

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

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**OPINION REGARDING THE CONTEMPT MOTION FILED BY
FORMER GOVERNOR RICHARD SNYDER**

This case is before the Court on the motion filed by former Governor Richard Snyder entitled “Interested Party Richard Snyder’s Motion for (A) An Evidentiary Hearing and (B) An Order Holding the Michigan Department of Attorney General in Contempt and Granting Related Relief” (Docket # 13361, the “Motion”). The Motion alleges that the Michigan Department of Attorney General violated the confidentiality and non-disclosure provisions of several mediation orders entered in this bankruptcy case, by producing a large quantity of protected documents to nine defendants and their attorneys in criminal cases arising from the Flint water crisis.

The Michigan Department of Attorney General (sometimes referred to below as the “Department”) objected to the Motion. The Court held a telephonic hearing on the Motion, and then entered an Opinion and Order on June 17, 2021, entitled “Opinion and Order Regarding Further Proceedings on the Contempt Motion filed by Former Governor Richard Snyder” (Docket # 13390, the “June 17 Order”).

The Court’s June 17 Order addressed the Motion in three ways: (1) it made certain findings and conclusions; (2) it ordered certain relief; and (3) it provided for certain further proceedings regarding the Motion.

After the entry of the June 17 Order, former Governor Snyder and the Michigan

Department of Attorney General filed several more papers relating to the Motion, all of which the Court has reviewed. The Court has considered all of the oral and written arguments made by these parties to date, and all of the papers filed by the parties,¹ as well as other relevant parts of the record in this Chapter 9 bankruptcy case. For the following reasons, the Court now will follow up the June 17 Order with a further order containing the provisions described in this Opinion.

First, the Court reiterates and incorporates into this Opinion, by reference, the provisions of the June 17 Order. Among other things, the Court reiterates all of the following from the June 17 Order:

Initially, the Court notes that the Michigan Department of Attorney General argues that former Governor Snyder lacks standing to bring the Motion. . . . For present purposes, even if former Governor Snyder lacks standing to seek the relief at issue, this Court has the authority to consider whether, as the Motion alleges, the Michigan Department of Attorney General has violated the confidentiality provisions contained in the mediation orders issued by this Court, and if so, to order appropriate remedies for such violation of this Court's orders.

First, as this Court has held previously, “[b]ankruptcy courts have civil contempt powers. Those powers ‘flow from Bankruptcy Code § 105(a) and the inherent power of a court to enforce compliance with its lawful orders.’” *In re City of Detroit, Michigan*, 614 B.R. 255, 264 (Bankr. E.D. Mich. 2020) (quoting *Schubiner v. Zolman (In re Schubiner)*, 590 B.R. 362, 398 (Bankr. E.D. Mich. 2018)). Second, under Bankruptcy Code § 105(a), the bankruptcy court may “sua sponte, tak[e] any action or mak[e] any determination necessary or appropriate to enforce or implement court orders.” *See* 11 U.S.C. § 105(a).

Now that the allegations of the Motion have been brought to

¹ Docket ## 13361, 13375, 13391, 13409 (filed under seal), 13419, 13428, 13434, 13527, 13538, 13605, and 13608.

this Court's attention, the Court will not ignore them. This is so regardless of whether former Governor Snyder has standing.

June 17 Order at 1-2.

Second, the Court reiterates, and will continue in effect, the following injunction contained in the June 17 Order, applicable to the Michigan Department of Attorney General (footnotes in original):

Effective immediately, and unless and until this Court orders otherwise in a future order, the Michigan Department of Attorney General is prohibited from disclosing to any person or entity any information or documents that are covered by the confidentiality provisions of this Court's previous mediation orders. Such confidentiality provisions state the following, applicable to all mediation proceedings in this bankruptcy case:

All proceedings, discussions, negotiation, and writings incident to mediation shall be privileged and confidential, and shall not be disclosed, filed or placed in evidence.²

This prohibition in this paragraph 6 of this Order applies to the entire Michigan Department of Attorney General, and all of its officers, agents, servants, employees, and attorneys, and all other persons who are in active concert or participation with any of the foregoing described persons, including, without limitation, all members of the Flint Criminal Team and all members of the Flint Civil Team.³

June 17 Order at 4-5, ¶ 6 (footnote omitted).

