

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 44TH JUDICIAL CIRCUIT
LIVINGSTON COUNTY

MICHIGAN DEPARTMENT OF
AGRICULTURE AND RURAL
DEVELOPMENT,

Plaintiff,

v

DAIRY DELIGHT COW BOARDING, LLC,
KRISTAL L. UNGER, GARY S. UNGER, and
CHAD ERWAY,

Defendants.

File No.

16-29152-CZ

HON.

JUDGE HATTY
P-30990

_____/

Danielle Allison-Yokom (P70950)
Kelly M. Drake (P59071)
Katie L. Barron (P75610)
Assistant Attorneys General
Environment, Natural Resources, and
Agriculture Division
Attorneys for Michigan Department of
Agriculture and Rural Development
P.O. Box 30755
Lansing, MI 48909
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_____/

TRUE COPY
44TH Circuit Court
County Clerk's Office

COMPLAINT

Plaintiff Michigan Department of Agriculture and Rural Development
(MDARD), by its attorneys, Bill Schuette, Attorney General of the State of
Michigan, and Danielle Allison-Yokom, Kelly M. Drake, and Katie L. Barron,
Assistant Attorneys General, says:

NATURE OF THE CASE

1. This civil action is being brought pursuant to the Food Law, 2000 PA 92, MCL 289.1101 *et seq.*, for condemnation of adulterated food seized by MDARD in violation of the Food Law. Pursuant to MCL 289.2105(3), MDARD is seeking a declaration that the seized food is condemned and must be destroyed at the expense of Defendants under MDARD's supervision. MDARD is further seeking a permanent injunction pursuant to MCL 289.5111 to prevent the Defendants' unlicensed sale of food in violation of the Food Law.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to MCL 289.2105(3).

3. This Court has personal jurisdiction over the Defendants pursuant to MCL 600.701 and MCL 600.711(1) and (3).

4. Venue is proper in this Court pursuant to MCL 289.2105(3) and MCL 600.1621(a).

PARTIES

5. Plaintiff, MDARD, is the state agency with authority to implement and enforce the Food Law, MCL 288.1101 *et seq.*

6. Defendant Dairy Delight Cow Boarding, LLC, is a Michigan limited liability company with its principal place of business at 11341 Killin Road, Cohoctah Township, Livingston County, Michigan.

7. Defendant Kristal L. Unger is a property owner of 11341 Killin Road, Cohoctah Township, Livingston County, Michigan, and resides there. She is also a member of Dairy Delight Cow Boarding, LLC.

8. Gary S. Unger is a property owner of 11341 Killin Road, Cohoctah Township, Livingston County, Michigan, and resides there.

9. Based on information and belief, Chad Erway processed and sold the chicken being offered for sale at 11341 Killin Road, Cohoctah Township, Livingston County, Michigan.

10. Dairy Delight Cow Boarding, LLC, Kristal L. Unger, Gary S. Unger, and Chad Erway are each a "person" within the meaning of the Food Law, MCL 289.1109(t).

BACKGROUND

11. Dairy Delight Cow Boarding, LLC operates both a herd share operation and a retail food outlet at 11341 Killin Road in Cohoctah Township.

12. Michigan has adopted statutes that regulate the production, processing, delivery, and sale of food and dairy products, including milks and meats.

Herd shares, raw milk, and Michigan's dairy laws

13. Raw milk, also known as fresh unprocessed whole milk, is milk that is unpasteurized.

14. Michigan law prohibits the sale of unpasteurized, or raw, milk to a final customer. MCL 288.538(1) and MCL 288.696(1).

15. MDARD and most state and federal health officials consider raw milk unsafe to consume.

16. Unpasteurized milk is significantly more likely to carry bacteria such as *E. coli*, *Campylobacter*, *Salmonella*, and *Listeria* than pasteurized milk.

17. However, MDARD in consultation with raw milk proponents and the milk industry developed a policy under which MDARD exercises its enforcement discretion and does not take enforcement action against herd shares if they operate pursuant to the policy. (Ex A, MDARD's Food & Dairy Division Policy 1.40.)

18. Herd shares allow for shareholders to become partial owners of a farmer's dairy animal or dairy herd in order to obtain raw milk. Under these agreements, the farmer will generally provide the services of caring for and milking the shareholder's animal or animals for a fee.

19. Policy 1.40 specifically states that it applies only to raw milk (i.e., fresh unprocessed whole milk) and does not apply to other dairy products processed from raw milk.

Requirements for the sale of food

20. The Food Law regulates the production, manufacturing, production, processing, packing, exposure, offer for sale, holding for sale, dispensing, giving, or supplying of food in Michigan. MCL 289.1103.

21. These regulations are especially important when it comes to potentially hazardous foods, such as meats. Federal Food Code 1-201.10(B), adopted by reference in MCL 289.6101(1).

22. This is because potentially hazardous foods that are improperly processed are at risk of bacterial contamination and therefore more likely to cause serious foodborne illnesses.

23. In order to produce or sell food in Michigan, a person must obtain a license from MDARD. MCL 289.4101.

24. Additionally, state law requires food processors and food warehouses to comply with 21 CFR Part 110, Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food, which establishes facility and operation requirements for food processors and food warehouses, such as building design; cleaning and sanitation practices; employee health and handwashing; exclusion of disease; well construction and sewage disposal; equipment design; processes and controls to assure food safety; safe handling of raw and finished products; and warehousing and distribution, including recall procedures. MCL 289.7101.

25. Further, the Food Law adopts by reference the Federal Food Code, which contains specific requirements for keeping, handling, processing, and selling food. MCL 289.6101(1).

26. The Federal Food Code further requires that all food offered for sale must be obtained from sources that comply with the law. FFC 3-201.11(A).

27. The Federal Food Code defines "law" to mean "applicable local, state, and federal statutes, regulations, and ordinances." FFC 1-201.10(B).

28. Generally, all meat products offered for retail or wholesale sale must be slaughtered and processed under USDA inspection. 9 CFR 302.1. Although not all chicken is required to be slaughtered and processed under USDA inspection, it is required to be slaughtered and processed in a facility licensed by MDARD.

