

**STATE OF MICHIGAN
IN THE SUPREME COURT**

AMERICAN CIVIL LIBERTIES UNION OF
MICHIGAN
and PETER ARMSTRONG, SR.,

Plaintiffs-Appellants,

v

CITY OF GRAND RAPIDS,

Defendant-Appellee.

Supreme Court No. 169571

Court of Appeals No. 373417

Kent County Circuit Court
No. 23-008846-CZ

**BRIEF AMICUS CURIAE OF RITA WILLIAMS,
EDITOR OF CLUTCH JUSTICE
IN PARTIAL SUPPORT OF PLAINTIFFS-APPELLANTS**

ORAL ARGUMENT NOT REQUESTED

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STATEMENT OF QUESTIONS PRESENTED

- I. Does the Freedom of Information Act, MCL 15.231 *et seq.*, require a public body to fulfill a request within a reasonable time?**

Amicus curiae answers: Yes.

- II. Was it reasonable for the City of Grand Rapids to fulfill plaintiffs' request thirteen months after plaintiffs paid the good-faith deposit?**

Amicus curiae answers: Not on the record as the Court of Appeals described it.

- III. Did the City's eventual fulfillment of the request moot this case?**

Amicus curiae answers: No.

INTEREST OF AMICUS CURIAE

Amicus curiae Rita Williams is the founder and editor of Clutch Justice, an independent, Michigan-focused accountability journalism publication, and files in her own name.¹ Clutch Justice reports on Michigan courts, prosecutors, and local governments, and it relies on public records, including records requested under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*, to do that work. It does not have an in-house legal department.

Amicus writes because the questions before the Court are not only about the City of Grand Rapids and the plaintiffs. They decide whether a request made to any public body in Michigan carries an expectation about time that a court can enforce. A small publication cannot litigate each delayed request. For a requester like that, the right the Legislature created is worth what the Court says it is worth in cases like this one.

The perspective amicus offers is narrow. Larger news organizations may have the institutional capacity to pursue an overdue request, and media amici have already appeared to speak for the press generally. Amicus speaks to a different part of the picture: what delay does to accountability reporting that is small, independent, and tied to events as they happen. For that work, the time at which a record arrives is part of what the record is worth.

Amicus addresses the three questions in the Court’s July 10, 2026 order. Amicus does not ask the Court to adopt a fixed number of days for fulfillment, and takes no position on the presumptive and outside deadlines that the Court of Appeals declined to adopt. Amicus asks for a reasonableness standard grounded in the text of MCL 15.234(8).

STATEMENT OF FACTS

Amicus draws the facts below from the Court of Appeals’ opinion. *Am Civil Liberties Union of Mich v City of Grand Rapids*, unpublished per curiam opinion of the Court of Appeals, issued December 11, 2025 (Docket No. 373417) (COA Op).

On March 20, 2023, plaintiffs submitted FOIA request 23-0505 to the City of Grand Rapids. The request sought records about the City’s delays in fulfilling FOIA requests. COA Op, p 1.

On April 14, 2023, the City responded. It estimated two hours and fifteen minutes of labor, a fee of \$73.82, and a good-faith deposit of \$36.91. It also gave a time frame for fulfillment of eight to ten months. COA Op, p 1.²

¹Pursuant to MCR 7.312(H)(5), amicus curiae states that (a) no counsel for a party authored this brief in whole or in part; (b) no party and no counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief; and (c) no person or entity other than amicus curiae made such a monetary contribution. Amicus curiae appears in propria persona.

²The Court of Appeals also described the request as one requiring three and a half hours of work. COA Op, p 3. The difference between that figure and the City’s estimate of two hours and fifteen

Plaintiffs appealed to the City’s Committee on FOIA Appeals. The Committee dismissed the appeal for lack of jurisdiction, reasoning that an estimated delay is not a denial and that the request had been granted. COA Op, pp 1–2.

