

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER MICHAEL ANGLIN**

STATE OF MICHIGAN            )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Michael Anglin, being competent to testify and after being duly sworn on my oath, states the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. I did not speak during this closed session.

5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: Nov 5, 2010

By: Michael Anglin  
Michael Anglin  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 5 day of November, 2010.

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

Jane Allen  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ  
Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_/

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER SABRA BRIERE**

STATE OF MICHIGAN            )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Sabra Briere, being competent to testify and after being duly sworn on my oath, state the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. Before City Attorney Postema concluded his discussions in closed session, I interjected one comment related to the legal advice discussed by the City Attorney. It took me less than ten seconds to make this comment.

5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: Nov. 1, 2010

By: Sabra Briere  
Sabra Briere  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 1 day of November, 2010.

Jane Allen  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in Washtenaw, County



**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER ANTHONY DEREZINSKI**

STATE OF MICHIGAN        )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Anthony Derezinski, being competent to testify and after being duly sworn on my oath, state the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. I did not speak during this closed session.

5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: Nov 5, 2010

By: Anthony Derezinski  
Anthony Derezinski  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 5 day of November, 2010.

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

Jane Allen  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**MAYOR JOHN HIEFTJE**

STATE OF MICHIGAN        )  
  ss.  
COUNTY OF WASHTENAW)

Mayor John Hieftje, being competent to testify and after being duly sworn on my oath, states the following:

1. I am the Mayor of the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. On July 14, 2010 I received a complaint from a resident about medical marijuana dispensaries and forwarded it to staff at the City and Councilmembers Teall and Higgins. (attached)


5. On or about July 15, 2010, I requested that the City Attorney discuss with the City Council his prior legal advice memorandum dated May 28, 2010 concerning medical marijuana dispensaries and related legal issues in a closed session on July 19, 2010. (I had also initially requested the City Attorney prepare this legal advice memorandum at some point in the spring, 2010.)

5. I did not speak in this closed session.

6. There was no decision made by, or vote taken by, the City Council at this closed session.

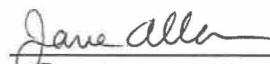
Dated: 11/15, 2010

By:

  
John Hieftje  
Mayor, City of Ann Arbor

Subscribed and sworn to before me this 15 day of November, 2010.

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

## Postema, Stephen

---

**From:** Hieftje, John  
**Sent:** Wednesday, July 14, 2010 4:55 PM  
**To:** Fraser, Roger; Bahl, Sumedh  
**Cc:** Postema, Stephen; Teall, Margie; Higgins, Marcia  
**Subject:** FW: new business at [REDACTED]

Hello:

Do they need to come to the city for this or have they? This is the first I have heard of it.

Let us know ASAP so we can respond in a timely way.

Stephen, let's talk about this.

Thanks,

John

---

**From:** [REDACTED]  
**Sent:** Wednesday, July 14, 2010 4:45 PM  
**To:** Hieftje, John  
**Subject:** new business at [REDACTED]

Hello Major Hieftje –

I was astounded to read this morning in annarbor.com that my new neighbor at [REDACTED] is going to be a medical marijuana dispensary. (This would explain why the workers have refused to tell me what type of business is moving in.)

Unlike the other businesses in the neighborhood, that little plot of land is zoned C1. According to the city's planning code:

5:10.15. C-1 Local Business District.

(1) Intent. A business district designed solely to serve the needs of the surrounding residential neighborhood, providing goods that are day-to-day needs and are classed by merchants as "convenience goods and services." The normal spacing between these shopping districts is approximately 1 mile, and the total land area averages 2 acres. Businesses which might tend to be a nuisance to the immediately surrounding residential development are excluded, even though the goods or services offered might be in the convenience category or classification. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect the abutting or surrounding residential land. To these ends, the regulations establish standards comparable to the standards for residential districts resulting in similar area, height and placement regulations.

I live in the house at [REDACTED]. This business [REDACTED] There is a four-foot-high chain link fence separating us. One of the people working on the property asked me a couple of weeks ago if he could put up a very high wooden fence from the sidewalk about 10 feet back into the property (along the parking lot), but leave up the chain link fence that separates the side of the building from my backyard, 'so no one goes back there and can't be seen.' (The only person that could see them is me, so I guess I'm supposed to be their security system?) The entire length of the building is literally 24 inches from the fence, and all of the windows have been covered up.

I am not the owner of the property; I am a renter. My landlord has been seriously ill, and he may not be able to lodge a complaint.

I do not feel that the proprietors of that business can provide the proper security in a residential neighborhood, especially with the comment they made to me about the chain link fence. I have e-mailed two people in the planning office, and have not gotten a response. [REDACTED] has, for the most part, been a nice, safe place to live. I no longer feel safe there. If there is a break-in in that business, the only escape route for the perpetrators will be my yard. Please enforce the zoning for this lot.

Regards,

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ  
Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR  
COUNCILMEMBER MARCIA HIGGINS**

STATE OF MICHIGAN        )  
                                  ss.  
COUNTY OF WASHTENAW)

Councilmember Marcia Higgins, being competent to testify and after being duly sworn on my oath, states the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. After the City Attorney provided legal advice, I made statements in the closed session related to the legal advice given.

5. No Councilmember further discussed my statements after they were made.

6. I spoke for less than fifteen seconds.

7. There was no decision made by, or vote taken by, the City Council at this closed session.

8. After the closed session, I discussed by telephone with the City Attorney a resolution for the August 5, 2010 meeting involving medical marijuana dispensaries.

9. I then worked with the City Attorney and received input from City staff to finalize a resolution added to the August 5, 2010 City Council Agenda.

9. I also instructed the City Attorney to add three other councilmembers as co-sponsors of the resolution.

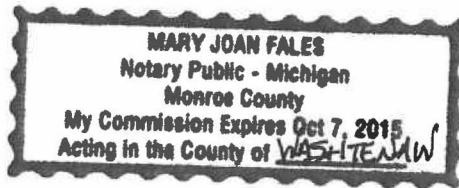
Dated: Nov 8, 2010

By: Marcia Higgins  
Marcia Higgins  
Ann Arbor City Councilmember



Subscribed and sworn to before me this 8<sup>th</sup> day of November, 2010.

Mary Joan Fales  
\_\_\_\_\_, Notary Public  
Residing in \_\_\_\_\_ County  
Acting in \_\_\_\_\_ County



**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER CARSTEN HOHNKE**

STATE OF MICHIGAN            )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Carsten Hohnke, being competent to testify and after being duly sworn on my oath, states the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

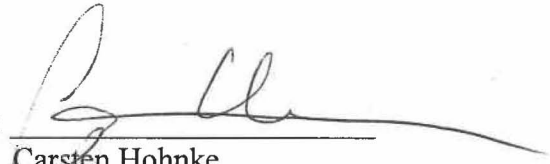
3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. I did not speak during this closed session.

5. There was no decision made by, or vote taken by, the City Council at this closed session.

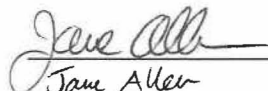
Dated: 11/5, 2010

By:

  
Carsten Hohnke  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 5<sup>th</sup> day of November, 2010.

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ  
Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER STEPHEN KUNSELMAN**

STATE OF MICHIGAN        )  
                                  ss.  
COUNTY OF WASHTENAW)

Councilmember Stephen Kunselman, being competent to testify and after being duly sworn on my oath, state the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. I did not speak during this closed session.

5. There was no decision made by, or vote taken by, the City Council at this closed session.

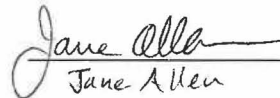
Dated: 11/8, 2010

By:



Stephen Kunselman  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 8 day of November, 2010.



Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ  
Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**CITY ATTORNEY STEPHEN K. POSTEMA**

STATE OF MICHIGAN        )  
                                  ss.  
COUNTY OF WASHTENAW)

City Attorney Stephen K. Postema, being competent to testify and after being duly sworn on my oath, states the following:

1. I am the City Attorney for the City of Ann Arbor.
2. In my capacity as City Attorney, I prepare written attorney-client communications that provide legal advice to the City Council

3. On May 28, 2010, I sent to the Ann Arbor City Councilmembers a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related issues under the Act, particularly the issue of medical marijuana dispensaries.

4. On or about July 15, 2010, Mayor John Hieftje asked me to discuss with the City Council the legal advice I had provided in the May 28<sup>th</sup> memorandum, in a closed session to occur on July 19, 2010.

6. On July 15 and July 16, 2010, I provided additional attorney-client privileged e-mail communications to the City Council, which among other things, provided legal advice regarding medical marijuana dispensaries and moratoria.

7. On July 19, 2010 the City Council voted to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication.

8. As is my practice, I had in my possession the attorney-client communications provided to the City Council and discussed specific portions of the legal advice contained in the May 28, 2010 memorandum and the July 15 and 16, 2010 emails.

9. I spoke for almost all of the closed session.

10. There was no decision made by, or any vote taken by, the City Council at this closed session.

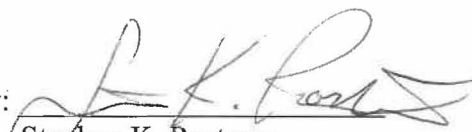
11. After July 19, 2010, I spoke with Councilmember Marcia Higgins on the telephone and discussed a resolution concerning zoning and medical marijuana dispensaries.

12. On July 28, 2010, I sent Councilmember Higgins a resolution for her review prepared by my office; my office further worked on this resolution and had it placed on the Council agenda. Councilmember Higgins requested that three Councilmembers be added as co-sponsors of the resolution.

13. I have reviewed the tape of the August 5, 2010 Council meeting and the Council deliberations on the resolution concerning a moratorium on medical marijuana dispensaries and related issues and it lasted approximately one hour and thirty-six minutes.

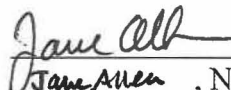
14. The attorney-client privileged communications and documents listed in this affidavit or any Councilmember affidavit are not attached, as they remain privileged. The filing of these affidavits does not waive any privilege, but merely confirms the existence of the documents and provides information concerning OMA compliance.

Dated: November 15, 2010

By:   
Stephen K. Postema  
City Attorney, City of Ann Arbor

Subscribed and sworn to before me this 15 day of November, 2010.

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County



**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER STEPHEN RAPUNDALO**

STATE OF MICHIGAN            )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Stephen Rapundalo, being competent to testify and after being duly sworn on my oath, states the following:

1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. I did not speak during this closed session.

5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: Nov. 5, 2010

By: Stephen Rapundalo  
Stephen Rapundalo  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 5th day of November, 2010.

JANE ALLEN  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER SANDI SMITH**

STATE OF MICHIGAN        )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Sandi Smith, being competent to testify and after being duly sworn on my oath, states the following:


1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

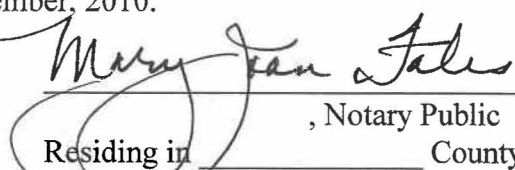
4. I did not speak during this closed session.

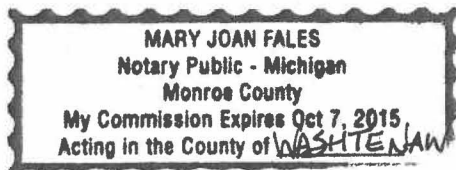
5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: 11/5, 2010

By:   
Sandi Smith  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 5th day of November, 2010.