29. Food establishments licensed under Michigan's Food Law may custom slaughter meat products. Custom slaughter is when a person brings a live animal to a food establishment and the food establishment slaughters and processes the animal and returns that animal to the person. 9 CFR 303.1(a)(2). The packaged meat must be marked "not for sale" and cannot be sold at retail or wholesale. *Id.*

GENERAL ALLEGATIONS

30. Defendants Dairy Delight and Kristal Unger operate a herd share from 11341 Killin Road, Cohoctah Township, Michigan.

31. The herd share distributes and sells unpasteurized (raw) milk.

32. Defendants Dairy Delight, Kristal Unger, and Gary Unger additionally operate an unlicensed retail food outlet from 11341 Killin Road, Cohoctah Township, Michigan.

33. Based on information and belief, Defendant Chad Erway butchers chicken and offers the chicken for sale at 11341 Killin Road, Cohoctah Township, Michigan.

E. coli outbreak

34. On August 23, 2016, the Livingston County Department of Public Health was informed by the Michigan Department of Health and Human Services (MDHHS) that two children, one each in Oakland and Wayne Counties, had been infected with E. coli.

35. The Livingston County Department of Public Health was further informed that one child was hospitalized twice for symptoms associated with the illness.

36. The Livingston County Department of Public Health learned from MDHHS that the local health departments in Oakland and Wayne Counties investigated the illnesses and determined that both children had consumed unpasteurized (or raw) milk from Defendant Dairy Delight Cow Boarding, LLC.

37. Based on this information, MDHHS determined that unpasteurized milk from Dairy Delight Cow Boarding was the potential source of the children's E. coli infections.

August 26, 2016 attempted inspection

38. On August 26, 2016, an MDARD inspector and an inspector from the Livingston County Department of Public Health traveled to the Dairy Delight Cow Boarding facility at 11341 Killin Road in Cohoctah Township in an attempt to investigate the potential source of the E. coli infections.

39. Upon arrival, the inspectors were met by two individuals who did not identify themselves.

40. The two individuals were provided with a copy of a Special Report prepared by MDARD that identified the following information that the inspectors were requesting:

- whether the herd share had received any complaints from members regarding any illnesses;
- a list of herd share members and the products they had received from the farm;
- any distribution or pick up schedules for herd share members to obtain milk from the farm; and
- whether the herd share operation was providing any other food or dairy products (including cream) to herd share members. (Ex B, Special Reports dated August 26, 2016.)

41. The woman initially responded “no” to each question. She also noted the “No Trespassing” sign on her driveway, stated that the inspectors were not welcome, and stated that no information would be given without a warrant.

42. As the inspectors were preparing to leave, the woman made several statements in response to the request for information. Among them, she indicated that she had been in contact with the family of a sick child. She also stated that the farm did not deliver milk, but rather clients requested a time to pick it up. (Ex B.)

43. The woman refused to allow the inspectors to enter the farm to inspect her operations or to provide any further information.

Administrative inspection warrant

44. On September 1, 2016, MDARD and the Livingston County Department of Public Health obtained an administrative inspection warrant from the 53rd District Court in order to conduct an inspection of the Defendants' property, dairy operation, and records as permitted by the Grade A Milk Law, MCL 288.471 *et seq.*, the Manufacturing Milk Law, MCL 288.561 *et seq.*, the Food Law, MCL 289.1101 *et seq.*, and the Public Health Code, MCL 333.1101 *et seq.* (Ex C, Administrative Warrant.)

45. That same day inspectors from MDARD and the Livingston County Department of Public Health returned to the property at 11341 Killin Road in Cohoctah Township to carry out the inspection pursuant to the District Court's administrative inspection warrant. The inspectors were accompanied by two deputies from the Livingston County Sheriff's Department.

46. MDARD and the Department of Public Health conducted their inspections and obtained the records requested.

47. During the inspection, MDARD inspectors observed a variety of food items held and offered for sale including gluten free oatmeal cookies, apple muffins, honey, shell eggs, Kombucha tea, kraut, and frozen chicken.

48. These products were not properly labeled.

49. These products were not from regulated sources and were being offered for retail sale.

50. MDARD seized all the products that Defendants were offering for sale that were not from a regulated source, were suspected of adulteration, or were misbranded.

51. Additionally, MDARD obtained samples of Defendants' raw milk for laboratory analysis.

COUNT I – COMPLAINT FOR CONDEMNATION OF SEIZED FOODS

52. Paragraphs 1 through 51 of this Complaint are re-alleged and incorporated herein by reference.

53. On September 1, 2016, MDARD seized food products from Defendants' property pursuant to MCL 289.2105(1).

54. The products seized were being offered for sale without a retail food license in violation of MCL 289.5101(1)(d), were misbranded in violation of MCL 289.1109(o) and MCL 289.5101(1)(a) or (b), were not from regulated or approved sources in violation of MCL 289.5101(1)(r), and were not from sources that comply with all federal, state, and local laws in violation of Federal Food Code 3-201.11(A).

55. The Food Law establishes a process for the disposition of seized food:

(3) If food seized or embargoed under subsection (1) or (2) is determined by the director to be adulterated or misbranded, he or she *shall* cause a petition to be filed in circuit court in whose jurisdiction the food is seized or embargoed for a complaint for condemnation of the food. Seized or embargoed food shall be destroyed at the expense of the claimant of the food, under the supervision of the director, and the court may order the payment of the costs and fees and storage and other proper expenses by the claimant of the food or his or her agents. . . [MCL 289.2105(3) (emphasis added).]

56. The Food Law defines misbranded food as follows:

“Misbranded” means food to which any of the following apply:

(i) Its labeling is false or misleading in any particular.

* * *

(v) It is in package form, unless it bears a label containing both the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count subject to reasonable variations permitted and exemptions for small packages established by rules.

(vi) Any word, statement, date, or other labeling required by this act is not placed on the label or labeling prominently, conspicuously, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

* * *

(ix) It does not bear labeling clearly giving the common or usual name of the food, if one exists, and if fabricated from 2 or more ingredients, the common or usual name of each ingredient except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each and except under other circumstances as established by rules regarding exemptions based upon practicality, potential deception, or unfair competition.

* * *

(xi) If a food intended for human consumption and offered for sale, its label and labeling do not bear the nutrition information required under section 403(q) of the federal act, 21 USC 343.

(xii) It is a product intended as an ingredient of another food and, when used according to the directions of the purveyor, will result in the final food product being adulterated or misbranded. [MCL 289.1109(o).]

