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STATE OF MICHIGAN
COURT OF APPEALS

PATRICIA LESKO,

Plaintiff-Appellant,

V

SUPREME FELONS, INC.,

Defendant-Appellee.

FOR PUBLICATION

April 23, 2026

8:48 AM

No. 376081

Washtenaw Circuit Court

LC No. 24-001552-CZ

Before: RIORDAN, P.J., and O’BRIEN and YOUNG, JJ.

YOUNG, J.

In this action brought under Michigan’s Freedom of Information Act (FOIA), MCL 15.231 *et seq.*, plaintiff, Patricia Lesko, appeals as of right the trial court’s order granting the motion for summary disposition filed by defendant, Supreme Felons, Inc., on grounds that plaintiff lacked standing to pursue this action. We affirm.

I. BACKGROUND

Plaintiff works for a newspaper that operates as “The Ann Arbor Independent.” On September 11, 2024, plaintiff sent defendant an email requesting that defendant produce certain documents that were allegedly subject to FOIA. In the email, plaintiff wrote that “The Ann Arbor Independent would like copies” of these documents; that, if defendant refused, then “The Ann Arbor Independent’s only recourse” would be civil action; and that “[t]he newspaper would like these records in digital format.”

On September 13, 2024, plaintiff sent defendant a second email requesting additional documents under the auspices of FOIA. In this email, like the last one, plaintiff wrote that “The Ann Arbor Independent would like copies of” these documents; that, if defendant refused to provide the documents, then “The Ann Arbor Independent’s only recourse” would be to pursue a civil action; and that “[t]he newspaper would like these records in digital format.”

On September 18, 2024, Billy Cole, acting on behalf of defendant, denied these FOIA requests, stating that defendant “is not a public body and [is] therefore not subject to the FOIA.” On October 25, 2024, defendant’s counsel sent a more formal denial letter addressed to plaintiff

which stated that defendant “will not provide you or your publication with” the requested documents in part because defendant was not a public body.

Plaintiff, proceeding pro per, filed the complaint giving rise to this action on November 21, 2024. As the case caption suggests, plaintiff filed the complaint in her individual capacity, challenging defendant’s denial of the September 11 and September 13 FOIA requests.

On May 13, 2025, defendant moved for summary disposition, arguing that plaintiff lacked standing to bring this FOIA action because the at-issue FOIA requests were made on behalf of The Ann Arbor Independent, so only The Ann Arbor Independent had standing to challenge the denial of those requests.¹

In response, plaintiff argued that she signed the requests for the documents, so she was “the requesting person” under FOIA and could bring this claim arising out of the denial of those FOIA requests.

At a June 11, 2025 hearing, the trial court granted defendant’s motion because it agreed with defendant that plaintiff lacked standing to challenge defendant’s denial of the FOIA requests. The court reasoned that, because the FOIA requests were made on behalf of The Ann Arbor Independent, only The Ann Arbor Independent had standing to bring a FOIA action challenging the denial of those requests.

This appeal followed.

II. STANDARD OF REVIEW

A trial court’s ruling on a motion for summary disposition is reviewed de novo. *UAW v Central Michigan Univ Trustees*, 295 Mich App 486, 493; 815 NW2d 132 (2012). A trial court’s ruling that a party lacks standing is likewise reviewed de novo. *Id.* A motion for summary disposition in which the defendant argues that the plaintiff lacks standing is properly brought under MCR 2.116(C)(5). See *Pontiac Police & Fire Retiree Prefunded Group Health & Ins Trust Bd of Trustees v Pontiac No 2*, 309 Mich App 611, 619; 873 NW2d 783 (2015); *Glen Lake-Crystal River Watershed Riparians v Glen Lake Ass’n*, 264 Mich App 523, 528; 695 NW2d 508 (2004). When reviewing a (C)(5) motion, a court “must consider the pleadings, depositions, admissions, affidavits, and other documentary evidence submitted by the parties.” *Aichele v Hodge*, 259 Mich App 146, 152; 673 NW2d 452 (2003) (quotation marks and citation omitted).

