

STATE OF MICHIGAN
30TH JUDICIAL CIRCUIT COURT (INGHAM COUNTY)

NEVA LI, et al.,

Plaintiffs,

v

File No. 04-223-CZ

COALITION FOR RESPONSIBLE GUN OWNERS,
et al.,

Defendants.

/

VIDEO MOTIONS FOR SUMMARY DISPOSITION
BEFORE THE HONORABLE JAMES R. GIDDINGS, CIRCUIT COURT JUDGE
Lansing, Michigan -Thursday, February 24, 2005

APPEARANCES:

For the Plaintiffs: MR. J. KEVIN WINTERS (P59405)
2125 University Park Drive, Suite
250 Okemos, Michigan 48864
(517) 706-5772

For the Defendants: MR. DAVID H. ALDRICH (P29099)
313 South Washington Square
Lansing, Michigan 48933
(517) 371-8219

Transcribed by: Theresa's Transcription Service
POBox 21067
Lansing, MI 48909-1067
(517) 882-0060

TABLE OF CONTENTS

	PAGE		
<u>WITNESSES:</u>			
None .			
<u>EXHIBITS:</u>		IDENTIFIED	RECEIVED
None .			

1 for summary disposition on behalf of the Defendant; the
2 coalition, and one on behalf of the Plaintiff, correct?

3 MR. WINTERS: Yes, your Honor.

4 THE COURT: And they, to some extent, dovetail, not
5 totally. Mr. Aldrich?

6 MR. ALDRICH: Thank you, your Honor. I'll be very
7 brief.

8 Part of the motion that was filed initially was to
9 dismiss the individuals and that, of course, has now happened
10 by stipulation, so we can dispense with that.

1.1 Our motion is very simple, and that is the
Plaintiff

12 in this case, Neva Li, is no longer a member of the
13 organization nor is she a member of the board; and, therefore,
14 she has no standing to bring this action.

15 THE COURT: I like that argument. It's good, you
16 know, and my first reaction, in the interest of document, you
17 know, movement was to grant it immediately without further
18 ado. However, given that she was formerly a member, she
19 doesn't have standing? In other words, let's put it this
way.

20 Can your client respond to a request for information by
21 getting rid of the member and then coming in and making the
22 precise argument that you make today, with impunity?

23 MR. ALDRICH: I would guess, your Honor, if the
24 reason for getting rid of the member was because they were
25 requesting information, the answer would be no, they can't do

1 that.

2 THE COURT: So if we have a bad motive to get rid of
3 her, but if we have a good motive, the standing then hinges on
4 the motive of your client?

5 MR. ALDRICH: I believe so, and I have an affidavit.

6 THE COURT: Do you have a case that stands for that
7 proposition?

8 MR. ALDRICH: I do not, but I do have an affidavit
9 signed by the chairman of the board of my client, and the
10 affidavit does provide that the reason for terminating her
11 membership was done appropriately and in accordance with the-

12 THE COURT: Well, she can be terminated essentially
13 for no reason, as I read the bylaws, I think.

14 MR. ALDRICH: Probably could be, absolutely, yes.

15 THE COURT: I mean, I think-

16 MR. ALDRICH: Yes.

17 THE COURT: --I recall seeing that. I think this is
18 the case--I believe that I was asked for injunctive relief in
19 this case, if I'm not mistaken, months and months ago. And I
20 think one of the things that I looked at--it's been a while--
21 was that the right to terminate is pretty much without
22 qualification.

23 MR. ALDRICH: Yeah, it's sort of like an employment
24 at-will, you know, if you're an employee at-will.

25 THE COURT: Membership at-will?

1 MR. ALDRICH: Sure. And that's what we have here.
2 I would note it's not clear, and I went back and analyzed
the
3 pleadings in this case. It would seem to me that the
4 Plaintiff here is trying to put the cart before the horse.
5 Because there's no question that her membership has been
6 terminated and yet she's coming to court now, as a former
7 member, asking for this information, to which she's not
8 entitled.