57. The Food Law defines adulterated as follows:

“Adulterated” means food to which any of the following apply:

(i) It bears or contains any poisonous or deleterious substance that may render it injurious to health unless the substance is not an added substance and the quantity of that substance in the food does not ordinarily render it injurious to health.

(ii) It bears or contains any added poisonous or added deleterious substance, other than a substance that is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive considered unsafe within the meaning of subsection (2).

* * *

(vi) It consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance or it is otherwise unfit for food.

(vii) It has been produced, prepared, packed, or held under unsanitary conditions in which it may have become contaminated with filth or in which it may have been rendered diseased, unwholesome, or injurious to health. [MCL 289.1105(1)(a).]

58. The food seized from Defendants is misbranded as it contained no labels or did not bear labels containing the information required by the Food Law.

59. The food seized from Defendants is suspected of adulteration because it was produced, prepared, packed, or held in an unlicensed establishment that had not been inspected and determined to be sanitary and where it could have become contaminated or rendered diseased, unwholesome, or injurious to health.

60. MDARD requests that this Court find that food products seized from Defendants are misbranded and/or adulterated and issue an order requiring the food to be destroyed at Defendants' expense and under MDARD's supervision.

COUNT II – INJUNCTIVE RELIEF

61. Paragraphs 1 through 60 of this Complaint are re-alleged and incorporated herein by reference.

62. The Food Law defines “food” as “articles used for food or drink for humans or other animals, chewing gum, and articles used for components of any such article.” MCL 289.1107(m).

63. Chicken, honey, kraut, tea, and the other items offered for sale by Defendants all fall under the Food Law’s definition of food.

64. The Food Law defines “food establishment” as “an operation where food is processed, packed, canned, preserved, frozen, fabricated, stored, prepared, served, sold, or offered for sale. Food establishment includes, but is not limited to, a food processor, a food warehouse, a food service establishment, and a retail grocery. . . .” MCL 289.1107(p).

65. Defendants Dairy Delight, Kristal Unger, and Gary Unger are storing, selling, and offering food for sale and, therefore, are a food establishment as defined by the Food Law.

66. Defendant Chad Erway is processing and selling food and, therefore, is operating a food establishment as defined by the Food Law.

67. The Food Law provides that a person cannot operate a food establishment unless licensed by MDARD. MCL 289.4101(1).

68. Defendants are not licensed under the Food Law.

69. The Food Law prohibits the operation of a food establishment without a license:

(1) A person shall not do or cause to be done any of the following:

* * *

(d) Sell, deliver for sale, hold for sale, or offer for sale food unless that person holds a license issued under chapter IV.

* * *

(q) Operate without a license, registration, permit, or endorsement.

(r) Violate a provision of this act or a rule. [MCL 289.5101(1).]

70. As set forth above, Defendants Dairy Delight, Kristal Unger, and Gary Unger have violated the Food Law by engaging in the sale of food without a license.

71. Defendant Chad Erway has violated the Food Law by engaging in the processing and sale of food without a license.

72. Further, the Federal Food Code allows a person to sell only food that is obtained from a source that complies with all federal, state, and local laws. FFC 3-201.11.

73. Defendants violated MCL 289.5101(1)(r) by selling food obtained from sources that did not comply with federal, state, and local laws.

74. The Food Law provides that:

In addition to the remedies provided for in this act, the department may apply to the circuit court for, and the court shall have jurisdiction upon hearing and for cause shown, a temporary or permanent injunction restraining any person from violating any provision of this act or rules promulgated under this act irrespective of whether or not there exists an adequate remedy at law. [MCL 289.5111.]

75. MDARD requests that this Court issue a permanent injunction prohibiting Defendants from:

- A. Holding, selling, or offering food for sale without a license contrary to MCL 289.5101(1)(d) and (q);
- B. Selling food that was obtained from a source that did not comply with federal, state, and local laws, contrary to MCL 289.5101(1)(r); and
- C. Manufacturing, selling, delivering, holding or offering for sale adulterated or misbranded food contrary to MCL 289.5101(1)(a).

RELIEF REQUESTED

Plaintiff respectfully requests that this Court grant the following relief:

- A. Declare that food products seized from Defendants are misbranded and/or adulterated;
- B. Issue an order that the food seized from Defendants be destroyed at Defendants' expense and under MDARD's supervision;
- C. Enter an order permanently enjoining Defendants and their members, employees, agents, and officers from:
 - 1. Holding, selling, or offering food for sale without a license contrary to MCL 289.5101(1)(d) and (q);
 - 2. Selling food that was obtained from a source that did not comply with federal, state, and local laws, contrary to MCL 289.5101(1)(r); and
 - 3. Manufacturing, selling, delivering, holding or offering for sale adulterated or misbranded food contrary to MCL 289.5101(1)(a).

D. Grant MDARD further relief as the Court finds just and appropriate.

Respectfully submitted,

Bill Schuette
Attorney General

A handwritten signature in cursive script, appearing to read "Danielle Allison-Yokom", followed by a horizontal line.

Danielle Allison-Yokom (P70950)
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Dated: September 22, 2016

PENGAD-Beyonce, N. J.

**PLAINTIFF'S
EXHIBIT**

A

Food Safety & Inspection Program

SECTION: General
Fresh Unprocessed Whole Milk

Policy # 1.40
Date: 3/12/2013

Policy

This policy is built upon the recommendations of the Fresh Unprocessed Whole Milk Workgroup. The workgroup agreed to use the term Fresh Unprocessed Whole (FUW) milk to describe the product intended for direct human consumption since "raw milk" is used to describe milk intended for pasteurization.

Michigan Dairy Laws state in MCL 288.538 and in MCL 288.696, "Only pasteurized milk and milk products shall be offered for sale or sold, directly or indirectly, to the final consumer or to restaurants, grocery stores, or similar establishments". The Food Law states in MCL 289.6140, "Only pasteurized ingredients from a department-approved source shall be used for milk and milk products manufactured, sold, served, or prepared at a retail food establishment."

In a herd share operation, consumers pay a farmer a fee for boarding their animal (or a share of an animal), caring for the animal and milking the animal. The herd share shareholder then obtains (but does not purchase) the raw milk from his or her own animal.

Herd share operations include the following elements.

