

JAMES T. HEOS
DAVID S. MITTELMAN
NOLAN L. ERICKSON
CHRISTOPHER S. FLECHSIG
of Counsel
LAWRENCE D. KAECHELE, P.C.

CHURCHWYBLE PC

ATTORNEYS AT LAW

RETIRED
EDGAR L. CHURCH
(1919-2012)
F. MERRILL WYBLE
(1928-2009)

FINAL NOTICE

June 5, 2014

VIA CERTIFIED POSTAL SERVICE
7012 3050 0002 0111 6661

Bishop Development Company, LLC
Steven Rata
6323 West Saginaw Highway Suite E
Lansing Michigan 48917

RE: Kristin Pohl
Date of Incident: 12/12/2013

Dear Mr. Steven Rata:

This is to **again** advise you that we represent the above-named individual in the matter of personal injuries sustained as a result of a dog bite occurring on December 12, 2013.

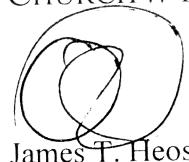
We would **strongly** suggest that you turn this letter over to your insurance carrier **immediately**. Please ask that they acknowledge receipt of same in writing to us.

In the event that you do not carry liability insurance, please contact me directly.

If I do not hear from you within **14 days**, I will take whatever legal action my firm deems necessary in order to protect my client's rights against you, as a result of the aforesaid incident.

Very truly yours,

CHURCHWYBLE, PC



JTH/dlr

PROTECTING THE RIGHTS OF INJURED PEOPLE SINCE 1951

2827 East Saginaw • Lansing, Michigan 48912
Telephone (517) 372-1011 • Toll Free (888) 227-4770 • FAX (517) 372-1031
churchwyble.com

JAMES T. HEOS
DAVID S. MITTELMAN
NOLAN L. ERICKSON
CHRISTOPHER S. FLECHSIG

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May 14, 2014

CHURCHWYBLE PC

ATTORNEYS AT LAW

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EDGAR L. CHURCH
(1919-2012)
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(1928-2009)

Steven Rata
Bishop Development Company, LLC
6323 West Saginaw Highway Suite E
Lansing Michigan 48917

Re: Kristin Pohl
Date of Incident: 12/12/2013

Dear Mr. Rata:

Please be advised that this office represents Kristin Pohlin the matter of personal injuries she sustained as a result of an incident on the above date.

We strongly suggest that you turn this letter over to your insurance carrier immediately. Please ask that they acknowledge receipt of same in writing to the undersigned.

In the event you do not carry liability insurance, please contact the writer directly.

Very truly yours,

CHURCHWYBLE, PC


Christopher S. Flechsig

CSF/dlr

Address of Property: 6280 Bishop Rd.
Lansing, mi 48911

PROTECTING THE RIGHTS OF INJURED PEOPLE SINCE 1951

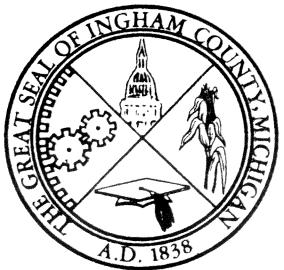
2827 East Saginaw • Lansing, Michigan 48912
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INGHAM COUNTY ANIMAL CONTROL & SHELTER

600 Curtis Street · Mason, Michigan 48854
Phone: (517) 676-8370 · Fax: (517) 676-8380
Web address: ac.ingham.org

May 16, 2014



Anne M. Burns
Interim Director

Michael Bishop
6280 Bishop Rd
Lansing, MI 48911

Re: Freedom of Information Act Request dated May 16, 2014

Dear Mr. Bishop

This is in response to your Freedom of Information Act (FOIA) request which was received in this office on May 16, 2014. Your request was as follows:

I am requesting a copy of the dog bite incident report at 6280 Bishop on December 12, 2013. The injured person is Kristin Pohl.

Your request is partially granted and partially denied. Due to privacy laws, some information had to be redacted. Because this constitutes in part a denial of your request, pursuant to Section 10 of the Freedom of Information Act, you are entitled to appeal any denial of a request and, if you prevail in such an appeal, attorney's fees, costs, and disbursements shall be awarded.

Please find the documents enclosed and submit a check for \$2.83 made payable to Ingham County Animal Control for \$2.68.

Sincerely,

Anne Burns
Interim Director

Enclosure: Section 10 of the Freedom of Information Act
Cc: Becky Bennett, Board of Commissioners

Ingham County Animal Control and Shelter



Complaint #: 18563

Priority:

Received Date: 3/20/2014

Source Type: Telephone

Received Time: 2:39:52 PM

Complaint Type: Bite Case - Stray

Incident Address: 4395 SGrove St, Saint Johns, MI, 48879

Location:

Township:

Involved Persons:

Pohl, Kristin

Date of Birth:

Identifier:

Date: 03/20/2014

Involvement: Victim

Relationship:

Note:

Main Number

Type:

Current

Animals:

Narratives:

Author: HanneyK

Last Update: Thursday, March 20, 2014

#346 was given the contact number for a woman who was bit in December of 2013 and wanted a report a taken. Dispatch advised woman that a bite report could not be taken, but an officer would call her.