The City produced the records on June 10, 2024. COA Op, p 2. That was nearly fourteen months after the City’s April 14, 2023 response, and, as the Court of Appeals recorded and as this Court’s order frames the question, thirteen months after plaintiffs paid the deposit. COA Op, p 3.

Plaintiffs sued in the Kent County Circuit Court, which granted the City summary disposition. COA Op, p 2. The Court of Appeals affirmed. It held that MCL 15.233(3), which speaks of a “reasonable opportunity” for inspection and examination, does not govern production of copies. COA Op, p 4. It held that MCL 15.234(8), the provision on the time-frame estimate, is the only provision of FOIA that addresses the time for fulfilling a request of this kind. COA Op, p 4. It declined to adopt plaintiffs’ proposed 30-day presumption and 90-day outside deadline, reasoning that doing so would rewrite the statute. COA Op, p 4. It noted that plaintiffs had not alleged an arbitrary and capricious violation under MCL 15.240(7). COA Op, p 3.

On July 10, 2026, this Court ordered oral argument on the application. It directed the parties to address (1) whether FOIA requires a public body to fulfill a request within a reasonable time; (2) whether fulfillment thirteen months after payment of the good-faith deposit was reasonable; and (3) whether fulfillment mooted the case.

STANDARD OF REVIEW

This Court reviews de novo a grant of summary disposition and questions of statutory interpretation, including the interpretation of FOIA. *Mich Open Carry, Inc v Dep’t of State Police*, 330 Mich App 614; 950 NW2d 484 (2019); see COA Op, p 3. Whether a case is moot is a question of law.

SUMMARY OF ARGUMENT

A records request asks for information at a particular time. FOIA information has a shelf life. A record disclosed after the governmental action it could have informed may satisfy a request for documents while defeating the public-accountability function for which the Legislature created the right of access. The Court’s three questions ask whether the statute takes that into account. It does.

On the first question, MCL 15.234(8) requires a public body to give a “best efforts estimate” of the time “to comply with the law in providing the public records.” The estimate is “nonbinding,” but it must be given “in good faith,” and the public body must “strive to be

minutes does not matter to the argument below, and amicus uses the City’s figure because it is the one stated in the City’s own response.

reasonably accurate and to provide the public records in a manner based on this state’s public policy under section 1.” The statute adds that giving an estimate does not relieve the public body of any other requirement of the act. Those words assume that when records arrive is part of what the law requires. MCL 15.240(7) points the same way, because it recognizes that a public body can violate FOIA by “delay.” The resulting rule is not a deadline. It is a reasonableness standard whose benchmark is the public body’s own estimate. A substantial departure from that estimate is not a violation in itself, but it calls on the public body, which alone holds the facts, to explain it.

On the second question, the record as the Court of Appeals described it shows production several months after the far end of the City’s own estimate, for a request the City priced at about two and a quarter hours of labor, and the opinion identifies no explanation. On the third, production does not moot the case. The question is one of public significance that is likely to recur and to evade review. *Federated Publications* declined to apply that exception for reasons that do not apply to requesters, and the party that ended the controversy here is the party resisting review.

ARGUMENT

I. **FOIA requires a public body to fulfill a request within a reasonable time.**

The Court of Appeals did not hold that the Legislature wanted records produced whenever it suits the public body. It held that the only provision of FOIA that speaks to timing for a request like this one is MCL 15.234(8), and that the provision supplies an estimate but no standard against which actual performance can be measured. COA Op, p 4. Amicus agrees that Section 4(8) is the right place to look. The error lies in what the court found there.

A. **Section 4(8) estimates the time to “comply with the law,” which assumes that compliance has a time dimension.**

When a fee will exceed \$50, a public body may require a good-faith deposit, and its response must include a “best efforts estimate” of the time frame it will take to provide the records. MCL 15.234(8). The Legislature described what is being estimated: the time “to comply with the law in providing the public records.” *Id.*

That phrase matters. The public body is not asked to say how long it would like to take. It is asked to say how long compliance with the law will take. An estimate of that kind makes sense only if compliance can come sooner or later, and only if the law cares which. If the law were indifferent to when records arrive, there would be nothing for the public body to estimate and no reason for the Legislature to require the estimate in the response that asks the requester to pay.