9 I don't see, clearly, where she has actually
10 petitioned the Court, saying I want to have my membership
11 reinstated. That's not very clear in the pleadings. But it
12 would seem to me that for her to get to the point to be able
13 to even lawfully request this information, she would have to
14 be reinstated as a member. I don't think that that's been
15 clearly pled. I don't think that's part of this case at this
16 point.

17 And so, in essence, if you were to grant the relief
18 that the Plaintiff is requesting, you're giving this
19 information to a non-member, which I believe she's not
20 entitled to.

21 THE COURT: Well, isn't there sort of a public
22 policy consideration that this--you know, I hate to use the
23 words send a message because that's not--A, that's not really
24 what would happen, but it certainly creates a precedent for
25 somebody who legitimately seeks information, that some

1 organization, under this context, can avoid that--the effect
2 of the request by terminating their membership. I mean,
3 should the courts really sanction that kind of an approach?

4 MR. ALDRICH: Yeah, again, it goes back to my
5 statement earlier. I don't think that if in fact it's shown
6 that the reason for the termination was to prevent her from
7 getting information, that certainly would justify her coming
8 to court and saying, your Honor, I need to be reinstated as a
9 member because the motive to terminate the membership was
10 improper. That's not what we have in this case.

11 THE COURT: Well, do we know--actually, have we
12 thoroughly discovered and do we know--are we all in agreement
13 as to the reason for her termination or is that disputed by
14 the Plaintiff?

15 MR. ALDRICH: Well, she hasn't done any discovery on
16 that. I have my reasons, which are contained in my affidavit
17 from Mr. Shantz. I haven't seen any affidavit to the contrary
18 on that. And, obviously, in terms of this type of motion, I
19 think you need to have affidavits that create issues of fact.
20 The Plaintiff has not filed any such affidavit. She has not
21 deposed any of my members or done any other discovery.
22 Discovery's now closed. I have taken-

23 THE COURT: Discovery is not yet closed?

24 MR. ALDRICH: It is; yes, it is closed. I have
25 taken the Plaintiff's deposition. And, essentially, that

1 deposition, combined with some interrogatories, is the
2 discovery that I conducted.

3 So, again, I think my position is very
4 straightforward and common sense. And that is, at this point,
5 she's not a member; therefore, she doesn't have the right to
6 this information. And absent her membership being reinstated,
7 which hasn't happened, and I don't think she's formally
8 requested that, I don't see that she has the right to this
9 information. It seems to me the case should be dismissed. I
10 would have no objection to a dismissal without prejudice.

11 THE COURT: What was the purpose--why was she--what
12 was the good cause that she was terminated for?

13 MR. ALDRICH: I believe that she was-

14 THE COURT: Because he didn't--Mr. Shantz did not
15 grace us with-

16 MR. ALDRICH: The actual reasons?

17 THE COURT: --any specificities in that regard.

18 MR. ALDRICH: Yes. I believe that she was engaged
19 in conduct where she was sort of, and I hate to use the word
20 defaming because that's another legal issue, but she was
21 saying things about members of the organization and making
22 accusations that were essentially unfounded. She admitted in
23 her deposition that a lot of her claims and accusations were
24 based upon her beliefs and her feelings, not necessarily
25 facts. And she was causing disruption to the organization, ,

1 and it was felt that she was not looking out for the best
2 interests of the organization because she didn't have all of
3 the information.

4 THE COURT: Actually, it sounds like she could get a
5 job as a newspaper reporter, if you're really being--if you're
6 being candid with the Court here.

7 MR. ALDRICH: She probably could, your Honor.

8 THE COURT: We put what we feel and not bother with
9 the facts.

10 MR. ALDRICH: That's probably true.

11 THE COURT: It's not always true, but it has been
12 known to happen.

13 MR. ALDRICH: So I would say, at this point, the way
14 to resolve this matter would be to go ahead and dismiss it,
15 you know, without prejudice at this point and let her continue
16 on with what she's doing and let the organization continue On
17 with her not as a member, and she hasn't been for quite some
18 time.

