessity to go out and
10 try to dig up some other statements, I'm
11 hard-pressed to go there on this internet and his
12 ISP addresses.
13 MR. COAKLEY: I guess I'm not understanding
14 what other statements you think we're looking for.
15 THE COURT: I don't know. I mean, I don't
16 see the need for you to do anything with those
17 since you already have the statement. That's what
18 I'm saying. You have the statement. So it's
19 going to be a question of fact, I guess, as to
20 whether or not it's a per se statement. But if I
21 allow you to name him as a party, I don't think
22 you need anything else from those subpoenas.
23 That's what I am telling you.
24 MR. COAKLEY: From the other John Does?
25 THE COURT: Yeah. Any other subpoenas

1 about who he contacted or who he may have
2 interacted with, or who else contacted him. I
3 don't see it.
4 MR. COAKLEY: Well, Your Honor, unless
5 you're going to decide that –
6 THE COURT: I think you can then take his
7 deposition and ask him, and then we can see what
8 he says.
9 MR. COAKLEY: We could take his deposition,
10 Your Honor. But before we have our discovery on
11 what he has done, who said what to whom.
12 THE COURT: Right. But *Dendrite* talks
13 about – and I think it's a fine line that we have
14 to balance the First Amendment rights of all these
15 other people he may have contacted. So why should
16 they be exposed to this because of something he
17 said? And they may have responded, or they may
18 have made some kind – hey, I agree, does that
19 become actionable against them? That's my concern
20 that when you go to these cites –
21 MR. COAKLEY: I guess you would have to
22 rely on our good faith and exercise of our rights
23 of discovery.
24 THE COURT: That's true. But we don't want
25 any more inadvertent things to happen, frankly.

1 MR. COAKLEY: You know, the question here
2 is, where do we draw the line. This John Doe
3 Number 1, he said that all of his statements in
4 his blog, including the ones that we believe, and
5 I think you have tentatively said that there is a
6 colorable recoverable claim for per se defamation.
7 He said it was based on his research, his
8 investigation. So –
9 THE COURT: But if you have him, you have a
10 trial, that's what trials are for, isn't? I don't
11 think it's necessary for us to go out and drag –
12 MR. COAKLEY: That's what discovery is for,
13 isn't it?
14 THE COURT: – in another 150 people.
15 Because I'm concerned, let me just state it, I'm
16 concerned about a chilling effect, frankly. I'm
17 not a constitutional scholar. But I am concerned
18 that when you have carte blanche discovery of
19 these ISP cites, it's a huge chilling effect on
20 folks. I mean, if they know whatever I say,
21 somebody is going to come after me, somebody is
22 going to sue me, somebody is going to drag me
23 through this, because I say I agreed with what
24 John Doe Number 1 says, I'm concerned about that.
25 I think the First Amendment does allow people to

1 say what they want to say.
2 I don't feel, at least my initial
3 interpretation is, that that rises to the level
4 of making per se slanderous statements. I don't
5 think your First Amendment right protects that.
6 But it does protect virtually everything else. I
7 don't know. Mr. Hermann may have an argument.
8 Maybe Cooley is a public official, treated as a
9 public figure maybe. These are just conclusions.
10 I don't know. But at least on the surface, I
11 think it's still a question of fact. And I think
12 that has to be developed. I don't think it's a
13 basis where I would rule as a question of law
14 that it's not. Let me put it that way.
15 MR. COAKLEY: Right. And I agree with you.
16 And that's why we need the discovery to develop
17 the facts. There are lots of other folks out
18 there.
19 THE COURT: What other facts do we have?
20 We have the blog. You have to ask the John Doe
21 Number 1 what's the basis of your statements, I
22 guess. I don't think you need to go get a
23 thousand other ISP cites and go in and try to find
24 out what they said, and then send in some
25 questions and everything. That's the chilling

