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**STATE OF MICHIGAN**
**COUNTY OF WASHTENAW**
**TWENTY-SECOND CIRCUIT COURT**

TRACY NEAL, et. al.,
Plaintiffs,

Lower Court Case No.: 96-6986-CZ
Hon. Timothy P. Connors

vs.

MICHIGAN DEPARTMENT OF CORRECTIONS, et. al.,
Defendants,

and

WAYNE COUNTY PROSECUTOR, KYM L. WORTHY,
Intervening Plaintiffs,

and

OAKLAND COUNTY REIMBURSEMENT
UNIT/FISCAL SERVICES DIVISION,
Intervening Plaintiffs.

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NICOLE ANDERSON, et. al,
Plaintiffs,

Court of Claims Case No. 03-162-MZ

vs.

MICHIGAN DEPARTMENT OF CORRECTIONS, et. al.,
Defendants,

and

WAYNE COUNTY PROSECUTOR, KYM L. WORTHY,
Intervening Plaintiffs,

and

OAKLAND COUNTY REIMBURSEMENT
UNIT/FISCAL SERVICES DIVISION,
Intervening Plaintiffs.

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LAWRENCE KESTENBAUM
COUNTY CLERK/REGISTER

FILED
NOV - 1 2012
WASHTENAW COUNTY MICHIGAN


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**WAYNE COUNTY PROSECUTOR KYM L. WORTHY'S MOTION FOR RECUSAL OF JUDGE TIMOTHY P. CONNORS**

NOW COMES Wayne County Prosecutor, Kym Worthy, seeking entry of an Order for the Recusal of Washtenaw County Circuit Judge Timothy Connors from presiding over the above captioned cause, for the following reasons:

1. In this action, an unknown number of convicted felons, whose class was given the name of lead Plaintiff (and toddler-murder) Tracy Neal, are sharing in a "settlement" of One-Hundred-Million Dollars, arising from alleged mistreatment by guards and deliberate indifference by MDOC officials.

2. In an unprecedented and highly unusual fashion, the identities of a majority of the settlement recipients are being kept secret by order of the Court.

3. The only individuals aware of how One-Hundred-Million Dollars of State of Michigan taxpayer dollars are to be distributed are Plaintiffs' counsel.

4. The Court ignored the plain language of the Crime Victims Rights Act in 2010, rebuffing the Oakland County Reimbursement Unit (herein referred to as O.C.R.U.) and their attempt to intervene to collect restitution from the class of plaintiffs. The courts plain error of law was reversed by the Court of Appeals. (Attached Exhibit 1 - Michigan Court of Appeals Order, Docket Number 299856, October 11, 2010).

5. The Court, again, ignored the plain language of the Crime Victim Rights Act in 2011, requiring yet another trip to the Court of Appeals, and another reversal of it ignoring the law as clearly written. (Attached Exhibit 2 – *Neal, et. al. v. Michigan Dept. of Corrections*, Opinion Number 305142, August 7, 2012).

6. Movant submits the court's willful disregard of applicable law demonstrates a penchant and proclivity for favoritism toward the Plaintiffs and Plaintiffs' counsel, and a continual disdain for the efforts of the Movant, and O.C.R.U., to lawfully collect hundreds of thousands of dollars owed by the Plaintiffs' class to their victims.

7. This disdain was vocalized by the trial court on June 10, 2011, when the Court, in an open hearing referred to the Intervenors as being from the *same government*

8. Leading Plaintiffs attorneys Richard Soble and Deborah LaBelle, who are sharing over $30 million in attorney fees in this case, both gave Judge Connors the absolute maximum allowed by law, $3,400.00 each, while this matter was pending. (Exhibit 4 - Campaign Finance Report for Hon. Timothy P. Connors).

9. It should be noted that contributions in the statutory maximum are few and far between in Washtenaw County, except for the recent election. The appearance of two such instances where the contributing attorneys are currently appearing before the court, and appearing millions upon millions of dollars in this matter, justifies increased scrutiny and suggests the appearance of impropriety.

10. Additionally, a review of the campaign finance statements on file with the Michigan Secretary of State Elections Division reveals that the Court recently received campaign contributions from six of the nine Plaintiffs attorneys in this matter. (Exhibit 4 - Campaign Finance Report for Hon. Timothy P. Connors). Such contributions suggest the appearance of judicial impropriety.

11. Allowing Judge Timothy P. Connors to continue to preside over this matter has the appearance of impropriety.

12. The trial court's actions clearly indicate a bias toward the Wayne County Prosecutor.

13. The trial court, remaining on this case, would violate the relevant Michigan Court Rule, as well as the Michigan Code of Judicial Conduct/Canons of Ethics, and would deny the Intervening Victims that process of law to which they are due.

14. Inasmuch as this matter is expected to continue into future years, the present Judge should be ordered to recuse himself and the matter re-assigned to a more neutral forum.

WHEREFORE, THE KYM L. WORTHY, Wayne County Prosecuting Attorney, Intervening Plaintiff, by and through Chief of Staff DONN FRESARD request this Court, Hon. Timothy P. Connors, to recuse himself in further proceedings in this matter.

Dated: 11/1/12

Respectfully submitted,

Donn Fresard (P36743)
Chief of Staff
Wayne County Prosecutor's Office

**STATE OF MICHIGAN**
**COUNTY OF WASHTENAW**
**TWENTY-SECOND CIRCUIT COURT**

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**MEMORANDUM IN SUPPORT OF WAYNE COUNTY PROSECUTOR KYM L. WORTHY'S MOTION FOR RECUSAL OF JUDGE TIMOTHY P. CONNORS**

Michigan Court Rule (MCR) 2.003 pertains to the "Disqualification of Judge." Subsection (C) thereof sets forth the grounds. Section (C)(1)(b) is a recent addition, and it provides as follows:

> The judge, based on objective and reasonable perceptions, has either (i) a serious risk of actual bias impacting the due process rights of a party as enunciated in *Caperton v Massey*, 566 US 868; 129 S Ct 2252; 173 Law Ed 2d 1208(2009), or (ii) has failed to adhere to the appearance of impropriety standards set forth in Canon 2 of the Michigan Code of Judicial Conduct.

This terminology of "risk" and "appearance" lends itself to a higher probability of judicial disqualification and/or recusal because now they are expressly stated in MCR 2.003, even though they have not been previously recognized. Therefore, for disqualification there does not have to be a showing that the Judge is personally biased or prejudiced for or against a party or attorney.

Canon II of the Michigan Code of Judicial Conduct emphasizes that a judge should avoid impropriety and the appearance of impropriety in all activities. It states that public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. The modification to MCR 2.003, however, emphasizes that this irresponsible or improper activity, or the perception thereof, more specifically relates to the courtroom.

MCR 2.003 (C)(1)(b) enumerates various grounds for disqualification, but as indicated in the rule's text, this list is not exclusive. For example, the "appearance of impropriety" has been recognized as a ground for judicial disqualification, with due process implications. *See Cain v*

*Michigan Department of Corrections*, 451 Mich 470 (1996). As stated in *Cain*, "We acknowledge there may be situations in which the appearance of impropriety on the part of a judge or decisionmaker is so strong as to rise to the level of a due process violation." In *People v Perkins*, 193 Mich App 209 (1992), the Court of Appeals held that the appearance of impropriety arising from financial ties between the trial judge and one of the defense attorneys required the judge to disqualify himself. "[E]ven without a showing of bias or prejudice," the Court of Appeals said, "...[w]e believe that where, as here, the judge's economic relationship with a law firm is more than a *de minimis* relationship, automatic disqualification is required. Moreover, we believe that in matters in which the judge has a financial interest with an attorney appearing in the matter, the judge has a duty to disclose the relationship on the record and recuse himself unless the parties ask the judge to proceed."

In *Ireland v Smith*, 214 Mich App 235 (1995) the test for determining whether a trial judge should be disqualified was not just whether actual bias exists, but also whether there was such likelihood of bias, or appearance of bias, that the judge was unable to hold balance between vindicating interests of the court and the interests of the affected party; even if a judge is personally convinced that he is impartial, disqualification is warranted if the circumstances cause doubt as to the judge's partiality, bias or prejudice. Affirmed as modified, 451 Mich 457, 547 (1996); *In re Fiftieth Dist Court Judge*, 193 Mich App 209, 483 (1992) (trial judge's financial ties with law firm representing one of the defendants in narcotics prosecution created appearance of impropriety that required judge's disqualification without showing of actual bias or prejudice.).

The court in *People v Lowenstein*, 118 Mich App 475, 482 (1982), stated the test as "not whether or not actual bias exists but also whether there was such a likelihood of bias or an

appearance of bias that the judge was unable to hold the balance between vindicating the interests of the court and the interests of the accused."

Actual personal prejudice is shown where the judge expresses a preconceived notion of defendant's guilt, *People v Gibson*, 90 Mich App 792 (1979), or, more relevantly, some degree of personal animus, *People v Lobsinger*, 64 Mich App 284 (1975). Rule 2.11 of the American Bar Association Model Code of Judicial Conduct requires disqualification "in any proceedings in which the judge's impartiality might reasonably be questioned." The presence of a biased trial judge is one of the errors that "are so fundamental and pervasive that they require reversal without regard to the facts and circumstances of the particular case." *Delaware v Van Arsdall*, 475 US 673; 106 SCt 1431; 89 LEd2d 674 (1986); *Rose v Clark*, 478 US 570; 106 SCt 3101; 92 Led2d 460 (1986). A litigant should believe that he/she can receive his/her constitutional rights to due process and a fair trial. *Cain, et al. v Department of Corrections, supra*; *Delaware v Van Arsdall*, 475 US 673 (1986);*Rose v Clark*, 478 US 570 (1986).