Third, this Court has subject matter jurisdiction over this Chapter 9 bankruptcy case and

² See the Court's mediation orders at Docket ## 322, 542, 8468, 9176, 9964, 10227. A limited exception to the prohibition on disclosure was ordered by this Court in the Order at Docket # 9964.

³ As used in the June 17 Order, and as used in this Opinion, the phrases "Flint Criminal Team" and "Flint Civil Team" have the meaning ascribed to them in the Michigan Department of Attorney General response to the Motion (Docket # 13375) at page 2, paragraph 1.

this contested matter under 28 U.S.C. §§ 1334(b), 157(a) and 157(b)(1), and Local Rule 83.50(a) (E.D. Mich.). This is a proceeding “arising in” a case under title 11, within the meaning of 28 U.S.C. § 1334(b). Matters falling within this category are deemed to be core proceedings. *See Allard v. Coenen (In re Trans-Indus., Inc.)*, 419 B.R. 21, 27 (Bankr. E.D. Mich. 2009) (citing *Mich. Emp. Sec. Comm’n v. Wolverine Radio Co., Inc.*, 930 F.2d 1132, 1144 (6th Cir. 1991)).

Because the Motion asks the Court to interpret and enforce its own mediation orders, this is a proceeding “arising in” a case under title 11. *See In re City of Detroit, Michigan*, 652 B.R. 81, 94 (Bankr. E.D. Mich. 2023); *Palltronics, Inc. v. PALIoT Sols., Inc. (In re Lightning Tech., Inc.)*, 647 B.R. 76, 91-93 (Bankr. E.D. Mich. 2022) (detailed discussion of bankruptcy court’s jurisdiction to interpret and enforce its own orders); *see also In re Chesapeake Energy Corp.*, 70 F.4th 273, 281 (5th Cir. 2023) (citation omitted) (“Within its core jurisdiction, the [bankruptcy] court may also be called upon to interpret the terms of a confirmed reorganization plan.”).

Fourth, the Court finds and concludes that former Governor Snyder does have standing to seek relief enforcing the confidentiality and non-disclosure provisions of this Court’s mediation orders. It is true that he is no longer the Governor of Michigan, having left office in 2019. But the fact remains that former Governor Snyder was a participant in the mediations that occurred in this bankruptcy case, and even in his individual capacity, he is both bound by, and has a legally protected interest in, the protections of the confidentiality and non-disclosure provisions of the Court’s mediation orders.

During the hearing on the Motion, the Department’s attorney admitted that parties who would have standing to seek relief for a violation of the mediation orders include the City of Detroit and “the current office holders within the State of Michigan, anyone who holds those

offices that were involved in the mediation.”⁴ There is no logical reason why former Governor Snyder does not also have such standing now, in his individual capacity.

Fifth, even if former Governor Snyder lacked standing, it would make no practical difference in this case, because the relief the Court will provide, described below, would be the same. As noted in the June 17 Order, quoted above, under this Court’s inherent authority to enforce its own orders, the Court has authority to consider whether the Michigan Department of Attorney General violated this Court’s mediation orders, and if so, what should be done to remedy the violation(s). Similarly, the Court has civil contempt powers. This authority and power may be exercised by this Court on its own motion, regardless of whether former Governor Snyder has standing. And in considering these matters, the Court has discretion to consider, and does consider, the information and arguments brought to the Court’s attention by former Governor Snyder.

Sixth, this Court recently discussed the elements of civil contempt, and reiterates that discussion now:

In *City of Detroit, Michigan*, 614 B.R. at 263-66, this Court discussed the law of civil contempt at length. The Court incorporates that discussion by reference, and adopts it in this Opinion. The Court stated the elements of contempt:

[T]he elements that must be proven for a court to find a party in civil contempt are that (1) the party violated a definite and specific order of the court requiring him to perform or refrain from performing a particular act or acts; (2) the party did so with knowledge of the court’s order; and (3) there is no fair ground of doubt as to whether the order barred the party’s conduct — *i.e.*, no objectively

⁴ Hearing Tr. (Docket # 13407) at 39.

reasonable basis for concluding that the party's conduct might be lawful. And at least as to the first two of these elements, the moving party must prove them by clear and convincing evidence.

If these elements are proven, the accused party may still avoid a contempt finding, by proving that his/her compliance with the order in question was impossible.

