

STATE OF MICHIGAN
IN THE SUPREME COURT

Pat Foster

Plaintiff-Appellant,

v.

John C. Kleuessendorf and
John T. Benson

Defendants-Appellees,

Supreme Court Case No. 154789

Court of Appeals No. 327878

Circuit Court Case No. 13-52422-NZ

Legal Representation:

Pat Foster
Pro persona
6079 Mallard Street
Fennville, Michigan 49408
(269) 561-5268

Tyren R. Cudney (P46638)
Lennon, Miller, O'Connor & Bartosiewicz, PLC
Attorneys for Defendants-Appellees
151 South Rose Street, Suite 900
Kalamazoo, MI 49007
(269) 381-8844

MOTION FOR A SUBPOENA

Now comes Pat Foster to respectfully ask this Court to sign a subpoena to the United Bank in Hopkins, Michigan to produce copies of bank statements for the Committee to Elect Kevin Cronin judge under MCR 2.506(A)(2). This is a public account established under MCL 169.255(1), and is subject to an *"inquiry"* by this litigant for the

purpose of determining prejudicial bias. I respectfully bring this motion under MCR 7.305(1) before this court based upon a conflict within the Michigan statutes, MCL 15.243(r), Exemptions from disclosure under the Freedom of Information Act: "Records of a campaign committee...."

While MCL 15.243(r) closes any ability for the public to request to see the public accounts of a "*campaign committee*", judges and justices sign a waiver for filing campaign finance statements under MCL 169.224(5), and state that if they receive more than \$1,000 during their term on the bench, they will file their campaign finance statements. Most do not. When they leave the bench, if they have never filed any campaign finance reports under MCL 169.224(5), they are allowed to retire under MCL 169.224(8). If they lose an election or just retire, their only obligation is to retire free of any debts, and no one ever sees their campaign finance statements. Under the auditing standards of the American Institute of Certified Public Accountants, the underlying principle of any valid business system is the separation of those who handle the assets from those who account for the assets. This is known as the doctrine of separation of duties. These laws allow judges and justices to do both, resulting in an auditor's need to make an inquiry.

On December 4, 2008, there was a recount on the 2008 general election called for between Kevin Cronin and William Baillargeon for the 48th Judicial Circuit seat. I attended that recount and asked Mr. Cronin if he wanted me as a volunteer, because he only had one volunteer, Jason Watts, the son of the County Clerk, Joyce Watts. He declined. He won the recount, but 53% of the ballots could not be counted. I photographed multiple seals on ballot containers before the recount started.

August 23, 2009, I headed four groups of volunteers to audit that 2008 general election by photographing and counting the ballots in Allegan County. This audit led to

then Attorney General Mike Cox issuing an AG Opinion # 7247 allowing the citizens of the State of Michigan to see and photograph the ballots 30 days after the election has been certified.

On January 10, 2010, the defendants Kluessendorf and Benson purchased the property across Mallard Street from my property and uphill. It had a storm drain running through their front yard that carried water coming down a 43' hill off Blue Goose Avenue, the main street within a platted development known as Recreation Development Subdivision No. 1.

Defendants filled in the storm drain in front of their house placing dams at the point of entry resulting in all of the storm water flowing onto my property. This is the crux of my appeal before this court.

Ganges Township issued building permits on both sides of Blue Goose, which also had storm drains on both the east and west side of the street. The storm drain on the east side sent the water coming down to my property, because it flowed on the south side of Mallard Street through Plaintiff Hudson's drainage ditch until it hit the defendants' blockages. Ganges Township issued permits allowing a builder on the west side of Blue Goose to place a driveway right over the drainage ditch allowing water from the other side of the main street to flow down the road right into my property. I filed a Petition for a Writ of Mandamus to require Ganges Township to comply with the Rules and Regulations of the Allegan County Road Commission, which would require them to dig out the storm drain on the west side of Blue Goose allowing for 12" culverts to be placed under their driveways.

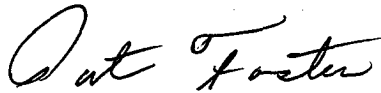
Judge Cronin was chosen to handle that case. He disqualified himself. This was the first time in the eight years since Judge Cronin has been on the bench that he disqualified

himself from anything. Judge Margaret Z. Bakker, the Chief Judge of Allegan County gave the case back to him. He immediately filed a Motion to Disqualify himself. The case is now being handled by Judge Bakker.

Attorneys for the defendant, Ganges Township, filed a Motion for Summary Disposition pointing directly to all of the actions of Judge Cronin against me. I filed a Motion for Adjournment until I could get a subpoena to get copies of Judge Cronin's bank statements for his Campaign Finance Account. That subpoena was returned to me with the word "Declined – mzb 11-16-16."

RELIEF SOUGHT

Appellant requests that the attached subpoenas be signed by a justice of this court to insure that this litigants due process rights are preserved. Thank you!



Pat Foster, Plaintiff – Appellant (CPA)

12-5-2016

Date