1 effect that you've got. You've got the guy with
2 the big stick coming in, beating down all these
3 other people out there, in order to send a message
4 that: Don't say this about us again.
5 MR. COAKLEY: But we haven't done that,
6 Your Honor. That's my point.
7 THE COURT: I'm saying, that's my concern.
8 MR. COAKLEY: I understand that.
9 THE COURT: I'm not saying that you had
10 done that. And that's what creates a chilling
11 effect.
12 MR. COAKLEY: I understand that. That's
13 what I am trying to tell you, Your Honor. There
14 are lots more – I wish I would have brought one
15 example to you. Lots more offensive rankling
16 statements, blogs, about Cooley out there. We
17 haven't taken after everybody. We make good faith
18 allegations. We wouldn't do anything different
19 for anybody else who is saying things about
20 Cooley.
21 THE COURT: I don't know when Cooley draws
22 the line, Mr. Coakley. I don't know. I don't
23 want to drag all these other folks in because of
24 something John Doe might have said. John Doe
25 Number 1, that is.

1 MR. COAKLEY: Well, I guess I don't know
2 where the line is being drawn on what we can do to
3 try and find out what John Doe said to whom, and
4 when he said it in order to test his statement in
5 his blog where he per se defamed us, that it was
6 based on his investigation.
7 THE COURT: That's the balancing test.
8 MR. COAKLEY: We are after his statement.
9 We are not after everybody else's statements.
10 THE COURT: But you want to go the ISP site
11 and find out what he told other people.
12 MR. COAKLEY: That's right. Those would be
13 party admissions.
14 THE COURT: They're dragged in. They then
15 become a part of this. And so suppose you get in
16 there, and you say, oh, this guy, logically you
17 would follow that guy and see what he said. So
18 let's follow him. And he says something that you
19 considered to be per se slanderous. And then we
20 have him, too. So you go, A is John Doe 1. You
21 go to B, then you say this is what he told B. And
22 then let's see what B said. Then you're out here
23 with D, E and F. And then you're saying, well, he
24 published this stuff, too.
25 MR. COAKLEY: Well, the only thing I can

1 say about that, Your Honor is, one, we have acted
2 in good faith and we wouldn't do anything
3 different going forward. Two, that's why we have
4 the subpoena process. If somebody objects to a
5 subpoena that we have issued –
6 THE COURT: Well, realistically, Mr.
7 Coakley, you have some guy out here who is a
8 student, he doesn't have the resources, I assume
9 this guy couldn't go out to California and fight.
10 This is the real world.
11 MR. COAKLEY: That's the reality, Your
12 Honor.
13 THE COURT: You have an unlimited budget.
14 MR. COAKLEY: Think about that.
15 THE COURT: So you get down to Number F, or
16 Number G, and he's just a guy working down here at
17 the store, and then you talk about, well, he can
18 come fight the subpoena. I mean, let's be
19 realistic. This is the real world.
20 MR. COAKLEY: John Doe has two attorneys
21 here. Two attorneys on the phone.
22 THE COURT: I am talking about the guy D, E
23 and F. Who is down there, just a regular guy, he
24 says, oh, holy gun, what have I got myself in.
25 And you're talking about, well, you can come to

1 court and fight that if you want. Why would I
2 want to put that guy in that position?
3 MR. COAKLEY: Mr. Hermann can object. We
4 are not interested in chasing down every rabbit
5 trail, Your Honor. What I really object to, what
6 is very troublesome to me is, we have no idea
7 where the line is drawn. Is it at D? Is it at C?
8 Is it at D? What happens if we discover some
9 information from B that leads us to information
10 material to John Doe's state of mind, or John Doe
11 2's state of mind? Are we supposed to stop and
12 not continue our discovery because we are getting
13 down the line where somebody might not be able to
14 come into court and move to quash the subpoena or
15 exercise their rights? We have public citizens
16 law from Washington, D.C. in this case on a
17 discovery issue.
18 THE COURT: Well, I think it's a First
19 Amendment right.
20 MR. COAKLEY: They have a Yale law fellow
21 who drafted their last brief.
22 THE COURT: Where did you go to school,
23 Mr. Hudson? Where did you go to school?
24 MR. HUDSON: I went to Georgetown.
25 THE COURT: Georgetown? That's close to