B. “Nonbinding” does not mean unreviewable. “Good faith” and “reasonably accurate” are the standard.

The City will point to the word “nonbinding.” MCL 15.234(8). Amicus does not dispute it. The estimate is not a deadline, and a public body that misses it for a good reason has violated nothing. But the Legislature did not stop at “nonbinding.” It required that the estimate be given “in good faith” and that the public body “strive to be reasonably accurate.” *Id.*

Accuracy is a relationship between a prediction and what happens. An estimate cannot be reasonably accurate, or inaccurate, except by comparison with actual performance. A public body told to strive for accuracy has been told that the outcome matters. This Court reads a statute to give effect to every word, phrase, and clause and avoids a reading that makes any part surplusage or nugatory. *State Farm Fire & Cas Co v Old Republic Ins Co*, 466 Mich 142, 146; 644 NW2d 715 (2002); *Shinholster v Annapolis Hosp*, 471 Mich 540, 549; 685 NW2d 275 (2004). A reading under which the sentence is satisfied once a number is written down gives “strive to be reasonably accurate” no work to do.

Amicus does not say that the Court of Appeals’ reading deletes the duty of good faith. The sharper point is that, on that reading, the duty has no apparent consequence. If a public body gives a facially good-faith estimate, misses it by months, and eventually produces the records, nothing in the Court of Appeals’ analysis lets a court ask why. A duty that cannot be examined in the one circumstance in which it matters is a duty that the public body polices for itself.

The same sentence says more. The public body must also strive “to provide the public records in a manner based on this state’s public policy under section 1 and the nature of the request in the particular instance.” MCL 15.234(8). Section 1 is the declaration that the people are entitled to full and complete information “so that they may fully participate in the democratic process.” MCL 15.231(2). In the provision that governs timing for a costly request, then, the Legislature told the public body to carry out production in a way that serves public participation and that takes account of the nature of the request. A public body cannot do that without attention to when the records arrive, because participation happens at particular times and the nature of a request, including what it concerns and what is pending, bears on how long production can wait. This language ties the time of production to the purpose of the act, and it is language the Court of Appeals did not discuss.

C. The structure of the act confirms that timing is part of what it requires.

The act sets an express deadline at the front end. A public body must respond to a request within five business days, with one extension of ten business days. MCL 15.235(2). The Court of Appeals reasoned that the Legislature knew how to write a deadline and did not write one for production. The inference runs the other way just as easily. The Legislature chose a different

instrument for the production stage, where the time needed varies with the request, and it chose to build that instrument from the public body's own estimate, tested by good faith and reasonable accuracy.

Section 4(8) also states that “[p]roviding an estimated time frame does not relieve a public body from any of the other requirements of this act.” MCL 15.234(8). The estimate, in other words, is not a substitute for the act's other commands. Read the City's way, it is exactly that. A public body that responds within five business days, grants the request, states an estimate, and then produces nothing for years would, on the Court of Appeals' analysis, present no timing question at all. That reading rewards a fast response and says nothing about a slow production.

Subsection (11) is a further sign that the Legislature treated the estimate as consequential. It allows a public body that has granted and fulfilled one written request to require a deposit of up to 100% of the estimated fee before it begins a full search for a later request from the same individual, on conditions the statute lists. One of those conditions, in paragraph (c), is that the earlier records were made available “within the time frame estimate described under subsection (8).” MCL 15.234(11)(c). The Legislature thus made a public body's compliance with its own estimate a precondition to a statutory benefit. It would be odd for compliance with the estimate to matter in that setting and to matter nowhere when a requester is the one left waiting. Amicus does not say that this makes every estimate binding. The point is that the Legislature did not treat the estimated time frame as meaningless.

D. FOIA recognizes that delay can violate the act.

If a court finds that a public body “arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record,” it must order a civil fine of \$1,000 and award \$1,000 in punitive damages. MCL 15.240(7). The Court of Appeals noted that plaintiffs did not allege a violation of that kind. COA Op, p 3.