- There should be a signed and dated written contract between a single herd share farmer and shareholder
- There must be a workable means of communication between the farmer and all of the households receiving milk
- Milk should be from a single farm and not co-mingled

Key points

- The Michigan Department of Agriculture and Rural Development (MDARD) does not license or inspect the herd share portion of a dairy farm.
- Herd share programs are considered to include only FUW milk intended to be consumed by people.
- FUW milk is not for sale or resale.
- FUW milk cannot be distributed from a licensed food establishment.
- Products such as butter, yogurt, cheeses, etc. made from FUW milk were not included in the workgroup's discussions and are not considered by MDARD to be part of a herd share operation and therefore are subject to applicable MDARD laws and regulations.
- Advertising of herd shares is not regulated by MDARD.

The workgroup felt comfortable with these decisions based on the fact that there is a defined consumer pool, rapid traceback is possible and the farmer and shareholder are both responsible for maintaining the quality of the milk.



MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
FOOD AND DAIRY DIVISION
LANSING, MICHIGAN 48909

SPECIAL REPORT

(In accordance with P.A. 380, Public Acts 1965 as amended)

Estab. No.		Date 08/26/2016	Time 12:00	<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.
Person or Firm Name Dairy Delight Cow Boarding		Inspector Rick Sokol		
Street Address 11341 Killin Road	City Howell Township	Zip Code 48855	County Livingston	
Subject Trip to Dairy Delight Cow Boarding facility to gather information on their herd share program				
<p>At approximately 12:00pm on August 26, 2016 myself and Livingston County, Department of Public Health, Food Program Coordinator Amy Aumock went to the Dairy Delight Cow Boarding Facility located at 11341 Killin Road, Howell Township, MI 48855, in an attempt to gather information about her cow boarding/herd share program.</p> <p>Approximately 5 minutes after we arrived and parked, a gentleman drove up in a pick up truck (who stated he was the husband of the women who owns Dairy Delight) and a women approached us from one of the barns. Amy and I introduced ourselves and explained the reason for our visit (summary: that there were two sick children and that they had both consumed raw milk from their farm and so their farm was a potential source of the illness), and therefore we needed to gather some information about their facility. They never told us their names and asked us what we wanted to know.</p> <p>At that point, I handed the lady a copy of the letter (from MDARD) that listed the information we were requesting about her raw milk share operation. At that point she looked over the questions and said "No" to each as she read them aloud, and then made us aware that there was a "No Trespassing" sign on her driveway stating we were not welcome and no information would be given with out a warrant. We stated we saw the sign and understood. We were about ready to leave when she and her husband made several statements to us. They stated:</p> <p>"that she had been in contact with the family of the sick child (as she requests that her clients notify her with any issues with the milk) and that the child was probably sick from the turkey tacos he had eaten during the day and not from consuming her raw milk".</p> <p>"And as far as she knew only one child was sick, and she has not received any other complaints from her customers"</p> <p>"the family in question picks up 8 gallons of milk per week from her, but its for two families and no one else in the families got sick"</p> <p>"she herself consumes a half gallon of her milk per day and she hasn't been sick"</p> <p>"you can not get E.Coli illness from drinking raw milk"</p> <p>"she has an agreement with her clients that she will not release any of their information. And we (State of Michigan) attempted to get this information from her in 2011 after Q Fever had infected a few people around Livingston County, but were unsuccessful because the Q Fever did not come from her farm. The State of Michigan Veterinarian also wanted to come onto her farm but she she didn't allow it"</p> <p>"they do not deliver any of the milk, but rather clients request time to pick it up"</p> <p>"that they used to have a Class A milk license with the State of Michigan and shipped with MMPA until 2007 when they decided to switch to raw milk shares because they thought they could produce better milk then when they had a license. And now they have better and safer practices then when they had their license"</p> <p>"they get their milk tested". (but didn't say for what or by whom)</p> <p>"they 100% pasture feed their cattle so they don't buy feed or confine their animals, and therefore have no manure handling issues. Their cattle and facility is much cleaner than some of the licensed farms they have visited in the past"</p> <p>When asked if they had any other dairy or natural products on site, she replied, "No, but if we did those products are from members of this Coop. and don't belong to me and they would be here for distribution to other members of the Coop"</p> <p>"both are well aware that the government is tracking raw milk drinkers and that they know there is a government database with raw milk drinkers information"</p> <p>She ended by stating that she would be in contact with her lawyer.</p> <p>Amy and I got into my van and left the property. We were there for approximately 15-20 minutes. She was holding the MDARD letter we gave her in her hand when we left.</p> <p>I did not see any cattle nor any signs of a dairy operation during the visit.</p> <p>I did take a photo of the Dairy Delight sign on their driveway, as well as the No Trespassing sign on their driveway.</p>				
Copy Received By (signature)	Division FOOD & DAIRY	Inspector (signature) Rick Sokol	Phone (248) 207-4283	



MICHIGAN DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT
FOOD AND DAIRY DIVISION
LANSING, MICHIGAN 48909

SPECIAL REPORT

(In accordance with P.A. 380, Public Acts 1965 as amended)

Etab. No. NA		Date 8/26/2016		Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	
Person or Firm Name Diary Delight			Inspector Sokol -		
Street Address 11341 Killin Rd.		City Howell	Zip Code 48855	County Livingston	
Subject Food Borne Illness investigation					
<p>The Michigan Department of Agriculture is working with the Michigan Department of Health and Human Services in coordination with Livingston, Wayne and Oakland County Health Departments to investigate an ongoing foodborne illness. MDARD is contacting your farm/firm to determine the following information:</p> <ol style="list-style-type: none"> 1. Have you received any complaints from your herd share members regarding any illnesses? 2. In order to facilitate the investigation, we will need a list of your herd share members and the products that they have received from your farm/firm. 3. Any distribution or pick up schedules for your herd share members to obtain milk from your farm/firm. 4. As part of your herd share operation are you providing any other food or dairy products (including cream) to your herd share members? <p>Although the sale of unpasteurized milk is illegal under Michigan Law, MDARD, pursuant to Food and Dairy Division Policy 1.40 exercises its enforcement discretion and does not take enforcement action against herd shares that comply with the policy. At this time due to the ongoing investigation MDARD is temporarily ceasing our discretion to protect public health and further this foodborne illness investigation. Your cooperation in this investigation will be appreciated. As part of that investigation we will be evaluating your milk house/barn or milking area, cow yard and cows to determine the overall nature of your farm/firm and basic milk handling and sanitation procedures on site.</p> <p>Please contact Barb Koeltzow at 1-800-292-3939 for further information. Please provide the records indicated no later than Monday, August 29, 2016 at 9 a.m.</p> <p>Please note that failure to respond may lead MDARD to take further actions to resolve this matter.</p>					
Copy Received By (signature)		Division FOOD & DAIRY		Inspector (signature) Phone (800) 292-3939	



STATE OF MICHIGAN
IN THE 53RD DISTRICT COURT

IN THE MATTER OF:

CASE NO.