19 THE COURT: Well, the other thing is, you've
20 asserted, both in the affidavit and in your pleadings, that
21 her purpose was improper. What do--what, if anything, do you
22 have to support that assertion?

23 MR. ALDRICH: Well, we do have some documentation,
24 and I have not submitted that at this point, but I'd be happy
25 to do so.

1 THE COURT: That supports your claim that she was
2 out there-

3 MR. ALDRICH: Oh, yes.

4 THE COURT: --drumming up membership for a new
5 organization or a different organization?

6 MR. ALDRICH: Not necessarily that, but we have a
7 lot of e-mails and other publicized information like that,
and
8 we could certainly submit it.

9 THE COURT: I mean, does that say it's time for us
10 to set up somebody who really cares about responsible gun
11 owners and so on and so forth? I mean--I mean, it's easy to
12 throw out again conclusions and generalities, but i mean, I
13 don't see a lot of specificity here in terms of that
14 assertion, that somehow her purpose was improper.

15 MR. ALDRICH: Well, I think that for purposes of
16 defeating her motion, I think the affidavit is sufficient. I
17 think for purposes of justifying the conduct of our
18 organization in dismissing her as a member and member of the
19 board, as you've indicated, we didn't need cause to do that.
20 As long as we followed the procedures in the bylaws, we were
21 justified in doing that, which we did do.

22 And so the affidavit, at this point, I think, is
23 sufficient to, number one, support our motion; and, number
24 two, defeat the Plaintiff's motion. And then, obviously, if
25 this matter does end up going to trial, then we can bring in

1 all of the nitty-gritty, if you will, before your Honor. I
2 didn't want to burden you with a lot of that stuff at this
3 point because I think that, the way I read the court rule, if
4 you have an affidavit from an appropriate individual, setting
5 forth a valid issue, like we have with this affidavit, that's
6 sufficient to defeat the motion. And, again-

7 THE COURT: Well, it can be, but I mean, it's
8 supposed to be a fact-based affidavit. I mean--I mean, and
9 actually, when one characterizes another's purpose-

10 MR. ALDRICH: Sure.

11 THE COURT: --obviously, that is not---that's not
12 fact-based-

13 MR. ALDRICH: It's opinion.

14 THE COURT: --unless we can say, as so-and-so has
15 admitted at page 37 of their deposition, you know, I was out
16 to destroy this organization and I would do everything within
17 my power to do it or-

18 MR. ALDRICH: Certainly.

19 THE COURT: That's obviously an extreme example,
20 but... And the affidavit does not, again, provide any
21 particular-

22 MR. ALDRICH: Sure.

23 THE COURT: --specificity.

24 MR. ALDRICH: Well, all I can say on that, your
25 Honor, is if you would like to have additional factual support

1 for the affidavit, I'm more than happy to provide that within,
2 say, the next seven days.

3 THE COURT: Do we have a trial date on this or what?

4 MR. ALDRICH: I think it's the 21st of March. And
5 we have a pretrial scheduled for a week from today, which-

6 THE COURT: Okay. Which is a little late, but I
7 assume that relates to our motion, to some extent.

8 MR. ALDRICH: Yeah.

9 THE COURT: Mr. Winters?

10 MR. WINTERS: Yes, your Honor. As to the issue of
11 whether or not Ms. Li is entitled to the information that she
12 asked for, simply because they conveniently terminate her-
13 terminated her, the defense has not put forth any proof, other
14 than it's coming later, that they had a proper purpose to
15 terminate her membership.

16 The issue of whether or not she's been terminated~

17 THE COURT: Well, it's not clear to me that they
18 have to have any reason. I mean, I can-

19 MR. WINTERS: Well, the statute-

20 THE COURT: I can read you--well, the statute. I
21 mean, I'm looking at some bylaws here. Let me see here. I
22 thought I saw something down here, but...