The assigned judge's conduct and comments must not display a favoritism or antagonism that would make fair judgment impossible. Also, the appearance of impropriety on the part of the judge must not be so strong as to rise to the level of a due process violation. A showing of actual bias is not necessary to disqualify a judge if the probability of actual bias on the part of the judge is too high to be constitutionally tolerable. *See Gates v Gates*, 256 Mich App 420 (2003). The intent of this authority is to promote public confidence in the integrity of the judicial process and in the judiciary itself by avoiding even the slightest appearance of impropriety whenever possible. To this end, a judge is required to resolve any doubts as to whether he or she should hear a case in favor of disqualification.

The prospects for disqualification appear enhanced if the moving party should file a complaint against the subject judge with the Judicial Tenure Commission, especially if it is still pending. The Court of Appeals in *Clemens v Bruce*, 122 Mich App 35 (1982) stated, in pertinent part, at 37-38, "Ordinarily, actual personal prejudice must be shown before disqualification is mandated." See, for example, *Adams v Adams*, 100 Mich App 1, 16; 298 NW2d 871 (1980). However, the Michigan Supreme Court said in *Crampton v Dep't of State*, 395 Mich 347, 351; 235 NW2d 352 (1975), "A hearing before an unbiased and impartial decisionmaker is a basic requirement of due process."

The United States Supreme Court has disqualified judges and decisionmakers without a showing of actual bias in situations where experience teaches that the probability of actual bias on the part of the judge or decisionmaker is too high to be Constitutionally tolerable. Among the situations identified by the Court as presenting that risk are where the judge or decisionmaker

> (1) has a pecuniary interest in the outcome;
>
> (2) has been the target of personal abuse or criticism from the party before him;
>
> (3) is enmeshed in [other] matters involving petitioner * * *; or
>
> (4) might have prejudged the case because of prior participation as an accuser, investigator, fact finder or initial decisionmaker. *Crampton* at 354

The record in *Crampton* revealed a serious dispute between Plaintiff's attorney and the trial judge over appointment of counsel for indigent criminal defendants. The dispute led plaintiff's attorney to file a complaint against the judge with the Judicial Tenure Commission which was still pending at the time of trial. The circumstances presented here thus fall within factors (2) and (3) of the test stated in *Crampton*. The circumstances suggested such a risk of actual prejudice on the part of the judge that due process required his disqualification even absent a showing of actual prejudice. See *Auto Workers Flint Federal Credit Union v Kogler*, 32 Mich

App 257, 259; 188 NW2d 184 (1971), in which disqualification was found to be mandated in part because a grievance before the state bar filed by one of Plaintiff's attorneys against the trial judge was pending, although the Court also referred to other, unspecified conduct of the trial judge. See also *People v Lowenstein*, 118 Mich App 475; 325 NW2d 462 (1982), in which the Court held that an arrest warrant was invalid because not issued by a neutral and detached magistrate where the magistrate in question had been sued by defendant. Our decision is

CONCLUSION

The Court of Appeals' repeated reversals of this Court's recent rulings adverse to the Intervenors, when coupled with the overly generous campaign contributions made to Your Honor by six Plaintiffs' lawyers – while Your Honor is making decisions in a pending case which directly, and financially, benefits those exact same lawyers/contributors to the tune of millions of dollars – creates an undeniable and inexcusable appearance of impropriety which requires recusal.

Accordingly, we request that the Court enter an Order of Recusal.

Dated: 11/1/12

Respectfully submitted,

Donn Fresard (w/consent)

Donn Fresard (P36743)
Chief of Staff
Wayne County Prosecutor's Office

**EXHIBIT 1**

## Court of Appeals, State of Michigan

## ORDER

Tracy Neal v Department of Corrections

Docket No. 299856

LC Nos. 96-006986-AP; 03-000162-MZ

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

The motion for stay pending appeal is DENIED.

The motion to dismiss pursuant to MCL 7.211(C)(2) is DENIED. Appellant is a party aggrieved by the August 12, 2010 circuit court order denying its motion to intervene.

Pursuant to MCR 7.206(A)(7), on its own motion the Court orders that the claim of appeal from the post judgment order is treated as an application for leave to appeal. In lieu of granting the application for leave to appeal, the Court orders that the portion of the August 12, 2010 order denying the motion to intervene is REVERSED. This matter is REMANDED to the circuit court with direction to allow the Oakland County Reimbursement Unit to intervene in these actions.

This order is given immediate effect pursuant to MCR 7.215(F)(2).

We do not retain jurisdiction.

COURT OF APPEALS OF THE STATE OF MICHIGAN 1965

A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 11 2010
Date

Sandra Schultz Mengel
Chief Clerk

EXHIBIT 2

# STATE OF MICHIGAN

# COURT OF APPEALS

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TRACY NEAL, and All Others Similarly Situated,

Plaintiffs-Appellees,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee,

and

WAYNE COUNTY PROSECUTOR,

Intervening-Appellant.

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FOR PUBLICATION
August 7, 2012
9:00 a.m.

No. 305142
Washtenaw Circuit Court
LC No. 96-006986-CZ

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TRACY NEAL, and All Others Similarly Situated,

Plaintiffs-Appellees,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee,

and

OAKLAND COUNTY REIMBURSEMENT UNIT/FISCAL SERVICES DIVISION,

Intervening-Appellant.

---

No. 305186
Washtenaw Circuit Court
LC No. 96-006986-CZ

NICOLE ANDERSON, and All Others Similarly Situated,

Plaintiffs-Appellees,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee,

and

OAKLAND COUNTY REIMBURSEMENT UNIT/FISCAL SERVICES DIVISION,

Intervening-Appellant.

No. 305195
Court of Claims
LC No. 03-000162-MZ

---

TRACY NEAL, and All Others Similarly Situated,

Plaintiffs-Appellees,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee,

and

DEPARTMENT OF HUMAN SERVICES,

Intervening-Appellant.

No. 305225
Washtenaw Circuit Court
LC No. 96-006986-CZ

NICOLE ANDERSON, and All Others Similarly Situated,

Plaintiffs-Appellees,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee,

and

DEPARTMENT OF HUMAN SERVICES,

Intervening-Appellant.

No. 305226
Court of Claims
LC No. 03-000162-MZ

NICOLE ANDERSON, and All Others Similarly Situated,

Plaintiffs-Appellees,

v

DEPARTMENT OF CORRECTIONS,

Defendant-Appellee,

and

WAYNE COUNTY PROSECUTOR,

Intervening-Appellant.

No. 305288
Court of Claims
LC No. 03-000162-MZ

Before: HOEKSTRA, P.J., and SAWYER and SAAD, JJ.

SAWYER, J.

In this case, Intervenors appeal by leave granted from a decision of the circuit court denying their discovery requests to learn the identities of the plaintiff class. We affirm in part, reverse in part and remand.

The underlying class actions in this case were brought by women convicted of felonies and incarcerated at facilities operated by the Michigan Department of Corrections (MDOC). Plaintiffs filed these actions against the MDOC, past and current directors and various wardens, as well as corrections officers. Plaintiffs alleged that they were the victims of systematic sexual harassment, sexual assault and retaliation inflicted by male corrections personnel. See *Neal v Dep't of Corrections*, 230 Mich App 202; 583 NW2d 249 (1998).

The litigation ultimately ended in a settlement agreement in which MDOC agreed to pay $100 million dollars in installments over a six-year period paid into an escrow account and then distributed to the attorneys and class members according to an allocation plan.[1] MDOC also agreed to waive the prohibition on prisoners maintaining accounts at financial institutions outside their MDOC institutional account. The trial court also entered a protective order which prohibited the disclosure of the names of class members other than to necessary MDOC and Attorney General employees. The purpose of the protective order was to prevent retaliation against the class members.

Thereafter, Intervenors sought to discover the names of the class members to ensure that any outstanding orders of restitution, court costs, and court appointed attorneys fees arising from judgments of sentence were paid. The Department of Human Services (DHS) intervened to ensure the payment of any outstanding child support obligations. Plaintiffs' counsel responded that it was her understanding that all applicable laws regarding these payments were being complied with and the protective order precluded the release of the identity of the class members. MDOC similarly refused to comply with the discovery requests due to the protective order.

The trial court attempted to resolve the matter by having Intervenors submit a list of names of any female prisoner with an outstanding obligation who might have been a member of the class. Plaintiffs' counsel was then to compare those lists against the names of class members and determine if any class member had an outstanding obligation. This failed to resolve the dispute, however, because Intervenors determined that it was logistically impossible for them to generate a comprehensive list of all potential claimants. They continued to maintain that they needed the list of names of the class members to check that list against their own records. Ultimately, the trial court declined to order the parties to disclose to Intervenors the identities of the class members and this appeal followed.

