

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERALD S. OSTIPOW and
ROYETTA L. OSTIPOW,
Plaintiffs,

Case No.: 16-_____
Honorable _____

v.

**COMPLAINT
WITH JURY DEMAND**

WILLIAM L. FEDERSPIEL, in his
individual capacity and official capacity as
Sheriff of Saginaw County,

and

SAGINAW COUNTY – OFFICE OF
SHERIFF,

and

DEPUTY DOE NO 1 - 10, in their
individual capacity and official capacity as
Sheriff Deputies in Saginaw County,
Defendants

_____/

PHILIP L. ELLISON (P74117)
OUTSIDE LEGAL COUNSEL PLC
Co-Counsel for Plaintiffs
PO Box 107
Hemlock, MI 48626
(989) 642-0055
(888) 398-7003 - fax
pellison@olcplc.com

MATTHEW E. GRONDA (P73693)
Co-Counsel for Plaintiffs
4855 State Street, Suite 6A
Saginaw, MI 48603
(989) 249-0350
(866) 233-2630 - fax
matthewgronda@gmail.com

COMPLAINT

NOW COMES Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW, by
and through counsel, and as their complaint states as follows:

INTRODUCTION

1. This is a case involving a county law enforcement agency who left their territorial jurisdiction, seized hundreds of thousands of dollars of real and personal property belonging to two people never criminally targeted, never charged, and never convicted of any related crime(s).

2. In the 2016 contested primary election, Defendant WILLIAM L. FEDERSPIEL argued to the voting public that he was “saving the taxpayers money” by funding his policing agency, the SAGINAW COUNTY – OFFICE OF SHERIFF, with the proceeds of civil asset forfeitures, a questionable and unconstitutional procedure being questioned nationwide by legal scholars, lawmakers, law enforcement watchdog groups, and even policing officials themselves.

3. In this case, however, Defendant WILLIAM L. FEDERSPIEL, personally, along with those under his command, Defendants DEPUTY DOE 1 through 10, were unsuccessful in obtaining a complete asset forfeiture of two retirees, Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW, when the Tenth Circuit Court for the County of Saginaw deemed most seized personal and real property non-forfeitable because it was not the result of any illegal activity by Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW.

4. When it came time for Defendants WILLIAM L. FEDERSPIEL, SAGINAW COUNTY – OFFICE OF SHERIFF, and DEPUTY DOE 1 through 10 to return the previously-seized property after eight years of litigation, it was revealed it had been sold off the property and spent the proceeds for policing activities, equipment, and expenses.

5. These defendants converted, utilized, and spent the proceeds of the sale of personal and real property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW before there was a final determination as to forfeitability.

6. Civilized society does not tolerate such police misconduct and the appalling action of policing officials who are looking to line their own department’s pockets.

7. This lawsuit seeks to recoup the losses incurred by the theft of a lifetime of work of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW when they themselves were never convicted of any related crime, and had their retirement years destroyed by officials—whose department declares itself to have a “tradition of excellence”—sworn to protect, not loot, the citizens of this state.

PARTIES

8. Plaintiff GERALD S. OSTIPOW is and was, at all times relevant, a resident of Shiawassee County in the State of Michigan.

9. Plaintiff ROYETTA L. OSTIPOW is and was, at all times relevant, a resident of Shiawassee County in the State of Michigan.

10. Defendant WILLIAM L. FEDERSPIEL is a resident of the State of Michigan and is sued in his individual capacity and official capacity as Sheriff of Saginaw County.

11. Defendant SAGINAW COUNTY – OFFICE OF SHERIFF is state actor/agency formed under the constitution and/or laws of the State of Michigan.

12. Defendants DEPUTY DOE NO 1 – 10 are unknown sheriff deputies and/or agents of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF who disposed, sold, or caused the sale and conversion of Plaintiffs' property before a final, non-appealed determination of forfeitability was rendered; each are sued in his/her individual capacity and official capacity.

JURISDICTION

13. This Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1331, § 1343, and § 1367(a) as this case involves federal questions and federal civil rights under 42 U.S.C. § 1983 and supplemental state law claims pursuant to 28 U.S.C. § 1367.