1 Yale.
2 MR. HUDSON: It's much lower in rank.
3 MR. HERMANN: It's Number 3 beneath Cooley
4 on the best law schools, Your Honor.
5 MR. COAKLEY: So that's my concern. These
6 folks do have resources, Your Honor. They have a
7 public law center in California. They are all
8 working together. That's the real world. That's
9 what we're up against. All of these folks are
10 communicating through the internet, through blogs,
11 through Facebook, whatever it is. So it isn't
12 some poor fellow down the road at the convenience
13 store, you know, that we're all interested in.
14 What we're interested in, the folks that are
15 defaming us in a medium where the effect is
16 immediate. And it's very devastating. You know
17 how fast this stuff travels on the internet.
18 So we need what the Michigan Court Rules
19 provide to us, which is liberal and open
20 discovery. And *Dendrite*, it's interesting
21 academic discussion. But that's not the law in
22 Michigan.
23 THE COURT: It's not the law. I'm just
24 offering some guidance.
25 MR. COAKLEY: It's not the law. The law in

1 Michigan is –
2 THE COURT: It will come out of this case.
3 That's what the law in Michigan, it's going to
4 come out of this case.
5 MR. COAKLEY: That's it, Your Honor. We
6 made good faith allegations. We should be
7 permitted to – we have the burden here. And we
8 should be permitted to pursue our discovery. If
9 somebody thinks that we get out of line, I don't
10 think that's going to happen. But if somebody
11 thinks we got out of line, there is a place for
12 that. It's right here.
13 THE COURT: All right.
14 MS. HARVEY: Hello?
15 THE COURT: He is still reviewing his
16 notes. I'm sorry.
17 MR. COAKLEY: I think we have covered it,
18 Your Honor. We would ask that we be permitted to
19 name John Doe. We be permitted to pursue our
20 discovery as provided by the Michigan Court Rules
21 in Michigan law. And I don't know if you want to
22 address the other John Does, Your Honor. But I
23 would note that although we have subpoenas, a
24 couple of subpoenas out on those, and some others
25 in the wings, we have nobody appearing on behalf

1 of the other John Does. There is no motion to
2 quash. And I would say only one other thing about
3 that. To my mind, we have made allegations with
4 respect to the other John Does that are tantamount
5 to fraud.
6 THE COURT: But they don't, in my opinion,
7 it's like I told Mr. Hermann, tentatively they
8 don't rise to per se statements, in my opinion.
9 Just a question fact, unlike John Doe Number 1.
10 And, also, as I stated, I'm taking into
11 consideration that they are simply responding to
12 go, they aren't publishing. I mean, it's
13 published. But they weren't publishing on their
14 blog. They're sort of just responding to John Doe
15 Number 1. I think that makes a distinction, in my
16 mind.
17 MR. COAKLEY: Just so the record is clear,
18 Your Honor, John Doe Number 2, that person claimed
19 Cooley is a sham corporation. I mean what does a
20 sham mean? Fraudulent.
21 THE COURT: It's an opinion, I would think.
22 It's not like they committed a crime. That's a
23 question of fact. But I'm just saying, in looking
24 at that, and again the distinction is a person is
25 responding. I don't know what the law is on that.