HON.

ADMINISTRATIVE INSPECTION WARRANT
DAIRY DELIGHT COW BOARDING, L.L.C.,
KRISTAL L. UNGER, GARY S. UNGER
and the property located at
11341 KILLIN ROAD, COHOCTAH
TOWNSHIP, LIVINGSTON COUNTY,
MICHIGAN

53RD DISTRICT COURT
2016 SEP 1 AM 8:50

ADMINISTRATIVE INSPECTION WARRANT

TO: Any employee or authorized representative of the Michigan
Department of Agriculture and Rural Development (MDARD) and any
employee or authorized representative of the Livingston County
Department of Public Health.

MDARD has established sufficient cause for issuance of this Administrative
Inspection Warrant to investigate and inspect conditions relating to Dairy Delight
Cow Boarding, L.L.C.'s, compliance with the requirements of the Grade A Milk
Law, 2001 PA 266, as amended, MCL 288.471 *et seq.*, the Manufacturing Milk Law,
2001 PA 267, as amended, MCL 288.561 *et seq.*, and the Michigan Food Law, 2000
PA 92, as amended, MCL 289.1101 *et seq.*, related to the production and sale of milk
and milk products, by the Affidavit and Application for Administrative Inspection
Warrant made to the Court.

In addition, the Livingston County Department of Public Health has established sufficient cause for issuance of this Administrative Inspection Warrant to conduct an investigation related to E. coli infections that occurred after ingestion of unpasteurized milk from Dairy Delight Cow Boarding under authority granted by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*, by the Affidavit and Application for Administrative Inspection Warrant made to the Court.

IT IS HEREBY ORDERED that Dairy Delight Cow Boarding, Kristal L. Unger and Gary S. Unger, the owners of the property located at 11341 Killin Road, Cohoctah Township, Livingston County, Michigan 48855, and any of their agents or employees, permit MDARD, through any of its employees or authorized representatives acting at the direction of MDARD, to enter and, as needed, reenter the premises for the purpose of conducting activities necessary to determine compliance with the Grade A Milk Law, the Manufacturing Milk Law, and the Food Law and include: walking the property, milk house, and any other structures where the cows or milk products are produced or stored; inspecting equipment, milk tanks, structures and surroundings, cows, and animal shelters; taking samples; taking photographs and/or video; checking all veterinary medications for proper labeling and storage; taking the temperature of any milk that is present in the bulk tank(s); checking the water temperature for the hot water supply; inspecting the toilet room(s); inspecting the water supply location, water lines, and well head; reviewing records; and seizing any suspected adulterated or illegally processed milk or milk

products or any food that does not comply with the Food Law found during the inspection.

IT IS FURTHER ORDERED that Dairy Delight Cow Boarding, Kristal L. Unger and Gary S. Unger, the owners of the property located at 11341 Killin Road, Cohoctah Township, Livingston County, Michigan 48855, and any of their agents or employees, permit the Livingston County Department of Public Health, through any of its employees or authorized representatives acting at the direction of the Livingston County Department of Public Health, to enter and, as needed, reenter the premises for the purpose of conducting activities necessary to investigate E. coli infections that occurred after ingestion of unpasteurized milk from Dairy Delight Cow Boarding and include: obtaining information and reviewing records related to the distribution of unpasteurized milk or milk products; and obtaining information and reviewing records related to complaints of illness associated with unpasteurized milk or milk products. These activities shall occur only within buildings and areas related to Dairy Delight Cow Boarding operations and not within any private residence or any vehicle not used for Dairy Delight Cow Boarding operations.

IT IS FURTHER ORDERED that Kristal L. Unger and Gary S. Unger produce all records, contracts or other written or electronic records pertaining to their operation of Dairy Delight Cow Boarding requested by the Livingston County Department of Public Health in connection with its investigation of E. coli infections that occurred after ingestion of unpasteurized milk from Dairy Delight Cow Boarding.

IT IS FURTHER ORDERED that a copy of this Warrant shall be left at the premises at or before the time of the initial entry pursuant to this Warrant.

IT IS FURTHER ORDERED that Dairy Delight Cow Boarding, Kristal L. Unger, Gary S. Unger, their employees or agents, or any other persons, shall not interfere with the execution of this Warrant by MDARD or the Livingston County Department of Public Health or in the carrying out of those activities authorized by this Warrant.

IT IS FURTHER ORDERED that the duration of this entry authorization shall be three (3) days from the date this Warrant is issued.

IT IS FURTHER ORDERED that the entry and activities authorized by this warrant shall be carried out between the hours of 8:00 am and 8:00 pm.

IT IS FURTHER ORDERED that MDARD shall prepare a written inventory of all items seized or removed by MDARD and provide a copy of that inventory to Dairy Delight Cow Boarding and Kristal L. Unger.

IT IS FURTHER ORDERED that the Livingston County Department of Public Health shall prepare a written inventory of all items seized or removed by the Livingston County Department of Public Health and provide a copy of that inventory to Dairy Delight Cow Boarding and Kristal L. Unger.

IT IS FURTHER ORDERED that MDARD shall make a return of this
Administrative Inspection Warrant to this Court within ten (10) days following the
expiration of this Warrant.

Dated this 01 day of September, 2016.

This Administrative Inspection Warrant is Hereby Authorized.

Bill Schuette
Michigan Attorney General

Natalie Ballon (P75610) for
Danielle Allison-Yokom (P70950)
Assistant Attorney General
Environment, Natural Resources,
and Agriculture Division
PO Box 30755
Lansing, Michigan 48909
(517) 373-7540

JERRY SHERWOOD
Hon. P44603
District Court Judge
MSA

STATE OF MICHIGAN
IN THE 53RD DISTRICT COURT

IN THE MATTER OF:

CASE NO.

HON.

