

STATE OF MICHIGAN
THIRD CIRCUIT COURT FOR WAYNE COUNTY

JUDICIAL WATCH, INC.,

Plaintiff,

v.

CITY OF DETROIT,

Defendant.

Case No. _____

Hon. _____

COMPLAINT

THE MUISE LAW GROUP, PLLC

Robert J. Muise, Esq. (P62849)

P.O. Box 131098

Ann Arbor, Michigan 48113

(734) 635-3756

rmuise@muiselawgroup.com

Counsel for Plaintiff Judicial Watch, Inc.

COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrence alleged in the Complaint.

NOW COMES Plaintiff Judicial Watch, Inc. (“Judicial Watch”), by and through undersigned counsel, and for its Complaint against Defendant City of Detroit alleges and states as follows:

1. This is an action to enforce the Michigan Freedom of Information Act (“FOIA” or “Act”), MCL 15.231, *et seq.*

2. FOIA was adopted to promote “the public policy of this state that all persons . . . are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees” MCL 15.231(2). “The people shall be informed so that they may fully participate in the democratic process.” *Id.*

The core objective of FOIA “is to provide the people of this state with full and complete information regarding the government’s affairs and the official actions of governmental officials and employees.” *Practical Political Consulting, Inc v Sec’y of State*, 287 Mich App 434, 462; 789 NW2d 178, 192 (2010).

PARTIES, JURISDICTION, AND VENUE

3. Plaintiff Judicial Watch is a 501(c)(3), not-for-profit, educational organization. Judicial watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch’s ongoing efforts to document the operations and activities of local and state governments and to educate the public about these operations and activities.

4. Defendant City of Detroit is a public body pursuant to MCL 15.232(h)(iii). The City of Detroit Department of Health (“Department of Health”) is a municipal entity of Defendant City of Detroit (“City”). The Detroit Animal Care and Control is part of the Department of Health. The public records maintained by the Department of Health and the Detroit Animal Care and Control are subject to disclosure under FOIA.

5. This action is a denial of a request under FOIA, MCL 15.231, *et seq.* This Court has jurisdiction under MCL 600.605 and MCL 240(1)(b), and venue is proper under MCL 600.1615 and MCL 15.240(4).

FACTS

6. On August 14, 2026, Judicial Watch, through William F. Marshall, an employee of Judicial Watch, submitted a FOIA request to the City of Detroit Law Department, FOIA Division,

seeking records from the Department of Health and the Detroit Animal Care and Control. A true and correct copy of Judicial Watch's FOIA request of August 14, 2026 is attached as Exhibit 1.

7. Judicial Watch's FOIA request was properly submitted to the City's FOIA Division pursuant to the procedures established by the City and FOIA for making requests for records from the City, its departments, and associated entities, including the Department of Health and the Detroit Animal Care and Control.

8. Judicial Watch's FOIA request sought the following records:

1. Records reflecting the number of dogs and cats euthanized by Detroit Animal Care and Control from 2010 through 2025 on an annual basis.
2. All directives, memoranda, and protocols received by Detroit Animal Care and Control from the Office of Detroit Health Director Abdul El-Sayed from January 2015 through December 2017 relating to euthanasia of dogs and/or cats.

9. MCL 15.233 provides that a "public record" must be disclosed under FOIA. MCL 15.233(1). See also *Coblentz v City of Novi*, 475 Mich 558, 573, 719 NW2d 73, 82 (2006) ("A FOIA request must be fulfilled unless MCL 15.243 lists an applicable specific exemption.").

10. FOIA further defines "public record" as "a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created." MCL 15.232(i).

11. "Writing" is defined broadly to include any "handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, hard drives, solid state storage components, or other means of recording or retaining meaningful content." MCL 15.232(l).

12. MCL 15.235(2) provides:

Unless otherwise agreed to in writing by the person making the request, a public body shall, subject to subsection (10), respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.
- (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- (d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

13. MCL 15.235(3) provides:

Failure to respond to a request under subsection (2) constitutes a public body's final determination to deny the request if either of the following applies:

- (a) The failure was willful and intentional.
- (b) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference to this act, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page.

14. The City is a public body pursuant to the Act. MCL 15.232(h)(iii).

15. Having received no response from the City, the Department of Health, or the Detroit Animal Care and Control, on October 7, 2026, Judicial Watch, through counsel, sent a letter to the City via email, demanding production of the requested documents by October 13, 2026, noting that time is of the essence. A true and correct copy of this letter is attached as Exhibit 2.

16. As noted in the October 7, 2026, letter,

Included in Judicial Watch's request are relevant records from the Office of Detroit Health Director Abdul El-Sayed, who, as you know, is running for U.S. Senate in Michigan. Accordingly, the disclosure of these records in sufficient time ahead of the November 3, 2026, election is crucial. There is little doubt that when information that is in the public interest becomes stale, it loses its import and impact, and that is particularly true today where the news cycle turns at a rapid rate and where the election is only weeks away.