#346 made contact with Kristin Pohl, the bite victim. The victim stated that she was bit on the neck by a dog back in December of 2013 and she is in the middle of a civil case with the dog owner and her attorney wanted a police report for the civil case. The victim stated that she was bit in Ingham County near Mt. Hope Rd, but did not know the name or address of the dog owner. The victim then stated that she lives in Clinton County.

#346 asked the owner if Clinton County Animal Control ever was notified about the bite and she then stated that Clinton County had taken a report back in December. #346 advised the victim that Clinton County's report should be sufficient for the civil case. The victim will be contact CCAC.

Dispositions:

Date: 03/20/2014 **Spoke w/Complainant** **Hanney, Kyle**

Date: 03/20/2014 **No Action Taken** **Hanney, Kyle**

Employees:

Citations:

Dispatch Detail:

Unit:	346	Assigned	Dispatched	Arrived	Cleared
Date	03/20/2014	03/20/2014	03/20/2014	03/20/2014	03/20/2014
Time	11:31 am	12:33 pm	2:40 pm	2:49 pm	

Numbers:

Followup:

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240 Options by requesting person; appeal; orders; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

- (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
 - (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
 - (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.
- (2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:
 - (a) Reverse the disclosure denial.
 - (b) Issue a written notice to the requesting person upholding the disclosure denial.
 - (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b).
- (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or

to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter *de novo* and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997

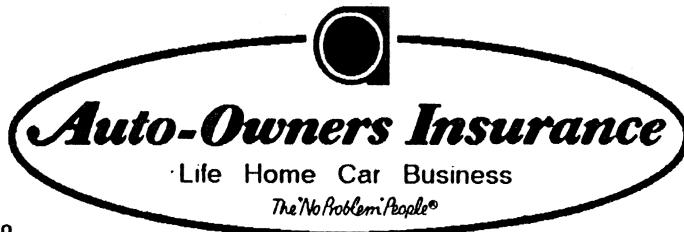
Popular Name: Act 442

Popular Name: FOIA

LEBUDA-SIMONS-BRAY AGENCY INC
PO BOX 13157
LANSING, MI 48901

04-30-2009

Your agency's phone number is (517) 336-8000



P.O. BOX 30660, LANSING, MICHIGAN 48909-8160 • 517-323-1200
AUTO-OWNERS INSURANCE COMPANY
AUTO-OWNERS LIFE INSURANCE COMPANY
HOME-OWNERS INSURANCE COMPANY
OWNERS INSURANCE COMPANY
PROPERTY-OWNERS INSURANCE COMPANY
SOUTHERN-OWNERS INSURANCE COMPANY

BISHOP DEVELOPMENT CO LLC
STEVE FATA
6323 W SAGINAW HWY STE E
LANSING, MI 48917-2492

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If your policy is an audited policy, the billing of the audit premium will be included in your regular premium billing account. This premium is due in full upon billing and failure to pay as billed may result in the cancellation of all policies on the billing account. If you have questions on your audit or about your insurance needs, please contact your agent at the telephone number shown at the top of this letter.

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~ *Serving Our Policyholders and Agents for More Than 90 Years* ~



Ingham County Animal Control
600 Curtis Street * Mason * Michigan * 48854
(517) 676-8370 Fax (517) 676-8380
www.ingham.org/ac

Request for Disclosure of Public Record

Date of Request: 5/16/14

Requested By:

Name: Michael Bishop, Bishop Development
Address: 10280 Bishop Rd.
Lansing, MI 48911
Telephone: 321-2114

Nature of Request and Description of Public Record Sought:

Dog bite incident at 10280 Bishop rd. on
December 12, 2013. Injured person is
Kristin Pohl. We would like a copy of
the incident report for insurance purposes.

Thanks you

Date: 5/16/14 Requestors Signature: Michael Bishop

Requestors: **Please be advised there is a fee for this request.** The fee varies for each request depending on the amount of time and the type and quantity of material requested. Any requests of \$25 or more you will receive a phone call advising you of this. If you feel this will be a hardship please contact Animal Control @ 517-676-8370 #1.

14 MAY 16 PM 3:15

FREEDOM OF INFORMATION PHOTOCOPYING REQUEST

Date Requested: 5/16/2014
Date Received 5/16/2014
Information Requested by: **Michael Bishop 6280 Bishop Lansing, MI 48911**

Information Provided by: **Ingham County Animal Control**

Date Provided: 5/16/2014

CALCULATION OF COST

Research/Retrieval/Copying Cost: \$1.15
Hourly Rate of Employee: **\$13.85**
Time Spent (minutes): **5**
(research/retrieval and copying the requested information)

Each Page: \$0.15
Number of Pages: **1**
Copy Rate: **\$0.15**

Postage: \$1.38
Actual Postage: **\$1.38**
Envelope/Other Material: **\$ 0.30**
Hourly Rate of Employee: **\$13.85**
Time Spent (minutes): **0**
(preparing document for mailing)
Copy of disc **\$0.00**

TOTAL COST **\$2.68**

Note:

The cost for time is calculated upon the hourly rate of the lowest paid employee capable of furnishing the information, as per the Freedom of Information Statute. Hourly rate may be obtained by contracting the County Controller.

2013 Rates
Copy Cost: **\$0.15**
Envelope Fee: **\$0.03**