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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUSAN BISIO,

Plaintiff,

vs.

Case No. 2023-199444-CZ  
Hon. Martha D. Anderson

CITY OF THE VILLAGE OF CLARKSTON,

Defendant.

\_\_\_\_\_  
RICHARD BISIO (P30246)  
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THOMAS J. RYAN, P.C. (P19808)  
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**ANSWER TO PLAINTIFF'S COMPLAINT**

NOW COMES the Defendant, City of the Village of Clarkston, by and through its attorney, Thomas J. Ryan, P.C., and in answer to Plaintiff's Complaint states as follows:

1. Answering paragraph one, Defendant, City of the Village of Clarkston, (hereinafter referred to as "City") admits the allegation as true.
2. Answering paragraph two, Defendant City admits the allegations as true.
3. Answering paragraph three, Defendant City states the statute cited speaks for itself without further response by Defendant herein.

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4. Answering paragraph four, Defendant, City admits this action involves two (2) FOIA requests.

5. Answering paragraph five, Defendant, City admits the allegations as true.

6. Answering paragraph six, Defendant City states the request speaks for itself.

7. Answering paragraph seven, Defendant City admits the allegations as true.

8. Answering paragraph eight, Defendant City states the request and case cited speaks for themselves without further answer by Defendant City.

9. Answering paragraph nine, Defendant City admits the allegations as true.

10. Answering paragraph ten, Defendant City states the statute cited speaks for itself without further response by Defendant City.

11. Answering paragraph eleven, Defendant City admits the allegations as true.

12. Answering paragraph twelve, Defendant City denies the allegations as untrue.

13. Answering paragraph thirteen, Defendant, City of the Village of Clarkston, admits the allegations as true. In further answer, this correspondence dealt with Plaintiff's other FOIA requests.

14. Answering paragraph fourteen, Defendant City admits it responded on February 3, 2023, to Plaintiff's first FOIA request. Unfortunately, an incorrect email address was used [sylvanlaw@aol.com] so the City Attorney was unaware of this response.

15. Answering paragraph fifteen, Defendant City admits the Plaintiff engaged in an email exchange with the City's FOIA coordinator and extended the FOIA response to February 24, 2023.

16. Answering paragraph sixteen, Defendant City states the correspondence from Plaintiff speaks for itself without further response from Defendant City. Further, Plaintiff utilized the former email address ([sylvanlaw@aol.com](mailto:sylvanlaw@aol.com)) for the City Attorney when copying her

correspondence and FOIA requests to the Defendant City and were not received by the City Attorney.

17. Answering Paragraph seventeen, Defendant City admits the correspondence from Plaintiff and the statute cited speaks for itself without further response by Defendant herein. In further response, the Plaintiff copied the City Attorney utilizing his old email address of [sylvanlaw@aol.com](mailto:sylvanlaw@aol.com), which was not received by the City Attorney.

18. Answering paragraph eighteen, Defendant City admits the Plaintiff sent another record request to the City (the "Second Request") and the second request speaks for itself without further response by Defendant City herein. In further answer, the City Attorney was not copied on this request.

19. Answering paragraph nineteen, Defendant City admits the second request speaks for itself without further response by Defendant City.

20. Answering paragraph twenty, Defendant, City admits the second request speaks for itself without further response by Defendant City.

21. Answering paragraph twenty-one, Defendant City states the statute cited speaks for itself without further response by Defendant City.

22. Answering paragraph twenty-two, Defendant City states the statute cited speaks for itself without further response by Defendant City.

23. Answering paragraph twenty-three, Defendant City states the statute cited speaks for itself without further response by Defendant City.

24. Answering paragraph twenty-four, Defendant City denies as untrue and the statute cited speaks for itself without further response by Defendant herein.

25. Answering paragraph twenty-five, Defendant City admits the allegations as true. Unfortunately, an incorrect email address was used [sylvanlaw@aol.com] so the City Attorney was unaware of the response.