Amicus does not contend that Section 10(7) is the whole of the remedy for delay. The point is what the text assumes. A statute that penalizes a violation of “this act” committed by “delay” assumes that the act contains a norm against delay that a court can apply. The penalty tier is reserved for delay that is arbitrary and capricious. A norm that sits below it, and reaches delay that is merely unreasonable, is what makes that structure coherent. Without that norm, the Legislature would have attached a penalty to a violation the act does not define.

E. The act's purpose and this Court's approach to it point the same way.

The Legislature declared that all persons, with exceptions not relevant here, “are entitled to full and complete information regarding the affairs of government,” and that “[t]he people shall be informed so that they may fully participate in the democratic process.” MCL 15.231(2). This Court

has described FOIA as a prodisclosure statute. *Swickard v Wayne Co Med Examiner*, 438 Mich 536, 544; 475 NW2d 304 (1991).

Participation is present-tense. FOIA information has a shelf life. A record disclosed after the governmental action it could have informed may satisfy a request for documents while defeating the public-accountability function for which the Legislature created the right of access. A hearing, an election, a charging decision, a contract award, a public meeting, a disciplinary proceeding: each is an occasion when a record would have informed the public, and each passes. After it passes, the record still exists, but its value as an instrument of accountability has fallen. That loss is different from a denial, because a denied record can be ordered produced later with its value largely intact, and a delayed one may arrive after the moment it mattered.

The loss falls hardest on small, independent requesters. A newsroom with counsel on staff may be able to pursue an overdue request and absorb the wait. A small publication generally cannot do either. For it, the reasonableness of the time taken is the practical measure of whether the right exists.

The estimate regime also shows where the leverage sits. Once a fee will exceed \$50, the public body may require a deposit of up to half the estimated fee before it proceeds, and it names the time frame in the same response. MCL 15.234(8). A requester who is told eight to ten months has three choices: pay and wait, narrow the request, or give up. The requester has no say in the time frame and has prepaid for the work. If the time frame the public body names is not a benchmark that a court can use, then the requester's payment buys nothing that can be enforced as to time, and the one party who sets the clock is the party who is never asked about it.

F. A reasonableness standard interprets the statute. It does not rewrite it.

The Court of Appeals declined to adopt plaintiffs' proposed 30-day presumption and 90-day outside deadline because the Legislature enacted neither. COA Op, p 4. Amicus shares the concern behind that holding and does not ask the Court to supply a number of days. But the choice the Court of Appeals framed, between a judicially invented deadline and no standard, is not the only choice. The Legislature enacted a standard in the words "good faith" and "reasonably accurate." Enforcing a standard the Legislature wrote is interpretation.

FOIA elsewhere relies on reasonableness without defining it in days. Section 3(3) requires a "reasonable opportunity for inspection and examination." MCL 15.233(3). The Court of Appeals read that provision as limited to inspection, COA Op, p 4, and amicus does not quarrel with that reading here. The point is only that the Legislature knows how to use a reasonableness standard in this act and how courts apply one.

Amicus proposes a standard with four parts.

- (1) Fulfillment must occur within a reasonable time, judged on the circumstances of the request, including its size and complexity, the public body’s resources, and whether the public body communicated changes to the requester.
- (2) The public body’s own Section 4(8) estimate is the benchmark. It is not a ceiling and not a guarantee.
- (3) A substantial departure from the estimate is not itself a violation. It does require the public body to explain the departure, because the public body holds the facts about its search, its review, its staffing, and its backlog, and the requester sees only dates.
- (4) A documented explanation, such as unexpected volume, a third-party notice, an exemption review, or a backlog, is relevant to reasonableness but is not dispositive. A backlog may account for a delay without justifying it. The court asks whether the explanation justifies the delay actually incurred, given the circumstances of the request. A departure that the public body cannot explain at all is not reasonable.

