

MACKINAC CENTER
LEGAL FOUNDATION

June 11, 2018

Clerk of the Court of Claims
Hall of Justice
925 W. Ottawa St.
Lansing, MI 48909

RE: Written Claim per MCL 600.6431 against Wayne State University

Dear Clerk:

This verified letter is to fulfill the requirements of MCL 600.6431(1) as a written notice against Wayne State University by Dr. Marc Edwards. The nature of the claim is for delays and denials of three Freedom of Information Act ("FOIA") requests which were filed by Dr. Edwards on May 30, 2017 (and subsequently amended by discussion of the two parties), March 1, 2018 and March 3, 2018.

Dr. Edwards seeks complete fulfillment of these three requests, along with penalties, attorney fees, and other costs.

Sincerely,

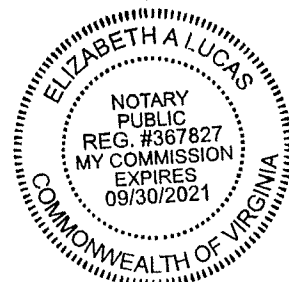
Dr. Marc Edwards

I declare that the statements above are true to the best of my information, knowledge, and belief.

Dated: June 10, 2018

Marc Edwards
Dr. Marc Edwards

Subscribed and sworn to by Marc Edwards before me on the
11th day of June, 2018.
Signature Elizabeth A. Lucas



MACKINAC CENTER LEGAL FOUNDATION — A PUBLIC INTEREST LAW FIRM

140 West Main Street Midland, Michigan 48640 989-631-0900 Fax 989-631-0964 www.mackinac.org

STATE OF MICHIGAN
COURT OF CLAIMS

DR. MARC EDWARDS,
an individual,

Case Number: 18 - - MZ

Plaintiff,

Hon.

v

WAYNE STATE UNIVERSITY,
a Michigan state public body,

Defendant.

Patrick J. Wright (P54052)
Derk A. Wilcox (P66177)
MACKINAC CENTER LEGAL FOUNDATION
Attorneys for Plaintiff
140 West Main Street
Midland, MI 48640
(989) 631-0900

VERIFIED COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

Now comes Plaintiff, DR. MARC EDWARDS, by and through his attorneys, and states the following:

BACKGROUND

The Plaintiff, DR. MARC EDWARDS (“DR. EDWARDS”), is the Charles P. Lunsford Professor of Civil and Environmental Engineering at Virginia Polytechnic Institute and State University (more commonly called Virginia Tech). An expert on water treatment and corrosion,

DR. EDWARDS has become well known in Michigan for being amongst the first scientists to call attention to the problems with the Flint water system. Since April 2015, he has led a team studying water quality in Flint after he had been contacted by LeeAnne Walters. He has worked with Ms. Walters and other residents to document the high levels of lead in the Flint water system. Excerpted from the Virginia Tech website: <https://www.cee.vt.edu/marc-edwards-receives-inaugural-award-from-mit/>

Marc Edwards, a University Distinguished Professor at Virginia Tech, is the recipient of the inaugural Disobedience Award from the MIT Media Lab, along with Mona Hanna-Attisha, Hurley Medical Center's pediatric residency program director, for their "effective, responsible, ethical disobedience across disciplines" regarding their work on exposing widespread lead-in-water contamination in Flint, Michigan.

Working with Flint residents, Edwards, the Charles P. Lunsford Professor of Civil and Environmental Engineering in the College of Engineering at Virginia Tech, and his water study team, executed an unprecedented independent evaluation of water contamination in Flint residents' homes. Together with Hanna-Attisha and Flint resident Lee-Anne Walters, they exposed problems with legionella and lead, vindicated residents' concerns, and brought national attention to the crisis.

In January 2016, both Hanna-Attisha and Edwards were appointed members of Gov. Rick Snyder's Flint Water Interagency Coordinating Committee, which seeks long-term solutions to Flint's water system.

Edwards' role in uncovering the problem has been widely reported by media from around the world, including The New York Times, Smithsonian magazine, Time, The Washington Post, CNN, MSNBC, and Scientific American.

Before Flint, Edwards' investigative science work in the nation's capital exposed elevated lead in drinking water, copper pinhole leaks, and agency scientific misconduct during the Washington, D.C., lead crisis in 2000-2004 and its aftermath.

Edwards was named a MacArthur Fellow in 2007. Among his numerous other accolades are the 2010 Praxis Award in Professional Ethics from Villanova University, a 2013 IEEE Carl Barus Award for Outstanding Service in the Public Interest, a 2016 Smithsonian Institution Innovation Award for Social Progress, and the President's Medal from the American Society of Civil Engineers.

Edwards, the nationally renowned expert on municipal water quality, was named among the most influential people in the world by Fortune, Time, and Politico, and was named one of Foreign Policy magazine's 100 Leading Global Thinkers, all in 2016.

More recently, DR. EDWARDS has questioned the qualifications of an academic who has led the Flint Area Community Health and Environmental Partnership (FACHEP). FACHEP is a team of investigators and experts led by employees of Defendant, WAYNE STATE UNIVERSITY ("WAYNE STATE"). In regards to this, DR. EDWARDS has submitted a number of FOIA requests that have sought information commonly obtained through FOIA – work-related emails, grant proposals, and the like. In response to these FOIA requests, WAYNE STATE has delayed and otherwise been non-compliant, and has ignored certain requests altogether. Additionally, DR. EDWARDS has paid the requested fees for certain emails, yet WAYNE STATE has failed to either produce these paid-for emails or explain their denial. This action seeks a court order compelling WAYNE STATE to respond to these FOIA requests, produce the requested materials, and for suitable penalties.

THE PARTIES, VENUE AND JURISDICTION

1. The Plaintiff, DR. EDWARDS, is an individual who resides in Virginia.
2. The Defendant, WAYNE STATE, is a state agency in Michigan.
3. Venue is proper pursuant to MCL 15.240(1)(b).
4. A written claim, signed before a notary public by the Plaintiff, has been submitted to the clerk of the court of claims along with this verified complaint which meets the statutory requirements found in MCL 600.6431 for a written claim against the state or any of its institutions stating the time when and the place where such claim arose and detailing the nature of the same and of the items of damage sustained:

(1) No claim may be maintained against the state unless the claimant, within 1 year after such claim has accrued, files in the office of the clerk of the court of claims either a written claim or a written notice of intention to file a claim against the state or any of its departments, commissions, boards, institutions, arms or agencies, stating the time when and the place where such claim arose and in detail the nature of the same and of the items of damage alleged or claimed to have been sustained, which claim or notice shall be signed and verified by the claimant before an officer authorized to administer oaths.

A copy of this claim letter has been attached as Exhibit 15.

5. Pursuant to MCL 15.240(5), this action should be “assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.”
6. Pursuant to MCL 600.6419(1)(a), the Court of Claims has jurisdiction over this claim.