We agree with Intervenors' general proposition that there are constitutional and statutory provisions that support victims' rights to recover restitution, as well as the government's right to recover fines, costs and fees imposed as part of a judgment of sentence. And we also agree that, to the extent that the settlement agreement between the parties is inconsistent with applicable statutes, those provisions are unenforceable. But that does not equate to Intervenors having a right to discover the identities of the class members. On the other hand, we are not in agreement with the trial court's approach of putting the burden on Intervenors to produce a list of prisoners who owe an obligation and are potentially a member of the class. Nor are we convinced that it

[1] The installments are due each October from 2009 through 2014. Approximately one-third of the disbursements have already been made and two-thirds remain to be paid.

was appropriate to put the burden on plaintiffs' counsel to determine if a potential obligor was a member of the class as that places on counsel a serious conflict of interest between protecting the interests of the client and the efforts of Intervenors to collect the obligations owed.

In resolving this matter, we must begin by looking at the relevant statutory provisions. We review questions of statutory interpretation de novo. *People v Swafford*, 483 Mich 1, 7; 762 NW2d 902 (2009). In doing so, we discover the general resolution to this issue. At issue are the provisions of MCL 791.220h and MCL 600.5511.

MCL 791.220h provides as follows:

> (1) If a prisoner is ordered to pay restitution to the victim of a crime and the department receives a copy of the restitution order from the court, the department shall deduct 50% of the funds received by the prisoner in a month over $50.00 for payment of restitution. The department shall promptly forward the restitution amount to the crime victim as provided in the order of restitution when the amount exceeds $100.00, or the entire amount if the prisoner is paroled, transferred to community programs, or is discharged on the maximum sentence. The department shall notify the prisoner in writing of all deductions and payments made under this section. The requirements of this subsection remain in effect until all of the restitution has been paid.
>
> (2) Any funds owed by the Michigan department of corrections or to be paid on behalf of one or more of its employees to satisfy a judgment or settlement to a person for a claim that arose while the person was incarcerated, shall be paid to satisfy any order(s) of restitution imposed on the claimant that the department has a record of. The payment shall be made as described in subsection (1). The obligation to pay the funds, described in this section, shall not be compromised. As used in this section, "fund" or "funds" means that portion of a settlement or judgment that remains to be paid to a claimant after statutory and contractual court costs, attorney fees, and expenses of litigation, subject to the court's approval, have been deducted.
>
> (3) The department shall not enter into any agreement with a prisoner that modifies the requirements of subsection (1). Any agreement in violation of this subsection is void.

Much of the dispute related to victim restitution can be resolved by reference to this statute. First, it clearly puts the burden on MDOC to withhold money from the settlement and forward to the victim any restitution ordered. Second, MDOC has such an obligation only if a copy of the restitution order has been sent to the department.

We note that it should be unnecessary for Intervenors to identify potential class members who have outstanding restitution obligations because *all* restitution orders relating to defendants that have been sentenced to the custody of the MDOC should have been forwarded to the MDOC for collection from prisoners' funds. Because MCL 791.220h(1) does not, by its terms, apply

only to the proceeds of lawsuits against MDOC, but to any prisoners funds, we would expect that all restitution orders would be automatically forwarded for any defendant sentenced to prison.

And by the clear mandate of the statute, the MDOC must collect from prisoner funds any outstanding restitution obligation. Therefore, the MDOC should already have been withholding from the disbursements funds allocated to any prisoner who had an outstanding restitution obligation until that obligation was satisfied.

We should note that attention must be paid to the differences between subsections (1) and (2). Subsection (1) only applies to prisoners and it limits the amount that can be deducted (50% of the funds received in excess of $50 in any given month). Subsection (2), on the other hand, applies to a "person" who receives money from a judgment or settlement against the MDOC or an MDOC employee. It is not limited to current prisoners, nor is there a limit to the amount that can be withheld. That is, all of the funds owed to a person arising from a settlement or judgment against the MDOC or its employees are to be withheld until restitution is satisfied.[2] Therefore, the MDOC should already have been withholding from the three previous disbursements any amounts that would be paid to a class member who had an outstanding restitution obligation (of which the MDOC had a record) and should continue to do so in the three remaining disbursements until the restitution obligation is satisfied.

Plaintiffs argue that the protective order does not interfere with enforcement of the statute for two reasons. First, once a prisoner is released from incarceration, her name is released to the MDOC, which can then determine if any restitution needs to be paid. Second, for those class members who remain incarcerated, when the money is transferred into their institutional prison accounts, the MDOC would automatically deduct the money to pay the restitution pursuant to subsection (1). While there is some logic to these arguments, they fail because they are premised on a third argument, which is flawed. That argument is that MCL 791.220h does not mandate that restitution be satisfied before settlement proceeds are distributed. As we discussed above, the clear meaning of subsection (2) is that proceeds from a judgment or a settlement in litigation against the MDOC must first be used to satisfy any outstanding restitution order filed with the MDOC before any proceeds may be distributed to a prisoner.[3]

Accordingly, to the extent that the protective order does not allow for the disclosure of names to the MDOC or its employees in order for the MDOC to comply with its statutory

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[2] The reference in subsection (2) to subsection (1) is only in regard to how the payment to the victim is made, not in reference to how the funds are withheld. That is, the MDOC does not have to make payments to the victim until the accumulated amount exceeds $100 or the prisoner is released from incarceration.

[3] The concern that MDOC is not fully meeting this obligation is reflected in plaintiffs' brief on appeal where they indicate that it was MDOC's clear intent in reaching the settlement to not be involved in the identification of class members and the allocation of settlement funds. While the MDOC's desire to stay out of that process is understandable, it is not feasible given its statutory duty to collect restitution before the distribution of the proceeds.

obligations, or provide for some alternative method that ensures the MDOC's compliance, that provision is invalid. The MDOC has a clear statutory obligation to disburse the funds to the victims in payment of restitution obligations and an agreement in violation of law is unenforceable. *Wilkes v Auto-Owners Ins Co*, 469 Mich 41, 51; 664 NW2d 776 (2003). And the fact that this agreement takes the form of a stipulated order does not change this basic principle as a stipulated order that does not conform to the law is void. *Miller v Miller*, 264 Mich App 497, 507 n 12; 691 NW2d 788 (2004), rev'd on other grounds 474 Mich 27; 707 NW2d 341 (2005). Simply put, the parties could not stipulate to an order that relieves the MDOC of its statutory obligations or that precludes the MDOC from being able to fulfill its statutory obligations.

MCL 791.220h only resolves the question of restitution. With respect to court costs, etc., we must turn to MCL 600.5511. That statute provides in pertinent part as follows:

> (2) Subject to section 220h of 1953 PA 232, MCL 791.220h, and the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, any damages awarded to a prisoner in connection with a civil action brought against a prison or against an official, employee, or agent of a prison shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner, including, but not limited to, restitution orders issued under the state correctional facility reimbursement act, 1935 PA 253, MCL 800.401 to 800.406, the prisoner reimbursement to the county act, 1984 PA 118, MCL 801.81 to 801.93, 1982 PA 14, MCL 801.301, and the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, any outstanding costs and fees, and any other debt or assessment owed to the jurisdiction housing the prisoner. The remainder of the award after full payment of all pending restitution orders, costs, and fees shall be forwarded to the prisoner.
>
> (3) Before payment of any damages awarded to a prisoner in connection with a civil action described in subsection (2), the court awarding the damages shall make reasonable efforts to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of damages.

This statute, if applicable, would not only resolve the restitution issue as well, it would also resolve the issues relative to outstanding court costs and fees (but not the child support issue). This statute clearly provides that any damage award to a prisoner brought against the department or its employees must first be utilized to pay any outstanding restitution, costs and fees, or other assessments owed to the jurisdiction housing the prisoner. Only after full payment of restitution, costs and fees may any money be paid to the prisoner.

Plaintiffs' primary argument against the application of MCL 600.5511 to this dispute is that it was not enacted until three years after the filing of this action and, therefore, does not apply. We disagree. First, we note that this is true only for some of the claims. The *Neal* case was filed in 1996. But the *Anderson* case was not filed until 2003 and was consolidated with *Neal*. Therefore, even if we agree that the statute does not apply to cases filed before the statute

was enacted, it would still apply to the *Anderson* claims. But we do need to resolve the issue with respect to the *Neal* claims.

The retroactivity issue was addressed in a prior appeal in this case. *Neal v Dep't of Corrections*, unpublished opinion per curiam of the Court of Appeals, issued February 23, 2006 (Nos. 253543 and 256506). But we are not persuaded that that opinion controls here. Initially, being unpublished, it is not precedentially binding. MCR 7.215(C)(1). Furthermore, neither are we persuaded that the law of the case doctrine applies. First, Intervenors were not a party to the prior appeal. Second, the prior appeal, while considering the retroactive application of the Prison Litigation Reform Act, MCL 600.5501 *et seq.*, it considered a different aspect of the act. Specifically, it considered whether the provisions of MCL 600.5503(1), that a prisoner exhaust all administrative remedies prior to filing suit, barred claims which had accrued before the enactment of the statute. *Neal, slip op* at 3. This Court concluded that the requirement only applied to those claims that accrued after the effective date of the act.

In this appeal, we deal not with the question whether a claim is barred by the statute, but with how the proceeds of a settlement are to be disbursed. The settlement was reached after the effective date of the act, when all parties would be aware of the provisions of the law. Thus, while applying MCL 600.5503(1) retroactively to bar the claim itself would impair or abrogate a vested right, directing the distribution of settlements does not. In other words, application of MCL 600.5511(2) to this case would not retroactively impair or abrogate plaintiffs' rights, but merely ensure the payment of their preexisting financial obligations from proceeds to which they became entitled to receive after the enactment of the statute. Furthermore, we view this portion of the statute as being remedial or procedural in nature and, therefore, it may be applied retroactively. See *Tobin v Providence Hosp*, 244 Mich App 626, 665; 624 NW2d 548 (2001).