G. The objections that can be anticipated do not change the analysis.

Amicus has not seen the City’s brief and addresses three objections that a public body would ordinarily make.

First, a public body may say that a reasonableness standard burdens it. The standard asks little of a public body that is doing its job. The Legislature already requires a detailed itemization of the fee and a time-frame estimate in the same response. MCL 15.234(4), (8). A public body that did the work to produce a considered estimate already has most of what it needs to explain a departure from it. The standard also takes account of the public body’s resources and the size of the request. A small township with one part-time clerk is measured against its own circumstances, not those of a city with a records department.

Second, a public body may say that the standard invites a lawsuit over every missed estimate. It does not. A departure must be substantial before it calls for an explanation, and a persuasive explanation will weigh heavily in the public body’s favor. Requesters have their own limits as well, because litigation is costly and most will not sue over a modest slip. What the standard changes is the calculation at the margin, when the choice is between assigning the work and letting a request sit.

Third, a public body may say that if the Legislature wanted a timeliness standard, the Legislature should supply it. The Legislature did supply one, in the words “good faith” and “reasonably accurate.” A court that applies those words is doing what the Court of Appeals said it was doing when it declined to add a deadline, which is giving effect to the statute as written. The same fidelity to the text requires that the words the Legislature did enact be applied.

H. The right of access supports the same result.

Section 3(1) gives a requester a right to receive copies of public records. MCL 15.233(1). A right to receive something is a right to receive it at a time that makes receipt meaningful. A court asked to enforce a right of that kind does not need an express deadline to ask whether the public body's performance was reasonable. Courts ask that question routinely when a statute creates a duty without fixing a date. Section 4(8) does not displace that inquiry. By its own terms it leaves the act's "other requirements" in place, and its estimate supplies the benchmark that makes the inquiry easy to conduct.

Courts can administer this standard. The record on a timeliness claim will usually be short: the date of the request, the date and content of the estimate, the date of production, and whatever the public body offers to account for the interval. Courts resolve reasonableness on records like that regularly.

The answer to the first question is yes. FOIA requires fulfillment within a reasonable time, and the benchmark for reasonableness is the estimate that the Legislature required the public body to give.

II. On the record as the Court of Appeals described it, fulfillment thirteen months after the deposit was not reasonable.

Under the standard above, the question is whether the City's performance can be accounted for. On the facts the Court of Appeals recites, it cannot.

The City estimated two hours and fifteen minutes of labor. It gave a time frame of eight to ten months. COA Op, p 1. It produced on June 10, 2024, nearly fourteen months after its response and, as the Court's order frames the question, thirteen months after the deposit. COA Op, pp 2–3. Production therefore came several months after the far end of the City's own estimate.

Two observations follow. First, the estimate was already long. Eight to ten months for a request the City itself priced at about two and a quarter hours of work is a period a court may ask about when it applies the "reasonably accurate" requirement. Amicus does not suggest that the estimate was given in bad faith. That is a question the standard permits a court to ask, and the Court of Appeals did not reach it. Second, a requester who accepted that estimate and paid the deposit in reliance on it had a basis to plan around it, and the City then went beyond it.

The Court of Appeals' opinion identifies no explanation for the interval: no unexpected volume, no third-party notice, no exemption review, no documented backlog. Amicus has not seen the full record and does not claim that no explanation exists. If the City has one in the record, the standard directs the Court to it. If it does not, the standard produces an answer: a substantial, unexplained departure from the public body's own estimate is not reasonable. At a minimum, the City was not entitled to summary disposition on a record that shows the gap and no reason for it.

Because the Court of Appeals did not apply a reasonableness standard, the proper disposition is to vacate its judgment and remand for that analysis.

The benchmark matters for a further reason. A reasonableness inquiry that looked only at the total elapsed time would invite argument about what any fixed period is worth. Measuring against the public body's own estimate avoids that argument. The City said what it expected, a court can see what happened, and the difference is a fact the City is in a position to explain. That is a narrower and fairer inquiry than one that asks a court to decide, in the abstract, how long a request of this kind ought to take.