VIOLATIONS OF FREEDOM OF INFORMATION ACT

FIRST FOIA REQUEST

7. The Plaintiff hereby incorporates the preceding paragraphs as if fully restated herein.
8. On May 30, 2017, DR. EDWARDS (along with Ms. LeeAnne Walters, who is not a party to this action) submitted his first FOIA request to WAYNE STATE for emails to or from, whether directly or cc or bcc, related to certain Flint water aspects and communications between these public employees and other related figures, for the following individuals:

1. Shawn McElmurry, Ph.D, PE, Lead Principal Investigator
2. Paul E. Kilgore, M.D., M.P.H., Co-Principal Investigator
3. Matthew W. Seeger, Ph.D., Co-Principal Investigator
4. Marcus J. Zervos, M.D., Co-Principal Investigator, Professor in the Department of Medicine and Infectious Diseases at Wayne State University’s School of Medicine.

Exhibit 1.

9. On June 20, 2017, WAYNE STATE Public Relations and FOIA Coordinator, Shawn Wright, Esq., responded via email with an estimated cost to review these emails of \$44,119.70, and requested a 50% payment before producing these. Additionally, Mr. Wright offered: “Alternatively, you may wish to modify your request to limit the scope of

the retrievable emails and the cost of reviewing them. I invite you to engage in that discussion with us. If you wish to do so, please contact me and I will put you in touch with the appropriate person.” Exhibit 2.

10. After subsequent emails between the Mr. Wright and DR. EDWARDS, WAYNE STATE Assistant General Counsel, Thomas Cavalier, Esq., responded and clarified the search criteria and costs. Exhibit 3.

11. On August 21, 2017, after a back-and-forth email discussion, DR. EDWARDS submitted a revision to his first request, with more narrowly-tailored search criteria. Exhibit 4.

12. On September 21, 2017, again after a back-and-forth email discussion, WAYNE STATE provided a new estimate that the requested production would produce an estimated 1,900 emails:

Our electronic email searches retrieved about 1900 emails. In addition to the 1,297 that were retrieved for the Laura Sullivan emails we found 608 when searching for emails mentioning "Florlisa" or "Stebbins". I anticipate that the review of the 1900 emails will take about 30 hours. If you would like a cost estimate for the review of that quantity of emails, rather than further limiting the search, please let me know.

Exhibit 5.

13. On November 2, 2017, WAYNE STATE, via email, provided a cost estimate of \$500, and requested \$250 before the review started. Exhibit 6.

14. On March 9, 2018, WAYNE STATE delivered, via email, its “formal response” to the FOIA request, and stated that some of the emails responsive to DR. EDWARDS’ request(s) had been denied, claiming exemptions:

Your request for the documents that are described in your original FOIA request as subsequently limited is granted except to the extent that it seeks information that is exempt under FOIA, specifically, information of a personal nature, which, if disclosed, would result in an unwarranted invasion of privacy, pursuant to MCL 15.243(1)(a); information that, if disclosed, would prevent the University from complying with the Family Educational Rights and Privacy Act, pursuant to MCL 15.243(2); and intellectual property,

pursuant to MCL 390.1554(1)(a). Your request for exempt information is denied and only non-exempt records are being provided.

Exhibit 7.

15. On March 9, 2018, following full payment of \$500, the 1,297 emails that were retrieved for Dr. Laura Sullivan had still not been provided to DR. EDWARDS, and he stated as such in an email to WAYNE STATE. Exhibit 8.

16. On March 14, 2018, at 12:08 p.m., DR. EDWARDS again inquired, via email, why he had not received the 1,297 promised emails regarding Dr. Sullivan. Exhibit 9 at page 3.

17. On March 14, 2018, at 5:07 p.m., WAYNE STATE replied that, although the \$500 had been paid, this covered the cost of the search and review for applicable exemptions, but that, "Once those emails were located, they are reviewed for applicable exemptions. The fee covers the cost of the labor required to conduct that review." Exhibit 9, *ibid*, at page 2.

18. On March 14, 2018, at 8:01 p.m., DR. EDWARDS, via email, stated that perhaps as many as half or more of the emails related to Dr. Sullivan ("100-800 emails") had not been produced. He further requested, "Can I just ask that you finally produce all the emails I paid you to review, that had the name Laura Sullivan in the body, even if you somehow thought they were not about Laura Sullivan?" Exhibit 9, *ibid*, at page 1.

19. On March 16, 2018, WAYNE STATE replied, in apparent response to the request stated in the previous paragraph, "The emails described in your last sentence have not been reviewed for applicable exemptions. Once they are, I'll advise you of their availability." Exhibit 10.

20. To date, DR. EDWARDS has not received the emails discussed in the previous paragraph, and has not been advised "of their availability."

21. MCL 15.231(2) states:

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.

22. MCL 15.234(8) indicates that a public body may respond to a FOIA request with a good faith estimate as to the cost of the FOIA request. However, the statute further states:

The response shall also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor. 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 policy under [MCL 15.231] and the nature of the request in the particular instance.

23. An unreasonable delay in providing FOIA documents is a denial under MCL 15.235, MCL 15.240(1) and MCL 15.240(7).

24. The May 30, 2017, first FOIA request, which had been revised and narrowed by the parties, was formally granted in part and denied in part on March 9, 2018. On March 16, 2018, WAYNE STATE promised that it would continue to review emails responsive to this request "for applicable exemptions. Once they are, I'll advise you of their availability." To date, no further emails responsive to this request have been provided, nor has DR. EDWARDS been advised on their availability. This unreasonable delay constitutes a denial under MCL 15.235, MCL 15.240(1) and MCL 15.240(7).

25. WAYNE STATE's actions regarding this delay in providing these emails responsive to the May 30, 2017 first request are arbitrary and capricious under MCL

15.240(7) thereby subjecting WAYNE STATE to a civil fine of \$1,000 payable to the general treasury and a separate \$1,000 to Plaintiff.

26. WAYNE STATE's actions regarding this delay in providing these emails responsive to the May 30, 2017, first FOIA request constitute willful and intentional failure to comply under MCL 15.240b, thereby subjecting it to a civil fine of \$2,500 to \$7,500 payable to the state treasury.

27. Pursuant to MCL 15.240(4), the burden of proof for claimed FOIA exemptions is on Defendant WAYNE STATE, and this Court may view the public record(s) in camera before reaching a decision.

28. Pursuant to MCL 15.240(6), DR. EDWARDS, if he prevails, is entitled to attorneys' fees and costs:

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

SECOND FOIA REQUEST

29. The Plaintiff hereby incorporates the preceding paragraphs as if fully restated herein.

30. On March 1, 2018, DR. EDWARDS submitted a second FOIA request to WAYNE STATE for:

1. All emails between Dr. Shawn McElmurry and Ms. Kasey Faust (Purdue University/University of Texas) from 2010 to present...

2. 2 NSF Rapid Proposals Authored by Dr. McElmurry in 2016 which were funded...

3. 2 HHF grants on which Dr. McElmurry is listed as a contributing professor, citing his Flint work."

Exhibit 11. (Note that the text of the request incorrectly has the date of May, 30, 2017; however, the email is correctly dated March 1, 2018.)

31. On March 22, 2018, WAYNE STATE, via email, responded that the cost of processing this second request was \$215.54, and that his request was granted as to “non-exempt public records.” Exhibit 12.
32. On March 23, 2018, DR. EDWARDS sent the check for payment of this second request via Fed Ex. Exhibit 13.
33. As of this date, DR. EDWARDS, despite having paid, has not received any documents responsive to this second request.
34. MCL 15.231(2) states:

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.