Accordingly, we conclude that the MDOC may not disburse any funds to any particular plaintiff class member until there has been "full payment of all pending restitution orders, costs, and fees" as required by MCL 600.5511(2) for that particular plaintiff class member. Because disbursement should not have been made until the obligations have been satisfied, the MDOC should seek to recover those payments to any particular class member if the future payments owed that particular class member will prove inadequate to meet the obligations under the statute.

While these statutes resolve the obligations of the MDOC with respect to the disbursement of the settlement proceeds, it does not itself directly resolve the question whether the identities of the class members must be disclosed. Initially, we note that nothing in these statutes gives Intervenors any particular right to know the identity of the class members. While Intervenors certainly have an interest in ensuring that the statutes are complied with and the restitution, fees and costs are properly paid, that does not equate with the right to receive the names of the class members. If the trial court is able to fashion a method to ensure that the MDOC is meeting its statutory obligations with respect to the proper disbursement of the proceeds of the settlement without the necessity of disclosing the names of the class members, it is certainly free do so.

We leave it initially to the trial court to determine an appropriate method of doing so. Perhaps the trial court will find it appropriate to appoint a Special Master who will have access

to the names of the class members and the MDOC records to determine which class members have outstanding obligations and which do not. Or maybe the answer lies in modifying the protective order to allow the release of names, even of those currently incarcerated, to a limited number of MDOC employees who will oversee compliance with the statutes. We offer these only as suggestions and not as directions. Our only directions are these: (1) the MDOC must comply with the statutory provisions to ensure that the restitution, fees and costs required to be paid by a class member are, in fact, paid before any disbursement to that class member, (2) plaintiffs' counsel is not to be the gatekeeper to determine compliance or otherwise to identify which class members have such an obligation, and (3) there must be some oversight mechanism to confirm that the MDOC does, in fact, discharge its obligations. We also direct that any future disbursement of funds is to be suspended until a satisfactory method is in place to ensure compliance with the statute.

We do note, however, a statutory provision that may preclude complete concealment of the names of the class members. As Intervenors point out, MCL 600.5511(3) obligates the trial court in this matter to make reasonable efforts to notify the victims of the pending payment of damages before any payment may be made to the prisoner. Of course, the notification does not have to disclose that any such damage payment is coming from the proceeds of this particular lawsuit. Nor is the trial court obligated to make public the identity of the victims to whom the notices are sent. But, because the notices must be sent, it is conceivable that the identity of a currently incarcerated class member might become known. Nonetheless, the trial court is obligated to comply with this statute. According to Intervenors, the trial court has failed to comply with its statutory duty to provide notice. Indeed, if, in fact, the trial court has not been supplied with a list of names of the class members, then it presumably would be impossible for the trial court to have complied with this duty.

Next, Intervenors argue that the trial court lacked the authority to issue a protective order because MCR 2.302(C) requires a motion and this order was entered by stipulation. This issue was not raised below and, therefore, is not preserved for review. *Miller-Davis Co v Ahrens Constr*, 285 Mich App 289, 298; 777 NW2d 437 (2009).

In a similar argument, Intervenors argue that the protective order is invalid because it does not meet the requirements of MCR 8.119(F) regarding sealed records. This argument is without merit because it does not appear that the names of the class members were ever part of the court record. In short, the protective order does not, in fact, seal the court records.

It is also argued that plaintiffs are obligated to disclose their names in the caption of the complaint under MCR 2.113(C)(1)(b). We do not read that rule as requiring that all members of a class in a class action suit be named in the caption of a complaint. As MCR 3.501(A)(a) states, in class actions there are one or more representative parties from the class. Reading these two rules together, we conclude that only the representative parties must be named in the caption of the complaint, not all class members.

Finally, we turn to the issue of the collection of child support by Intervenor DHS. MCL 791.220h and MCL 600.5511 does not resolve this issue because those statutes do not deal with the collection of child support. But MCL 552.625a does. That statute provides for an automatic lien on the assets, including settlements and judgments arising from a civil action, of any person

obligated to pay child support once that support becomes due and unpaid. MCL 552.625a(1). While this statute is somewhat more procedurally complex than the other two statutes involved in this case, it nonetheless provides a statutory basis under which the MDOC may be obligated to withhold funds from the settlement disbursements and remit them in payment of child support obligations.

We note that DHS is taking a very flexible and reasonable approach to this issue. While DHS is not opposed to merely lifting the protective order, it is willing, and indeed had suggested, a method designed to maximize the security of the identity of the class members and to protect the privacy of those members who do not have support obligations. It proposed that a limited number of individuals in the State Court Administrative Office have access to the names of the class members, determine which have outstanding support obligations, and institute the necessary procedures to collect those support obligations from the settlement amount. This would appear to be a feasible method of ensuring that DHS can exercise its obligations to collect child support, while maintaining the highest degree of security over the identities of the class members. It would certainly be more secure and less intrusive than that which DHS is already empowered to do by statute. Under MCL 400.234(1), DHS's Office of Child Support is empowered to request any information or record that assists in implementing the Office of Child Support Act, MCL 400.231 *et seq.* from any public or private entity or financial institution. This would presumably authorize the office to obtain the class member list from the MDOC and the financial institution serving as the escrow agent, and possibly the trial court itself[4] and plaintiffs' counsel. But we need not decide the scope of DHS's authority under the statute as it does not appear that it has invoked its authority under the statute.

In any event, as with our suggestions regarding the oversight of the collection of restitution, fees and costs, we are not requiring the trial court to adopt the proposed method. If the parties are able to agree upon a different method, they are free to do so. And in the absence of an agreement, the trial court is free to adopt DHS' suggestion, or to develop its own method so long as that method is consistent with this opinion. That is to say, the method must permit DHS to effectively collect as much of the support obligation owed by class members as possible from the proceeds of the settlement and to do so before any further proceeds are distributed.

Finally, we are aware that we are placing upon the trial court an unusual burden in overseeing the collection of the various financial obligations involved in this case, a burden greater than that which would normally be placed on a trial court that oversees a civil case where the plaintiff receives an award and happens to owe one or more of the obligations involved in this case. But the trial court in essence took this burden upon itself when it entered the protective order. We do not disparage the actions of the trial court in doing so as we recognize the reasons for the protective order. But just as the unique circumstances of this case necessitated the

[4] Even if the trial court does not currently possess the list of names, as noted above, it is obligated to send notice to the victims of the class members. This presumably means that at some point, the trial court will have to possess the names in order to comply with this requirement.

protective order, it also necessitates greater involvement by the trial court in ensuring that the order does not impede the MDOC and DHS from meeting their statutory duties[5] nor does it shield plaintiffs from meeting their financial obligations.

In summary, the MDOC is obligated to meet its obligations under MCL 791.220h and MCL 600.5511 to pay from the settlement proceeds any restitution, fees and costs that any class member is obligated to pay under a judgment of sentence before any future disbursement may be made to such a class member. If the future amounts due to such a class member are inadequate to meet those obligations, the MDOC shall make reasonable efforts to recover any of the proceeds previously paid to such a class member to satisfy those obligations. To the extent that the protective order prevents the MDOC from meeting its statutory duty in this respect, the trial court shall modify the protective order in such a manner that the MDOC is able to fulfill its duty. Similarly, the trial court shall make any necessary modifications to the protective order to ensure that DHS is able to discharge its duty to collect any outstanding support from class members.

We encourage the parties to arrive at a mutually agreeable method to implement these requirements. But if the parties are unable to do so, the trial court shall fashion such a method. In doing so, the trial court shall be guided by the principle that the statutory duties of the MDOC and DHS take priority over the protective order. That is, a settlement agreement cannot relieve a party (or a non-party) of a duty imposed by statute. Any agreement must be consistent with the laws of this state. Furthermore, plaintiffs' counsel shall not serve as the gatekeeper to determine which members of the class owe such obligations. While the confidentiality of the identities of the class members should be maintained to the extent possible, oversight must be provided by some entity not associated with plaintiffs or the MDOC. Finally, if it has not already done so, the trial court shall promptly send notice to the victims of the class members as required by MCL 600.5511(3).

To ensure that there are no future disbursements in violation of the parties' statutory duties, we order that any future disbursements under the settlement agreement are stayed until a procedure is in place which ensures that any outstanding child support, restitution, costs and fees are collected from the settlement proceeds before the proceeds are disbursed to any person owing such an obligation. This stay provision shall be given immediate effect. MCR 7.215(F)(2).

Affirmed in part, reversed in part, and remanded. We do not retain jurisdiction. No costs.

/s/ David H. Sawyer
/s/ Joel P. Hoekstra
/s/ Henry William Saad

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[5] And it requires adequate third-party oversight to ensure that those duties are properly discharged since the normal oversight is hampered by the secrecy imposed by the protective order.

EXHIBIT 3

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

NEAL, et al,

Plaintiffs,

No. 96-6986-CZ

v

MICHIGAN DEPARTMENT OF CORRECTIONS, et al,

Defendants./

MOTION HEARING

BEFORE THE HONORABLE TIMOTHY P. CONNORS

Friday, June 10, 2011 - Ann Arbor, Michigan

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Ann Arbor, Michigan

Friday, June 10, 2011 - 3:07 p.m.

* * * * * *

THE CLERK: Case number 96- --

THE COURT: You can respond.

UNIDENTIFIED SPEAKER: Good afternoon, Your Honor.

