

**STATE OF MICHIGAN
WASHTENAW COUNTY CIRCUIT COURT**

**DEBBIE SCHLUSSEL a/k/a
DEBORAH K. SCHLUSSEL,**

Plaintiff,

Case No. 17-838CZ

v.

Hon. Timothy P. Connors

CITY OF ANN ARBOR,

Defendant.

Daniel J. Lehman (P66126)
Integrated Law Group, PLLC
Attorneys for Plaintiff
31350 Telegraph Rd, Ste 201
Bingham Farms, MI 48025-4366
(248) 882-3906
dlehman@integratedlawgroup.com

AMENDED COMPLAINT

NOW COMES Plaintiff, DEBBIE SCHLUSSEL a/k/a DEBORAH K. SCHLUSSEL, by and through her attorneys, Daniel J. Lehman and The Integrated Law Group PLLC, and for her Amended Complaint, pursuant to MCR 2.118(A)(2), state as follows:

PARTIES

1. Plaintiff Debbie Schlusssel a/k/a Deborah K. Schlusssel (hereinafter referred to as “Schlusssel”) is a lifelong citizen of the State of Michigan and resident of Oakland County. She is a journalist whose work has appeared and/or been cited in The New York Times, the Wall Street Journal, USA Today, the Jerusalem Post, the New York Post, The Detroit News, the

Detroit Free Press, Newsweek, and many other respected mainstream media publications. She has also appeared on and/or been cited by ABC, ABC News, NBC News, CBS News, FOX News, CNN, MSNBC, ESPN, FOX Sports, Al-Jazeera, and Al-Arabiya. She also appears weekly, giving commentary and reports on news, politics, and culture on various radio shows around the United States and on SiriusXM satellite radio. In the past, Schlüssel hosted a Detroit-based radio program for CBS Radio. This is in addition to her popular website, DebbieSchlüssel.com, which has broken many news stories that have gone viral and been picked up by many major media news sources.

2. Defendant City of Ann Arbor (hereinafter, “AA”) is a Michigan municipal corporation and governmental entity established by and operating pursuant to a City Charter permitted and organized under the laws of the State of Michigan, and it is located within Washtenaw County. AA has the authority to sue and be sued in its own name. The Ann Arbor Police Department (hereinafter, “AAPD”) is a division of Defendant City of Ann Arbor. AAPD maintains a separate Freedom of Information Act coordinator and procedure, pursuant to the Michigan Freedom of Information Act, Act 442 of 1976, MCL 15.231 *et seq.* AAPD is charged with the operation of the public safety and policing of Ann Arbor, and promulgates the policies, practices, customs, and usages in furtherance thereof.

JURISDICTION AND VENUE

3. Jurisdiction is proper in this Court, pursuant to the Michigan Freedom of Information Act, Act 442 of 1976, MCL 15.231 *et seq.*, and MCL 15.240(1)(b).

4. Venue is proper in this Court, pursuant to MCL 15.240(4), which requires that an action pursuant to the Michigan Freedom of Information Act against a local public body “is

proper in 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,” and the City of Ann Arbor is located in Washtenaw County.

COMMON ALLEGATIONS

5. Plaintiff re-alleges and incorporates by reference all prior paragraphs in this Complaint as though repeated herein.

6. In 2016, officials of AAPD reported to the press that three Muslim women claimed they were attacked by men in alleged “hate crime” incidents they claimed were a result of the election of President Donald J. Trump.

7. AAPD personnel investigated all three of those complaints and determined—and reported to the press—that at least two of the complaints were fraudulent, and that the women had completely fabricated their stories. (The alleged incident involving the third complainant allegedly occurred in an area away from any cameras and, to date, it has not been confirmed whether or not that incident actually occurred.)

8. In 2017, after the reports of the fraudulent police reports surfaced in the media, Schluskel made several telephone inquiries to various AAPD officials requesting the names of the two “Muslim” women who filed the fraudulent hate crime reports with AAPD, but AAPD did not respond to her calls and voice mail messages.