23 Okay, I guess I'm incorrect there. Actually, it
24 says, "Giving notice that her conduct is materially seriously
25 prejudicial to the organization," et cetera, et cetera.

1 MR. ALDRICH: We--I'm sorry.

2 THE COURT: They did not follow the procedures in
3 the bylaws or whatever those documents-

4 MR. WINTERS: Well, I'm not convinced we're here to
5 argue today whether or not she--her membership was or was not
6 improperly terminated. The question, I think, before the
7 Court raised by the Plaintiff--or the Defendant is whether or
8 not she is still entitled to the documents, so long as she
was
9 a member when she asked for them.

10 THE COURT: Right. Well, do you have cases that say
11 the opposite, 'that once you're out of the organization, you
12 still have standing?

13 MR. WINTERS: No. What is interesting, your Honor,
14 when it comes to this particular statute, which says, as you
15 know, "Upon written request from a member, the corporation
16 shall, do whatever it is.

17 THE COURT: Understand, but she's no longer a
18 member.

19 MR. WINTERS: I understand that, but let me finish
20 the second one, if I may, your Honor. "A person who is a
21 shareholder or member of record of a corporation, upon at
22 least ten days' notice may inspect. If so they only have to be
23 a member of record, according to this, ten days prior to
24 inspection. To suggest somehow that they have to continue
25 membership in a company or an organization that does not want

1 them present is an exercise in futility, your Honor. They
2 will never, never have access to the documentation that the
3 statute entitles them to, simply because the mere request for
4 the information runs afoul of probably the interest of the
5 board of directors.

6 Ms. Li has asked for this stuff since November 26th,
7 2003 and, again, 12-10-2003; that's Exhibit C in our motion..
8 The bylaws state that in order for her to have been a
director

9 and officer, she had to have been a member at that time, and
10 that's Article 3, Section 2, Article 4, Section 2.

11 Ms. Li's affidavit that is Exhibit A to *bur* brief
12 for our motion for summary disposition says that she was a
13 member of MCRGO for three years, and that was dated in August.
14 And she was a member of the board on August 19th, '03. And at
15 the time, she was--she asked for these documents, as supported
16 by our exhibits, your Honor, and her affidavit, she was a
17 member.

18 Mr. Shantz's affidavit says nothing, nothing, other
19 than we got rid of her, maybe. Maybe. It doesn't even state
20 when they wrongly terminated her. It says nothing. They have
21 given you no proof, nothing, that she is not entitled to the
22 information because she's no longer a member. They never said
23 in their affidavit that she was a member at the time.

24 To accept their position today, your Honor, they
25 could easily extinguish any claim that any member has just

1 because they want to and make it go away. There would be
2 absolutely no accountability in this age of hyper
3 accountability for organizations, particularly non-profits.

4 What they're trying to do today, your Honor, is not
5 right. It's not right. It would make the statute that we're
6 talking about absolutely worthless. Absolutely worthless.
7 There's no issue of fact that they've raised. It's not
8 incumbent upon me to raise the issue of fact; it's incumbent
9 upon them to raise the issue of fact, and they have done
10 nothing, nothing, to accept their position that all I have to
11 do is make the application for information and then I can be
12 terminated. It runs afoul of fair play, of public policy.

13 How are you going to get any accountability from
14 the
15 membership, for the management of an organization, if they
16 can't ask for it and get it or ask for it and have their claim
17 extinguished merely because the board doesn't like them?

18 THE COURT: What is your purpose?

19 MR. WINTERS: You want to talk about purpose?
20 Because that's the issue of my motion.

21 THE COURT: Sure.

22 MR. WINTERS: Okay. Our motion is for summary
23 disposition on the issue of purpose. We had a motion for
24 summary disposition on September 29th, as you know. There was
25 an outstanding discovery issue. We issued a new order, I
think it was on the 12th.