35. MCL 15.234(8) indicates that a public body may respond to a FOIA request with a good faith estimate as to the cost of the FOIA request. However, the statute further states:

The response shall also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the public records to the requestor. 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 policy under [MCL 15.231] and the nature of the request in the particular instance.

36. An unreasonable delay in providing FOIA documents is a denial under MCL 15.235, MCL 15.240(1) and MCL 15.240(7).

37. The March 1, 2018, second FOIA request, was paid for on March 23, 2018. Yet, to date, no responsive documents have been received. This constitutes a denial under MCL 15.235, MCL 15.240(1) and MCL 15.240(7).
38. WAYNE STATE's actions regarding this delay in providing these emails responsive to the March 1, 2018, second FOIA request are arbitrary and capricious under MCL 15.240(7) thereby subjecting WAYNE STATE to a civil fine of \$1,000 payable to the general treasury and a separate \$1,000 to Plaintiff.
39. WAYNE STATE's actions regarding this delay in providing these emails responsive to the March 1, 2018, second FOIA request constitute willful and intentional failure to comply under MCL 15.240b, thereby subjecting it to a civil fine of \$2,500 to \$7,500 payable to the state treasury.
40. Pursuant to MCL 15.240(4), the burden of proof for claimed FOIA exemptions is on Defendant WAYNE STATE, and this Court may view the public record(s) in camera before reaching a decision.
41. Pursuant to MCL 15.240(6), DR. EDWARDS, if he prevails, is entitled to attorneys' fees and costs:
42. If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

THIRD FOIA REQUEST

43. The Plaintiff hereby incorporates the preceding paragraphs as if fully restated herein.

44. On March 3, 2018, DR. EDWARDS submitted a third FOIA request to WAYNE STATE for:

1. Emails between McElmurray and Paul Kilgore on the 2015 NIH grant, that discuss the biological hypothesis of the NIH proposal, and Kilgore's work on the project. These emails would be between August 1 and November 1, 2015. Paul Kilgore would have these emails.

2. Emails between McElmurray and co-PI Miller on the 2015 NIH grant, that discuss "McElmurray's" hydraulic and EPANET Flint model of the NIH proposal, and the scope of work. Of course, "McElmurray's" model was stolen from Dr. Kasey Faust's dissertation work. These emails between Miller and McElmurray, would be between late August to November 1, 2015. Co-PI Miller would have these emails.

3. A copy of this presentation. The Challenge of Mitigating Risk Associated with Aging Drinking Water Infrastructre [sic] in Shrinking Cities: Lessons Learned from Flint. McElmurry October 27, 2017 given at Kellogg Conference Center. Dr. McElmurray would have this presentation.

Exhibit 14.

45. To date, WAYNE STATE has not responded to DR. EDWARDS regarding this third FOIA request in any way.

46. MCL 15.231(2) states:

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.

47. MCL 15.234(8) indicates that a public body may respond to a FOIA request with a good faith estimate as to the cost of the FOIA request. However, the statute further states:

The response shall also contain a best efforts estimate by the public body regarding the time frame it will take the public body to comply with the law in providing the

public records to the requestor. 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 policy under [MCL 15.231] and the nature of the request in the particular instance.

48. An unreasonable delay in providing FOIA documents is a denial under MCL 15.235, MCL 15.240(1) and MCL 15.240(7).

49. MCL 15.235(2) states that the public body must respond to a request within 5 business days:

(2) Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

(a) Granting the request.

(b) Issuing a written notice to the requesting person denying the request.

(c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.

(d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

50. WAYNE STATE did not make a response to DR. EDWARDS' third FOIA request within five days.

51. MCL 15.234(9) indicates a public body that does not timely respond to a FOIA request under MCL 15.235(2) shall reduce the charges for any labor at a rate of 5% a day with a maximum of 50% if the late response was willful or if the request was clearly identified as a FOIA request.

52. The March 3, 2018, third FOIA request was clearly identified and should have been responded to by March 10, 2018 (five business days later). To date, approximately

three months later, it has not been responded to. Under MCL 15.234(9), Plaintiff is entitled to the statutory maximum 50% reduction in labor costs.

53. WAYNE STATE's actions regarding this delay in providing these emails responsive to the March 10, 2018, third FOIA request are arbitrary and capricious under MCL 15.240(7) thereby subjecting WAYNE STATE to a civil fine of \$1,000 payable to the general treasury and a separate \$1,000 to Plaintiff.

54. WAYNE STATE's actions regarding this delay in providing these emails responsive to the March 10, 2018, third FOIA request constitute willful and intentional failure to comply under MCL 15.240b, thereby subjecting it to a civil fine of \$2,500 to \$7,500 payable to the state treasury.

55. Pursuant to MCL 15.240(6), DR. EDWARDS, if he prevails, is entitled to attorneys' fees and costs:

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

RELIEF REQUESTED

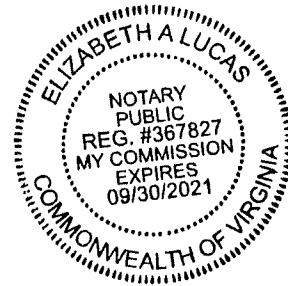
Plaintiff, DR EDWARDS, respectfully requests that this Court order Defendant, WAYNE STATE, to provide all documents sought in the three FOIA requests; apply the full penalties available under MCL 15.234(9), MCL 15.240(7) and MCL 15.240b; award attorneys' fees and costs under MCL 15.240(6); and award any other relief this Court determines to be just and equitable to remedy WAYNE STATE's delays, denials, and wrongful exemptions in providing the requested information and causing the need to bring this suit.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Dated: June 16, 2018

Marc Edwards
Dr. Marc Edwards

Subscribed and sworn to by Marc Edwards before me on the
11th day of June, 2018.
Signature Elizabeth A. Lucas



From: Marc Edwards [<mailto:edwardsm@vt.edu>]
Sent: Tuesday, May 30, 2017 9:11 AM
To: 'foia@wayne.edu' <foia@wayne.edu>
Subject: Wayne State FOIA Request: Marc Edwards and LeeAnne Walters

FOIA REQUEST

Marc Edwards
1623 Jefferson Forest Lane
Blacksburg VA 24060

LeeAnne Walters
212 Browning Ave
Flint, MI 48507

Sent electronically to foia@wayne.edu

5/30/2017

To whom it may concern;

We are requesting responsive e-mails (to, from, cc, or blind cc) of the following four Wayne State employees working on the Flint Area Community Health and Environment Partnership.

1. **Shawn McElmurry, Ph.D, PE**
Lead Principal Investigator
2. **Paul E. Kilgore, M.D., M.P.H.**
Co-Principal Investigator
3. **Matthew W. Seeger, Ph.D.**
Co-Principal Investigator
4. **Marcus J. Zervos, M.D.**
Co-Principal Investigator
Professor in the Department of Medicine and Infectious Diseases at Wayne State University's School of Medicine.

Please note that Dr. Zervos has always used a Henry Ford Hospital email address (MZERVOS1@hfhs.org) when conducting all his Wayne State FACHEP and other work. Thus, we are specifically requesting that his hfhs email addressed be searched.

We are requesting emails responsive to all of the following topics and search criteria.