26. Answering paragraph twenty-six, Defendant City admits the allegations contained therein. In further response, the Plaintiff copied the City Attorney utilizing his old email address of sylvanlaw@aol.com, which was not received by the City Attorney.

27. Answering paragraph twenty-seven, Defendant City admits the allegations contained therein. The City Clerk copied the City Attorney utilizing an old email address of sylvanlaw@aol.com in the chain of emails, which was not received by the City Attorney.

28. Answering paragraph twenty-eight, Defendant City admits the allegations as true. In further response, the statute cited speaks for itself without further response by Defendant herein. The City Attorney was not copied on this correspondence.

29. Answering paragraph twenty-nine, Defendant City states the correspondence of February 12, 2023 speaks for itself without further answer by Defendant City.

30. Answering paragraph thirty, Defendant City admits the allegations as true. In further response, the City Clerk indicated she was the only employee working in the office that week and was attempting to perform her duties as best she could being a new city clerk. Further, the City Attorney was not copied on this correspondence.

31. Answering paragraph thirty-one, Defendant City admits the allegation as true. The City Attorney was not copied on this email.

32. Answering paragraph thirty-two, Defendant City states the Plaintiff February 20, 2023 correspondence speaks for itself without further response by Defendant City.

33. Answering paragraph thirty-three, Defendant City admits the allegations as true.

34. Answering paragraph thirty-four, Defendant City admits the allegation as true.

35. Answering paragraph thirty-five, Defendant City admits the allegations as true.

36. Answering paragraph thirty-six, Defendant City admits it has not provided all the responsive records to Plaintiff's first request.

37. Answering paragraph thirty-seven, Defendant City admits it has not provided the records requested.

38. Answering paragraph thirty-eight, Defendant City admits the allegations contained therein. In further response, the Plaintiff utilized the City Attorney's old email address ([sylvanlaw@aol.com](mailto:sylvanlaw@aol.com)), which was not received by the City Attorney from Plaintiff; however the City Manager forwarded Plaintiff's email to the City Attorney utilizing the correct email address for the City Attorney.

39. Answering paragraph thirty-nine, Defendant City admits the allegations contained therein because the City Attorney, when reviewing all the correspondence and the threatened litigation advised it would be best not to respond.

40. Answering paragraph forty, Defendant, City of the Village of Clarkston, deny for the reason same is untrue. In further answer: Because of the confluence of events with:

- a. A new city clerk appointed on January 9, 2023;
- b. Her attempting to deal with four (4) FOIA requests by Plaintiff in January and February 2023 and did not have the FOIA experience to ask for an extension properly;
- c. The fact of the small part-time office staff in the City;
- d. The City Manager and City Attorney being on vacation for part of February 2023;
- e. The fact correspondence was supposedly sent to the City Attorney to apprise him of the issues, but was not received by him demonstrate no willful action on behalf of the City, but unfortunate communication issues that are being rectified.

41. Answering paragraph forty-one, Defendant City admits the allegation as true. In further answer, the City is preparing the appropriate supplemental responses to Plaintiff.

42. Answering paragraph forty-two, Defendant City is a request for relief and does not contain factual allegations and no response is required by Defendant herein.

43. Answering paragraph forty-three, is a request for relief and does not contain factual allegations and no response is required by Defendant City herein.

WHEREFORE, Defendant prays this Honorable Court after Defendant City responds to Plaintiff with supplemental information order reasonable attorney fees as agreed by the parties or ordered by the Court consistent with equity and fairness.

Respectfully submitted,

BY: /s/ Thomas J. Ryan  
THOMAS J. RYAN, P.C. (P19808)  
Attorney for Defendant  
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(248) 334-9938  
[sylvanlawtr@gmail.com](mailto:sylvanlawtr@gmail.com)

Dated: April 20, 2023

### CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the MiFile system, which will send notification of such filing to the attorney(s) of record.

/s/ Laura L. Petrusha  
Laura L. Petrusha