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

GENERAL ALLEGATIONS

15. In early 2008, Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW were owners of two houses (one mortgaged), certain personal contents being personal property, and other items amassed by a lifetime of hard work.

16. In April 2008, various policing agents improperly applied to the Seventieth District Court for the County of Saginaw for search warrants for 3551 East Allen Road, Owosso, Michigan (hereinafter the "Farmhouse") located in Shiawassee County, not Saginaw County.

17. Later, police agents also improperly applied to the Seventieth District Court for the County of Saginaw for search warrants for 3996 East Allen Road, Owosso, Michigan (hereinafter the "Residence") located in Shiawassee County, not Saginaw County.

18. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW were, at the relevant times prior to August 2, 2016, the actual, statutory, or equitable owners of the Residence and the Farmhouse.

19. However, the targeted individual for these searches was not either Plaintiff GERALD S. OSTIPOW or Plaintiff ROYETTA L. OSTIPOW, but their adult son, Steven Ostipow.

20. In executing the search warrants on the Residence and the Farmhouse, officers and agents of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF seized

and took custody of literally hundreds of items of real and personal property from the Residence and the Farmhouse, most (but not all) belonging to Plaintiffs who were not the targeted individual of the search warrant orders.

21. A complete inventory of known seized items has been sought from Defendant SAGINAW COUNTY – OFFICE OF SHERIFF as part of a *Freedom on Information Act* request, **Exhibit B**, which has been flatly ignored.¹

22. Seized property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW was not properly inventoried as required by the issued search warrant orders of the Seventieth District Court for the County of Saginaw and as required by state law, namely MCL 780.655.

23. The purpose of the seizure by Defendant SAGINAW COUNTY – OFFICE OF SHERIFF and Defendants DEPUTY DOES 1 – 10 was to seize the items for public sale pursuant to Part 75 of the *Public Health Code* (hereinafter the “Civil Forfeiture Statute”) and allow the proceeds to pay for and be used to fund, in part, the operations of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF.

24. On information and belief, a substantial portion of the operating budget for Defendant SAGINAW COUNTY – OFFICE OF SHERIFF since at least 2008 derives from proceeds seized and forfeited under the Civil Forfeiture Statute.

25. After the initial seizures had been completed, agents and officers of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF would then routinely appear and present themselves, in plain clothes and in their personal vehicles while off duty, at the Residence and Farmhouse to continue to seize additional personal property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW beyond what was authorized by the search warrant orders or Michigan law.

26. This additional personal property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW seized was not properly inventoried as required by search warrant orders of the Seventieth District Court for the County of Saginaw and required by MCL 780.655.

27. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW contested the attempted forfeiture of the real and personal property seized by agents and officers of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF with processes developed by the State of Michigan before the circuit courts of the state.

28. The civil forfeiture proceedings on behalf of Defendant WILLIAM L. FEDERSPIEL and Defendant SAGINAW COUNTY – OFFICE OF SHERIFF utilized the general rules of civil procedures within the Michigan Court Rules which are caused the violation of Plaintiffs’ due process rights, as pled herein.

¹ This will necessitate additional needed time for and flexibility with discovery to allow Plaintiffs to line up expert witnesses on the fair market value of property taken more than eight years ago.

29. After eight years of litigation, which included two appeals to the Michigan Court of Appeals and two appeals to the Michigan Supreme Court, the Tenth Circuit Court for the County of Saginaw, Hon. James Borchard presiding, (hereinafter the "Circuit Court") issued a final judgment determining nearly all the personal property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW be deemed not forfeited based upon the innocent owners defense to the forfeiture of property or otherwise failure of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF to sustain their request for civil forfeiture .

30. A fair and accurate copy of said Final Judgment is attached as **Exhibit A**.

31. At trial, neither DEA Agent David McGovern nor Saginaw Sheriff Deputy Nathan VanTifflin offered any actual direct evidence that Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW ever dealt in illegal drugs, or that the real or personal property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW were purchased from the proceeds from drug activities, used to facilitate drug activity, or were connected to drug activity in any way as it applied to Plaintiffs.