ADMINISTRATIVE INSPECTION WARRANT
DAIRY DELIGHT COW BOARDING, L.L.C.,
KRISTAL L. UNGER, GARY S. UNGER
and the property located at
11341 KILLIN ROAD, COHOCTAH
TOWNSHIP, LIVINGSTON COUNTY,
MICHIGAN

53RD DISTRICT COURT
2016 SEP 1 AM 8 50

AFFIDAVIT

I, Rick Sokol, being first duly sworn, state:

1. I have been employed as a Dairy Industry Field Scientist for the Michigan Department of Agriculture and Rural Development (MDARD), Food and Dairy Division, since 2011.

2. As a Dairy Industry Field Scientist, I enforce the Grade A Milk Law, 2001 PA 266, as amended, MCL 288.471 *et seq.* and the Manufacturing Milk Law, 2001 PA 267, as amended, MCL 288.561 *et seq.*, which regulate all types of dairy processing and production in the State of Michigan. My job duties include conducting routine inspections of dairy operations and dairy plants; informing new dairy operations about Michigan requirements for dairy production and processing;

investigating complaints; responding to situations that may threaten public health; and directing compliance actions when a dairy facility is found in non-compliance.

3. I cover a four-county area and am responsible for inspecting dairy operations and plants in Wayne, Macomb, Livingston and Ingham Counties.

4. I have a Bachelor of Science Degree in Agricultural Science from Michigan State University. I also have a Master of Science Degree in Agricultural & Extension Education from Michigan State University.

5. The Grade A Milk Law and Manufacturing Milk Law define "milk" as "the lacteal secretion, practically free from colostrum, obtained by the complete milking of 1 or more healthy cows, goats, sheep, or other dairy animals." MCL 288.474(e); MCL 288.574(a).

6. Additionally, the Grade A Milk Law and Manufacturing Milk Law define "dairy farm" as "any place or premises where 1 or more dairy animals are kept for milking purposes, and from which a part or all of the milk is provided, sold, or offered for sale." MCL 288.473(e); MCL 288.572(b).

7. The Grade A Milk Law defines "milk product" or "dairy product" to include a long list of products made from milk, including cream, buttermilk and yogurt. MCL 288.474(h). The Manufacturing Milk Law defines "dairy product" or "milk product" to include other products made from milk, including butter and ice cream. MCL 288.572(d).

8. The Grade A Milk Law grants the MDARD Director broad authority to inspect dairy farms and to conduct investigations:

The director, after proper identification, *is authorized and has the power to enter all dairy farms, milk plants, single service manufacturing facilities, milk tank truck cleaning facilities, receiving stations, transfer stations, distribution facilities, vehicles used to transport milk and milk products, and single service manufacturers under its jurisdiction for the purpose of inspecting, sampling, and investigating conditions relating to the enforcement of this act.* [MCL 288.492 (emphasis added).]

9. The Manufacturing Milk Law contains a similarly broad grant of investigative authority:

The director shall foster and encourage the dairy industry of the state and, for that purpose, *shall investigate the general conditions of the dairy farms, dairy plants, single service manufacturers, receiving stations, transfer stations, bulk milk haulers/samplers, can milk trucks, milk tank trucks, milk tank truck cleaning facilities, and distributors with full power to enter upon any premises for such investigation*, with the object of improving the quality and creating and maintaining uniformity of the dairy products of the state. If determined necessary by the director, he or she may cause instruction to be given in any dairy farm, dairy plant, single service manufacturer, receiving station, transfer station, and distributor or in any locality in this state, in order to secure the proper feeding and care of dairy animals, the proper maintenance and sanitation of milk handling equipment, the proper maintenance of milk production facilities, the proper maintenance of milk processing facilities, the proper maintenance of single service facilities, the proper handling and storage of milk, dairy products, or single service containers, or the practical operation of any plant producing dairy products or single service containers for dairy products. In order to secure a uniform and standard quality of dairy products in the state, the director shall furnish a sufficient number of competent and qualified inspectors for that purpose as provided for in this act. [MCL 288.611 (emphasis added).]

10. The Michigan Food Law, 2000 PA 92, as amended, MCL 289.1101 *et seq.*, regulates the manufacturing, processing, and sale of food in the State of Michigan.

11. The Food Law defines "food" as "articles used for food or drink for humans or other animals, chewing gum, and articles used for components of any such article." MCL 289.1107(m).

12. The Food Law requires MDARD to investigate complaints: "The director shall investigate complaints and initiate and conduct other investigations as he or she considers advisable to determine violations of this act." MCL 289.2101(2).

13. The Food Law defines "adulterated" food, in relevant part, as food that "bears or contains any poisonous or deleterious substance that may render it injurious to health unless the substance is not an added substance and the quantity of that substance in the food does not ordinarily render it injurious to health." MCL 289.1105(1)(a)(i).

14. The Grade A Milk Law and Manufacturing Milk Law define "adulterated" nearly identically to the Food Law. Under those acts, adulterated means food that "bears or contains any poisonous or deleterious substance that may render it injurious to health except that, if the substance is not an added substance, the food or milk is not considered adulterated if the quantity of that substance in

the food or milk does not ordinarily render it injurious to health.” MCL 288.472(a)(i); MCL 288.570(a)(i).

15. Dairy Delight Cow Boarding, L.L.C., located at 11341 Killin Road, Cohoctah Township, Livingston County, Michigan 48855, is a dairy farm as defined in the Grade A Milk Law and the Manufacturing Milk Law.

16. The milk (and any milk products) produced at the farm is food as defined in the Food Law.

17. On August 23, 2016, MDARD received information from the Michigan Department of Health and Human Services (DHHS) that two young children, one each in Oakland and Wayne Counties, had become infected with E. coli after consuming unpasteurized milk, commonly referred to as raw milk, from Dairy Delight Cow Boarding. MDARD was informed that one child was hospitalized twice for symptoms associated with the illness.

18. Milk that is contaminated with E. coli is considered adulterated under the Grade A Milk Law, the Manufacturing Milk Law and the Food Law.

19. The distribution and sale of unpasteurized milk and unpasteurized milk products (with a limited exception for some cheeses) is illegal under Michigan law. However, MDARD, pursuant to Food and Dairy Division Policy 1.40, exercises its enforcement discretion and does not take enforcement action against herd shares that comply with the policy. Herd shares generally are groups of people that

through contract purchase a share of a farmer's dairy animal or dairy herd in order to obtain raw milk.