¹ In defendant’s motion, it incorrectly alleged that The Ann Arbor Independent was a corporation, when in reality The Ann Arbor Independent was an assumed name for The Adjunct Advocate, Inc. It does not make a substantive difference for purposes of the relevant analysis whether the separate legal entity is “The Ann Arbor Independent” or “The Adjunct Advocate”—the point is that plaintiff as an individual is distinct from the legal entity on whose behalf she submitted the FOIA requests. To avoid possible confusion, this opinion discusses “The Ann Arbor Independent” as the separate legal entity on whose behalf the at-issue FOIA requests were made.

III. ANALYSIS

Plaintiff argues that the trial court erred by holding that plaintiff lacked standing to bring this FOIA action in plaintiff's individual capacity. We disagree.

In Michigan, "a litigant has standing whenever there is a legal cause of action." *Lansing Sch Ed Ass'n v Lansing Bd of Ed*, 487 Mich 349, 372; 792 NW2d 686 (2010).

Michigan's FOIA provides that "a person has a right to inspect, copy, or receive copies of the requested public record of the public body." MCL 15.233(1). The act defines "person" as "an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity." MCL 15.232(g). If a person desires to exercise their rights under FOIA, the person must "make a written request for the public record to the FOIA coordinator of a public body." MCL 15.235(1). "A request from a person . . . must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual." MCL 15.233(1). If a person's request is denied, then "the requesting person" may commence a civil action "to compel the public body's disclosure of the public record." MCL 15.240(1)(b).

The pertinent facts of this case are simple. Plaintiff sent defendant two emails in which she wrote that "The Ann Arbor Independent would like copies" of certain documents; that, if defendant refused to provide the documents, then "The Ann Arbor Independent's only recourse" was civil action; and that "[t]he newspaper would like these records in digital format." Both emails were signed by plaintiff and used the title "Editor." Underneath plaintiff's name was written "The Ann Arbor Independent," and underneath that was the address and contact information for the newspaper.

After these FOIA requests were denied, plaintiff brought this action in her individual capacity under MCL 15.240(1)(b). That subsection only allows "the requesting person" to bring a civil action on the basis of a denied FOIA request, and the central question on appeal is whether plaintiff—who personally submitted the FOIA requests but on behalf of her newspaper—was "the requesting person" for purposes of MCL 15.240(1)(b).

As the dissent provides, "[o]ne way to think about this is as plaintiff claiming that two 'persons' submitted joint FOIA requests to defendant—one 'person' was the Ann Arbor Independent, the other was plaintiff as an individual." We can find no record evidence that plaintiff made this request in her individual capacity.

We note first that plaintiff provided her work address and additional work-related information on the forms. We acknowledge this is not dispositive to determining whether she is jointly filing as an individual and an agent of her newspaper. When "a person other than an individual" files a request for documents under FOIA, that request "must include . . . the complete name, address, and contact information of the person's agent who is an individual." MCL 15.233(1). The information that MCL 15.233(1) required plaintiff to include in her FOIA requests was the same regardless of whether plaintiff submitted the requests in her individual capacity or as the Ann Arbor Independent's agent. Thus, that plaintiff included her name, the Ann

Arbor Independent’s address, her title at the Ann Arbor Independent, and the contact information for the Ann Arbor Independent clarifies that plaintiff is acting as an agent of the Ann Arbor Independent but does not foreclose she is acting in her individual capacity as well, although it is informative. Plaintiff acting in her individual capacity is foreclosed by the content of the request.