32. However, Defendant SAGINAW COUNTY – OFFICE OF SHERIFF, at the behest of Defendant WILLIAM L. FEDERSPIEL, obtained a questionable judgment of forfeiture for Plaintiff GERALD OSTIPOW's portion of the Farmhouse but that Plaintiff ROYETTA OSTIPOW's portion of the Farmhouse was properly deemed non-forfeitable.

33. In addition, the Circuit Court also deemed many other police-seized items non-forfeitable including:

- a. dozens of tools, equipment, and commercial equipment contained in the outbuildings a the Farmhouse;
- b. certain personal property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW contained in the Farmhouse's curtilage and outbuildings, except certain personal property belonging to the targeted individual;
- c. all personal property contained within or upon the Residence belong to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW;
- d. a restored 1965 Chevrolet Nova classic car and its vehicle trailer titled to Plaintiff ROYETTA L. OSTIPOW;
- e. various hunting rifles;
- f. all other seized items belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW not deemed forfeited by the Final Judgment.

34. Because agents and officers of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF seized so many items of personal property, both while executing the search warrant orders and after when off-duty officers were acting beyond the authority under the search warrant orders, a complete and full list of all seized items is not yet tabulated and Defendant SAGINAW COUNTY – OFFICE OF SHERIFF refused to fulfill a simple *Freedom of Information Act* (“FOIA”) request to obtain the same.

35. On August 3, 2016, counsel for Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW wrote a demand letter / FOIA request to Defendant WILLIAM L. FEDERSPIEL and Defendant SAGINAW COUNTY – OFFICE OF SHERIFF requesting the return of the all seized items deemed non-forfeited by the Final Judgment of the Circuit Court and for production of “a full and complete copy of any written or computerized inventory or inventories of any and all real and personal property seized which is no longer subject to forfeiture.” **Exhibit B.**

36. It has been suggested Defendant WILLIAM L. FEDERSPIEL and those agents and officers of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF under his command (including Defendants DEPUTY DOE 1 – 10), did not retain and no longer have possession of the seized real and personal property.

37. Defendants, individually and/or collectively, failed to hold and maintain the real and personal property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW until such time a final, non-appealable determination regarding the forfeitability thereof had been rendered, which was rendered August 2, 2016.

38. Instead, it was revealed that the seized (but then not yet finally forfeited) real and personal property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW had been sold and/or converted with the proceeds of such sales used for the operating budget of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF and the political re-election activities of Defendant WILLIAM L. FEDERSPIEL.

39. Following entry of the final judgment of the Saginaw County Circuit Court, Defendant WILLIAM L. FEDERSPIEL and/or Defendant SAGINAW COUNTY – OFFICE OF SHERIFF has failed and continues to fail to return Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW’s real and/or personal property deemed non-forfeitable.

40. During the last primary election for the office of sheriff, Defendant WILLIAM L. FEDERSPIEL, as a reelection candidate, regularly explained that as head of Defendant SAGINAW COUNTY – OFFICE OF SHERIFF, he and “his” law enforcement agency routinely uses and have used civil forfeiture funds to purchase equipment and pay for police operations.

41. Defendants’ actions were willful, self-serving, and intentional, and done with blatant disregard for constitutional and/or federal rights of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW—two individuals never charged with any crime related to the drug investigation.

COUNT I
TROVER / CONVERSION
COMMON LAW & STATUTORY (MCL 600.2919a)

42. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW incorporate by reference all prior allegations of this Complaint into this Count.

43. Under Michigan law, the Michigan Supreme Court has held and reaffirmed at “a sheriff or court officer who unlawfully seizes personal property is, in the absence of governmental immunity, liable for conversion, even if he or she does so in the execution of a court order,” see *Aroma Wines & Equip, Inc v Columbian Distrib Servs, Inc*, 497 Mich 337, 352-353; 871 NW2d 136 (2015).