1 I guess the Court of Appeals will tell me. When
2 you have primary blog, or John Doe Number 1, and
3 then 2, 3 and 4 respond to him, are they in the
4 same category. I guess the argument that Mr. Levy
5 about malice will come into play there on 2, 3 and
6 4. I don't know, but we aren't there yet. So...
7 MR. COAKLEY: So they allege that John Doe
8 Number 2 is alleging securities fraud. John Doe
9 Number 3 alleges that Cooley was engaged in
10 student loan fraud, committed fraud. And John Doe
11 Number 4 said that Cooley was bilking students and
12 taxpayers out of billions of dollars. Those, to
13 my mind, are allegations of fraud. We think that
14 they all satisfy the per se defamation standard.
15 And we would ask that we be permitted to pursue
16 our discovery against them along the same lines as
17 John Doe Number 1. Thank you.
18 THE COURT: Mr. Hermann?
19 MR. HERMANN: Yes, Your Honor. I have a
20 proposal and possibly a solution.
21 THE COURT: All right.
22 MR. HERMANN: I've heard the Court's
23 preliminary opinions, and it appears that the
24 Court is leaning in a certain way. I don't want
25 to – the Court's heard its arguments. And you

1 appear to be leaning in a certain direction. I do
2 tend to agree with the Court in a sense that this
3 case may perhaps define the law in Michigan. So
4 with that being said, perhaps rather than
5 conducting discovery as a suggest, what I would
6 request of the Court is that if the Court were to
7 allow Cooley to amend, and identify my client by
8 his name, through the disclosures that were used
9 by, or disclosed through the Weebly disclosures,
10 that there be a 21-day stay period to allow my
11 client the opportunity to appeal. And that any
12 discovery that has been commenced would be also
13 stayed during that time period. Any new discovery
14 could be renewed after that 21-day stay period
15 with the opportunity of any objection on any of
16 the Does to raise an issue of continuation of a
17 stay if there is an appeal in effect.
18 Under those circumstances, we would
19 certainly take an application for leave to
20 appeal. And this may be something that would be
21 addressed on the Court of Appeals, and perhaps
22 more guidance from the Court of Appeals and/or
23 law created in this state.
24 THE COURT: Okay.
25 MR. COAKLEY: Your Honor, if the amendment

1 is permitted, then the Defendant will have 21 days
2 to answer.
3 MR. LEVY: Mr. Coakley, would you step
4 forward? I apologize.
5 MR. COAKLEY: If the amendment is
6 permitted, then he will have 21 days to answer the
7 complaint. Or, you know, even if he is
8 unsatisfied with the allegation, I assume he could
9 file a motion to dismiss. That's the way to test
10 the allegations, to my mind.
11 THE COURT: I think they were really
12 questioning whether or not, in light of there
13 being an inadvertent disclosure, is the
14 appropriate remedy to name him. Because that's
15 the only way you got the name of John Doe 1.
16 That's the appellate question, as I saw it. It's
17 not like a summary disposition on, I'm making a
18 ruling that it's per se. I'm just saying it could
19 be per se.
20 MR. COAKLEY: That's a good faith
21 allegation. No, I understood that.
22 THE COURT: Right. So I think it's my
23 understanding what Mr. Hermann was suggesting is
24 that the real issue is, should the John Doe Number
25 1 be named as a party in light of the inadvertent

1 disclosure of the information.
2 MR. HERMANN: Or the *Dendrite* analysis.
3 THE COURT: We haven't got to the *Dendrite*
4 analysis yet.
5 MR. COAKLEY: That's the real issue. They
6 want to take the *Dendrite* issue up. We have been
7 stalled for two months on discovery. I think
8 that's unfairly prejudicial to our ability to
9 prosecute our case. They have got 21 days, you
10 know, to do whatever they want to do after a
11 complaint is amended. So I don't see that there
12 is any need for a stay.
13 THE COURT: Okay.
14 MR. LEVY: Can I speak to the question of
15 the stay, Your Honor?
16 THE COURT: Okay, Mr. Levy. Briefly.
17 MR. LEVY: Yes. I assume that in Michigan,
18 as in most states, the Courts discourage
19 interlocutory appeals. But what the Courts of
20 Appeals have uniformly recognized in other states,
21 and I think a fair argument could probably be made
22 under Michigan procedure as well, is that once the
23 Does' identity is put publically in the complaint,
24 the anonymity is irretrievably lost. And so,
25 therefore, the Courts of Appeals, Supreme Court in