1 The law says that Ms. Li is entitled to these
2 documents if she has a proper purpose, if she has a proper
3 purpose. And the proper purpose is presumed, according to
4 v Pellion (phonetically).

5 THE COURT: And what is her purpose?

6 MR. WINTERS: Her purpose is to hold a membership
7 meeting to discuss the management of the company. It's not
8 to--it's not to-

9 THE COURT: She's not forming a rival organization?

10 MR. WINTERS: Absolutely not, your Honor. I even-
11 if she--they deposed her for four hours. They didn't even
12 cite-

13 THE COURT: Have they ever uncovered any information
14 that she was-

15 MR. WINTERS: You'd have thought-

16 THE COURT: --up to some--she was up to
skullduggery?

17 MR. WINTERS: You'd have thought they would have
18 disclosed it today.

19 THE COURT: Hmmm?

20 MR. WINTERS: You'd have thought they'd have
21 disclosed it today. They deposed her for four hours.

22 THE COURT: Well, he made reference to other
23 documents.

24 MR. WINTERS: Couldn't tell you.

25 THE COURT: E-mails.

1 MR. WINTERS: Couldn't tell you.

2 THE COURT: What's that?

3 MR. WINTERS: I couldn't tell you. If he had
4 something, he'd have brought it today. That's the whole
5 purpose of a motion for summary disposition. He could have
6 raised the--that would have put a question of fact to her
7 proper purpose. He's done nothing but testify himself that I
8 have these documents that I haven't shown you yet. If he had
9 them, where are they? He deposed her for four hours, and not
10 once did he cite her deposition, not once. You know why?
11 Because he can't.

12 THE COURT: And she talks about her purpose in the
13 deposition?

14 MR. WINTERS: He specifically talked about her
15 purpose. As a matter of fact, it's referenced in my brief
16 several times. Several times. She has absolutely no improper
17 purpose. She wouldn't harm this company at all, your Honor.
18 The fact that her inquiry runs afoul of the best interests of
19 the individual board members, well, that's up for the
20 membership to decide.

21 She has mentioned the fact that she can work with
22 whoever runs the company, as long as the membership knows what
23 they're doing and the membership approves. She even indicated
24 that she would enter into a protective order to where she
25 wouldn't solicit--use the membership to solicit or disclose it

1 publicly.

2 The proper purpose, as I said last time, your
Honor,

3 aside from having her deposition replete with examples of her
4 use and purpose, you can limit what she can do with this.

5 If Ms. Li has an improper anything, and I'm not
6 saying that it is, some people may think so, is that she's
7 very transparent. She believes that a non-profit organization
8 supported by the membership and paid for by the membership
9 should know what's going on. And if that's a defect or an
10 improper purpose, then so be it.

11 I have prepared, your Honor, a proposed order that
12 addresses the concerns that the Defendants have raised in
13 their response to our motion for summary disposition on the
14 use of the material.

15 THE COURT: Anything else?

16 MR. WINTERS: Yes, your Honor, one more thing. In
17 North Oakland County case, a proper purpose is any purpose
18 that reasonably relates to the interest of the member. The
19 management, the fiscal management, of a non-profit
20 organization is certainly, undoubtedly-

21 THE COURT: I'm sorry, reasonably relates?

22 MR. WINTERS: To the interest-

23 THE COURT: Of the membership? I'm sorry, interest
24 of the member or the membership?

25 MR. WINTERS: All right. The proper purpose is one'

1 that reasonably relates to a person's interest as a member.

2 THE COURT: Okay.

3 MR. WINTERS: Finally, your Honor, what she has
4 specifically asked for mirrors, I believe, what was asked for
5 in Oakland County case. The end. Thank you, your Honor.

6 THE COURT: Mr. Aldrich, brief response?

7 MR. ALDRICH: Yes, your Honor, in response to the
8 Plaintiff's motion.

9 First of all, attached to our response is a copy of
10 the bylaws, which your Honor has read. The bylaws, in terms
11 of this whole issue, they clearly state, under Article 5,
12 Paragraph 5, quote: "All rights of a member in the
13 corporation shall cease on termination of membership as
14 herein
15 provided," unquote.