Plaintiff’s requests, sent from her Ann Arbor Independent email address, speak on behalf on “the Ann Arbor Independent” and mention that should defendant fail to comply with the request, the “Ann Arbor Independent’s only recourse is to . . . sue Supreme Felons.” The email specifies that “*The Ann Arbor Independent* would like copies of the following public records” In a later email, plaintiff thanked defendant for “acknowledging *the newspaper’s* second FOIA request.” Here, the *only* “requesting person” was the non-individual corporate entity. Plaintiff, an individual who herself can make a FOIA request, acted only in her capacity as an agent of the non-individual corporate entity. An agent cannot become an individual “requesting person” by signing a document and providing their name and address. They must also be *requesting* something. Here, the only “person” requesting documents, according to the FOIA requests themselves, is the Ann Arbor Independent. The corporate entity remains “the requesting person” and only that “requesting person” may commence a civil action “to compel the public body’s disclosure of the public record.” MCL 15.240(1)(b).

Defendant argues, the trial court agreed, and we likewise agree that *Detroit Free Press, Inc v City of Southfield*, 269 Mich App 275; 713 NW2d 28 (2005) is a helpful guide. There, the plaintiff—the Detroit Free Press—brought a FOIA action against the City of Southfield. The case arose after the city denied a FOIA request sent to it by the “plaintiff’s Lansing Bureau Chief, Chris Christoff.” *Id.* at 279. As relevant to the instant case, “[t]he city argue[d] that plaintiff did not have standing to sue because only Christoff, himself, may be considered a ‘requesting person’ under the FOIA.” *Id.* at 290. This Court disagreed, explaining:

The FOIA provides that “a person” has a right to inspect, copy, or receive public records upon providing a written request to the FOIA coordinator of the public body. MCL 15.233(1), 15.235(1). The statute then grants “the requesting person” standing to commence an action in a circuit court to compel disclosure of records which the public body has refused to disclose. MCL 15.235(7)(b), 15.240(1)(b). Under the FOIA, “[p]erson” means an individual, corporation, . . . or other legal entity.” MCL 15.232(c). A corporation acts through its individual agents as a matter of course. Here, Christoff’s request was written on “Detroit Free Press” letterhead, and Christoff identified himself as the “Lansing Bureau Chief.” He also stated that he was a journalist for plaintiff and that he intended to use the requested information for an article “in our newspaper.” Therefore, plaintiff issued the request and had standing to pursue its claim. [*Id.* at 290-291.]

This Court never ruled on whether Christoff was a “requesting person” for purposes of MCL 15.240(1)(b) but this Court held only that the plaintiff newspaper was “the requesting person” for purposes of the statute. We decline to opine whether MCL 15.240(1)’s use of the singular “requesting person” necessarily means that there can only ever be one “requesting person.” We hold only that here, as in *Free Press*, there was one requesting “person” and that “person” was the Ann Arbor Independent.

Briefly, defendant argues that plaintiff—who is representing herself—is engaged in the unauthorized practice of law, but this argument appears premised on defendant’s contention that only plaintiff’s newspaper can prosecute the at-issue FOIA claim. Because plaintiff is prosecuting this case in her individual capacity, she can represent herself. See Const 1963 Art 1, § 13 (“A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.”); and MCL 600.1430 (“Every person of full age and sound mind, may prosecute or defend civil actions in any court by an attorney, or may, at his election, prosecute or defend civil actions in person.”). Defendant also argues in passing that plaintiff is not the real party in interest, but defendant does not explain why, thus abandoning the issue by failing to adequately brief it. See *Mitcham v City of Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959).

Plaintiff also argues before this Court that the trial court erred by concluding that defendant was not a “public body” for purposes of FOIA. The trial court never concluded this, however. The court went no further than concluding that plaintiff did not have standing. We decline to review an issue that was not decided by the trial court.

Affirmed.

/s/ Adrienne N. Young

/s/ Michael J. Riordan

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O’BRIEN, J. (*dissenting*).

At issue in this case is whether plaintiff has standing to challenge defendant’s denials of requests for documents that plaintiff submitted to defendant pursuant to Michigan’s Freedom of Information Act (FOIA), MCL 15.231 *et seq.* In Michigan, “a litigant has standing whenever there is a legal cause of action.” *Lansing Sch Ed Ass’n v Lansing Bd of Ed*, 487 Mich 349, 372; 792 NW2d 686 (2010). Under Michigan’s FOIA, a “requesting person” who has their FOIA request denied may commence a civil action “to compel the public body’s disclosure of the public record.” MCL 15.240(1)(b).