1 other states have been willing to entertain
2 interlocutory appeals about whether the First
3 Amendment right of anonymity should be taken
4 away.
5 As I understand it, the Does' argument,
6 Your Honor, which we would certainly support, is
7 that it's fair to have a stay that gives the Doe
8 an opportunity to get to the Courts of Appeals to
9 ask for a continuation of the stay so that the
10 merits of the *Dendrite* issue could be put to the
11 Court of Appeals.
12 THE COURT: All right. In this matter we
13 have multiple issues that's background. Cooley
14 Law School filed their complaint against John Does
15 1, 2 and 3 alleging slander, defamatory
16 statements, including some that – per se
17 statements.
18 It appears that John Doe Number 1 was the
19 principal blogger who put some information on his
20 site. It appears, at this point, without further
21 evidentiary proceeding, John Does 2, 3 and 4 were
22 simply responders or concurring, sending other
23 information back in.
24 What happened in this case, that Cooley
25 Law School issued subpoenas to the ISP sites to,

1 I guess, the blogger, at that point, who had an
2 unknown identity. And that the Defendant for
3 John Doe 1 came to the Court and asked that there
4 be a motion to quash those subpoenas, had contact
5 with 1 of the disclosures, was it Weebly?
6 MR. HERMANN: Yes, Your Honor.
7 THE COURT: And they said they would honor
8 it. But it turned out they did not. And they
9 inadvertently disclosed information that
10 apparently contained another user name for John
11 Doe 1. And that apparently turns out the identity
12 to have been a secondary user name that he used
13 while he was a student at Cooley Law School. And
14 the result was that Cooley was able to identify
15 John Doe Number 1.
16 Now, at a prior hearing, this Court struck
17 the amended complaint, really, pending today's
18 decision. We entered an order stating that the
19 Court should receive, in camera, the information
20 from subpoenas that were already outstanding. We
21 have been advised that there are a lot of
22 subpoenas outstanding now, apparently, involving
23 John Does 2, 3 and 4, I guess, also, trying to
24 identify their ISP information to try to work
25 their way back.

1 Earlier in my discussions, I had talked
2 about how I felt that there was a chilling effect
3 when you allow people or any entity, really, to
4 go in and try to track down whatever anybody said
5 on the Internet.
6 Now, the law in Michigan isn't set yet.
7 So maybe this case will set it. But in the
8 *Dendrite* case they talked about the standard.
9 And I think there that case also dealt with John
10 Doe 1, 2, 3 and 4. And I think the standard came
11 out of Number 3. It wasn't the primary 1. I
12 don't know what the result of the case was about
13 the primary John Doe in that case. But,
14 apparently, John Doe 3 was not a primary.
15 And in that court, and I'm not saying
16 that's the law in Michigan, but it seems
17 reasonable to look at it for analysis purposes,
18 that they set forth five guidelines. One, the
19 Plaintiff must make good faith efforts to notify
20 the pollster, and give the pollster a reasonable
21 opportunity to respond.
22 Well, as far as John Doe Number 1, we
23 don't have that issue because they responded and
24 came in and filed motions to quash.
25 Number 2, the Plaintiff must specifically

1 identify the pollster's allegedly actionable
2 statements. Now, as far as Number 1 is
3 concerned, we have a copy of what was posted on
4 the blog, which I have already indicated,
5 tentatively, could be considered to be per se
6 talking about crimes and committing fraud. So I
7 think that we have that.
8 Three, the complaint must set forth a
9 prima facie cause of action. It's thin. But
10 they did say that they felt it was a per se
11 statement. And so per se statement, I don't know
12 if that requires an actual malice per se, if it's
13 a per se statement. If I recall correctly, I
14 don't know, maybe Mr. Hudson can help me out.
15 But if it's a general statement, I think you have
16 show malice, or some type of actual pecuniary
17 loss versus a per se statement, I don't think you
18 actually do. But we aren't there yet.
19 But I think although I would acknowledge
20 Mr. Levy's comments that the complaint isn't the
21 most specific, but I think as skeletal, anyways,
22 it's set forth a prima facie cause of action.
23 Okay. The Plaintiff must support each
24 element of the claim with sufficient evidence.
25 Well, we haven't got there yet. I think that's