Id. at 265-66.

In re City of Detroit, Michigan, No. 13-53846, 2023 WL 6131465 (Bankr. E.D. Mich. Sept. 18, 2023) at *14.

Seventh, all of the necessary elements exist for holding the Michigan Department of Attorney General in civil contempt.

A. The Michigan Department of Attorney General violated “definite and specific” orders of this Court requiring it “to refrain from performing a particular act or acts.” The orders were the mediation orders quoted above and in the June 17 Order, and cited in footnote 3 of this Opinion. All of these orders were definite and specific, in prohibiting the disclosure of any “proceedings, discussions, negotiations, and writings incident to mediation.”⁵ The mediation orders prohibited the Michigan Department of Attorney General, and all other mediation participants, from disclosing any such things.

B. As the Michigan Department of Attorney General has admitted, in substance, it violated the mediation orders in April and May 2021, by giving electronic copies of a large number of confidential, mediation-related documents to third parties — including at least seven non-mediation participants — who were defendants in the state criminal cases then pending in

⁵ See, e.g., Docket # 10227 at 2 ¶3.

the Genesee County Circuit Court and the 67th District Court in Genesee County, Michigan, and their attorneys.⁶

C. As the Michigan Department of Attorney General has admitted, in substance, it participated in the mediations and from the beginning, it had actual knowledge of the mediation orders that it violated.⁷ The first of those mediation orders was entered on August 13, 2013;⁸ the last of those orders was entered on October 13, 2015.⁹

D. There is no fair ground of doubt as to whether the mediation orders barred the foregoing conduct by the Michigan Department of Attorney General.

In its response to the Motion, the Department argues that it erected a “wall” within the Department, which separated into two “teams” the Department attorneys who have done work relating to the Flint water crisis. This “wall” purportedly separated the attorneys who have

⁶ The Court has reviewed a large sample of the documents at issue — well over 1,000 pages —, that were filed under seal (Docket # 13409), and finds that all of those documents were protected from disclosure by the Court’s mediation orders. The Department admits that it produced all of these documents to the nine criminal case defendants. *See, e.g.*, Michigan Department of Attorney General’s Statement in Resp. to Richard Snyder’s June 24, 2021 Suppl. (Docket # 13413) at ¶¶ 1, 4; *see also* Hearing Tr. (Docket # 13407) at 11-12. The nine criminal case defendants are listed in the list of the state court criminal cases in Genesee County, Michigan, in Exhibit A to the Department’s initial written response to the Motion. (Docket # 13375-2 at pdf p. 3):

People v. Agen, Case No. 047372-FH; *People v. Ambrose*, Case Nos. 21-047373-FH & 21-047374-FH; *People v. Baird*, 21-047375-FH; *People v. Earley*, Case Nos. 21-047376-FH & 21-047377-FH; *People v. Lyon*, Case No. 21[-]047378; *People v. Peeler*, 21-047379-FH; *People v. Wells*, Case No. 21047380; *People v. Snyder*, Case No. 21G-00046-SM; *People v. Croft*, Case No. 21G-00047-SM[.]

⁷ *See, e.g.*, Hearing Tr. (Docket # 13407) at 40-41.

⁸ Docket # 322.

⁹ Docket # 10227.

worked on defending civil actions against the State (the so-called “Flint Civil Team”) on the one hand, from the Department attorneys who have worked on the criminal prosecution of former Governor Snyder and others (the so-called “Flint Criminal Team”), on the other hand. According to the Department, its Flint Criminal Team obtained all the documents at issue by serving a subpoena on the Department’s Flint Civil Team. And, the Department says, it was only members of the Flint Criminal Team who disclosed the documents in violation of the mediation orders. And, the Department says, none of the members of the Flint Criminal Team were involved in the mediations in the City of Detroit bankruptcy case, and none of them knew of the mediation orders entered in this case.

