

From: James Tamm [<mailto:jetamm@odtlegal.com>]
Sent: Wednesday, September 2, 2015 2:03 PM
To: Richard Bisio <Richard.Bisio@kkue.com>
Cc: Carolyn Rowland <cmrowland@odtlegal.com>
Subject: RE: Bisio v Clarkston - September 9 hearing

Richard,

In your amended complaint, you added FOIA allegations in paragraphs 50 -63 and are seeking declaratory relief. **It is my understanding that your wife filed the FOIA request, not you.** In response to the amended complaint we raised the issue of whether you have standing to assert the FOIA claim, since **you did not submit the request.** You are also seeking declaratory relief in count 3 of the amended complaint based on **your wife's FOIA request.** **The City advised me that you have recently submitted an appeal** under FOIA for certain records that were not produced under FOIA. It seem to me that there is a conflict between pursuing the FOIA claim in your litigation, while simultaneously having **your wife, who is the real party in interest on the FOIA claim, exercise her rights under the statute.** Given these facts, would you withdraw the FOIA allegations and declaratory relief request from the litigation?



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