UNIDENTIFIED SPEAKER: Good afternoon.

THE COURT: All right.

THE CLERK: -- 96-6986-CZ, Neal versus Michigan Department of Corrections.

THE COURT: Would everyone put their appearance on the record, please.

MS. MARA: Yes. Thank you, Your Honor. Mary Mara appearing on behalf of the Oakland County Reimbursement Unit.

MR. MORAN: May it please the Court, good afternoon. Robert Moran, assistant prosecutor, appearing on behalf of Wayne County.

MR. SMITH: Assistant Attorney General, Joshua Smith, appearing on behalf of the Department of Human Services, Your Honor.

MR. THURBER: Assistant Attorney General, John Thurber, on behalf of the Department of Corrections. And, Your Honor, I have with me -- this

is Adam Blalock. He's an intern with our office so I brought him along.

THE COURT: Hello, Mr. Blalock.

I saw you in the hallway earlier, Mr. Thurber. Did you think it was this case or were you here on something else?

MR. THURBER: No, I did think it was this case.

THE COURT: I'm sorry that you came down so early.

MR. THURBER: Never -- you can never make too many drives to Ann Arbor.

THE COURT: All right.

MS. LABELLE: Good afternoon, Your Honor. Deborah Labelle on behalf of the plaintiffs.

MR. REOSTI: And Ronald Reosti on behalf of the plaintiffs.

THE COURT: And, sir, in the back, are you here on this case?

UNIDENTIFIED SPEAKER: John (indiscernible), Free Press.

THE COURT: If you'd like to step up, the acoustics are bad back there. So if you'd like to step up and sit where the attorneys normally do, that's all right with me.

UNIDENTIFIED SPEAKER: Thank you.

THE COURT: You're welcome.

All right. We had last -- I have read your briefs. Let me say I've read the written briefs. It would -- I think to start, it would help me to hear from each of the plaintiffs, petitioners, however we want to describe it. In light of where we've been, what I've asked you to do, and with this response, what it is you are expecting me to do today.

MS. MARA: I'll go first if it's all right with the Court.

THE COURT: Since you started this rolling, go right ahead.

MS. MARA: All right. Yes. Thank you.

Your Honor, yes, just by brief way of procedural history, you know, we did appear last in this court back on March 10th and at that time I had two motions before the Court. One of them was a motion to modify the plan of allocation, and then there was a motion to modify the protective order that was entered by this Court on October 6th of 2009.

We appeared on these motions on March 10th but we never really -- the Court never ruled on those motions. I think procedurally it's probably best to say that they were held in abeyance. You did indicate

on the record that you recognized -- I believe you recognized the crime victim's rights to recover restitution from proceeds and also the back child support. You wanted us to try to see if we couldn't come up with a plan for how we might accomplish that.

You specifically directed us to generate a list -- and I'm saying us, I'm referring to myself, the Wayne County Prosecutor's Office, and the Department of Human Services. You directed us to generate a list of potential claimants, people who we thought might owe money out of -- in my case, out of judgments of sentence that were entered in the Oakland County Circuit Court over I believe it was a 16 year period. I did generate that kind of a list.

On April 19th, I sent this list to all of the parties by e-mail. It was 122 pages long and it had 1,066 names of potential claimants. And when I say potential claimants, I'm saying these are women who had judgments of sentence entered in the Oakland County Circuit Court who had outstanding restitution, court costs, or fees.

So I sent this information to counsel, but I also advised counsel in that same e-mail at the same time I sent them that document, I said I have very serious concerns about the accuracy of this report and

our ability to generate a trustworthy list of potential -- potential claimants in this case.

One of the biggest red flags for me is -- is there are about -- there are 18 women who I -- we believe strongly are claimants in this case. We've gotten their names from various pleadings or documents filed in the court file. We've gotten these names when calls were made to our reimbursement division. We've got these 18 names, and like I said, we're fairly -- fairly convinced that they are entitled to court costs or they owe restitution, court costs, or fees.

Thirteen of those 18 names do not appear on the list that we generated. That's 72 percent of the women who we strongly believe are claimants don't show up.

THE COURT: On your own list?

MS. MARA: On our own list.

THE COURT: All right.

MS. MARA: And so as I pointed out to counsel when I shared this information when them, I said look, this is one of -- we can explain this one of three ways. One is these women aren't claimants; two, they don't owe any money or; three, they've been omitted because we've got bad -- a bad search for whatever reason.

Ms. Labelle didn't confirm or deny whether they're claimants and I would assume it's because she believes she can't because of this Court's protective order, so we're still in the dark about whether these women are claimants or not.

I did go back and check and all of these women do still owe -- in fact, 13 of them still owe $200,000.00 in back restitution, court costs, and fees, so they do still owe money. The only thing I'm left with is that this is a bad search.

And I went back to my computer people and I said, you know, why might this be? You know, we're not getting -- we're not getting the information I think we need and I -- you know, our search can only be as good as the information -- the data that's put into the program, the data base we're searching, and there are -- because we got short on the mainframe of various points, I guess they purged information at various times. If somebody didn't key in the information and make a designation about whether it was a male or a female, it wouldn't have shown up. There are all kinds of variables that would prohibit us from having any kind of competence in the fact that this list that we generated is complete and accurate.

So I would submit that the first approach

that we -- that we suggested or that we came away from back when we were here -- when we were last before Your Court is unacceptable from a practical standpoint because we cannot, as I said, generate a list that we feel comfortable with.

We can't engage in any meaningful discovery. I can't even go back with the list of known variables and have them try to monkey the search terms to see if -- without anything to work with, it feels like we're basically boxing -- shadowboxing here. But I would submit, Your Honor, that it's also unacceptable from a legal standpoint and that's because what we're talking about here is our ability to find out who the other parties are.

I mean we are a party to this litigation now and as a party, I would submit that we are entitled to know who the other parties are and that's really the most simplest form of information. How can we -- how can we -- how can I represent my client? How can we go -- try to go forth and recover the restitution, court costs, and fees that are owed when we don't even know who these claimants are?

So, you know, and I did submit a discovery request, requesting the names of the claimants to Ms. Labelle or the plaintiff's counsel and to the Michigan

Department of Corrections back on October 26th of 2010. This was right after the Court of Appeals sent it back and said that we were allowed to intervene as parties.

And the Michigan Department of Corrections I guess doesn't have the names. The only entity that knows the names of these women, as -- so far as I can tell, from what I can gather, are plaintiff's counsel. They're the only entity that knows the names of the claimants. Not even the State of Michigan I don't think knows the name of the claimants, although Mr. Thurber can correct me if I'm wrong.

But how -- how can we, as parties, not be entitled to know who the other parties of this litigation are? In which I guess that brings me to the actual two specific motions that I have before the Court. I don't know if you want me to go forward now and address those two motions?

THE COURT: I started out this hearing with asking you in light of everything that happened --

MS. MARA: Yes.

THE COURT: -- I don't -- I'm not -- I've heard the recitation of your view of things.

MS. MARA: Yes.

THE COURT: Over and over. I start off with given where we are today, what it is you want me to do

today and why.

MS. MARA: Okay. That brings me to my two motions.

THE COURT: All right.

MS. MARA: So I will go forward with those then.

The first motion that I have is -- and I did notice these -- both of these -- I originally filed these motions back in January and I noticed them back up for hearing today. My first motion is a motion to modify the plan of allocation, and for reasons that I have outlined in numerous pleadings and I think a couple of arguments now before this Court, it's our position that the Crime Victims Rights Act, the statute governing restitution in this state, the Michigan Department of Corrections Act, and the Prisoner Litigation Reform Act, all provide that whenever a woman, an inmate, sues the Department of Corrections or any of its agents as a result of conditions surrounding their confinement and they are awarded money, that restitution, court costs, and fees owed by those -- that inmate have to be paid before they are entitled to the settlements.

And I believe I've outlined the law in numerous pleadings with this Court, and it's my

position that the parties could not bargain away the right to crime victims to get their money. There was nobody here to represent crime victims until we were allowed to intervene. These parties did not -- when I'm saying these parties, I'm saying plaintiffs in the Michigan Department of Corrections did not have the authority to bargain away crime victims rights, victim's right to collect restitution that's due, and they didn't have the right to bargain away tax payer's right to recover unpaid court costs and fees that these women owe, because the law provides that those debts, if you will, get -- are -- should be paid first before they get their settlement proceeds.

And like I said, I filed numerous pleadings I think that's outlined that. So a modification of the plan of allocation would bring this settlement into compliance with the law that I've cited. And I don't believe that it would substantially -- I mean, I know there's been arguments that this is going to substantially alter the terms of the party's agreement, but really, Your Honor, it's not. The plaintiffs are still entitled to receive the money that they bargained for. They're still entitled to receive whatever dollar amount they accepted in settlement of this case. They just have to make good on the debts that they owe and -

– and I think the law provides for that.

And the second motion is the motion to modify the protective order. In addition to that, I'm asking you to modify it to allow us as parties to know the names of the claimants. It's necessary, as I said before, for us to represent our clients and to pursue their interests in this case. We cannot do it without those names.

I suppose if the Court wants to subject us to it like you -- you know, as -- as you have the other parties, we can certainly -- we can certainly abide by that if the Court feels that that's the appropriate way to go. And that would be it unless you have any questions.

THE COURT: No, that's what I heard the first time.

MS. MARA: Okay.

THE COURT: Thank you.

MS. MARA: Thank you very much.

THE COURT: Sir?

MR. MORAN: Your Honor, on behalf of Wayne County, we find ourselves looking at two competing interests. The competing interest of the victims that have a constitutional right under the Michigan Constitution to receive the restitution that's owed to

them, and the rights of inmates to privacy. On balance, it's our position that the rights of the -- the Crime Victims Rights Act, pursuant to the Michigan Constitution, would take precedence.

THE COURT: So at least you acknowledge there are some competing interests?

MR. MORAN: Yes.

THE COURT: Okay. Thank you.

MR. MORAN: Some -- some --

THE COURT: That's -- that's a step in the right direction.

MR. MORAN: Some interest of privacy versus the interest of --

THE COURT: All right.

MR. MORAN: -- the constitution.

Now, how competing of interest, how -- how fair is it to -- to compare those interests, I simply acknowledge they exist but I have to suggest to you that the rights of the victims are paramount to the rights of the inmates to retain some privacy. We're talking about inmates who are in prison because they committed felonies. Now, I'm not commenting on the -- what happened when they were incarcerated. That's appalling. What I'm simply saying is that they're there for a reason, for committing crimes, for taking

advantage of other citizens, whatever the case may be, but they are felons.

And I understand they don't want to part with their money because they have money that's owed to them based on what happened to them while they were incarcerated. However, as the law clearly allows, the victims take a priority to receive restitution for damage that those plaintiffs caused to them that required them to be incarcerated in the first place.

So when we look at that on balance, I would ask the Court to follow the constitution and recognize the crime victims rights and recognize the rights of the crime victims to -- to get the restitution that's owed to them.

Now, I would echo counsel's arguments, and I'm not going to repeat what she said. She did an excellent job of outlining what has happened. When we were last here, we had already submitted our list of names from Wayne County.

Now, I'm involved in another project involving a crime lab and we were asked to do some research on convictions for the past five years of -- of all the felonies from Wayne County. From 2003 to 2008, we got a list of 109,954 people that were convicted of felonies between 2003 and 2008.

Why is that important? Because when you look at a 16 year period of time and you're asked to determine whether there are inmates in the Department of Corrections who may owe restitution to crime victims, you would expect to have a significant number from Wayne County, because we're talking about a hundred thousand convictions, more than a hundred thousand convictions for a five year period of time.

So in that 16 or 17 year period of time, our research was only able to yield about 275 names which clearly does not adequately represent what that interests are. Now, I can't explain to the Court why that is. As counsel from Oakland County indicated, there's got to be some other issues because we're talking about 275 names over that period of time of women who may owe money to restitution.

Part of the problem is we were only able to search the Court computer. Now, the Court computer in Wayne County about three, four years ago, completely changed. They went from one program to this Odyssey program, and the Odyssey program is only as good as the data that's put into it. So -- and every clerk, every clerk in every criminal courtroom puts data into the computer. And if the data isn't entered accurately or correctly, or if a name is simply one letter off in --

in a spelling, it doesn't get entered into the computer database.

So when our search was done to generate that list of less than 300 names, we were only able to use the data from the Court's computers. We -- we were not able to use the (indiscernible) system to search those names because they don't have the names, actual names of persons that are incarcerated in prison. So as a result of that, we're sort of blind. We're sort of asked to do a search that listed about 300 names.

Now, counsel for Oakland County indicated that Oakland County who does maybe half of the felony work than Wayne County does, if that, had a list of over a thousand names. So when you compare those, you know that there are names that are missing off that list and our concern is that since we're not able to know who the plaintiffs are, we cannot know who the victims are that the plaintiffs owed money to and there's simply no way, given the restraints of not knowing who the names are, to find that a victim may owe that -- a plaintiff may owe that victim restitution.

So we've tried to do that in the dictates of the Court. It simply not -- isn't working. With 275 names, clearly we're missing something. And again,

it's not through any fault of our own, Your Honor, but because of the way the system is in the Court system, the computer, it's simply not reliable. So I would submit to the Court that we need better access to the information and the names.

And we filed a motion before the Court, and the motion is to modify the -- the plan of disbursement of the funds and that modification is one of the middle ground. Now, we're asking the Court to modify the plan and allow us to have access to the names of the plaintiffs in a way that is not in any way intrusive or abusive to the privacy rights of the plaintiffs in this case. And what we're asking is that -- simply the names of the plaintiffs be provided to us by plaintiff's counsel, that they be sealed in an envelope. That this Court enter an order directing that only members of the Wayne County Prosecutor's Office tasked with the responsibility of determining whether those individuals owe restitution have access to that list, that the list be sealed, that the list be sealed by Ms. Labelle, provided to us.

We can have a sworn police officer retrieve the list, give it to our office, give it to the personnel involved in searching that -- that material, search the materials, and return the list back to Ms.

Labelle. And in that way, we'll be able to search not only the Court files, but our files and all the databases that we have access to to determine if any of those plaintiffs on that list have outstanding restitution.

This plan, albeit doesn't open the list to the public which we think the list should be open to the public but that's another argument. It's a modification. Our attempt to seek a reasonable common ground. This plan would allow us, the Wayne County Prosecutor's Office, to have access to the names of the individuals, to search the names, to search the files, and return the list to plaintiff's counsel when we're finished. That way, we can then supply the Court with the names of the individuals on that list of plaintiffs that owe restitution to crime victims in Wayne County.

THE COURT: Thank you.

MR. SMITH: Good afternoon, Your Honor. I'll be very brief. I concur with what my predecessor just said. I would just like to state that the Department of Human Services feels that as san intervener in this matter, that it -- it should be given the plaintiff's names and should also be subject to the protective order so that it does not divulge those names. Thank you, Your Honor.

THE COURT: I'd just like you to comment on Ms. Mara's assertion that the Department of Corrections, who was represented by your same office, did not have the legal authority to enter into this agreement in the first place.

MR. SMITH: I have no comment on that.

THE COURT: Because when this goes up to the Court of Appeals, I wonder how the two of you are going to argue that one branch of your -- of your office said not only is it okay, but actively participated. Is the other branch going to say it was illegal?

MR. SMITH: We haven't made that argument, Your Honor.

THE COURT: I'm asking you to comment. That's what they're saying.

MR. SMITH: That's her argument. I have no comment on it, Your Honor.

THE COURT: But you're asking for the same relief?

MR. SMITH: We are ultimately asking for the same relief, Your Honor.

THE COURT: You're asking for the same relief that your office agreed to.

MR. SMITH: Well, the Department of Corrections agreed to it with the Department of

Attorney General's Corrections Division as their counsel, Your Honor.

THE COURT: So as a sitting Judge, which view from the attorney general should I be considering?

MR. SMITH: I don't think my view is actually incompatible with the corrections division, Your Honor.

THE COURT: Well, we'll hear from Mr. Thurber, whether he says that he agrees that they should never have entered into -- or advised them to enter into it.

MR. SMITH: I did not say that, Your Honor.

THE COURT: Well, I'm just trying to find out, counsel, because attorneys -- the last time -- you've been fairly acerbic in terms of you care about children, I care about children. So I'm just trying to ask the question. If you were sitting in my shoes and I have two attorneys from the same office, one telling me, yes, we enter into this, we think it's appropriate, and another attorney from the same office telling me no, Judge, you should change that, what am I supposed to do?

MR. SMITH: Well, we're actually asking that you modify it since we are interveners in this case, Your Honor. We simply want to have the names of the plaintiffs and be subject to the same protective order

that the other parties are, Your Honor.

THE COURT: Either you don't hear my question or you're choosing not to answer it. I don't know which it is but thank you.

MR. SMITH: Okay. Thank you.

THE COURT: Mr. Thurber, you are from the same office as Mr. Smith and we've -- I've had you for a number of years and members from your office, and we all agreed that this was the appropriate route to go. So can you tell me from your office what the position is today, from the Attorney General's?

MR. THURBER: Well, Your Honor, as I've indicated in the past, we haven't taken any formal position whether or not the Court should modify the protective order or not. So I'm not prepared to argue the issue of whether we could bargain away rights or not. I mean that issue hasn't come up as far as I've known so I'm not prepared to argue that specific position if that's the question.

THE COURT: So should I ignore that comment of Ms. Mara who just -- who just made that argument today that said that's our position because that's the position that your office and Mr. Smith's office was representing? So I'm just trying to find out again, what is it I'm supposed to resolve today.

MR. THURBER: I'm not prepared to answer that question, Your Honor. That wasn't -- I haven't briefed that issue. I haven't done any research on that issue. I don't know how I could answer that question off the top of my head.

THE COURT: Okay. And you're not expecting me to offer your defense to the assertion, are you?

MR. THURBER: Your job is to act as an umpire and decide the law as you see it.

THE COURT: Well, follow the law.

MR. THURBER: Okay.

THE COURT: All right. Thank you.

MS. LABELLE: Thank you, Your Honor.

I want to try to address a few things that were raised for the first time. I think first, as the Court knows, but it appears from argument from counsel, that there's some confusion in class actions about who's who.

The individual women who received settlement funds are not parties. It's basic class action law. They are not parties. They are claimants who received settlement. They're not party plaintiffs and therefore the argument that somehow they're entitled to know the names of the claimants because their parties is just a misunderstanding of the status of claimants in class

action litigation.

Second, it's true there was some discovery requested. We filed valid objections, and counsel had as her right to move to resolve the objections which she chose not to do. So I don't think that's before the Court now. She could have motioned it up at that time.

The third thing is that when we were here before, what the Court said is provide the names of the people you believe owe victim's restitution to the plaintiffs. I didn't restrict how they provided it. They provided me lists. They could have provided lists saying, you know, oh, here's one list we've got. Also we think these people, here's some judgments, whatever you got, give it to me, I will cross-check it. That's what we did. We cross-checked every information they provided us. So if they gave us a thousand names, which over -- they did, it wasn't alphabetized -- you know, we did it. We painstakingly went through whatever it provided. No one restricted them.

They could have provided the massivest (sic) list they wanted and to say now that, you know, we may not have included everybody, well, that really has nothing to do with, you know, getting the names. You know, us giving the names won't change the fact that

they may not know who owes restitution in their counties because of the way they keep records, because there are mistakes.

I mean, you have to understand too. I mean, there's some concern that counsel for Wayne County indicated saying we have a hundred thousand names and isn't it curious that only 13 women owe victim's restitution. Well, first, women are only overall four percent of the population. Second, the majority of the women commit victimless, non-assaultive crimes. That's what they're in prison for.

So if you did a look at who owes victim's restitution, part of it is because they're women. I mean, it's not inexplicable here. Second, they have shorter sentences than men and you can't get off parole unless you pay your victim's restitution. So as in -- even in the names that were provided, women said I paid that, I'm off parole. Had -- if I have an -- an opportunity to object to a writ of restitution, a writ of garnishment, I will demonstrate that, in fact, that's been satisfied.

So, you know, they make mistakes, that's fine but the reality is is that -- and the only one who said that -- didn't say that the list was a mistake was the Department of Human Services. And it's very similar

throughout, there are 19 women who got money in this case, who are entitled to get money in this case, who owe child support based upon the list provided there, 19 women. A number of them are inside and they've been having their money taken out.

Some of the women have agreements that predate the settlement to take money out of their wages, and that agreement exists with the Department of Human Services, they're paying on child support. There are 12 women from all the lists that Oakland County Human Reimbursement Units gave us that owe victim's restitution in Oakland County according to them. A number of those women have indicated they have already entered into payment agreements and they are paying. There are, as shown by the lists of what was originally owed and what's owed now, you can see one woman owes less than $50.00 left. From Wayne County there are 13 women who, based on what they provided, and nobody restricted them from providing anything, owe victim's restitution. A couple of those women are inside as well and the Department of Corrections have been doing their job. They take the money out at 50 percent and they've done it for two times.

There are over 800 women whose names are protected because they were abused, raped by State

employees. There are, based upon everything they provided us, 44 women of those over 800 who owe victim's restitution, and many of whom have been paying it and many of them owe minimum, de minimis amounts. The amount for Wayne County is less than $7,000.00.

You know, one of the things that I heard throughout this is that, you know, don't -- give us the names because, you know, we can't spend all this time and -- you know, we really want to maximize our resources. So if we just go after all of the women, that's really a waste of resources. Tell us who's got more money so we can cherry pick off the top. I don't know how many hours we've spent in these hearings when, you know, Wayne County could have been going after all of the women for their $7,000.00. And so in terms of the resource argument and what's being wasted here, you know, I think that -- that it would be better served for the victims and the public if the energy had been send -- spent going after all individuals who owe victim's restitution instead of targeting these women.

But we said you know what, we have a plan, that we think there is no tension here, there's a way to resolve this. This Court cannot modify the settlement, the plan of allocution. That despite the equities which are so amazingly in favor of the

plaintiff when these -- these entities delayed almost two years to try to do this, despite the equities, the laches, the timeliness arguments, you can't modify a plan of allocution in a settlement unless you demonstrate that it's illegal or there's a fraud.

There's no illegality. There's no fraud here. We have argued a number of times and reincorporate that the only thing that we could not do is compromise their obligations to pay victim's restitution. That we could not do and that we did not do. They still owe them. They have all the resources that they can and all the mechanisms they have to enforce it.

The attorney general, even though he's the had prosecutor and really is -- is -- under statute has the authority to enforce -- enforce these, did not compromise the obligations of women who are claimants to pay their victim's restitution. They still owe it and many of them have been paying it. So there's nothing illegal about this and there's no requirement that it be taken off the top. That's a PLRA argument. It doesn't apply in this case. It doesn't fit the scenario. There's nothing illegal here and this Court cannot reach back and interfere with this plan of allocation and this settlement that was negotiated,

published, went through all these hearings for purposes of Oakland County finding out the names of 12 women.

And by the way, they're not entitled to the other names. They don't have any standing to that to enforce for anybody else but the women who owe them, and those are the limits that they've provided it to.

The protective order is really the only matter at issue here. I don't think that they have standing to interfere with that protective order. We've cited some cases which haven't been refuted that interveners take the case as they find them. And the protective order does not prohibit them from enforcing their orders for victim's restitution.

But in the spirit of trying to resolve this while protecting the class' interest and all of the claimant's interest in the class, we have proposed that there is another entity. They don't have to take my word for it as an officer of the court, but there is another entity and there is a process that this Court has set out that is not too arduous on anyone and protects the names. And that is to provide the list to the -- to the bank. We would request that they be provided in alphabetical order so that it would be a little easier on the bank than it was on us, and they would check with a standard writ of institution and

saying here. Here's a writ of garnishment -- excuse me -- for all of these individuals, and the Court allow a modification to allow the writ of garnishment to incorporate all the listed names that they say owe any -- any victim's restitution or child support to the bank.

The bank would then notify those women who owe it, who are claimants who are receiving it, who are on that list. The women that have the ability to object if they want to. They can say that's not true, I paid that off; that's not true, I have a written agreement here, a contract as to how I pay this and I'm honoring it, and this exists before; that's not true, I'm off parole, I've satisfied that. They can, if they want, object. If not, the bank will remove those portions of -- you know, to satisfy the writ -- I mean to satisfy the debt.

That protects the women's names. I suppose if these -- these entities were really -- I don't know, if they had an incredible bee in their bonnet, they could find out which -- and the money would be sent to where victim's restitution is sent. I suppose they could check and see who sent in victim restitution that month, and then they could try to match up the names I think, but what has always been claimed here is we're

here for victims. We're here for the children. That's what we're here for. We want these debts paid.

And these are low-hanging fruit. If we heard anybody else was getting money from anywhere else, we'd go after them with the same vengeance. And irrespective of whether that's plausible or not, this is a way in which victims and child support obligations are paid out of these settlements without exposing these individuals to further abuse. Thank you.

THE COURT: Thank you.

Ms. Mara, would you like to respond?

MS. MARA: Oh, yes. Thank you very much.

Your Honor, the argument that these are claimants and not parties is really, I think, splitting hairs. These women -- at least one of them -- so long as there's one of them that owes restitution, court costs, and fees, are for all intents and purposes, parties. Parties as far as we're concerned to this litigation.

Counsel's statement that if these women are off parole, they've paid their restitution is just simply inaccurate. People are discharged from parole without paying all of their restitution. They are not kept on indefinitely until it's paid so that is a completely inaccurate assertion.

I don't -- it boggles my mind that we are supposed to rely on plaintiff's counsel to go through and tell us and identify for us the names of people whose interests are directly adverse to our her own client's interests. Like she's -- plaintiff's counsel is the appropriate gatekeeper for this information. With all due respect, we're parties. We're entitled to this information without having it screened by plaintiff's counsel. We should not have to rely on her screening, whatever that process is.

And, Your Honor, I'm going to tell you. I've prosecuted child sexual assault cases for 13 years. Kid's names are not private. The -- if you -- courts are public institutions. The names of adult rape victims who have to testify in child's -- are not private. Never once will you find a case where the crime -- where a victim is allowed to prosecute a case -- or appears as a witness anonymously.

This is a civil case and we're talking about a hundred million dollars in tax-payer money. On what legal authority -- I cannot -- nobody has ever cited one legal authority that says the names of the women can be withheld. There is no legal authority for that assertion. It's a nice idea. If we could protect victims of sexual assault and they didn't have to

appear in court or their identities never had to be revealed --

THE COURT: Couldn't -- couldn't we agree that's really your motive here?

MS. MARA: That's really what?

THE COURT: This is really your issue. Your issue is you're really attacking this whole concept that these -- that these women's names --

MS. MARA: It's prevented me -- it's prevented me from representing my clients. My clients collect restitution for crime victims. We can't do so because --

THE COURT: I -- I know.

MS. MARA: -- of the protective order.

THE COURT: I hear the speech from you but would you at least admit to me, that's really what's pushing you?

MS. MARA: I don't know what -- I'm -- what's pushing it is I'm trying to recover crime restitution for crime victims.

THE COURT: Okay. All right.

MS. MARA: And court costs and fees for tax-payers in Oakland County.

THE COURT: Okay.

MS. MARA: So -- but the protective order,

which has prohibited us at every turn, is -- is really the problem here and that's what we've asked -- we are asking you to modify. But we are talking about -- the settlement with public money.

If GM wants to enter into a settlement agreement and enter into a confidentiality agreement, they can do it. It's not -- well, maybe today it's not true but generally speaking they could do so because it's not being paid with tax-payer dollars. This is different. This is a hundred million dollars in tax-payer money.

And can anybody refute my under -- what I've come to understand is the fact that plaintiff's -- plaintiff's counsel is the only entity that knows who these women are? They are the only entity that has any oversight over the distribution of this money, for making sure that I -- to me, it's just -- I'm just asking you to modify the protective order, Your Honor, so we can have those names and give us a method where we can recover the money they's owed under these judgments of sentence out of the Oakland County Circuit Court. Thank you.