The Department does not dispute, however, that members of the Flint Civil Team did work on the Detroit bankruptcy case, were involved in the mediations, and did know of the mediation orders, from the beginning.¹⁰

The Department asks the Court to treat the Flint Civil Team and the Flint Criminal Team as separate entities, for purposes of determining whether the Department is in civil contempt. The Court cannot do so. It does not matter whether the documents at issue were disclosed to third parties by the Flint Criminal Team or by the Flint Civil Team. In either case, the documents were disclosed by a single organization — the Michigan Department of Attorney General. Under Michigan law, that Department is a single organization, headed by the Michigan Attorney General. *See, e.g.*, Mich. Comp. Laws Ann. §§ 16.150 (creating “a department of the attorney general”); 16.104(4)(2) (creating the “Department of Attorney General”); 16.151 (“The head of

¹⁰ Hearing Tr. (Docket # 13407) at 40-41.

the department of the attorney general is the attorney general.”).¹¹ That Department does not become more than one organization when the Attorney General decides to create teams or walls within the Department to try to deal with potential conflicts of interest. The attorneys in the Flint Criminal Team and the attorneys in the Flint Civil Team were all agents of the Department.

Authorized personnel of that Department participated in the Detroit bankruptcy case mediations, actually knew of this Court’s mediation orders, and disclosed the documents to third parties at issue in clear violation of the mediation orders. The knowledge of the mediation orders that attorneys in the Department’s Flint Civil Team had is imputed to the entire Michigan Department of Attorney General. And the entire Department at all times was bound to comply with this Court’s mediation orders. This includes the attorneys in the Department’s Flint Criminal Team. A violation of the mediation orders by any attorney in the Department is deemed a violation by the Department. Whatever other purposes the internal “wall” erected by the Department may serve, it does not allow the Michigan Department of Attorney General to violate this Court’s mediation orders.

These concepts are illustrated by the case of *Demjanjuk v. Petrovsky*, 10 F.3d 338, 353 (6th Cir. 1993). That case was part of extensive litigation over the deportation of John Demjanjuk, an alleged Nazi war criminal. The cited case concerned the following issue, as stated by the court:

The question before the court is whether attorneys in the Office of Special Investigations (OSI), a unit within the Criminal Division of the Department of Justice, engaged in prosecutorial misconduct by failing to disclose to the courts and to the petitioner exculpatory

¹¹ The powers and duties of the Michigan Attorney General are stated in Mich. Comp. Laws Ann., Chapter 14. See Mich. Comp. Laws Ann. §§ 14.28 - 14.35, 14.101, 14.102.

information in their possession during litigation culminating in extradition proceedings, which led to the petitioner's forced departure from the United States and trial on capital charges in the State of Israel. For the reasons stated herein we conclude that OSI did so engage in prosecutorial misconduct that seriously misled the court.

10 F.3d at 339. In the course of its opinion, the court rejected an argument similar to that now being made by the Department in this case. In *Demjanjuk*, the problem was a failure to disclose exculpatory information, rather than the disclosure of documents in violation of a confidentiality and non-disclosure order. But the following reasoning in *Demjanjuk* is instructive for this case:

The Court has also made plain that **the prosecution cannot escape its disclosure obligation by compartmentalizing information or failing to inform others in the office of relevant information.** In *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), **the government made the same “the-right-hand-did-not-know-what-the-left-hand-was-doing” argument as it makes here. The Court was quick to reject this excuse as a justification for withholding exculpatory material. The Court pointed out that “the prosecutor’s office is an entity and as such it is the spokesman for the government.” The Court held that the prosecutor’s office—here OSI—is responsible as a corporate entity for disclosure.**

Id. at 353 (footnote omitted) (emphasis added). The court then quoted the following from the United States Supreme Court’s *Giglio* case:

“In the circumstances shown by this record, neither DiPaoloa’s authority nor his failure to inform his superiors or his associates is controlling. Moreover, whether **the nondisclosure** was a result of negligence or design, **it is the responsibility of the prosecutor. The prosecutor’s office is an entity** and as such it is the spokesman for the Government. **A promise made by one attorney must be attributed, for these purposes, to the Government.** See Restatement (Second) of Agency § 272. See also American Bar Association, Project on Standards for Criminal Justice, Discovery and Procedure Before Trial § 2.1(d). **To the extent this places a burden on the large prosecution offices, procedures and**

regulations can be established to carry that burden and to insure communication of all relevant information on each case to every lawyer who deals with it.”

Id. at 353 n.2 (citation omitted) (emphasis added).

E. The Michigan Department of Attorney General has not alleged, or presented any facts or evidence, that its compliance with this Court’s mediation orders was impossible. That is an affirmative defense to civil contempt, for which the Department has the burden of production and the burden of proof.