- 1) All information on water sampling in the home of Florlisa Stebbins and communication of her health risk. Florlisa abandoned her house and now wears a respirator when going into her home, because of data supposedly presented to her by Shawn. All requests to correct/clarify the record about her situation health risks by Florlisa, film-maker Tony Baxter, the State of Michigan, or others, and the discussion and actions about how to respond to those requests. All information about your efforts to link her illnesses to water samples from in her home, the outcome of those efforts, and your communication of results to her.
- 2) An impression has been created in Florlisa and many other Flint residents, that the State of Michigan and/or Marc Edwards is preventing FACHEP researchers from openly discussing or releasing data about bacteria, and other dangers of Flint water. We are specifically looking for any basis (real or imagined) supporting the allegation that Wayne State is being constrained legally or contractually or otherwise from communicating important scientific results. We also want all emails revealing how this impression may have been created, how this impression was perpetuated, acknowledgements that the impression exists amongst Flint residents or FACHEP researchers, and any discussion/decisions about why your team should (or should not) correct the record.
- 3) Any emails indicating or discussing or implying, that the State of MI and/or Marc Edwards have been anything but forthcoming, about health risks or safety of Flint water in the time period after the state mobilized October 2015.
- 4) All email communications between any of the above researchers and Dr. Laura Sullivan (to, from, cc, blind cc), [who is listed as co-PI of the Wayne State FACHEP team](#)
- 5) All email communications involving any of the above researchers, discussing Dr. Sullivan and her social media postings, and her public statements, or anything about her, either as an individual or as a member of FACHEP, even if she is not receiving or privy to the communication.
- 6) All emails discussing or referring, directly or indirectly, to either LeeAnne Walters and/or Marc Edwards
- 7) All emails between Dr. McElmurray and Scott Smith and/or Water Defense.
- 8) All emails discussing or referring to Young Turks Network presentations and associated town hall meetings.
- 9) All email communications between the above investigators and the U.S. CDC related to possible links between bacteria and problems of Flint residents (this includes associated documents and data exchanges and possible press releases)
- 10) All email communications discussing press releases, presentations and public statements about the role of either filters or bacteria in causing problems of Flint

residents (this request includes supporting documents other than emails). These emails could be with the State of MI or others.

- 11) A summary of budget information indicating months of extra salary compensation for the above 4 individuals working for Wayne State, as well as Dr. Sullivan, for their State of MI funded work on FACHEP. If the FACHEP funding did not benefit them personally we would like to see written evidence this was the case.

Thank you in advance for honoring this request. We are willing to pay normal fees association with processing this request. Marc Edwards will serve as the point of contact for our request.

Marc Edwards
edwardsm@vt.edu
540 320 8740

LeeAnne Walters
lwalters313@gmail.com
212 Browning Ave
Flint, MI 48507

Ex. 2

From: Shawn Wright [<mailto:shawn.wright@wayne.edu>]
Sent: Tuesday, June 20, 2017 5:04 PM
To: Marc Edwards <edwardsm@vt.edu>
Subject: RE: Wayne State FOIA Request: Marc Edwards and LeeAnne Walters

Hi Marc,

I am writing in response to your Freedom of Information Act request.

We have begun to collect the documents that are listed in your FOIA request. The great bulk of those documents are emails on various topics to or from the four researchers. The most efficient means of finding those emails among the tens of thousands of emails in their mailboxes is to perform a search using queries designed to sort out the intended communications. We have performed those searches on the WSU mailboxes of the researchers. We cannot search the emails of Dr. Zervos on his Henry Ford Hospital email address since the University has no right to access the email of the hospital.

The result of our searches is approximately 34,000 emails. Email searches, of course, are imprecise, and it is highly likely that many of those emails are not responsive to your specific requests or may be exempt under FOIA. To obtain the subset of emails that are required to be disclosed a manual review of each email to determine its relevance and exempt/non-exempt status is necessary. Given the large number of retrieved emails, that review will take considerable time, which we estimate at 566 hours. The estimated cost of that review is \$44,119.70. Please see the attached Fee Estimate Itemization.

Under University policy and FOIA, the University may require a 50% deposit of its estimated fee. So, if you wish us to pursue your request in its current form, please send a check payable to Wayne State University in the amount of \$22,059.85. When the records are available we will notify you of the final fee, which may exceed the estimate. The records will be sent to you upon our receipt of the balance due. Only a limited amount of staff time can be devoted to this review in a given day. Thus, the labor will be spread over an extended time frame, which we estimate at 12 months from the date that we receive your deposit.

Alternatively, you may wish to modify your request to limit the scope of the retrievable emails and the cost of reviewing them. I invite you to engage in that discussion with us. If you wish to do so, please contact me and I will put you in touch with the appropriate person.

Regards,
Shawn

Shawn Wright
Public Relations and FOIA Coordinator

Ex. 2

Wayne State University
Marketing and Communications
5700 Cass Ave. Suite 3100
Detroit, MI 48202
Office: (313) 577-4562
Fax: (313) 577-4459
shawn.wright@wayne.edu

Ex. 2

Ex. 2

From: Thomas Cavalier [<mailto:thomas.cavalier@wayne.edu>]
Sent: Monday, July 31, 2017 10:15 AM
To: Marc Edwards <edwardsm@vt.edu>
Subject: Re: Item 5

Marc,

The revised search regarding Sullivan produced 1,297 emails.

Tom

Sent from my iPhone

On Jul 18, 2017, at 10:09 PM, Marc Edwards <edwardsm@vt.edu> wrote:

This still seems like a lot of work. What about the same search regarding Sullivan but only emails sent from July 1 2016 to June 1 2017. I'd like to make this manageable.

I think in the end we will go ahead with the: 1) emails about Ms. Florlisa, 2) emails about Ms. Sullivan (still trying to make this reasonable), and 3) the body of emails that the three Wayne State faculty believe are supporting their testimony that the State of MI engaged in a felony in supervising the FACHEP project, or that support their teams public statements that I have falsely stated Flint water (filtered or unfiltered) is safe. But I need to work this down to a reasonable level.

Marc

From: Thomas Cavalier [<mailto:thomas.cavalier@wayne.edu>]
Sent: Tuesday, July 18, 2017 4:30 PM
To: Marc Edwards <edwardsm@vt.edu>
Subject: RE: Item 5

Marc,

Based on your instruction, we ran this search: ((Body:"Laura Sullivan") NOT ((Body:"lsulliva@kettering.edu") OR (Participants:"Laura Sullivan"))

Although this search retrieved emails that mentioned Laura Sullivan in the body of a message where she was neither the recipient nor sender, it did not necessarily exclude from the email string emails that she neither sent nor received. Thus, each string will need to be manually reviewed to cull out those emails.

This search retrieved 2,606 emails. If you would like me to estimate the cost and the period of time needed to complete the review, please let me know.

Tom

From: Marc Edwards [<mailto:edwardsm@vt.edu>]
Sent: Tuesday, July 18, 2017 9:37 AM
To: Thomas Cavalier <thomas.cavalier@wayne.edu>
Subject: RE: Item 5

Thomas,

Have you followed up on this as per our phone call?