The interval is also long when measured against what happens in a local government. In thirteen months a municipal body completes a budget cycle, holds a long series of public meetings, and makes decisions that a record might have informed. A request for records about how a public body is performing is most useful to the public while those decisions are still open. A record that arrives after them is a record of history. That is the shelf-life problem in concrete form.

On remand, the standard would direct the lower courts to ask what the City can show. A city may have a good account: a large backlog documented in its own records, a staffing change, a review of the responsive records for exempt material, or notice to a third party. Each of those is a reason a court can weigh. A bare statement that the request was in the queue is not one, because it describes the delay and does not explain it. Even a documented reason must be weighed against the length of the delay and the nature of the request.

Amicus draws no inference about why the City took the time it did and does not suggest that it acted for any particular purpose. The request here asked for records about the City's handling of FOIA requests. That does not need to be a reason for anything. It does show why a rule that leaves delay unreviewable is a problem in structure: the requests that would test a public body's timeliness are subject to the same delay that they would test.

III. The City's eventual production did not moot this case.

A. The question is one of public significance that is likely to recur and to evade review.

This Court has recognized that a case that is otherwise moot may be decided when it presents an issue of public significance that is likely to recur yet evade review. See *Federated Publications, Inc v City of Lansing*, 467 Mich 98, 112; 649 NW2d 383 (2002). Both parts of that description fit here.

Whether FOIA imposes an enforceable timing obligation affects every request to every public body in Michigan. It will recur. It will also evade review if production moots it. In a timeliness case, the event that ends the controversy, production, is within the defendant's control. A requester who sues while a request is pending will find that litigation takes longer than the delay

it challenges. This case shows it. The request was made in March 2023, production occurred in June 2024, and this Court is considering the question in 2026. If production moots a timeliness claim, no court will reach the merits unless a public body chooses to let it.

B. *Federated Publications* declined to apply the exception for reasons that do not apply to a requester.

The City will rely on *Federated Publications*, which is a FOIA case in which this Court held part of the dispute moot after records were released. Amicus reads that decision to turn on its facts. There, the public body lost in the circuit court, released the records, and then sought review. The Court held that issue moot and declined to apply the exception. As amicus reads the opinion, it gave two reasons: no decision of this Court could make disclosed records undisclosed, and the public body could have preserved the controversy by seeking appellate review before it released the records. *Id.* at 112.

Neither reason carries over. First, the question here is not whether particular records should be disclosed. It is whether the City's delay was lawful and what standard governs every later request. A decision can answer that question, and the answer has consequences: it decides whether the Legislature's remedies for delay are available, and it settles the standard that public bodies and requesters will follow. Second, the party seeking review in *Federated Publications* held the key to the mootness. The public body could keep the records while it appealed. A requester has no equivalent course. The only way for a requester to keep a timeliness dispute alive until it is decided is to refuse the records, which is the thing the requester asked for and the thing the public body controls. Plaintiffs here did what a requester can do: they sought review while the request remained outstanding. The City then produced the records while the case was pending. The requesters did not extinguish the controversy they asked the courts to resolve.

C. The party that ended the controversy is the party resisting review.

This Court has also declined to apply the public-significance exception where the party seeking review brought about the mootness by its own volitional conduct. See *People v Richmond*, 486 Mich 29, 37–38; 782 NW2d 187 (2010). The limit has a purpose. A party should not be allowed to create a moot controversy and then ask the Court to decide it anyway. The City stands on the other side of that line. It is the party that produced the records, and it is the party that now says the production ended the case. Applying the exception here does not reward anyone for manufacturing mootness. It declines to let the defendant do so.

D. FOIA ties remedies to delay, and production does not erase them.

The Legislature authorized a civil fine and punitive damages for a violation of the act “by refusal or delay.” MCL 15.240(7). Producing the records ends the delay. It does not undo it. To the

extent the claims properly before the Court include relief that the Legislature attached to delay, production cannot have mooted the claim to that relief. Amicus leaves it to the parties to say what relief the pleadings seek. The structural point is that a public body's production after the fact is the end of the delay, not the end of the question whether the delay was lawful.