The artificial “wall” erected between the Flint Civil Team and the Flint Criminal Team does not support any sort of impossibility defense. There is no valid reason why the Flint Civil Team could not have informed (or reminded) the Flint Criminal Team of this Court’s mediation orders, when the Flint Criminal Team obtained documents from the Flint Civil Team. Nor is there any valid reason why the Flint Criminal Team could not have asked the Flint Civil Team about whether any of the Flint Civil Teams documents were protected by any confidentiality or non-disclosure orders of this Court or any other court. The Department’s attorney admitted as much, in substance, during the hearing on the Motion.¹²

The closest the Department comes to alleging a defense of impossibility is to cite its duty to produce certain documents to former Governor Snyder and the other defendants in the criminal cases. The Department cites the general rule in *People v. Fink*, 574 N.W.2d 28, 31 (Mich. 1998), that “[u]nder due process principles, the prosecution is obligated to disclose evidence that is both favorable to the defendant and material to the determination of guilt or punishment.”¹³ This

¹² See Hearing Tr. (Docket # 13407) at 49.

¹³ See Michigan Department of Attorney General’s Resp. . . . (Docket # 13375) at pdf p. 20.

is like the well-known *Brady* rule, which was established by the United States Supreme Court in the case of *Brady v. Maryland*, 373 U.S. 83, 87 (1963) (“[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”)

The Court takes the Department’s argument to be that the Department could not possibly comply with the confidentiality and non-disclosure provisions of this Court’s mediation orders, because the Department had a legal duty to disclose the documents at issue to the criminal defendants.

There are several flaws in the Department’s argument. First, the Department does not cite *any* particular documents, among the many mediation-related documents it disclosed to third parties, that the Department had a duty to disclose under the *Fink/Brady* rule. Second, the Department does not allege or show that it performed any review whatsoever of the documents it disclosed, to try to determine which documents, if any, were even arguably *Fink/Brady* material that had to be disclosed to the criminal case defendants. Nor, for that matter, does the Department allege or show that it did any review whatsoever to determine which documents were protected from disclosure by this Court’s mediation orders. Rather, the Department simply did a large “document dump” on the criminal defendants, estimated to be four or five million documents as of the date of the hearing on the Motion,¹⁴ without first doing any meaningful review of the documents.

Even if the Department had determined that there were confidential mediation-related

¹⁴ See *infra* note 16.

documents that it had a duty to produce under the *Fink/Brady* rule, the Department did not have to violate this Court's mediation orders. Instead, the Department could have asked this Court for an order granting an exception to the mediation orders, allowing the Department to disclose the particular documents at issue to the criminal case defendants. The Department did not do this.

Eighth, for the above reasons, the Court will enter an order holding the Michigan Department of Attorney General in civil contempt. The question then becomes what remedies the Court should impose for the civil contempt.

As remedies for civil contempt, this Court has authority and discretion to award more specific injunctive relief against the Department, designed to further insure future compliance with the Court's mediation orders. *See Cernelle v. Graminex, L.L.C.*, 539 F. Supp. 3d 728, 737 (E.D. Mich. 2021), *aff'd*, No. 21-1579, 2022 WL 2759867 (6th Cir. July 14, 2022) ("There is no question that the Court has the authority to issue a remedial injunction as part of its 'inherent power to enforce compliance with their lawful orders through civil contempt.' *Shillitani v. United States*, 384 U.S. 364, 370, 86 S.Ct. 1531, 16 L.Ed.2d 622 (1966)."); *see also In re City of Detroit*, No. 13-53846, 2023 WL 6131465, at *15 (Bankr. E.D. Mich. Sept. 18, 2023) ("[G]iven the Court's authority generally to enforce its own orders, *see, e.g.*, 11 U.S.C. §105(a), the Court has authority to enjoin specifically the Respondents' further prosecution of their State Court Lawsuit[.]").