, Notary Public  
Residing in \_\_\_\_\_ County  
Acting in \_\_\_\_\_ County



**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ  
Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER CHRISTOPHER TAYLOR**

STATE OF MICHIGAN            )  
  ss.  
COUNTY OF WASHTENAW)

Councilmember Christopher Taylor, being competent to testify and after being duly sworn on my oath, states the following:

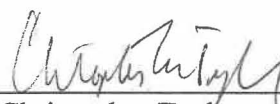
1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

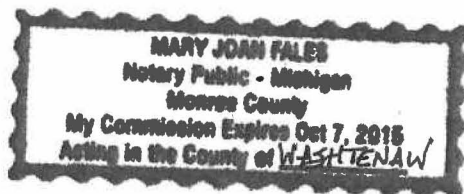
4. I did not speak during this closed session.


5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: Nov, 5, 2010

By:   
Christopher Taylor  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 5<sup>th</sup> day of November, 2010.



, Notary Public  
Residing in \_\_\_\_\_ County  
Acting in \_\_\_\_\_ County

**STATE OF MICHIGAN  
WASHTENAW COUNTY CIRCUIT COURT**

**ANN ARBOR CHRONICLE, LLC,**  
a Michigan Limited Liability Company,

Plaintiff,

Case No. 10-1004-CZ

Judge: Melinda Morris

v.

**CITY OF ANN ARBOR,** a municipal corporation,

Defendant.

\_\_\_\_\_/

Jeffrey A. Hank (P71152)  
Hank Law, PLLC  
P.O. Box 1358  
East Lansing, MI 48826  
(888) 490-8550  
Attorney for Plaintiff

\_\_\_\_\_ /

Stephen K. Postema (P38871)  
Abigail Elias (P34941)  
City of Ann Arbor  
P.O. Box 8647  
Ann Arbor, MI 48107  
(734) 794-6170  
Attorneys for Defendant

**AFFIDAVIT OF CITY OF ANN ARBOR**  
**COUNCILMEMBER MARGIE TEALL**

STATE OF MICHIGAN        )  
                                  ss.  
COUNTY OF WASHTENAW)

Councilmember Margie Teall, being competent to testify and after being duly sworn on my oath, states the following:

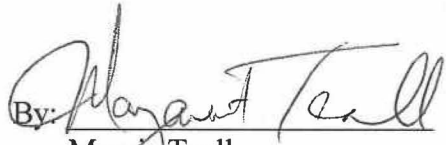
1. I am a City Councilmember for the City of Ann Arbor.
2. I voted on July 19, 2010 to enter into closed session under MCLA 15.268(h) to consider attorney-client privileged communication and was present in the closed session.

3. I had received written attorney-client privileged communications prior to this meeting concerning the subject matter of the closed session. This was a legal advice memorandum dated May 28, 2010 concerning the Michigan Medical Marijuana Act and related legal issues under the Act, particularly the issue of medical marijuana dispensaries and matters related to dispensaries. I also received two additional email attorney-client privileged communications on July 15 and 16, 2010 from the City Attorney which addressed, among other things, legal advice regarding medical marijuana dispensaries and moratoria.

4. I did not speak during this closed session.

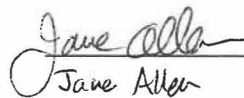
5. There was no decision made by, or vote taken by, the City Council at this closed session.

Dated: Nov. 9, 2010

By:   
Margie Teall  
Ann Arbor City Councilmember

Subscribed and sworn to before me this 9<sup>th</sup> day of November, 2010.

**JANE ALLEN**  
Notary Public, State of Michigan  
County of Washtenaw  
My Commission Expires Jun. 27, 2011  
Acting in the County of Washtenaw

  
Jane Allen, Notary Public  
Residing in Washtenaw County  
Acting in Washtenaw County