E. A rule of automatic mootness would create the wrong incentives.

If production before judgment ends every timeliness case, a public body that delays faces no review of the delay as long as it eventually produces. The structure rewards the course of delaying until sued and then producing. Amicus does not accuse the City of following that course. The concern is the incentive a rule would create, and the Court should decide the question with that incentive in view.

A related consideration concerns the Court's own role. A question about the meaning of a statute that governs every records request in the state should be answered when it is presented in a live case with a developed record, not left to be presented again by a requester who has the means and the time to reach this Court before the public body produces. Few requesters will have both. If this question is not decided here, it may not be decided soon.

The incentive operates unevenly. Institutional litigants may pursue an issue after production in order to establish a rule for the future. A small, independent requester usually cannot. If production ends the inquiry, only the best-resourced requesters will ever be able to test whether a public body's delay was lawful. That result does not fit a statute that declares that "all persons" are entitled to full and complete information about the affairs of government. MCL 15.231(2). The answer to the third question is no.

CONCLUSION AND RELIEF REQUESTED

For these reasons, amicus curiae Rita Williams, Editor of Clutch Justice, respectfully asks the Court to hold that (1) FOIA requires a public body to fulfill a request within a reasonable time, assessed on the circumstances of the request and using the public body's estimate under MCL 15.234(8) as the benchmark, with a substantial departure from that estimate requiring the public body to explain it; (2) on the record as the Court of Appeals described it, fulfillment thirteen months after payment of the deposit has not been shown to be reasonable; and (3) the City's eventual production did not moot this case. Amicus asks the Court to vacate the judgment of the Court of Appeals and remand for further proceedings under that standard.

Respectfully submitted,

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WORD-COUNT CERTIFICATION

This brief contains 5,062 words, counting only the statement of facts, standard of review, summary of argument, argument, and relief requested, as MCR 7.212(B) provides.

/s/ Rita Williams

CERTIFICATE OF SERVICE

I certify that on October 23, 2026, I filed the foregoing brief amicus curiae through the MiFILE electronic filing system, which serves registered counsel of record, and that I served a copy by email on every person on the service list for this case, including:

Miriam J. Aukerman (P63165), Robert M. Riley (P72290), Benjamin J. VanderWerp (P84614), and Lauren E. Babbage (P85816), counsel for plaintiff-appellant American Civil Liberties Union of Michigan;

Bonsitu A. Kitaba-Gaviglio (P78822), counsel for plaintiff-appellant Peter Armstrong, Sr.;

Elizabeth J. Fossel (P41430), Sarah J. Hartman (P71458), and Kendall R. O'Connor (P84036), counsel for defendant-appellee City of Grand Rapids;

H. William Burdett, Jr. (P63185), counsel for amicus curiae Bridge Michigan; and Dr. Alexander Yiannopoulos, amicus curiae.

/s/ Rita Williams
Rita Williams

ADDENDUM: PERTINENT STATUTORY TEXT**MCL 15.231(2)**

It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, 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, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

MCL 15.234(8) (pertinent text)

In either the public body's initial response or subsequent response . . . the public body may require a good-faith deposit from the person requesting information . . . if the entire fee estimate or charge authorized under this section exceeds \$50.00 The response must also contain a best efforts estimate regarding the time frame it will take the public body to comply with the law in providing the public records to the requester. The time frame estimate is nonbinding upon the public body, but the public body shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this state's public policy under section 1 and the nature of the request in the particular instance. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

MCL 15.234(11) (pertinent text)

After a public body has granted and fulfilled a written request from an individual under this act . . . the public body may require a deposit of up to 100% of the estimated fee . . . before it begins a full public record search for any subsequent written request . . . [if] . . . (c) [t]he public records were made available to the individual, subject to payment, within the time frame estimate described under subsection (8)

MCL 15.240(7) (pertinent text)

If the 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 order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record.