Marc

From: Marc Edwards [<mailto:edwardsm@vt.edu>]
Sent: Wednesday, July 5, 2017 10:53 AM
To: 'Thomas Cavalier' <thomas.cavalier@wayne.edu>
Subject: Item 5

For item 5 of my FOIA:

All email communications involving any of the above researchers, discussing Dr. Sullivan and her social media postings, and her public statements, or anything about her, either as an individual or as a member of FACHEP, even if she is not receiving or privy to the communication.

Your search criteria on "Sullivan" or "Sulivan" produced over 12,000 documents. Prorated your estimated cost to me for emails in response to this item alone is \$15,000.

When I spoke with you by phone, you agreed to check out the number of documents produced in a more restrictive computer search. Can you do a search on the following criteria:

Emails containing the word "Sullivan" or "Laura," but which do not have Ms. Sullivan's email in the "to" or "cc" or "bcc." In other words, we are looking for the emails in which the name Laura or Sullivan is mentioned, but in which she is not being sent the email.

This should be much more restrictive and produce much fewer emails, dramatically reducing your efforts.

Marc

From: Marc Edwards [<mailto:edwardsm@vt.edu>]
Sent: Wednesday, July 5, 2017 10:29 AM
To: 'Thomas Cavalier' <thomas.cavalier@wayne.edu>
Subject: Item 2 and 3 of my FOIA request.

Dear Thomas,

As discussed previously by phone, I will continue to work with you to come up with an appropriate FOIA response.

Please note that I am coordinating this request on behalf of Flint resident LeeAnne Walters, and that Flint resident Florlisa Stebbins has now asked to be listed as a formal party to our FOIA request.

In the last phone call we agreed that many of the emails requested would not be produced in the simple computer search that was proposed by Wayne State. Simply put, the search terms used to make your estimates of emails available, and the costs to us for your FOIA response, would not even produce the responsive documents.

A key case in point is documents in item 2 and 3 of our request, **which have now become exhibit A in a felony charge against a high ranking state employee.** The FACHEP professors which were the subject of my FOIA, are now key witnesses in the felony case against the State of MI.

After I questioned you about the approach, you revealed that the Wayne State response for my item 2, was to search a University email database for documents according to the search criteria:

((cannot) OR (constrain) NEAR(5) ((release) OR (data))

which you said produced 1800 emails. During the phone call, I noted that simply searching a massive email database for 4 words “cannot or constrain” and “release or data” was highly unlikely to reveal the documents I clearly described in item 2. As a result, a large part of your total labor (\$80/hour total charge including fringes) was to cull out non-responsive documents from those produced in the inaccurate search. In other words, the proposed Wayne State approach would produce a mountain of non-responsive emails, for which we would then have to pay many thousands of dollars for you to read and remove the non-responsive emails. At the end we would have an outrageously high bill to pay yet we would not have many the documents that form the basis of the felony charge against the State of MI. This is not acceptable.

The Wayne State emails of these professors responsive to my items 2 and 3 have already been cited in the press, and none of them would have been produced in your search, as evidenced by this recent article in the Detroit News.

<http://www.detroitnews.com/story/news/michigan/flint-water-crisis/2017/06/18/flint-legionnaires-charges-emails-doctor/102994738/>

The March 3-5 email exchanges between Zervos and Wells led the Henry Ford Health infectious diseases expert to say he would end the health system’s subcontract with Wayne State. “This is another example of your continuing attempts to intimidate me that I am not going to stand for,” Zervos wrote Wells in his final March 5 email. “It is apparent that I cannot maintain any scientific or ethical integrity by continuing to work with you.”...

McElmurry, a Wayne State associate professor of civil and environmental engineering involved in the partnership study, will testify that Snyder urban issues adviser Harvey Hollins contacted him in January 2016, asking him to research any possible link between Flint water and the Legionnaires’ disease outbreak, Schuette’s charging document states....In a March 5 email response, Zervos said he would quit the state-funded study and keep pursuing his research of the Flint Legionnaires’ outbreak separately.

Among those whom Wells copied in the email exchanges with Zervos were state epidemiologist Sarah Lyon-Callo, Lyon, Baird and McElmurry. Schuette’s team also plans to have McElmurry testify at Wells’ trial that he wrote an August 2016 email to colleagues including Zervos saying that Wells did not want the partnership “to sample Flint residents’ filters,” according to the charging document. He is also expected to testify that he was “directed to stop

his retrospective analysis” of the Legionnaires’ issue because it “proved problematic,” according to Schuette’s legal team.

Moreover, you mentioned to me, that the Wayne State email database that you were searching, may have had the key emails deleted, and that you had no intention of asking the Wayne State faculty directly to produce the responsive documents.

What I am asking for in relation to Item 2 and 3 below, is that you ask the Wayne State faculty, to produce the body of emails that will be used in court to support or refute the now public allegations, that they themselves made to prosecutors in the State of MI felony case. This is clearly of public interest and the only viable approach is to provide these faculty with Item 2 and 3, and to ask them to produce the documents that they feel are responsive.

Assuming that you are willing to do this, can you please come up with a new estimate for their “best effort” to find and produce these documents described in Item 2 and 3 below. I must also wait for Wayne State President Wilson to rule on my FOIA appeal, to your decision that the public has “no right” to Dr. Zervos emails related to his Wayne State work.

Thank you.

Marc Edwards

Item 2. An impression has been created in Florlisa and many other Flint residents, that the State of Michigan and/or Marc Edwards is preventing FACHEP researchers from openly discussing or releasing data about bacteria, and other dangers of Flint water. We are specifically looking for any basis (real or imagined) supporting the allegation that Wayne State is being constrained legally or contractually or otherwise from communicating important scientific results. We also want all emails revealing how this impression may have been created, how this impression was perpetuated, acknowledgements that the impression exists amongst Flint residents or FACHEP researchers, and any discussion/decisions about why your team should (or should not) correct the record.

Item 3. Any emails indicating or discussing or implying, that the State of MI and/or Marc Edwards have been anything but forthcoming, about health risks or safety of Flint water in the time period after the state mobilized October 2015.

From: Thomas Cavalier <thomas.cavalier@wayne.edu>
Sent: Friday, June 23, 2017 10:36 AM
To: edwardsm@vt.edu
Cc: Shawn Wright <shawn.wright@wayne.edu>
Subject: FW: RE: Wayne State FOIA Request: Marc Edwards and LeeAnne Walters

Mr. Edwards,

I am an Assistant General Counsel at Wayne State University. Your email below and two follow up emails were referred to me by our FOIA Coordinator Shawn Wright for response.

1. The labor fee estimate is not for the electronic search of the emails. Rather, it is for the time needed to manually review each email for relevance and its exempt status under FOIA. That is clearly stated in Shawn's email below.
2. The search criteria for each request and the total retrieved emails per request are as follows:

(1)	1,369	Florisa OR (Stebbins) OR (Baxter)
(2)	1,874	((cannot) OR (constrain) NEAR(5) ((release) OR (data))
(3)	1,102	(edwards) AND ((does not) OR (doesn't) OR (deceiving)
	OR	(lying) OR (misrepresent) AND ((health) OR (safety)
	OR	(risk))
(4) and (5)	12,048	(Sullivan) OR (Sullivan)
(6)	6,588	(walters) OR (edwards)
(7)	366	(Scott Smith) OR (Water Defense)
(8)	121	(Turks)
(9)	1,949	(flint) and ((CDC) OR (Center for disease control
(10)	8,737	(flint) AND (filters) OR (bacteria)

3. In a follow up email you asked how to appeal our decision to deny your request for a search of Dr. Zervos' Henry Ford Hospital email account. You can send your appeal to Wayne State University President M. Roy Wilson. Your appeal must be in writing, stating the word "appeal" and specifying the reasons or reasons for the reversal of the decision. You may also file a legal action in the Michigan Court of Claims.
4. In your follow up email received yesterday, you indicated that you wanted to send the "first payment to begin the first several thousand dollars of work." Under the law, a person submitting a FOIA request may be required by the public body to submit a deposit representing 50% of the estimated fee to process the entire request. As stated below in Shawn's email, the deposit is \$22,059.85. After we receive that amount, we will begin to process your request. Sending amounts less than the full deposit will not begin that process. You also indicated in the same email that you wish to "prioritize efforts to search for and produce targeted emails as expeditiously and cost effectively as

Ex. 3

possible.” You can do so by modifying your request to include only those “targeted emails.” If you would like to follow that route, please contact me.

Tom

From: Marc Edwards [<mailto:edwardsm@vt.edu>]
Sent: Monday, August 21, 2017 10:47 AM
To: 'Thomas Cavalier' <thomas.cavalier@wayne.edu>
Subject: RE: Item 5

Please proceed with a cost estimate for each of the following items

- 1) Florlisa's emails as per the original request
- 2) Sullivan emails below
- 3) Body of emails that the three Wayne State faculty possess, that 1) support their testimony that the State of MI engaged in a felony in supervising the FACHEP project, or that 2) in any way support their teams public statements that I have falsely stated Flint water (filtered or unfiltered) is safe, or that 3) I have made other false statements about the situation in Flint. As per our conversation, you simply will ask them to provide the emails they think can be viewed as supporting their teams public claims and testimony.

From: Thomas Cavalier [<mailto:thomas.cavalier@wayne.edu>]
Sent: Thursday, September 21, 2017 9:51 AM
To: Marc Edwards <edwardsm@vt.edu>
Subject: RE: Item 5

Marc,

Our electronic email searches retrieved about 1900 emails. In addition to the 1,297 that were retrieved for the Laura Sullivan emails we found 608 when searching for emails mentioning "Florlisa" or "Stebbins". I anticipate that the review of the 1900 emails will take about 30 hours. If you would like a cost estimate for the review of that quantity of emails, rather than further limiting the search, please let me know.

Tom

From: Thomas Cavalier <thomas.cavalier@wayne.edu>
Sent: Thursday, November 2, 2017 4:33 PM
To: Marc Edwards <edwardsm@vt.edu>
Subject: RE: Item 5

Marc,

The estimated cost of labor to review the 1900 emails referenced in my 9/21/17 email is \$500. This is only an estimate; the actual labor cost could be higher (or lower). If you wish us to review the emails, please send me a 50% deposit. Your \$250 check should be made payable to Wayne State University and sent to my attention at the address indicated below. We will begin the review after we receive your check.

Tom

Thomas F. Cavalier
Assistant General Counsel
Wayne State University
656 W. Kirby Street
4249 Faculty/Administration Bldg.
Detroit, MI 48202
Phone: 313-577-2268
Fax: 313-577-8877

CONFIDENTIALITY NOTICE: This communication contains information from Wayne State University that may be Confidential, Legally Privileged, and Proprietary or otherwise protected from disclosure. If you are not the intended recipient, any use, disclosure, copying, distribution, printing or any action taken in reliance on the contents of this communication, is strictly prohibited. If you received this in error,

Ex. 6

please contact the sending party at the above number and shred, delete or otherwise destroy the information.

Ex. 6

From: Thomas Cavalier <thomas.cavalier@wayne.edu>
Sent: Friday, March 9, 2018 2:31 PM
To: edwardsm@vt.edu
Subject: RE: This is what we have confirming delivery.

Marc,

This is our formal response to your FOIA request.

Your request for the documents that are described in your original FOIA request as subsequently limited is granted except to the extent that it seeks information that is exempt under FOIA, specifically, information of a personal nature, which, if disclosed, would result in an unwarranted invasion of privacy, pursuant to MCL 15.243(1)(a); information that, if disclosed, would prevent the University from complying with the Family Educational Rights and Privacy Act, pursuant to MCL 15.243(2); and intellectual property, pursuant to MCL 390.1554(1)(a). Your request for exempt information is denied and only non-exempt records are being provided.

The records that are subject to the first listed exemption as it pertains to Florisa Stebbins will be provided only to her and only upon receipt of a letter signed by Ms. Stebbins that requests the information. Her letter should be sent to my attention at the address below. The balance of the records, as redacted, are attached.

To the extent that the above response constitutes a final determination to deny your request, you may appeal such final determination by (1) submitting to the Office of the President of the University a written appeal specifically stating the word "appeal" and identifying the reasons for reversal of the disclosure denial or (2) seeking judicial review in the Michigan Court of Claims. You have the right to receive attorneys' fees and damages as provided in Section 10 of FOIA, if, after judicial review, the court determines

that the University has not complied with Section 5 of FOIA and orders disclosure of all or a portion of a public record.

Please note that the University's FOIA Guidelines and Procedures are posted on the University's website at <http://generalcounsel.wayne.edu/legal/foia.php>.

Thomas F. Cavalier

Assistant General Counsel
Wayne State University
656 W. Kirby Street
4249 Faculty/Administration Bldg.
Detroit, MI 48202
Phone: 313-577-2268
Fax: 313-577-8877

From: edwardsm@vt.edu <edwardsm@vt.edu>
Sent: Friday, March 9, 2018 3:02 PM
To: 'Thomas Cavalier' <thomas.cavalier@wayne.edu>
Subject: RE: This is what we have confirming delivery.

Thomas,

We paid \$500 for the release of all emails with Dr. Sullivan, and also for Florlisa's documents. You said "In addition to the 1,297 that were retrieved for the Laura Sullivan emails we found 608 when searching for emails mentioning "Florlisa" or "Stebbins"."

What happened to the 1300 emails from Dr. Sullivan that we paid for?

Marc

From: edwardsm@vt.edu [<mailto:edwardsm@vt.edu>]
Sent: Wednesday, March 14, 2018 8:01 PM
To: Thomas Cavalier <thomas.cavalier@wayne.edu>
Subject: RE: This is what we have confirming delivery.

Thomas,

On July 5 I gave you the following explicit search criteria:

Emails containing the word "Sullivan" or "Laura," but which do not have Ms. Sullivan's email in the "to" or "cc" or "bcc." In other words, we are looking for the emails in which the name Laura or Sullivan is mentioned, but in which she is not being sent the email.

On July 18th you did not follow that instruction, but you ran this:

search: ((Body:"Laura Sullivan")) NOT ((Body:"lsulliva@kettering.edu") OR (Participants:"Laura Sullivan"))

Ex. 9

And said:

Although this search retrieved emails that mentioned Laura Sullivan in the body of a message where she was neither the recipient nor sender, it did not necessarily exclude from the email string emails that she neither sent nor received. Thus, each string will need to be manually reviewed to cull out those emails. This search retrieved 2,606 emails. If you would like me to estimate the cost and the period of time needed to complete the review, please let me know.

On July 18th, I further narrowed that "same search" to July 1 2016 to June 1 2017:

What about the same search regarding Sullivan but only emails sent from July 1 2016 to June 1 2017. I'd like to make this manageable. I think in the end we will go ahead with the: 1) emails about Ms. Florlisa, 2) emails about Ms. Sullivan (still trying to make this reasonable),

Clearly, in the above email, the phrase "2) emails about Ms. Sullivan" refers to all the e-mails in that search, and it is not a new restriction, asserting that I do not want emails you deem to be "not about" Ms. Sullivan even though her name is in them. On July 31 you got back to me and said that search was the 1297 emails.

I then waited and waited and you finally estimated \$500 for the fee. So as I understand it, I paid you to review all 1297 of these emails, and if you thought they were not about Ms. Sullivan during the review, even though the name "Laura Sullivan" was in them, you did not produce them? And the pile of emails with the name Laura Sullivan, and that you did not produce, is about 100-800 emails. Is that right?

Can I just ask that you finally produce all the emails I paid you to review, that had the name Laura Sullivan in the body, even if you somehow thought they were not about Laura Sullivan?

Marc

From: Thomas Cavalier <thomas.cavalier@wayne.edu>

Sent: Wednesday, March 14, 2018 5:07 PM

To: edwardsm@vt.edu

Subject: RE: This is what we have confirming delivery.

Marc,

Let me explain the fee. Under Michigan law, a public body is permitted to charge a fee to cover the cost of the labor required to locate the requested records and to review them for applicable exemptions. You requested emails sent or received by Dr. McElmurry, Dr. Kilgore, Dr. Zervos or Dr. Seeger pertaining to Dr. Laura Sullivan and Florlisa Stebbins. Your FOIA request asked for email communications "discussing . . . anything about" Dr. Sullivan. To locate those emails, we performed, as a first step, an electronic search with agreed upon search terms. Those terms were not "Laura" or "Sullivan". Rather you asked us to search for, essentially, emails during a specified time period that referred to "Laura Sullivan". Please refer to the attached email exchange. That search retrieved 1,297 emails. An electronic search is rarely 100% accurate. As a result, the retrieved emails were manually reviewed to locate emails "discussing . . . anything about" Dr. Sullivan. The fee covers the cost of the labor required to conduct that review. Once those emails were located, they are reviewed for applicable exemptions. The fee covers the cost of the labor to perform that review as well. This process produced a collection of responsive and non-exempt emails, and that is what we have made available.

Ex. 9

From: edwardsm@vt.edu [<mailto:edwardsm@vt.edu>]
Sent: Wednesday, March 14, 2018 12:08 PM
To: Thomas Cavalier <thomas.cavalier@wayne.edu>
Subject: RE: This is what we have confirming delivery.

Again. Where are the 1300 emails, which had the word Laura or Sullivan, mentioned anywhere in the body of the email, which we paid for? Are you claiming there is not a single email forwarded from Laura Sullivan, or with her name in them, beyond those few in what you provided?

Marc

From: Thomas Cavalier <thomas.cavalier@wayne.edu>
Sent: Friday, March 16, 2018 3:45 PM
To: edwardsm@vt.edu
Subject: RE: This is what we have confirming delivery.

Marc,

The emails described in your last sentence have not yet been reviewed for applicable exemptions. Once they are, I'll advise you of their availability.

Tom

From: edwardsm@vt.edu <edwardsm@vt.edu>
Sent: Thursday, March 1, 2018 12:09 PM
To: 'foia@wayne.edu' <foia@wayne.edu>
Subject: Wayne State FOIA Request

FOIA REQUEST

Marc Edwards
1623 Jefferson Forest Lane
Blacksburg VA 24060

Sent electronically to foia@wayne.edu

5/30/2017

To whom it may concern;

I am requesting the following documents:

1. All emails between Dr. Shawn McElmurry and Ms. Kasey Faust (Purdue University/University of Texas) from 2010 to present
(the goal is to establish the basis for the NIH proposal and public claim that Dr. McElmurry has been working in Flint since 2010)
2. 2 NSF Rapid Proposals Authored by Dr. McElmurry in 2016 and which were funded
3. 2 NIH grants on which Dr. McElmurry is listed as a contributing professor, citing his Flint work.

Thank you in advance for honoring this request.

Marc Edwards
edwardsm@vt.edu
540 320 8740

Shawn McElmurry, Ph.D.	Department of Civil and Environmental Engineering, College of Engineering, Wayne State University	Consequences and abatement of lead in the water supply and toxicology of petroleum coke
Paul Kilgore, Ph.D.	Department of Pharmacy Practice, Eugene Applebaum College of Pharmacy and Health Sciences, Wayne State University	Effect of environmental stressors on infectious disease

\$4.8M NIH grant addresses environmental influences on child health

September 28, 2016
MSU, U-M, Wayne State, Henry Ford Health System and MDHHS collaborate on initiative

EAST LANSING, Mich. — A \$4.8 million research grant awarded to Michigan State University from the National Institutes of Health (NIH) will help Michigan's top three research universities, a leading health care system and a state health agency investigate how exposure to a range of environmental factors in early development — from conception through early childhood — influences the health of children and adolescents.

Joining MSU as collaborators on the national Environmental Influences on Child Health Outcomes, or ECHO, initiative are the University of Michigan, Wayne State University, Henry Ford Health System and Michigan Department of Health and Human Services.

The grant will cover the first two-year phase of the seven-year project aiming to study factors that may influence health outcomes around the time of birth, as well as into later childhood and adolescence. Some of the health issues studied will include upper and lower airway health and development, obesity, and brain and nervous system development.

"We are very excited to be joining Michigan State University and our other partners around the state in a major effort to understand the effects of pollution, nutrition and infection on child health," said Michael Elliott, co-principal investigator and professor of biostatistics at the U-M School of Public Health and research professor at the Institute for Social Research at the University of Michigan.

He noted this diverse team of researchers will pick up where they left off with the National Children's Study to begin to better understand how to help pressing childhood health concerns such as autism spectrum disorders, low birth weight and childhood obesity.

The Michigan ECHO group is one of the study's national pediatric cohorts. Ten hospitals and 20 clinics throughout Michigan's Lower Peninsula will participate in the study.

Nigel Paneth, MSU University Distinguished Professor of epidemiology and biostatistics in the College of Human Medicine, will lead the group of five co-principal investigators.

"This all-Michigan research initiative may be the only population-based sampling of pregnant women in the ECHO study," Paneth said. "The results should provide critical information about prenatal environmental influences and the health of children, contributing to public policy formulations in maternal and child health, and ultimately improving the public health of mothers and children in Michigan.

The Wayne State University co-principal investigator is Douglas Ruden, the co-director of the Exposures Signatures Core Facility in the Center for Urban Responses to Environmental Stressors (CURES). His team will work to determine whether environmental exposures, such as lead and organic pollutants, cause changes in the "epigenome" of the DNA in the children.