Plaintiff submitted two FOIA requests to defendant in which plaintiff included her complete name, address, and contact information as required by MCL 15.233(1). Defendant denied these requests and sent its denials to plaintiff as required by MCL 15.235(2)(b). Plaintiff then commenced this action in her individual capacity, in response to which defendant claimed that plaintiff was not “the requesting person” permitted to bring this action under MCL 15.240(1)(b). According to defendant, plaintiff submitted the at-issue requests as an agent of her newspaper (The Ann Arbor Independent), so only that entity has standing to bring this action.

I would conclude that plaintiff, as the individual who personally submitted the requests asking for documents and included in those requests her complete name and contact information as required by MCL 15.233(1), qualifies as “the requesting person” for purposes of MCL 15.240(1)(b), and therefore has standing to bring this action in her individual capacity. I respectfully dissent from the majority’s conclusion to the contrary.

In my view, the central question that this Court is asked to resolve in this appeal is how to determine who is “the requesting person” for purposes of MCL 15.240(1)(b). While Michigan’s FOIA does not define “the requesting person” as used in the act, the definition seems obvious—“the requesting person” is the “person” who made the FOIA request. While simple in theory, it can become difficult in practice to discern the “person” who made a FOIA request because Michigan’s FOIA defines “person” to include a host of legal entities. See MCL 15.232(g). A legal entity can only act through its agents, so any time a legal entity “makes” a FOIA request, the request is technically submitted by an individual acting as the legal entity’s agent. See, e.g., *Altobelli v Hartmann*, 499 Mich 284, 296; 884 NW2d 537 (2016) (“[I]t is well established that corporations can only act through officers and agents.”) (quotation marks and citation omitted). This has the potential to raise the issue that this case presents—can the individual who personally submits a FOIA request on a legal entity’s behalf be a “requesting person” for purposes of Michigan’s FOIA?

Defendant argues that the answer is “no.” According to defendant, if an individual submits a FOIA request on a legal entity’s behalf, then the legal entity—and only the legal entity—is “the requesting person.” In my opinion, nothing in Michigan’s FOIA requires such a limited interpretation.

To begin, I think it is necessary to properly frame the issue in this case. I agree with the majority to the extent it concludes that there can be no serious dispute that plaintiff submitted the FOIA requests at issue on behalf of The Ann Arbor Independent. Plaintiff contends, however, that she *also* submitted these FOIA requests on her own behalf. In her response to defendant’s motion for summary disposition, plaintiff argued that because she personally signed and submitted the FOIA requests, she sufficiently identified herself as “the requester,” regardless of her “employment” or any other “affiliation.” One way to think of this is as plaintiff claiming that two “persons” submitted joint FOIA requests to defendant—one “person” was The Ann Arbor Independent, the other was plaintiff as an individual. Nothing in Michigan’s FOIA prevents two people from submitting a joint FOIA request, so I see no statutory impediment to plaintiff’s argument that she submitted the requests at issue in her individual capacity regardless of whether she also did so as The Ann Arbor Independent’s agent.

Next there is the fact that MCL 15.240(1) refers to “the requesting person” in the singular. This is not a problem because MCL 8.3b provides, “Every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number.” It follows that MCL 15.240(1)’s use of the singular “requesting person” does not necessarily mean that there can only ever be one “requesting person.” Rather, the term can be read to refer to multiple “requesting persons,” and this can be true even though “requesting person” is preceded by the definite article “the.” See, e.g., *People v Warren*, 505 Mich 196, 211-212; 949 NW2d 125 (2020) (relying on MCR 1.107—the court-rule analog for MCL 8.3b—to conclude that “the offense” as used in MCR 6.302(B)(2) was to be read to include “both the singular and the plural,” i.e., to mean “the offenses”); *Barrow v Detroit Election Comm*, 305 Mich App 649, 682; 854 NW2d 489 (2014) (relying on MCL 8.3b to conclude that use of “the office of the clerk” in the version of MCL 168.761(1) that was then in effect “does not mean that only one physical location can constitute the clerk’s office”).