44. The actions of one or more Defendant(s), as pled, has caused conversion by any and all of the follow ways (on information and belief):

- a. intentionally dispossessing Plaintiffs of a chattel;
- b. intentionally destroying or altering Plaintiffs’ chattel in the Defendant(s)’ possession;
- c. using a chattel in the Defendant(s)’ possession without authority so to use it;
- d. disposing of Plaintiffs’ chattel by sale, lease, pledge, gift or other transaction intending to transfer a proprietary interest in Plaintiffs’ chattel;
- e. misdelivering Plaintiffs’ chattel; and/or
- f. refusing to surrender Plaintiffs’ chattel on demand.

45. Despite being demanded (**Exhibit B**), Defendant(s), individually and collectively, failed to return non-forfeited personal and real property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW by noon on August 24, 2016 as demanded.

46. One or more Defendant(s)’ intentional refusal to turn over the non-forfeited personal and real property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW on or before August 24, 2016 was not the result of each defendant’s actual or reasonable belief of acting within the scope of his or her authority.

47. Defendant(s)’ conduct of not turning over the non-forfeited personal and real property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW was gross negligence being the proximate cause of the damages to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW.

48. Defendant(s)' conduct of indifferently selling the personal and real property of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW causing the inability to return said property on or before August 24, 2016, as demanded, when the matter was on appeal to the Michigan Court of Appeals and Michigan Supreme Court is conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results to the Plaintiffs.

49. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW are entitled to the fair market value of all non-forfeited real and personal property taken, improperly sold, and the proceeds converted for use by Defendant WILLIAM L. FEDERSPIEL and/or Defendant SAGINAW COUNTY – OFFICE OF SHERIFF.

COUNT II
42 U.S.C. § 1983
FOURTEENTH AMENDMENT SUBSTANTIVE DUE PROCESS VIOLATION

50. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW incorporate by reference all prior allegations of this Complaint into this Count.

51. The Fourteenth Amendment of the United States Constitution providing that a state shall not “deprive any person of life, liberty, or property, without due process of law.”

52. By failing to return non-forfeited real and personal property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW, Defendant(s) have deprived Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW of their property and rights therein without due process of law.

53. The action of one or more Defendant(s), in not returning non-forfeited real and personal property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW because such property was prematurely and inappropriately sold should and does shock the conscience of the federal court and thus violates substantive due process.

54. The action of one or more Defendant(s) in selling and using the proceeds of the sale of the real and personal property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW, as deemed not forfeited, was arbitrary and capricious government action depriving Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW of their constitutionally protected property interests.

55. The obligation to hold seize but not forfeited personal and/or real property until there is a final and full determination on the forfeitability is a fundamental due process right, to which Defendant(s), by selling or otherwise disposing of said property before this final determination failures to fulfill the constitutional obligation to having a compelling state interest that is narrowly drawn to further that state interest.

COUNT III
42 U.S.C. § 1983
FOURTEENTH AMENDMENT PROCEDURAL DUE PROCESS VIOLATION

56. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW incorporate by reference all prior allegations of this Complaint into this Count.

57. The Fourteenth Amendment of the United States Constitution provides that a state shall not “deprive any person of life, liberty, or property, without due process of law.”

58. By seeking and later causing the requirement that Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW post a bond, in any amount or in an excessive amount, to prevent the forfeiture of Plaintiffs’ own property before a final, non-appealable determination of forfeitability, Defendant(s) have deprived Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW of their property without due process of law under the Fourteenth Amendment of the United States Constitution.

59. The requirement of a bond to prevent sale, conveyance, and use of property when the forfeiture challenge process is not complete violates Plaintiffs’ GERALD S. OSTIPOW and ROYETTA L. OSTIPOW due process rights under the Fourteenth Amendment of the United States Constitution.

COUNT IV
42 U.S.C. § 1983
FIFTH/FOURTEENTH AMENDMENTS TAKINGS VIOLATION

60. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW incorporate by reference all prior allegations of this Complaint into this Count.

61. The Fifth Amendment of the United States Constitution, made applicable to state actors pursuant to the Fourteenth Amendment of the United States Constitution, prohibits the taking of property for a public purpose without just compensation.

62. Defendants are all state actors.

63. By Defendant(s) selling the personal and real property belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW before a final, non-appealable determination was rendered, Defendant(s) took Plaintiffs’ property for the public purpose of funding Defendant SAGINAW COUNTY – OFFICE OF SHERIFF’s policing operations and paying Defendant SAGINAW COUNTY – OFFICE OF SHERIFF’s policing expenses without just compensation to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW.