17. On October 8, 2026, and in response to counsel's email and letter, Ms. Sonia Eckerman, Assistant Corporation Counsel for the City of Detroit Law Department, sent an email to counsel stating, "Thank you for your email. I have requested a status update from our department on the above referenced matter." No documents were produced and no further response was provided as required by the Act. A true and correct copy of this email is attached as Exhibit 3.

18. As of this filing, there has been no response to Judicial Watch's FOIA request nor production of documents by the City, the Department of Health, or Detroit Animal Care and Control as required by the Act. Consequently, Defendant City of Detroit has violated the Michigan Freedom of Information Act.

COUNT I

Violation of the Michigan Freedom of Information Act

19. Plaintiff Judicial Watch incorporates all stated paragraphs.

20. On August 14, 2026, Plaintiff Judicial Watch submitted a valid FOIA request for records to Defendant City of Detroit, a public body under FOIA.

21. Plaintiff Judicial Watch did not receive any response to its FOIA request from Defendant City of Detroit, the City Department of Health, or the Detroit Animal Care and Control.

22. Defendant City of Detroit has violated the FOIA by failing to respond to and/or produce records pursuant to Plaintiff Judicial Watch's FOIA request.

23. Defendant City of Detroit "has arbitrarily and capriciously violated [FOIA] by [its] refusal or delay in disclosing or providing copies of a public record" in response to Plaintiff Judicial Watch's FOIA request. MCL 15.240(7).

24. By failing to respond to Plaintiff Judicial Watch's FOIA request, Defendant City of Detroit "willfully and intentionally failed to comply with [FOIA] or otherwise acted in bad faith." MCL 15.240b.

25. Plaintiff Judicial Watch is entitled to monetary relief under MCL 15.240.

RELIEF REQUESTED

For the reasons set forth above, Plaintiff Judicial Watch respectfully request that this Court:

A. Issue an Order finding that Defendant City of Detroit arbitrarily and capriciously violated FOIA by refusing to respond to and/or produce records pursuant to Plaintiff Judicial Watch's FOIA request;

B. Order Defendant City of Detroit to pay a civil fine of \$1,000.00 pursuant to MCL 15.240(7);

C. Order Defendant City of Detroit to pay punitive damages to Plaintiff Judicial Watch in the amount of \$1,000.00 pursuant to MCL 15.240(7);

D. Find that Defendant City of Detroit willfully and intentionally failed to comply with FOIA or otherwise acted in bad faith by refusing to respond to Plaintiff Judicial Watch's FOIA request and by refusing to produce the requested public records as required under FOIA;

E. Order Defendant City of Detroit to pay an additional civil fine of not less than \$2,500.00 or more than \$7,500.00 under MCL 15.240b;

F. Find that Defendant City of Detroit violated the FOIA by refusing, and thus failing, to produce the requested public records set forth in Plaintiff Judicial Watch's FOIA request;

G. Compel disclosure of all non-exempt materials within the documents/public records sought in Plaintiff Judicial Watch's FOIA request;

H. Award Plaintiff Judicial Watch its actual and reasonable attorney fees, as required by MCL 15.240(6);

I. Award such other relief as the Court deems appropriate.

Respectfully submitted,

THE MUISE LAW GROUP, PLLC

Date: October 14, 2026

/s/ Robert J. Muise

Robert J. Muise, Esq. (P62849)

P.O. Box 131098

Ann Arbor, MI 48113

(734) 635-3756

rmuise@muiselawgroup.com

Counsel for Plaintiff Judicial Watch, Inc.

EXHIBIT 1



**Judicial
Watch®**
*Because no one
is above the law!*

VIA CITY OF DETROIT EMAIL [FOIA@detroitmi.gov]

August 14, 2026

City of Detroit Law Department
FOIA Division
Coleman A. Young Municipal Building
2 Woodward Avenue
Suite 500
Detroit, Michigan 48226

Re: Michigan Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the provisions of the Michigan Freedom of Information Act, MCL § 15.231 *et seq.*, Judicial Watch, Inc. requests records from the City of Detroit Department of Health within five (5) business days, as follows.

1. Records reflecting the number of dogs and cats euthanized by Detroit Animal Care and Control from 2010 through 2025 on an annual basis.
2. All directives, memoranda, and protocols received by Detroit Animal Care and Control from the Office of Detroit Health Director Abdul El-Sayed from January 2015 through December 2017 relating to euthanasia of dogs and/or cats.

For the purposes of this request, the term "Record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function. MCL § 15.232(e). "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content. MCL § 15.232(h)

A response, whether fulfilling or denying this request, must be provided within five (5) business days of receipt of the request. MCL § 15.235(2). In cases where a requested record contains both material that must be disclosed and material exempt from disclosure, the agency must separate the exempt information and make available all other material. MCL § 15.244(1)

Michigan law allows an agency to charge fees for the production of the documents, but these fees are limited to the actual costs of producing the record. In addition, the law grants the authority to waive all or some of the fees associated with a request if releasing the record is primarily in the interest of benefiting the general public. MCL § 15.234(1) Judicial Watch is a 501(c)(3), not-for-profit, educational organization. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of state governments and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through open records laws to the public, and we believe a fee waiver in this instance would be in the public interest. In the event that our request for a fee waiver is denied, please notify us in advance if the expected cost is likely to exceed \$150.00.