9. On February 27, 2017, Schluskel sent AAPD a request for information, pursuant to the Michigan Freedom of Information Act, Act 442 of 1976. Schluskel requested the following information:

- the full name of the Muslim woman who claimed that on November 11, 2016, while walking on East William Street near South State Street, she was approached by a White man who threatened to light her hijab on fire if she did not remove it;
- the complete, unredacted police report of the incident regarding the Muslim woman who claimed that on November 11th, while walking on East William Street near South State Street, she was approached by a White man who threatened to light her hijab on fire if she did not remove it;
- any and all Ann Arbor Police Department correspondence, documents, and/or memoranda, whether in writing or in e-mail/electronic form regarding and/or to the Muslim woman who claimed that on November 11th, while walking on East William Street near South State Street, she was approached by a White man who threatened to light her hijab on fire if she did not remove it;
- any and all photos—regardless of whether they are with or without her hijab on—of the Muslim woman who claimed that on November 11th, while walking on East William Street near South State Street, she was approached by a White man who threatened to light her hijab on fire if she did not remove it;
- the full name of the Muslim woman who claimed that, on November 15, 2016, while walking on the 600 block of Liberty Street, she was slashed with something, possibly a safety pin, by a White man of about 45 years old;
- the complete, unredacted police report of the incident regarding the Muslim woman who claimed that, on November 15, 2016, while walking on the 600 block of Liberty Street, she was slashed with something, possibly a safety pin, by a White man of about 45 years old;
- any and all Ann Arbor Police Department correspondence, documents, and/or memoranda, whether in writing or in e-mail/electronic form regarding and/or to the Muslim woman who claimed that, on November 15, 2016, while walking on the 600 block of Liberty Street, she was slashed with something, possibly a safety pin, by a White man of about 45 years old;
- any and all photos—regardless of whether they are with or without her hijab on— of the Muslim woman who claimed that, on November 15, 2016, while walking on the 600 block of Liberty Street, she was slashed with something, possibly a safety pin, by a White man of about 45 years old;

A copy of Schlüssel's FOIA request is attached hereto as "Exhibit A."

10. On March 2, 2017, AAPD responded to Schlüssel's FOIA request, granting the

request in part and denying the request in part. AAPD's response to Schlusssel's FOIA request is attached hereto as "Exhibit B."

11. AAPD released to Schlusssel the entire police report for Halley Beth Bass, who turned out not to be Muslim, and who was charged with filing a false police report. That report, as released to Schlusssel, contained very few redactions, but for personal contact information, such as address and phone number.

12. However, AAPD refused to release the name of the Muslim woman who filed a false police report, and the corresponding police report, Ann Arbor Police Department CR No. 160051924, released to Schlusssel contains many full sentences and entire paragraphs and sections which are heavily redacted, including two sections detailing phone conversations with the woman's attorney, Jim Gallagher, after it has already been discovered and the woman already admitted that she made up the entire incident. These conversations are not entitled to protection from public release. The redacted police report, Ann Arbor Police Department CR No. 160051924—which should be released to Schlusssel with very few redactions, pursuant to her FOIA request—is attached hereto as "Exhibit C."

13. The FOIA documents the AAPD released for the Muslim woman who filed the false police report contained repeated statements made by the woman, her friends, and roommates, admitting that she fabricated the entire complaint and that the alleged hate crime incident she reported to police, never occurred.

14. Further, the FOIA documents the AAPD released regarding the Muslim woman who filed the false police report also contained a request that she be prosecuted and a warrant request for a charge of "Filing a False Police Report."

15. Although the Washtenaw County Prosecuting Attorney prosecuted Halley Beth Bass, the non-Muslim woman who filed a false police report, the FOIA request documents provided to Schlusssel by AAPD show that the Washtenaw County Prosecuting Attorney declined to file similar charges—or any charges whatsoever—against the Muslim woman who committed the same offense.

16. The public deserves to know the name of the woman who filed a false police report, fraudulently claiming that she was the victim of a hate crime and wasting public resources and many hours of police time—as indicated by the police report—investigating her fabricated story.

17. Further, AAPD claims that it is not releasing the unredacted police report and the name of the Muslim woman who filed the false police report because AAPD claims she is a “victim.” She is, however, not a “victim,” but a perpetrator of false police reports. Her actions are no different than those of Halley Beth Bass, who was prosecuted and whose police report was released to Schlusssel with few redactions.

18. Pursuant to Michigan FOIA statutes, Schlusssel is also entitled to all photos and correspondence and all other materials, documents, and information she requested regarding the Muslim woman who fabricated the alleged hate crime, a story which made international news headlines.