16 Any rights that she had as a member ceased when her
17 membership was terminated.

18 Secondly, we have, in our answer to the Plaintiff's
19 motion, filed another affidavit from Mr. Shantz, and in the
20 affidavit, he says that the request made by the Plaintiff is
21 not for a proper purpose and has instead been made in an
22 effort to harass MCRGO members, to defame MCRGO, and to
23 recruit current MCRGO members to other organizations.

24 This affidavit was not refuted by any countervailing
25 affidavit filed by the Plaintiff. If your Honor needs
specific information, in terms of e-mails and other writings,

1 which would support this affidavit of Mr. Shantz, I would be
2 more than happy to provide that within the next seven days.
3 Thank you.

4 MR. WINTERS: Your Honor, if I may.

5 THE COURT: Well, I'm going to deny the Defendant's
6 motion for summary disposition, grant summary disposition for
7 the Plaintiff. Essentially, there are two issues: Can the
8 rights of a member organ--rights of a member in its
9 organization, as clearly are delineated in these documents
10 here--and, again, I didn't--well, let me go back and look at
11 it. It's the bylaws, and these are the bylaws, apparently,
12 from February of 2003. Can those rights effectively be
13 terminated by terminating the membership. And the answer is
14 yes and no. There are certain membership rights that
15 certainly could be terminated, if it's done properly. I will
16 assume that it was done properly for this--for our purposes
17 here, only for our purposes here.

18 But in terms of requesting information, I suggest
19 that it would violate public policy, and I've seen no case law
20 to the contrary, to allow an organization, frankly almost any
21 organization, because all non--particularly non-profit
22 organizations, there is an aspect of public accountability. I
23 don't know whether this particular organization is one that,
24 you know, gets contributions and so on and so forth and is
25 subject to the state's oversight. I expect that to some

1 extent, they are.

2 And it would be truly--there would be--and I heard
3 the word incongruous in there, I think, on behalf of both
4 parties. But it certainly would seriously undercut
5 accountability if an organization, when someone made a
6 legitimate request for information regarding their operation,
7 their finances or any other aspect, to be able to, with
8 impunity, respond to that request by terminating their
9 membership.

10 And, again, I've seen no law that permits that.
11 I've seen no case that permits that. And so even if she has
12 been properly terminated, it's irrelevant. If her purpose is
13 proper, she may request the information, and r disagree with
14 Mr. Aldrich that she doesn't have standing. I think she
15 obtains standing by virtue of her former membership. And the
16 termination of that membership does not affect her right to
17 make a claim for the requested information.

18 Which leaves us with the remaining question, is her
19 purpose proper. The Defendant has had every opportunity to
20 establish the impropriety of it. They've taken her
21 deposition. They have asked her about it. And what I have
22 in
23 response is a naked, unsupported affidavit, with nothing but
24 conclusions. There is not one iota, not one scintilla of
25 evidence of improper purpose that's been submitted to the
Court.

1 It's nice to talk about e-mails and so on and so
2 forth, but I have no e-mails. I have no evidence; I have no
3 telephone conversations; I have nothing to indicate that her
4 purpose is anything other than the legitimate purpose which
5 she states.

6 And by now, clearly, because the case was filed a
7 year ago, actually, a little over a year ago, there's been
8 ample opportunity to ferret out her untoward purpose if there
9 was--if such did exist, but we can't establish it. An
10 affidavit is fine, but an affidavit with naked, unsupported
11 conclusions has as much efficacy as no affidavit at all, and
12 that's what I've got.

13 So I'm going to deny the motion for the Defendant,
14 grant the Plaintiff's motion to provide this. I am willing to
15 add to the order protective aspects to assure that the
16 information is not imparted to some competing organization or
17 that she tries to create some new organization. I mean,
18 that's fair enough.