The Court also has authority and discretion to award monetary relief against the Department, for two possible purposes. First, the Court may award monetary relief to compensate the movant, former Governor Snyder, for any injury caused by the violation of this Court's mediation orders. Second, the Court may award monetary relief for the purpose of

coercing the Department to comply in the future with this Court's mediation orders. *See United States v. United Mine Workers of Am.*, 330 U.S. 258, 303–04 (1947) (citations omitted) (“Judicial sanctions in civil contempt proceedings may, in a proper case, be employed for either or both of two purposes; to coerce the defendant into compliance with the court’s order, and to compensate the complainant for losses sustained.”); *Elec. Workers Pension Tr. Fund of Loc. Union* |58, *IBEW v. Gary’s Elec. Serv. Co.*, 340 F.3d 373, 379 (6th Cir. 2003) (same).

As noted above, the Court will continue in effect the specific injunction it previously imposed, in the June 17 Order. That is certainly appropriate under the circumstances.

The Court has considered other possible injunctive relief as a remedy for the Department’s civil contempt. The Court has considered whether to order the third parties who received the confidential mediation-related documents to return them to the Department. But the Court declines to order this, for two reasons. First, it is impractical, because the documents were all in electronic form, and were buried in a much larger quantity of documents produced by the Department in document dumps.¹⁵ Ordering the “return” of the mediation-related electronic documents out of this much larger quantity of documents would unduly burden the third parties, who are entirely innocent of any violation of this Court’s mediation orders. And policing such a “return” of the documents would be difficult at best. Second, this Court does not have personal jurisdiction over the third parties involved, and therefore doubts that an order from this Court directed against them would be enforceable.

For similar reasons, the Court will not order the Department to try to get the documents

¹⁵ By the time of the hearing on the Motion, former Governor Snyder’s attorney estimated that the nine criminal case defendants had received a total of about four or five million documents from the Department. *See Hearing Tr.* (Docket # 13407) at 12. The Department did not dispute this.

back from the third parties.

In addition to the injunctive relief the Court is going to order, the Court finds it appropriate to award limited monetary relief against the Department, for both the compensatory and coercive purposes noted above, in the form of a limited amount of the reasonable attorney fees incurred by former Governor Snyder in preparing, filing, and prosecuting his Motion. Former Governor Snyder has not alleged or shown that he has suffered any particular financial injury, other than attorney fees. And in the Motion, the substantive relief sought by former Governor Snyder for the Department's civil contempt is "sanctions appropriate to coerce the Department's compliance with this Court's orders requiring mediation confidentiality, including, without limitation, awarding [former] Governor Snyder his reasonable attorney fees incurred in bringing this Motion[.]"¹⁶

In exercising its civil contempt powers, the Court has discretion over whether to award monetary relief at all, and over the amount of any such monetary relief. *See, e.g., In re City of Detroit, Michigan*, 2023 WL 6131465, at *16 (citations omitted). The Court finds that a limited award of reasonable attorney fees is necessary and appropriate, both to compensate former Governor Snyder and to coerce the Department to fully comply in the future with the confidentiality and non-disclosure provisions in this Court's mediation orders.

The Court will require the Department to pay former Governor Snyder the reasonable attorney fees he incurred in preparing, filing, and prosecuting the Motion, through the date of filing of the former Governor's motion for leave to file a reply brief, with the reply brief attached, at Docket # 13419. In its discretion, the Court will not award any attorney fees incurred by

¹⁶ *See* Mot. (Docket # 13361) at pdf pp. 12-13.

former Governor Snyder after the date of that filing.

In its separate order, the Court will describe the procedure by which the Court will determine the amount of the reasonable attorney fees to be awarded. That procedure will be similar to the procedure described in L.B.R. 7054-1 (E.D. Mich.).

Because the Court finds that this award of monetary relief against the Department and in favor of former Governor Snyder is necessary and appropriate to coerce the Department in the future into fully complying with this Court's mediation orders, the Court would award that monetary relief even if it concluded that former Governor Snyder lacked standing to bring his Motion.

Other than just described, the Court finds that no further relief is necessary or appropriate.

Ninth, the Court will deny the requests, made by former Governor Snyder and opposed by the Department, to grant former Governor Snyder leave to conduct discovery, and to hold an evidentiary hearing. There is no cause for either discovery or an evidentiary hearing. Neither thing is necessary or appropriate under the circumstances. The Court is able to rule on the Motion, and on this civil contempt matter, on the present record, subject to quantifying the reasonable attorney fees under the procedure the Court will order.

The Court will prepare and enter a separate order that is consistent with this Opinion.

Signed on October 6, 2023



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge