

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

WINERIES OF THE OLD MISSION PENINSULA ASSOC. (WOMP), a Michigan nonprofit corporation; BOWERS HARBOR VINEYARD & WINERY, INC, a Michigan corporation; BRYNS WINERY, LC, a Michigan corporation; CHATEAU GRAND TRAVERSE, LTD, a Michigan corporation; CHATEAU OPERATIONS, LTD, a Michigan corporation; GRAPE HARBOR, INC, a Michigan corporation; MONTAGUE DEVELOPMENT, LLC, a Michigan limited liability company; OV THE FARM, LLC, a Michigan limited liability company; TABONE VINEYARDS, LLC, a Michigan limited liability company; TWO LADS, LLC, a Michigan limited liability company; VILLA MARI, LLC, a Michigan limited liability company; WINERY AT BLACK STAR FARMS, LLC, a Michigan limited liability company;

Plaintiffs,

v

PENINSULA TOWNSHIP, a Michigan municipal corporation,

Defendant,

and

PROTECT THE PENINSULA, INC.,

Intervenor-Defendant.

Case No. 1:20-cv-01008

HON. PAUL L. MALONEY
MAG. JUDGE RAY S. KENT

**PROTECT THE PENINSULA'S
NOTICE TO CORRECT RESPONSE
TO QUESTION AT HEARING ON
PLAINTIFFS'
MOTION TO COMPEL (ECF 378)**

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**PROTECT THE PENINSULA'S NOTICE TO CORRECT RESPONSE TO QUESTION
AT HEARING ON PLAINTIFFS' MOTION TO COMPEL (ECF 378)**

Intervenor-Defendant PROTECT THE PENINSULA, INC. (PTP), by and through its attorneys, LAW OFFICE OF TRACY JANE ANDREWS, PLLC and OLSON BZDOK AND

HOWARD, P.C., files this notice to correct a response to a question provided by Undersigned Counsel Tracy Jane (TJ) Andrews at the hearing held June 8, 2023, before Honorable Magistrate Judge Kent. The subject of this correction is the date of the Joint Defense Agreement (Agreement) between PTP and Peninsula Township. The Agreement was effective October 27, 2021. (Ex A) At the hearing, Ms. Andrews mis-remembered the year the Agreement was executed, asserting (and believing in the moment) that it was executed in October 2020, shortly after Plaintiffs' filed suit. It seems Ms. Andrews has lost track of how long she has been involved in this litigation.

At the June 8 hearing on Plaintiffs' motion to compel discovery responses from PTP (ECF 346), the issue arose regarding whether PTP should log privileged communications about this lawsuit that post-date this lawsuit. (ECF 378, PageID.14071-14072; ECF 347, PageID.12568) Undersigned counsel noted that PTP has a joint defense agreement with the Township. (ECF 378, PageID.14072) Judge Kent asked, "When did you execute the joint defense agreement?" Ms. Andrews responded, "Well before we intervened in this case." (*Id.*) At the time, Ms. Andrews thought the agreement was effective October 2020 instead of October 2021. Ms. Andrews was mistaken. PTP files this Notice to correct the record.

Respectfully submitted,

Date: June 29, 2023

By: /s/ Tracy Jane Andrews
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Date: June 29, 2023

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CERTIFICATE OF SERVICE

I, Tracy Jane Andrews, hereby certify that on the 29th day of June, 2023, I electronically filed the foregoing document with the ECF system which will send a notification of such to all parties of record.

By: /s/ Tracy Jane Andrews
Tracy Jane Andrews (P67467)