THE COURT: Sir?

MR. MORAN: You know, I listened to Ms. Labelle's argument very carefully and the last thing

she said to this Court was deny our request so that the plaintiffs don't suffer any further abuse. Further abuse? How is it abuse for them to pay what they owe? How is it abuse for them to make the victims whole which put them in prison in the first place? How is it abuse for this Court to allow us to have access to the names of the individuals who are going to get tens of millions of dollars of our money, to see if they owe the victims of Wayne County for the crimes they committed? How is that abuse?

How is that abuse when this Court could order us to have access to that information and provide it to no third party, to not disseminate it to anyone who -- other than people working on this project in our office, and then give the names back? Because as she says, Ms. Labelle says, there's only 13 women in Wayne County that owe money. That can't be true out of 800 people, because by extrapolation, she said that four percent of women -- four percent of inmates are women. Okay, fine.

So within that five year time period that I know about from 2003 to 2008 is 110,000. By extrapolation what is that, 400,000 for 20 years? By extrapolation what is that, 40,000 women are incarcerated or are convicted of felonies?

My point is -- and then she says and women don't commit violent crimes, they commit property offenses like larceny, identity theft, retail fraud, those types of crimes, which require payment of restitution. But we don't know, because as I've said to the Court, the system that we tried to do to try to ascertain through information public simply didn't work. Through no fault of our own, we attempted to live within the confines of the Court's protective order and it simply didn't work.

I can stand before the Court and say there are many women who are part of this class, other than the 13, that may owe restitution to victims in Wayne County. And for Ms. Labelle and plaintiff's counsel to have the -- be the only people, the only parties to have access to information is patently unfair.

Suffer more abuse? How is it more abuse if this Court allows us just to crack open a little bit the protective order to see the names of the individuals so we can look at it to see if those individuals owe money to victims in Wayne County? That's not abusive, that's just following the law.

And I would ask the Court on balance to apply the Michigan Constitution and the Victim's Rights to receive the money that's owed to them because we simply

don't know how much money those plaintiffs may owe victims in Wayne County, and we won't know until we know who they are. We're simply asking the Court to allow us to do that.

THE COURT: Thank you, sir.

Mr. Smith?

MR. SMITH: I have nothing to add, Your Honor.

THE COURT: All right. The -- there is a request by the interveners to modify the settlement that was entered into and to modify the protective order. I have attempted to ascertain and have them articulate the basis for the need for that modification. I had that articulation. I then, maybe without the legal authority to do so, require -- asked them and required them to give the list and order the plaintiffs to cross-reference and provide the response so that they could accomplish the basis upon which they each individually were seeking this modification. The lists were provided. The plaintiffs have responded.

And so now I'm hearing that, Judge, you really can't trust our information because we don't understand it. We don't understand our list. We don't know how to get it. And therefore, Judge, you need to open it all up because somehow that will make it easier

for us. I guess I'm sort of at a difficult standpoint, wondering well, if I did do that, if -- even if I had the legal authority to do that, how would I trust the information the second time around.

There's been some discussion -- I'm put in a very difficult position where one of the attorneys is asking me to change something that the same attorney's office told me and asked me to do and no one wants to comment. I'm asked to balance -- at least one person acknowledges from the interveners that there is some balancing going on, and the balancing is the privacy of individuals versus victims of crime.

Well, I think they're all victims of crime. The record had established that the class action involved individuals who were victims of sexual abuse by the government. Three of the -- all of the interveners are a portion of the government who committed, on behalf of the government, part of that same entity. So when we start balancing those who were victims, it seems to me that the people who have been sexually abused at the hands of the -- under the authority of the government, certainly that seems to me to be something I ought to balance as against someone that says we don't really understand our computer information and we're upset about how this resolution

of 13 years of litigation occurred, and we want to come in after the fact and ask you to modify it.

I really think I have bent over backwards to try to accommodate what at least you allege is your rationale. The lists have been provided. We can take care of the lists and they'll cross -- cross-reference. The plaintiffs have done that. They've done that for you. Those individuals on your information, you can make sure that the garnishment takes place. There's a process to do that. If you have new lists, we can cross-reference that. I leave -- I stay open to that.

Based on that, I really don't think I have much more legal authority. I'm not even sure I had the legal authority to order what I did order. It's -- you know, it's one thing to stand up and grandstand and make speeches about who cares about victims and who cares about children. I can do that. We can all do that. That's not the point.

So I am not -- in terms of today, that's why I asked you all again. You're back to square one. You want me to modify the settlement agreement, you want me to modify the protective order, I do not believe I have the legal ability to do what you are asking me to do. I stand here, trying to accommodate what you tell me you allegedly need it for. I'm not convinced that

that's your motivation. Therefore, your motions are denied.

MS. LABELLE: Thank you.

THE CLERK: All rise.

(At 3:52 p.m., proceedings conclude.)

* * * * * *

COUNTY OF WASHTENAW )ss.
STATE OF MICHIGAN )

I certify that this transcript consisting of 42 pages, is a true and accurate transcription to the best of my ability of the proceeding in this case before Honorable Timothy P. Connors as recorded by the clerk.

Proceedings were recorded and provided to the transcriptionist by the Circuit Court and this certified reporter accepts no responsibility for any events that occurred during the above proceedings, for any inaudible and/or indiscernible responses by any person or party involved in the proceeding or for the content of the recording provided.

Dated: June 24, 2011

Sandra Traskos, CER 7118

**EXHIBIT 4**

# Michigan Campaign Statement Contributions

- Committee Name: RETAIN JUDGE TIMOTHY P CONNORS
- Statement Type: PRE-GENERAL CS
- Statement Year: 2012
- Schedule: All

Matches 1-100 of 414 [Next 100 Matches >>]

| Receiving Committee Name<br>Committee ID-Type | Schedule Type<br>Description | Received From<br>Address<br>Occupation-Employer | City<br>State Zip | Date | Amount | Cumul |
|---|---|---|---|---|---|---|
| RETAIN JUDGE TIMOTHY P CONNORS<br>508717-CAN | DIRECT | *RICHARD SOBLE*<br>12 GEDDES HTS<br>ATTORNEY-SOBLE ROW KIRCHBAUM LLP | ANN ARBOR MI 48104-0000 | 08/16/12 | $3,400.00 | $3,400.00 |
| RETAIN JUDGE TIMOTHY P CONNORS<br>508717-CAN | DIRECT | *DEBORAH A. LABELLE*<br>1330 ORKNEY DR<br>ATTORNEY-DELOOF HOPPER DEVER & WRIGHT P | ANN ARBOR MI 48103-0000 | 09/04/12 | $3,400.00 | $3,400.00 |
| RETAIN JUDGE TIMOTHY P CONNORS<br>508717-CAN | DIRECT | *MICHAEL L. PITT LIVING TRUST*<br>8019 CONCORD<br>ATTORNEY-PITT MCGEHEE PALMER RIVERS & G | HUNTINGTON WOODS MI 48070-0000 | 07/09/12 | $500.00 | $500.00 |
| RETAIN JUDGE TIMOTHY P CONNORS<br>508717-CAN | DIRECT | *PATRICIA A. STREETER*<br>45033 HORSESHOE CIRCLE<br>ATTORNEY-LAW OFFICE OF PATRICIA STREETE | CANTON MI 48187-0000 | 10/18/12 | $250.00 | $250.00 |

**EXHIBIT 4**

| | | | | | |
|---|---|---|---|---|---|
| RETAIN JUDGE TIMOTHY P CONNORS 508717-CAN | DIRECT | *MOLLY RENO* 10365 FIELDCREST DR. | BRIGHTON MI 48116-0000 | 10/13/12 $100.00 | $100.00 |
| RETAIN JUDGE TIMOTHY P CONNORS 508717-CAN | DIRECT | *CARY S. MCGEHEE* 13161 BORGMAN AVE. | HUNTINGTON WOODS MI 48070-0000 | 08/09/12 $100.00 | $100.00 |

**LATE CONTRIBUTION REPORT**

**1. Your Committee ID#** 508717
**2. Your Committee Name** RETAIN JUDGE TIMOTHY P CONNORS
**3. Date of Transaction** 10/30/2012
**(Only one Date per Session)**

**ITEMIZED CONTRIBUTIONS**

**Contribution #1**

| | | | |
|---|---|---|---|
| **Contributors Last Name or Organization** | **First Name** | **Occupation** | **Employer** |
| Reno | Molly | Attorney | Molly Reno |
| **Contributors Address** | | **Employer/Business Address** | |
| 10365 Fieldcrest Drive | | 10365 Fieldcrest Drive | |
| **City** | **State** | **City** | **State** |
| Brighton | MI | Brighton | MI |
| **Zip Code** | | **Zip Code** | **Amount** |
| 48116 | | 48116 | 500.00 |

**Contribution #2**

| | | | |
|---|---|---|---|
| **Contributors Last Name or Organization** | **First Name** | **Occupation** | **Employer** |
| Lulgjuraj | Nik | attorney | Nik Lulgjuraj PC |
| **Contributors Address** | | **Employer/Business Address** | |
| 204 Jefferson | | 300 N Main Street Ste 4 | |
| **City** | **State** | **City** | **State** |
| Chelsea | MI | Chelsea | MI |
| **Zip Code** | | **Zip Code** | **Amount** |
| 48118 | | 48118 | 500.00 |