19. Moreover, it appears that AAPD and the Washtenaw County Prosecutor have two separate policies regarding hate crime hoax prosecution and release of FOIA records—one for Muslim women, and another for everyone else. But under Michigan FOIA statutes and case law, a public record is a public record, and it cannot be withheld based on the religion of a hate crime hoax perpetrator who got away with it and escaped prosecution for political reasons. AAPD cannot apply *sharia* (Islamic law) to lawful FOIA requests.

COUNT I

Michigan Freedom of Information Act, Act 442 of 1976, MCL 15.231 et seq.

20. Plaintiff re-alleges and incorporates by reference all prior paragraphs in this Complaint as though repeated herein.

21. As previously stated herein, Plaintiff Schluskel is a journalist whose work has appeared and/or been cited in The New York Times, the Wall Street Journal, USA Today, the Jerusalem Post, the New York Post, The Detroit News, the Detroit Free Press, Newsweek, and many other respected mainstream media publications. She has also appeared on and/or been cited by ABC, ABC News, NBC News, CBS News, FOX News, CNN, MSNBC, ESPN, FOX Sports, Al-Jazeera, and Al-Arabiya. She also appears weekly, giving commentary and reports on news, politics, and culture on various radio shows around the United States and on SiriusXM satellite radio. In the past, Schluskel hosted a Detroit-based radio program for CBS Radio. This is in addition to her popular website, DebbieSchluskel.com, which has broken many news stories that have gone viral and been picked up by many major media news sources.

22. Both Defendant City of Ann Arbor and its division, the Ann Arbor Police Department, are “public bodies” as defined by FOIA, MCL 15.232(d), and the public records it maintains are subject to disclosure under the provisions of FOIA.

23. As previously noted herein, Schluskel has requested that AAPD disclose certain documents in its possession and it has made a final determination to deny that request, as indicated in the response of AAPD to Schluskel’s FOIA Request and the heavily-redacted police report for the Muslim woman hate crime hoaxer that it released to Schluskel.

24. Defendant’s explanations are insufficient and illegal, as a matter of law, to justify the

nondisclosure of important public records pertaining to the Muslim woman who filed a false police report alleging a hate crime that she admitted she completely and entirely fabricated.

25. The woman's alleged hate crime was a highly-publicized news story, and the story became a subject of international interest. Schlusssel's FOIA request asks for records of interest pertaining to this story, which the public has a right and interest in seeing.

26. While FOIA does not require that a party have any purpose in requesting public documents, the documents sought are newsworthy and essential to the public's interest in monitoring the actions and conduct of municipalities, prosecutors, and police departments such as AAPD and the Washtenaw County Prosecutor, and the administration of the law by its elected and appointed officials, as well as the false claims of hate crimes perpetrated by residents and/or citizens.

27. The need for public disclosure of the requested information has increased because of the passage of time and because of the actions of officials of AAPD and the Washtenaw County Prosecutor.

28. Schlusssel and the public she serves will be irreparably harmed, absent immediate and full disclosure of the public records sought on this matter of enormous public concern.

29. Schlusssel has no adequate remedy at law to redress the injury she will sustain if she does not receive immediate and full disclosure of the information requested from Defendant and its public safety division, the Ann Arbor Police Department.

WHEREFORE, Plaintiff Debbie Schlusssel respectfully requests that this Honorable Court:

- a) Issue an order compelling the disclosure of all public records sought by Schlusssel,

including the name and entire, unredacted police report of the Muslim woman who filed a false police report, as detailed in Ann Arbor Police Department CR No. 160051924, as well as all photos of the woman, any and all e-mails, text messages, and other documents concerning the alleged incident and false police report as requested in Schlusser's FOIA request;

- b) Declare Defendant's non-disclosure of the requested records violative of FOIA;
- c) Award Plaintiff her actual and reasonable attorney fees and costs, as required by MCL 15.240(6);
- d) Award Plaintiff civil fines pursuant to MCL 15.240(7);
- e) Award Plaintiff additional actual and reasonable attorney fees and costs, as required by MCL 15.240a(6);
- f) Award Plaintiff additional civil fines pursuant to MCL 15.240a(7);
- g) Award Plaintiff further civil fines of at least \$7,500 pursuant to MCL 15.240b; and
- h) Award such other relief as this Honorable Court deems appropriate.

Respectfully submitted,

By: _____
Daniel J. Lehman (P66126)
Integrated Law Group, PLLC
Attorneys for Plaintiff
31350 Telegraph Rd, Ste 201
Bingham Farms, MI 48025-4366
(248) 882-3906
dlehman@integratedlawgroup.com

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