

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GOTION, INC.,

Case No. 1:24-cv-00275

Plaintiff,

HON. JANE M. BECKERING

v.

HON. PHILLIP J. GREEN

GREEN CHARTER TOWNSHIP, a Michigan
charter township,

Defendant.

JOINT STATUS REPORT

Plaintiff Gotion, Inc. (“Gotion”) and Green Charter Township (“Township”) through their respective counsel file this joint status report in response to an order from Magistrate Judge Green dated September 23, 2024 (ECF No. 85) to discuss any remaining discovery issues following a meet and confer on the Township’s Motion to Compel Discovery (ECF No. 60).

The parties met and conferred on the subject matter of the above motion twice on September 27, 2024 (in-person and via video conference) for roughly 1.5-2 hours and briefly on September 30, 2024 (telephone) for about 10 minutes and were able to successfully narrow most discovery issues. The narrowed discovery issues identified in the Township’s Motion to Compel Discovery (ECF No. 60) and corresponding brief in support (ECF No. 61) are summarized below.

1. **Supplemental Searches:** For the Township’s Requests for Production of Documents (ECF No. 61-2, PageID.623-31) generally, Gotion is performing further searches of applicable individual e-mails and other communications (e.g., text messages) in response to the Township’s concerns related to prior search methods (e.g., only two

Gotion employees searching e-mails, texts, and SharePoint Files; (ECF No. 66, PageID.699)).

2. **Requests for Production Resolution and Narrowing:** The parties were further able to resolve matters with respect to various requests for production and requests to continue depositions in ECF No. 61 as identified below.
 - a. RFP #1 – Gotion will supplement production after an additional search, if necessary.¹
 - b. RFP #2 – Gotion will supplement production after an additional search, if necessary.
 - c. RFP #3 – Gotion will review links previously sent to the Township for “Chats with Chuck” that the Township was not able to access. Gotion will review with its public relations firm (Truscott Rossman) to determine if any recordings of past “Chats with Chuck” are available to produce to the Township.
 - d. RFP #6 – The parties agreed to narrow this request to allow Gotion to provide to the Township all permits related to the clearing, grading, and filling of the Gotion project (“Project”) property as well as communications associated with such permits.
 - e. RFP #7 – The parties agreed to narrow this request to allow Gotion to provide to the Township the most recent construction phasing and permitting schedule of the Project.

¹ For Requests for Production that indicate Gotion will supplement production after an additional search, the parties acknowledge that if an adequate additional search results in no unprivileged and responsive documents, that Gotion has no obligation to provide additional documents other than an updated privilege log, if necessary.

- f. RFP #8 – The parties agreed to narrow this request to limit the definition of “communications” to include only those communications with the entities identified in subparagraphs a-e that pertain to Project timelines, deadlines, milestones, and any notice or allegations of Gotion’s failure to comply with the agreements, with the understanding that Gotion will provide the Township such responsive, unprivileged documents.
- g. RFP #9 – Gotion will supplement production after an additional search, if necessary. Gotion has indicated that it believes no organizational chart requested by the Township exists.
- h. RFP #10 – Gotion will supplement production after an additional search, if necessary.
- i. RFP #11 – Gotion will supplement production after an additional search, if necessary.
- j. RFP #12 – Gotion will supplement production after an additional search, if necessary.
- k. RFP #13 – Gotion will supplement production after an additional search, if necessary.
- l. RFP #14 – Gotion will supplement production after an additional search, if necessary.
- m. RFP #15 – Like RFP #8, the parties agreed to narrow this request to limit the definition of “communications” to include only “those communications with the entities identified in the request that relate to Project timelines, deadlines, milestones, and any notice or allegations of Gotion’s failure to comply with the

agreements,” with the understanding that Gotion will provide the Township such responsive, unprivileged documents.

- n. RFP #16 – Gotion will supplement production after an additional search, if necessary; however, Gotion has indicated that all responsive documents in this category have already been produced.
- o. RFP #17 – Gotion will supplement production after an additional search, if necessary; however, Gotion has indicated that all responsive documents in this category have already been produced.
- p. RFP #18 – Gotion will supplement production, including with a document previously withheld due to confidential and/or proprietary information.
- q. Continued Deposition of James Chapman – Gotion takes no position on the continued deposition of James Chapman and leaves the decision to the Court’s discretion. The parties have submitted a joint stipulation and proposed order to this Court agreeing to a stay of proceedings while the Township’s appeal related to this Court’s entry of a preliminary injunction against the Township is pending before the Sixth Circuit (*see* ECF No. 91). If that stipulation is granted and if Mr. Chapman’s continued deposition is allowed, the parties are stipulating to this deposition occurring following the Sixth Circuit order or mandate, or the lifting of the stay.
- r. Continued Deposition of Charles Thelen – The parties agree that the Township will forego the continued deposition of Charles Thelen assuming Gotion produces the non-disclosure agreement that served as his basis to refuse to answer certain questions during his deposition.