20. However, due to the ongoing investigation related to the E. coli infections, MDARD has temporarily ceased exercising its enforcement discretion with respect to Dairy Delight Cow Boarding in order to protect public health.

21. On August 26, 2016, I traveled to the Dairy Delight Cow Boarding facility at 11341 Killin Road, Cohoctah Township, MI 48855 in an attempt to gather information about the herd share program in connection with the investigation into the E. coli infections. I was accompanied by Livingston County Department of Public Health Food Program Coordinator Amy Aumock. (See MDARD Special Report, 8/26/2016, 12:00 p.m., attached as Exhibit A.)

22. During the visit, I intended to inspect the buildings associated with the dairy farm (such as the milk house, barn, milking area and cow yard) and the cows to determine the overall nature of the farm and the basic milk handling and sanitation procedures on site, as well as to gather information and samples. (Ex A.)

23. At the farm, Ms. Aumock and I interacted with a man who stated that he was the husband of the woman who owned the farm. A woman then approached us from one of the barns. The two individuals never told us their names. (Ex A.) No other individuals were observed at the property during our visit.

24. I handed the woman a copy of an MDARD Special Report (attached as Exhibit B) listing the following information that we were requesting about her herd share operation:

- whether the herd share had received any complaints from members regarding any illnesses;
- a list of herd share members and the products they had received from the farm;
- any distribution or pick up schedules for herd share members to obtain milk from the farm; and
- whether the herd share operation was providing any other food or dairy products (including cream) to herd share members.

25. The woman initially responded "no" to each question. She also noted the "No Trespassing" sign on her driveway stating that we were not welcome, and she stated that no information would be given without a warrant. (Ex A.)

26. As we were preparing to leave, the woman made several statements to us. Among them, she indicated that she had been in contact with the family of a sick child. She also stated that the farm did not deliver milk, but rather clients requested time to pick it up. (Ex A.)

27. The woman refused to allow me to enter the farm to inspect her operations or to provide any further information.

28. I left a copy of the MDARD Special Report (Ex B) with the woman. The Special Report requested that the listed information be provided no later than

Monday, August 29, 2016, at 9:00 a.m. It also gave the name and phone number of an MDARD employee to contact for further information.

29. As of this writing, Dairy Delight Cow Boarding has provided no further information or response.

30. MDARD seeks access to Dairy Delight Cow Boarding to inspect its operations and to conduct an investigation related to the E. coli infections associated with consuming unpasteurized milk from Dairy Delight Cow Boarding.

31. The specific activities to be conducted by MDARD at Dairy Delight Cow Boarding include: walking the property, milk house, and any other structures where the cows or milk products are produced or stored; inspecting equipment, milk tanks, structures and surroundings, cows, and animal shelters; taking samples; taking photographs and/or video; checking all veterinary medications for proper labeling and storage; taking the temperature of any milk that is present in the bulk tank(s); checking the water temperature for the hot water supply; inspecting the toilet room(s); inspecting the water supply location, water lines, and well head; reviewing records; and seizing any suspected adulterated or illegally processed milk or milk products or any food that does not comply with the Food Law found during the inspection.

32. The activities described in paragraph 31 are the same activities that MDARD routinely engages in during dairy farm inspections and are authorized by the Grade A Milk Law and the Milk Manufacturing Law.

33. The seizure of adulterated or illegally produced milk or milk products is provided for in section 23 of the Grade A Milk Law:

The director may seize or hold for investigation any milk, milk product, or equipment that the director has reason to believe is adulterated, constitutes or may be contributing to an imminent health hazard, or violates this act. [MCL 288.493.]

34. The seizure of adulterated or illegally produced milk or milk products is also provided for in section 91 of the Milk Manufacturing Law:

The director may seize or hold for investigation any milk, dairy product, or equipment which the director may have reason to believe constitutes or may be contributing to an imminent or substantial health hazard or is in violation of this act. [MCL 288.651.]

35. The seizure of adulterated food is further provided for in Section 2105 of the Food Law:

When necessary for the enforcement of this act, the director may seize without formal warrant any food found to be sold, held for sale, or exposed for sale in violation of this act or rules promulgated under this act. [MCL 289.2105(1).]

36. The above-described activities and tasks will be conducted by myself or other MDARD staff.

37. MDARD requests access to Dairy Delight Cow Boarding for a period of three (3) days from the date the Administrative Inspection Warrant is issued. Access will be limited to the hours of 8:00 am to 8:00 pm and MDARD shall provide a written inventory of all items seized or removed and provide a copy of that inventory to Dairy Delight Cow Boarding.

38. I therefore request, on behalf of MDARD, that this Court immediately issue the Administrative Inspection Warrant attached to this Affidavit and Application.



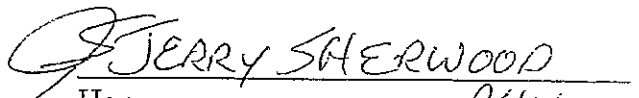
Rick Sokol
Dairy Industry Field Scientist

Subscribed and sworn to by Rick Sokol
before me the 1st day of September, 2016.



Notary Public, State of Michigan, County of LIVINGSTON
My Commission Expires: MAY 12, 2019

This Affidavit of Rick Sokol was taken before the undersigned District Court Judge for the 53rd District Court, on this 01 day of September, 2016, such person being first duly sworn.



Hon. JERRY SHERWOOD
District Court Judge P44603
MA6

STATE OF MICHIGAN
IN THE 53RD DISTRICT COURT

IN THE MATTER OF:

CASE NO.

HON.

ADMINISTRATIVE INSPECTION WARRANT
DAIRY DELIGHT COW BOARDING, L.L.C.,
KRISTAL L. UNGER, GARY S. UNGER
and the property located at
11341 KILLIN ROAD, COHOCTAH
TOWNSHIP, LIVINGSTON COUNTY,
MICHIGAN

53RD DISTRICT COURT
2016 SEP 1 AM 8 50

AFFIDAVIT

I, Amy Aumock, being first duly sworn, state:

1. I have been employed for the Livingston County Department of Public Health since 1999, and in the position as Food Program Coordinator since 2014.