1 the whole position of the Plaintiffs saying that,
2 Judge, we should have this opportunity to go out,
3 see what other evidence is out there, whatever
4 statements Mr. John Doe Number 1 may have made.
5 But I think that for John Doe Number 1, they have
6 the blog statement. I think that was the point I
7 was trying to make. I don't know what else you
8 need once you have that, as far as my example of
9 how far are we going to go if we allow the
10 subpoenas to stay out there. And who are you
11 going to draw in if you find out that somebody
12 down the line said something. Are you going to
13 add them in this lawsuit, too. So – because the
14 real issue is the constitutional issue. I'm not
15 claiming that I was a great constitutional
16 scholar. I was a litigator, Mr. Coakley.
17 MR. COAKLEY: As am I, Your Honor.
18 THE COURT: So the Court must balance the
19 Defendant's First Amendment right of anonymous
20 free speech against the strength of the prima
21 facie case presented, and the necessity for
22 disclosure of the anonymous Defendants. I think
23 that's the crux of the case here. Complicated by
24 the fact that the identity only came about as a
25 result of the inadvertent disclosure made biweekly

1 that ultimately allowed the Plaintiff to identify
2 who Juror Doe Number 1 was, and also filed an
3 amended complaint. So we got the issue of what's
4 the appropriate remedy for inadvertent disclosure.
5 Defendant would argue it's the fruit of the
6 poisonous tree versus if it is a per se statement,
7 should the person who made the statement be held
8 accountable. That's just how I see it.
9 As far as John Doe Number 1 is concerned,
10 my initial feeling is that per se slanderous
11 statements are not entitled to First Amendment
12 protection. So that's really a balancing test.
13 It's a close balancing test. But in trying to
14 fashion a remedy here, the Defendant would say
15 that due to the question of anonymity, and if I
16 ruled that John Doe Number 1 name can be added to
17 the complaint, that once I do that, it's
18 irreversible. And they have suggested that if I
19 am inclined to make such a ruling, that they be
20 granted a 21-day period to file leave to the
21 Court of Appeals, staying that order during that
22 time. I'm sort of persuaded by that. I mean,
23 once we make the disclosure, it's out there.
24 Even if they were going to appeal down the road,
25 I don't know, maybe my analysis is incorrect.

1 But I think when you talk about anonymity, it's
2 irreversible once it's disclosed. So if we are
3 going to go to the Court of Appeals, we might as
4 well go to all the issues. So I think the
5 appropriate remedy for the inadvertent disclosure
6 is that the John Doe Number 1, I'm not going to
7 mention his name right now, can be added as a
8 party in the name that Cooley discovered.
9 But I think any other subpoena should be
10 quashed in this regard for the reasons I stated
11 about my concern about the chilling effect, how
12 far we go down the line, who else is going to be
13 dragged into the case. And I think the
14 protection of free speech outweighs that because
15 we had the published blog. I think that
16 depending on what the Court of Appeals says, if
17 they say it's all right to amend the complaint,
18 then they can have discovery, then we can come
19 back and revisit the issue at that time to see
20 what specific information we want to get. As I
21 stated, my concern is that's just one massive
22 fishing expedition. We don't really know if he
23 said anything at all. Judge, let us go contact
24 all the people he has contacted, let us go down
25 and get John Does 2, 3 and 4, and see what else