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-641-4981 or bmarshall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within five (5) business days. Thank you for your cooperation.

Sincerely,

/signature/

William F. Marshall
Judicial Watch, Inc.

EXHIBIT 2

THE MUISE LAW GROUP, PLLC

P.O. Box 131098 • Ann Arbor, Michigan 48113 • (734) 635-3756

October 7, 2026

Via Email

City of Detroit Law Department
FOIA Division
Coleman A. Young Municipal Building
2 Woodward Avenue
Suite 500
Detroit, Michigan 48226
FOIA@detroitmi.gov

Re: *Judicial Watch, Inc. FOIA Request of August 14, 2026*

Dear Sir or Madam:

We have been retained by Judicial Watch, Inc. (“Judicial Watch”) to assert and protect its rights under the Michigan Freedom of Information Act, MCL 15.231 *et seq.* (“FOIA” or “Act”), related to its FOIA request directed to the City of Detroit Department of Health (“City”) dated August 14, 2026. A copy of this request is attached as Enclosure (1). As of the date of this letter, the City has not provided any response, let alone a single record responsive to this request.

FOIA was adopted to promote “the public policy of this state that all persons . . . are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees . . .” MCL 15.231(2). The core objective of FOIA “is to provide the people of this state with full and complete information regarding the government’s affairs and the official actions of governmental officials and employees.” *Practical Political Consulting, Inc v Sec’y of State*, 287 Mich App 434, 462; 789 NW2d 178, 192 (2010).

As Judicial Watch noted in its FOIA request, “[t]he particular records requested herein are sought as part of Judicial Watch’s ongoing efforts to document the operations and activities of state governments and to educate the public about these operations and activities.” *See* Encl. (1).

Included in Judicial Watch’s request are relevant records from the Office of Detroit Health Director Abdul El-Sayed, who, as you know, is running for U.S. Senate in Michigan. Accordingly, the disclosure of these records in sufficient time ahead of the November 3, 2026, election is crucial. There is little doubt that when information that is in the public interest becomes stale, it loses its import and impact, and that is particularly true today where the news cycle turns at a rapid rate and where the election is only weeks away.

Under the Act, a response, whether fulfilling or denying the request, must be provided within five (5) business days of receipt of the request. MCL 15.235(2). The City failed to do so. Indeed, the City has had more than sufficient time (over 50 days) to process the requested records.

Ltr. to City of Detroit Law Department
October 7, 2026
Page 2 of 2

Because time is of the essence, Judicial Watch demands that on or before the close of business on **Tuesday, October 13, 2026**, the City produce the requested records (receipt in electronic format is acceptable and preferred in light of the circumstances). Otherwise, Judicial Watch will pursue its legal rights and remedies in the Michigan Circuit Court.

We look forward to a prompt and favorable reply.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Muise', with a stylized flourish extending to the right.

Robert J. Muise
Principal Attorney

Enclosure (1) Judicial Watch FOIA Request of August 14, 2026



**Judicial
Watch®**
*Because no one
is above the law!*

VIA CITY OF DETROIT EMAIL [FOIA@detroitmi.gov]

August 14, 2026

City of Detroit Law Department
FOIA Division
Coleman A. Young Municipal Building
2 Woodward Avenue
Suite 500
Detroit, Michigan 48226

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For the purposes of this request, the term "Record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function. MCL § 15.232(e). "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content. MCL § 15.232(h)

A response, whether fulfilling or denying this request, must be provided within five (5) business days of receipt of the request. MCL § 15.235(2). In cases where a requested record contains both material that must be disclosed and material exempt from disclosure, the agency must separate the exempt information and make available all other material. MCL § 15.244(1)

Enclosure (1)

Michigan law allows an agency to charge fees for the production of the documents, but these fees are limited to the actual costs of producing the record. In addition, the law grants the authority to waive all or some of the fees associated with a request if releasing the record is primarily in the interest of benefiting the general public. MCL § 15.234(1) Judicial Watch is a 501(c)(3), not-for-profit, educational organization. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of state governments and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through open records laws to the public, and we believe a fee waiver in this instance would be in the public interest. In the event that our request for a fee waiver is denied, please notify us in advance if the expected cost is likely to exceed \$150.00.

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-641-4981 or bmarshall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within five (5) business days. Thank you for your cooperation.

Sincerely,

/signature/

William F. Marshall
Judicial Watch, Inc.

EXHIBIT 3

From: [Sonia Eckerman](#)
To: rmuise@muise-lawgroup.com
Subject: FOIA 2604127
Date: Thursday, October 8, 2026 2:12:42 PM

Good afternoon:

Thank you for your email. I have requested a status update from our department on the above referenced matter.

My best,

Sonia Eckerman
Assistant Corporation Counsel
City of Detroit Law Department
Freedom of Information Act Section (FOIA)
Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226
Email: sonia.eckerman@detroitmi.gov
Website: <http://detroitmi.gov/law>