2. As a Food Program Coordinator, I enforce the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* My job duties include but are not limited to; the inspection of licensed food service establishments for cleanliness, proper food handling practices, and compliance with sanitation standards. Inspection and licensing of facilities and investigation of complaints of non-compliance and suspected non-licensed facilities. Investigation of food service complaints regarding improper food service practices, suspected food-borne illness outbreaks, and/or adulterated food.

3. I have a Bachelor of Science Degree in Environmental Studies and Applications from Michigan State University, and am registered as an Environmental Health Specialist (REHS).

4. The Public Health Code outlines the duties of local health departments:

A local health department shall continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including prevention and control of environmental health hazards; prevention and control of diseases; prevention and control of health problems of particularly vulnerable population groups; development of health care facilities and health services delivery systems; and regulation of health care facilities and health services delivery systems to the extent provided by law. [MCL 333.2433(1).]

5. In addition, the Public Health Code states that local health departments *shall* "make investigations and inquiries as to: (i) The causes of disease and especially of epidemics" and "(iii) The causes, prevention, and control of environmental health hazards, nuisances, and sources of illnesses." MCL 333.2433(2)(c)(i) and (iii).

6. The Public Health Code authorizes local health departments to conduct inspections or investigations in fulfillment of its duties: "To assure compliance with laws enforced by a local health department, the local health department may inspect, investigate, or authorize an inspection or investigation to be made of, any matter, thing, premise, place, person, record, vehicle, incident, or event." MCL 333.2446.

7. Local health departments may apply for an inspection or investigation warrant by providing an affidavit "made on oath establishing grounds for issuing a warrant" MCL 333.2241 and MCL 333.2242, incorporated by MCL 333.2446.

The Code also sets forth when an inspection or investigation warrant shall issue:

A magistrate shall issue an inspection or investigation warrant if either of the following exists:

(a) Reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular thing, premises, place, person, record, vehicle, incident, or event.

(b) There is reason to believe that noncompliance with laws enforced by the state or local health department may exist with respect to the particular thing, premises, place, person, record, vehicle, incident, or event. [MCL 333.2243, incorporated by MCL 333.2446.]

8. Under Michigan law, physicians are required to report each case of a serious communicable disease within 24 hours of diagnosis or discovery to the appropriate health department. Mich Admin Code, R 325.173(1). E. coli is a serious communicable disease that physicians are required to report. (The list of reportable diseases is updated annually. MCL 333.5111(1). The most recent version is available at www.michigan.gov/cdinfo.)

9. The Michigan Department of Health and Human Services (DHHS) and local health departments have broad authority to investigate cases of serious communicable diseases. Mich Admin Code, R 325.174. Among other things, "[r]equests for individual medical and epidemiologic information to validate the completeness and accuracy of reporting are specifically authorized." Mich Admin

Code, R 325.174(3). Local health departments conduct these investigations in order to follow up with people who may have been exposed to or contracted the communicable disease and to warn those who are at risk of exposure.

10. On 8-23-2016, the Livingston County Department of Public Health was informed by DHHS that two children, one each in Oakland and Wayne Counties, had been infected with E. coli. The Livingston County Department of Public Health was informed that one child was hospitalized twice for symptoms associated with the illness.

11. The Livingston County Department of Public Health learned from DHHS that the local health departments in Oakland and Wayne Counties investigated the illnesses and determined that both children had consumed unpasteurized milk, commonly referred to as raw milk, from Dairy Delight Cow Boarding, L.L.C., located in Livingston County at 11341 Killin Road, Cohoctah Township, Howell, Michigan 48855.

12. Based on this information, MDHHS determined that unpasteurized milk from Dairy Delight Cow Boarding was the potential source of the children's E. coli infections.

13. On August 26, 2016, I traveled to the Dairy Delight Cow Boarding facility at 11341 Killin Road, Cohoctah Township, Howell, MI 48855 in an attempt to investigate the potential source of the E. coli infections. I was accompanied by

Michigan Department of Agriculture and Rural Development (MDARD) Dairy Industry Field Scientist Rick Sokol.

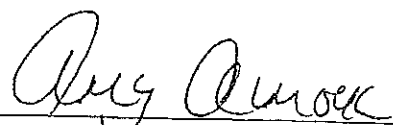
14. The individuals at the property denied us access and refused to cooperate with the investigation. The woman at the property, who did not identify herself, noted a "No Trespassing" sign on her property and stated that she would not provide any information without a warrant.

15. The Livingston County Department of Public Health seeks access to Dairy Delight Cow Boarding to investigate the source of the E. coli infections associated with consuming unpasteurized milk from Dairy Delight Cow Boarding.

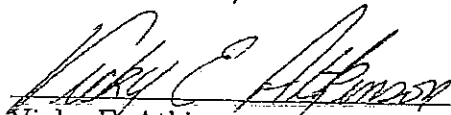
16. The specific activities to be conducted by the Livingston County Department of Public Health at Dairy Delight Cow Boarding include: obtaining information and reviewing records related to the distribution of unpasteurized milk or milk products; and obtaining information and reviewing records related to complaints of illness associated with unpasteurized milk or milk products. These activities will occur only within buildings and areas related to Dairy Delight Cow Boarding operations and not within any private residence or any vehicle not used for Dairy Delight Cow Boarding operations.

17. The above-described activities and tasks will be conducted by myself or other Livingston County Department of Public Health staff.

18. The Livingston County Department of Public Health requests access to Dairy Delight Cow Boarding for a period of three (3) days from the date the Administrative Inspection Warrant is issued. Access will be limited to the hours of 8:00 am to 8:00 pm. I therefore request, on behalf of the Livingston County Department of Public Health, that this Court immediately issue the Administrative Inspection Warrant attached to this Affidavit and Application.

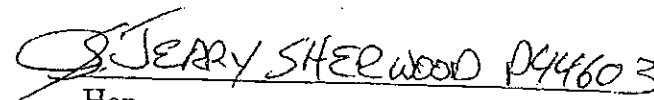

Amy Aumock
Food Program Coordinator

Subscribed and sworn to by Amy Aumock
before me the 1st day of September, 2016.


Vicky E. Atkinson

Notary Public, State of Michigan, County of Livingston
My Commission Expires: May 12, 2019

This Affidavit of Amy Aumock was taken before the undersigned District Court Judge for the 53rd District Court, on this 01 day of September, 2016, such person being first duly sworn.


Hon.
District Court Judge