To summarize, because it was permissible for plaintiff to submit the FOIA requests at issue in her individual capacity *and* as The Ann Arbor Independent’s agent, the fact that plaintiff was acting in the latter role when she submitted the FOIA requests is not dispositive. And because there can be more than one “requesting person” for purposes of MCL 15.240(1)(b), the fact that The Ann Arbor Independent may be a “requesting person” is also not dispositive. Rather, the issue we must decide is whether plaintiff, in her individual capacity, was “the requesting person” for purposes of MCL 15.240(1)(b). This leads back to the central question on appeal—how does one determine who a “requesting person” is for purposes of Michigan’s FOIA? I think that answering this requires considering Michigan’s FOIA as a whole.

Michigan’s FOIA frequently references “the requesting person.” The act provides that “the requesting person” may be required to do certain things and can challenge certain aspects of the public body’s process of handling the requesting person’s FOIA request. For instance, “the requesting person” may be required to pay a deposit or be held to have abandoned their request, see MCL 15.234(14), or they can challenge the fees being charged to process their request, see MCL 15.240a(1). More relevant for present purposes, the public body who receives a FOIA request must provide certain information to “the requesting person.” For instance, the public body must issue a “written notice to the requesting person” if the public body decides to deny the person’s request. MCL 15.235(2)(b). See also MCL 15.235(7)(b); MCL 15.240(2)(b). A public body presumably provides this information to “the requesting person” using the contact information that MCL 15.233(1) requires be included with every FOIA request: “A request from a person . . . must include the requesting person’s complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person’s agent who is an individual.” In my opinion, we should determine who “the requesting person” is for purposes of MCL 15.240(1)(b) by starting from the same spot that a public body does when determining who “the requesting person” is for provisions like MCL 15.235(2)(b)—by looking at the information that MCL 15.233(1) requires be included with every FOIA request.

Doing that here establishes that plaintiff qualifies as “the requesting person” for purposes of MCL 15.240(1)(b). Plaintiff, as an individual, qualifies as a person under MCL 15.232(g), and she personally made written requests to defendant as required by MCL 15.235(1). In those requests, plaintiff asked defendant to produce certain documents and included her complete name, address, and contact information as required by MCL 15.233(1). When defendant denied the FOIA requests that plaintiff submitted, defendant issued the denials to plaintiff. See MCL 15.235(2)(b) (stating that, if a public body denies a FOIA request, it must issue “a written notice to *the requesting person*”) (emphasis added). On these facts, I would conclude that plaintiff qualifies as “the requesting person” for purposes of MCL 15.240(1)(b), so she can bring this action in her individual capacity. This is true regardless of whether plaintiff’s newspaper may also be “the requesting person” for purposes of MCL 15.240(1)(b) because the term can be read to refer to multiple “requesting persons.” See MCL 8.3b.

This conclusion is not only consistent with the text and structure of Michigan’s FOIA, but it furthers the act’s “core purpose” of facilitating citizens’ access to information about the workings of government. *Detroit Free Press, Inc v City of Southfield*, 269 Mich App 275, 282; 713 NW2d 28 (2005). That purpose is best served by adopting the common-sense understanding of “the requesting person” proposed in this opinion—one in which an individual who personally submits

a FOIA request asking for records, and in that request includes her contact information which is then used to tell her that her request is denied, can challenge the denial of her request as “the requesting person.” Indeed, I do not see what purpose a contrary conclusion serves. A contrary conclusion simply prevents individuals like plaintiff from personally prosecuting their FOIA claims like plaintiff is trying to do here. This is not to say plaintiff’s FOIA claim is necessarily dead; she may still be able pursue this FOIA claim if she hires an attorney to prosecute the claim on behalf of her newspaper. But the unnecessary hurdle that this imposes—particularly on small, local operations like The Ann Arbor Independent—strikes me as antithetical to FOIA’s core purpose.