1 we can find. And I'm concerned about that. I
2 think we need to have something more specific.
3 Even under the *Dendrite*, we have to have some
4 information rather than trying to use discovery
5 to get some more information. And I'm saying
6 that because here it's on the blog. I'm
7 persuaded by that.
8 In regards to 2, 3 and 4, I think that
9 Plaintiff has to show, and I'm going to stay all
10 those other subpoenas, concerning John Does 2, 3
11 and 4, stay them at this time, also. And I think
12 under the *Dendrite* analysis, that we have to give
13 them a reasonable opportunity to appear. That's
14 2, 3 and 4.
15 So I think under *Dendrite*, you may not
16 know who 2, 3 and 4 might be. *So I guess*
17 *Dendrite* suggested you could, I guess, put it
18 under Cooley's website, maybe put something under
19 John Doe Number 1's website about 2, 3 and 4.
20 I'm letting you know you may want to appear
21 whomever you are. So I am not going to allow you
22 to go in the back door, Mr. Coakley, by going in
23 2, 3 and 4, who aren't represented. And, yes, I
24 know that the law says everybody is entitled to
25 be represented. But in this type of case, I

1 don't know what the financial resources of the
2 people are. So if they don't respond, you issue
3 the subpoenas. You go get it all through the
4 back door anyways. So that would sort of defeat
5 the purpose for my ruling today.
6 So all of these things, we are going to
7 stay the entry of the order for 21 days. I think
8 it's a paramount constitutional issue concerning
9 the First Amendment rights and bloggers. I do
10 think that. And I think that it's irreversible
11 to John Doe Number 1 once he is named, that we
12 can't go back in the event the Court of Appeals
13 agrees with Mr. Coakley. So that's going to be
14 the order of the Court.
15 MR. HERMANN: Your Honor, I don't want to
16 dust off my appellate practice. I don't have my
17 Court Rules in front of me. But in order to
18 perfect the appeal, I suppose we need an order
19 from the Court.
20 THE COURT: I think you submit the order
21 under seal, I think, is the way it goes. And then
22 we would have the order that allows it to go to
23 Court of Appeals. I guess we can look it up, if
24 you want.
25 MR. HERMANN: And I'm just thinking out

1 loud, procedurally. Perhaps would it be an order
2 allowing the Plaintiffs, in this matter, the
3 opportunity to amend, and then in a separate order
4 staying execution of that pending the appeal?
5 Because I believe that the Court of Appeals would
6 need the actual paper written copy of the order
7 that we would be appealing.
8 THE COURT: Fine. We can do it that way.
9 MR. COAKLEY: Your Honor, just one point of
10 clarification. I know you made your ruling. But
11 John Doe Number 4 is not one of the commenters on
12 John Doe 1's blog.
13 THE COURT: Right. But we are just going
14 to hold up on all of those until we get some
15 clarification. If the Court of Appeals upholds me
16 and denies leave, then we will work with that.
17 Right now all those subpoenas are stayed, and the
18 ones on John Doe Number 1 are quashed.
19 MR. HERMANN: Fair enough, Your Honor.
20 THE COURT: You guys will get the
21 appropriate form so that you can check with the
22 appellate people.
23 MR. HERMANN: Thank you, Your Honor.
24 THE COURT: All right. Like I said, I was
25 a litigator. All right. Anything else?

1 MR. HERMANN: No, Your Honor.
2 THE COURT: Mr. Levy?
3 MR. LEVY: Thank you so much for hearing
4 me, Your Honor.
5 THE COURT: All right. Good luck. Thank
6 you.
7 MS. HARVEY: Thank you, Your Honor.
8 MR. COAKLEY: Thank you, Your Honor.
9 (Proceedings concluded at 4:06 p.m.)
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1 STATE OF MICHIGAN)
2 COUNTY OF INGHAM)
3
4 I, TERESA J. ABRAHAM, Certified
5 Shorthand Reporter and Notary Public in and for the
6 County of Ingham, State of Michigan, Thirtieth Judicial
7 Circuit Court, do hereby certify that the facts stated in
8 the foregoing pages are true and correct, and comprise
9 a complete, true and correct transcript of the
10 proceedings taken in this matter on this the
11 24th day of October, 2011.
12
13
14 ________________________________
15 Teresa J. Abraham, CSR-3445
16
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18 Date: October 28, 2011
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