19 But, I mean, if she wants to--I suspect, from
20 everything that I've seen and the arguments we've heard and
21 this is more than one motion reviewing it, I mean--and I know
22 nothing about the Plaintiff here, you know, and I don't want
23 my remarks misunderstood, but she might be a difficult person.
24 I mean, many organizations are comprised of people that cover
25 the spectrum. You know, some people are real easy to get

1 along with and others are always asking questions and always
2 probing and being generally irritating. But it doesn't
3 disqualify somebody from being in an organization because
they
4 happen to be irritating or ask a lot of questions of somebody
5 or even, you know, say some things that may be inappropriate.

6 But that's not the issue here, and I suggest that
7 you all go back and see if you can settle your differences
and
8 try to get to this. And so--but that's as much as I'm going
9 to say about it.

10 As I say, Plaintiff's motion's granted to that
11 extent. Defendant's motion is denied. I'll need orders that
12 say that.

13 And I don't know, Mr. Aldrich, if you want to tell
14 me or Mr. Winters, what limitations you want to put on the
15 order in terms of acquiring the information, I certainly would
16 do that because of what the Plaintiff's stated purpose is. I
17 mean, we can hold her to that stated purpose.

18 MR. WINTERS: Your Honor, if I may approach-

19 THE COURT: Mr. Winters.

20 MR. WINTERS: --I have prepared a sample order.

21 THE COURT: Do you want to give that to-

22 MR. WINTERS: He already has it, your Honor.

23 MR. ALDRICH: Your Honor.

24 THE COURT: Does that order suffice?

25 MR. ALDRICH: No, your Honor, it doesn't. I just

1 saw it for the first time about ten minutes 'ago. I would like
2 to have an opportunity to go over it with my clients. I am
3 concerned about the protective characteristics of this. I've
4 discussed briefly with my client the idea that, if in fact
5 this information is not used for an improper purpose and
there

6 are protective provisions there, then we can certainly
attempt
7 to comply.

8 THE COURT: Sure.

9 MR. ALDRICH: So I would like to have an opportunity
10 to do that, and if--I guess if we can't work out the details,
11 maybe we can come back before you, your Honor, and you can
12 assist us with regard to that.

13 THE COURT: Right. That's fine. Why don't we do
14 that? Why don't you go ahead and draft it? I mean, I think-
15 I'm sure, if you pick up the telephone and communicate back
16 and forth, you can nail down most of those aspects, I would
17 think.

18 MR. ALDRICH: Sure.

19 MR. WINTERS: Your Honor, we've submitted in our
20 prior motion for summary disposition, as well as this proposed
21 order, a specific list of items.

22 THE COURT: Okay. Well, I mean, I assume you'll see
23 that Mr.--if he--Mr. Aldrich has that available; if not, that
24 he gets-

25 MR. ALDRICH: I've got it, your Honor.

1 THE COURT: --a copy.
2 MR. ALDRICH: I'll go over it with my client.
3 THE COURT: Yeah, okay.
4 MR. WINTERS: Thank you, your Honor.
5 THE COURT: So, again, right, why don't you all
go
6 over those details and then--and then when you've got the
7 order, submit it; if there's some problem, I'll be here.
8 MR. ALDRICH: All right, thank you.
9 MR. WINTERS: Thank you, your Honor.
10 THE COURT: Anything else, Mr. Winters?
11 MR. WINTERS: I'm all set today.
12 THE COURT: Mr. Aldrich?
13 MR. ALDRICH: Nothing. Thank you, your Honor.
14 THE COURT: Thank you.

15 (At 4:29 p.m., proceedings concluded)

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF

REPORTER

(STATE OF MICHIGAN)
(SS)
(COUNTY OF INGHAM)

I hereby certify that this transcript represents the complete, true and correct rendition of the videotape of the proceedings as recorded.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernible on the video of the proceedings.

Dated: March 10, 2005