Turning to the majority, it concludes that there is “no record evidence that plaintiff made [the at-issue] request[s] in her individual capacity” because, looking at “the content of the request[s],” “the only ‘person’ requesting documents . . . is the Ann Arbor Independent.” This analysis, in my opinion, fails to appreciate the context in which the requests were made. The Ann Arbor Independent could not, itself, request any documents from defendant; it could only act through its individual agents. See *Altobelli*, 499 Mich at 296. It follows that if The Ann Arbor Independent requested documents from defendant (as the majority concludes), then plaintiff did the requesting. That plaintiff was acting as The Ann Arbor Independent’s agent when she requested documents from defendant does not change the fact that plaintiff requested the documents from defendant. The “record evidence” that plaintiff requested records from defendant in her capacity as an individual is the fact that plaintiff, as an individual, requested the records from defendant.

Additionally, by focusing solely on the content of a FOIA request, the majority reduces identifying “the requesting person” to a word game that can have absurd results. The majority opines that plaintiff here cannot be a “requesting person” because nowhere in plaintiff’s requests did she state that she, as an individual, was asking defendant for documents, and the content of a FOIA request must demonstrate that a “requesting person” is “*requesting* something.” But consider a hypothetical in which an individual submits a FOIA request that includes the individual’s name and contact information, then requests documents using the passive voice, saying, “The following records are requested.” If we look to the *content* of this request, then the request has no “requesting person” because no person is identified as “*requesting* something.” But if we consider the *context* of this request, then it is obvious that the person who submitted the request was requesting the records. I would adopt the latter approach.

To be clear, I do not disagree with the majority insofar as it concludes that The Ann Arbor Independent is a “requesting person.” There is plenty of evidence establishing that plaintiff was acting as The Ann Arbor Independent’s agent when she requested documents from defendant, and we would consider this evidence if we were being asked to determine whether The Ann Arbor Independent was “the requesting person” for purposes of Michigan’s FOIA.

We know this because that is what this Court did in *Detroit Free Press*, 269 Mich App at 290-291. The part of that case relevant to this appeal concerned a FOIA request that Chris Christoff submitted to the City of Southfield. *Id.* at 279. The *Detroit Free Press* Court referred to the documents that Christoff requested on his newspaper’s behalf as “the information Christoff requested.” *Id.* at 280. And when the city argued that the plaintiff-newspaper “did not have standing to sue because only Christoff, himself, may be considered a ‘requesting person’ under the

FOIA,” the Court focused on evidence establishing that Christoff was acting as the plaintiff-newspaper’s agent when he requested the documents. *Id.* at 290-291. The *Detroit Free Press* Court never addressed whether Christoff was a “requesting person” under Michigan’s FOIA, but the Court clearly accepted that Christoff, as an individual, requested the documents, and the pertinent question was simply whether Christoff was acting as the plaintiff-newspaper’s agent when he did so. See *id.* at 291 (“A corporation acts through its individual agents as a matter of course.”).

Ultimately, this should be a simple case. Plaintiff personally submitted FOIA requests to defendant asking for documents, and in those requests, she told defendant how to contact her with information about the requests, making her “the requesting person” for purposes of Michigan’s FOIA. Stated more formally, because plaintiff personally submitted the FOIA requests to defendant asking defendant to produce certain public records, and in her requests, plaintiff included her name and contact information as required by MCL 15.233(1) (which defendant then used to notify plaintiff that her requests were denied in accordance with MCL 15.235(2)(b)), I would hold that plaintiff qualifies as a “requesting person” for purposes of MCL 15.240(1)(b), and therefore has standing to bring this action in her individual capacity. Because the majority disagrees, I respectfully dissent.

/s/ Colleen A. O’Brien