

Order

Michigan Supreme Court
Lansing, Michigan

September 25, 2019

Bridget M. McCormack,
Chief Justice

158240

David F. Viviano,
Chief Justice Pro Tem

SUSAN BISIO,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158240
COA: 335422
Oakland CC: 2015-150462-CZ

THE CITY OF THE VILLAGE OF
CLARKSTON,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the July 3, 2018 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the Court of Appeals erred in holding that the documents sought by the plaintiff were not within the definition of “public record” in § 2(i) of the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*; and (2) whether the defendant city’s charter-appointed attorney was an agent of the city such that his correspondence with third parties, which were never shared with the city or in the city’s possession, were public records subject to the FOIA, see *Breighner v Michigan High Sch Athletic Ass’n*, 471 Mich 217, 233 ns 6 & 7 (2004); *Hoffman v Bay City School Dist*, 137 Mich App 333 (1984). The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

The Michigan Press Association, Detroit Free Press, Michigan Municipal League, and Michigan Townships Association are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0918

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 25, 2019

Clerk