"My research team has studied lead toxicity in Detroit for over 10 years and last year published a research paper in Scientific Reports that showed that grandmaternal exposure to lead can alter the DNA in the grandchildren," Ruden said. "This was the first demonstration of multi-generational effects of lead poisoning."

Release

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Wayne State receives \$7.5 million NIH renewal for environmental center

May 2, 2017



Melissa Runge-Morris

DETROIT – Wayne State University received notice from the National Institute of Environmental Health Sciences of the National Institutes of Health of the \$7.5 million renewal for five years of the Center for Urban Responses to Environmental Stressors (CURES). The previous NIH grant for CURES totaled \$2.4 million for three years.

CURES — one of 22 P30 Core Centers funded by NIEHS — is situated in the heart of Detroit, with the goal of understanding the integrated health impacts of environmental exposures to complex chemical and non-chemical contaminants in Detroit's urban landscape. CURES is focused on establishing a cleaner and healthier living and working environment in the city of Detroit and throughout the region.

“Modern-era” diseases such as cardiovascular disease, cancer and diabetes compromise the quality of life of residents living in an industrialized urban environment such as Detroit and are a consequence of dynamic interactions among an individual's genetic and epigenetic make-up, nutritional status and environmental stressors, which affect key cellular networks causing disease.

“Our goal is to provide leadership that will identify, evaluate and mitigate environmental health concerns in close collaboration with the community and environmental policy makers,” said Melissa Runge-Morris, M.D., director of CURES and the Institute of Environmental Health Sciences at Wayne State. “Detroit has an overabundance of industrial and post-industrial environmental toxicants, socioeconomic strains, violence and decay of housing and urban infrastructure, and we have assembled a unique interdisciplinary team of established and new environmental health scientists and community partners to address major environmental health challenges facing Detroit's racially and ethnically diverse population.” Since 2014, CURES researchers and community partners have collaborated closely to respond to serious emerging health crises in and around Detroit, including the lead watershed contamination in Flint, Michigan.

“Everyone in CURES realizes that to understand and solve the complex challenges of an aging urban infrastructure coupled with untold adverse health consequences of urban ‘de-industrialization’ is a team effort,” said Runge-Morris. **“In Flint, CURES investigators Dr. Shawn McElmurry from Wayne State's Department of Civil and Environmental Engineering and Dr. Douglas Ruden from the Institute of Environmental Health Sciences have joined forces with the community. Their goal is to improve urban environmental health and safety — not just for the moment, but for our children and future generations.”**

From: Matthew Lockwood <ei1888@wayne.edu>
Sent: Thursday, March 22, 2018 2:15 PM
To: edwardsm@vt.edu
Cc: Shawn Wright <shawn.wright@wayne.edu>
Subject: FOIA response

Dr. Edwards, our FOIA coordinator, Shawn Wright, is out this week on paternity leave, so I am sending this on his behalf.

I am writing in response to your March 1, 2018 Freedom of Information Act request. Your request is granted as to non-exempt public records. Requested information will be withheld if it is subject to a FOIA exemption, including, but not limited to, information which, if provided would prevent the University from complying with the Family Educational Rights and Privacy Act, pursuant to MCL 15.243(2), or intellectual property or original works of authorship, pursuant to MCL 390.1554(1)(a) or (b). Your request is denied to the extent that it asks for the disclosure of information that is exempt under FOIA.

The University is permitted to charge a fee for the labor and other costs of processing a FOIA request, including the cost of reviewing the requested records for exempt information. The University estimates the cost of processing your request at \$215.54. An itemization is attached. The University is also permitted to require a deposit representing 50% of the estimated fee. Accordingly, please send to Shawn Wright's attention at: WSU, 3100 A/AB, 5700 Cass Avenue, Detroit, MI 48202 a check payable to **Wayne State University** in the amount of \$107.77. Any check made payable to a different payee will be returned. We will begin processing your request upon receipt of the deposit. We estimate that it will take at least four weeks from the receipt of your deposit to identify the nonexempt requested records. When the non-exempt records have been identified, you will be notified, and a final fee itemization will be provided. After receipt of the balance due, the non-exempt records will be made available.

To the extent that the above response constitutes a final determination to deny your request, you may appeal such final determination by (1) submitting to the Office of the President of the University a written appeal specifically stating the word "appeal" and

identifying the reasons for reversal of the disclosure denial or (2) seeking judicial review in the Michigan Court of Claims. You have the right to receive attorneys' fees and damages as provided in Section 10 of FOIA, if, after judicial review, the court determines that the University has not complied with Section 5 of FOIA and orders disclosure of all or a portion of a public record.

Please note that the University's FOIA Guidelines and Procedures are posted on the University's website at <http://generalcounsel.wayne.edu/legal/foia.php>.

Please let me know if you have any questions.

Matt

Matt Lockwood
Director of Communications
Wayne State University
313-577-9098
C) 248-622-8060

From: edwardsm@vt.edu <edwardsm@vt.edu>
Sent: Saturday, March 3, 2018 8:54 PM
To: 'foia@wayne.edu' <foia@wayne.edu>
Subject: 3 additional documents

FOIA REQUEST

Marc Edwards
1623 Jefferson Forest Lane
Blacksburg VA 24060

Sent electronically to foia@wayne.edu

3/3/2018

To whom it may concern;

I am requesting the following documents:

1. Emails between McElmurray and Paul Kilgore on the 2015 NIH grant, that discuss the biological hypothesis of the NIH proposal, and Kilgore's work on the project. These emails would be between August 1 and November 1, 2015. Paul Kilgore would have these emails.
2. Emails between McElmurray and co-PI Miller on the 2015 NIH grant, that discuss "McElmurray's" hydraulic and EPANET Flint model of the NIH proposal, and the scope of work. Of course, "McElmurray's" model was stolen from Dr. Kasey Faust's dissertation work. These emails between Miller and McElmurray, would be between late August to November 1, 2015. Co-PI Miller would have these emails.
3. A copy of this presentation The Challenge of Mitigating Risk Associated with Aging Drinking Water Infrastructure in Shrinking Cities: Lessons Learned from Flint. McElmurry October 27, 2017 given at Kellogg Conference Center. Dr. McElmurray would have this presentation.

Thank you in advance for honoring this request.

Marc Edwards
edwardsm@vt.edu
540 320 8740

MACKINAC CENTER
LEGAL FOUNDATION

June 11, 2018

Clerk of the Court of Claims
Hall of Justice
925 W. Ottawa St.
Lansing, MI 48909

RE: Written Claim per MCL 600.6431 against Wayne State University

Dear Clerk:

This verified letter is to fulfill the requirements of MCL 600.6431(1) as a written notice against Wayne State University by Dr. Marc Edwards. The nature of the claim is for delays and denials of three Freedom of Information Act ("FOIA") requests which were filed by Dr. Edwards on May 30, 2017 (and subsequently amended by discussion of the two parties), March 1, 2018 and March 3, 2018.

Dr. Edwards seeks complete fulfillment of these three requests, along with penalties, attorney fees, and other costs.

Sincerely,

Dr. Marc Edwards

I declare that the statements above are true to the best of my information, knowledge, and belief.

Dated: June 11, 2018

Marc Edwards
Dr. Marc Edwards

Subscribed and sworn to by Marc Edwards before me on the
11th day of June, 2018.
Signature Elizabeth A. Lucas