64. Defendant(s) did not initiate a condemnation proceeding nor has paid fair market value of the converted real and personal property belonging but not returned to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW as just compensation.

COUNT V
42 U.S.C. § 1983
EIGHTH/FOURTEENTH AMENDMENTS VIOLATION
(PLAINTIFF GERALD OSTIPOW ONLY)

65. Plaintiff GERALD S. OSTIPOW incorporates by reference all prior allegations of this Complaint into this Count.

66. The Eighth Amendment to the United States Constitution is the part of the United States Bill of Rights prohibiting the government from imposing excessive fines, which the US Supreme Court has applied to action(s) against involving civil forfeitures.

67. By imposing an excessive fine in the form of the value of the forfeiture of Plaintiff GERALD S. OSTIPOW's interest in the Farmhouse and its contents, Plaintiff GERALD OSTIPOW's Eighth Amendment rights have been violated.

COUNT VI
42 U.S.C. § 1983
MONELL CLAIM

68. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW incorporate by reference all prior allegations of this Complaint into this Count.

69. Defendant(s)' conduct, including those under the command and direction of Defendant WILLIAM L. FEDERSPIEL, as outlined above, failed to conform to requirement of protecting and adhering to the constitutional rights of Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW alleged as violated herein.

70. Defendants' conduct, including those under the command and direction of Defendant WILLIAM L. FEDERSPIEL, as outlined above, caused the deprivation of federal rights belonging to Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW by Defendant SAGINAW COUNTY – OFFICE OF SHERIFF's own policy, custom or practice.

COUNT VII
MICHIGAN FREEDOM OF INFORMATION ACT
MCL 15.235/15.240

71. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW incorporate by reference all prior allegations of this Complaint into this Count.

72. On or about August 3, 2016, Plaintiffs GERALD OSTIPOW and ROYETTA OSTIPOW, by their attorney, filed a demand for records, via a Michigan *Freedom of Information Act* request, seeking "a full and complete copy of any written or computerized inventory or inventories of any and all real and personal property seized which is no longer subject to forfeiture." **Exhibit B.**

73. On August 4, 2016, a copy of the FOIA request was submitted to Defendant WILLIAM L. FEDERSPIEL by fax and by a backup copy sent via mail delivery. **Exhibit C.**

74. A copy was sent in this method after sheriff deputies of Defendant SAGINAW COUNTY - OFFICE OF SHERIFF refused delivery of the demand letter / FOIA request, and physically escorted the process server out of the building on August 4, 2016.

75. By operation of FOIA statute, the August 3, 2016 FOIA request is deemed, by law, received on August 5, 2016.

76. A response from Defendant SAGINAW COUNTY - OFFICE OF SHERIFF is due in 5 business days, making the response due on August 12, 2016. MCL 15.235.

77. No response has been given and Defendant SAGINAW COUNTY - OFFICE OF SHERIFF ignored the request to date.

78. Defendant SAGINAW COUNTY - OFFICE OF SHERIFF has wrongfully and unlawfully withheld records Plaintiffs GERALD OSTIPOW and ROYETTA OSTIPOW are entitled to receive under Michigan's *Freedom of Information Act*.

79. Plaintiffs GERALD OSTIPOW and ROYETTA OSTIPOW expected to receive written lists, spreadsheets, and photographs of the property taken at the time of seizure and/or afterwards, to aid in the recovery of their items; on information and belief, a large book of photographs and videos exists documenting the property seized from Plaintiffs GERALD OSTIPOW and ROYETTA OSTIPOW in 2008.

80. Defendant SAGINAW COUNTY - OFFICE OF SHERIFF has wrongfully and unlawfully withheld records Plaintiffs GERALD OSTIPOW and ROYETTA OSTIPOW are entitled to receive under Michigan's *Freedom of Information Act*.

RELIEF REQUESTED

81. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW request that this Court:

- a. Assume jurisdiction over this matter;
- b. Award Plaintiffs their compensatory, nominal, treble, and/or punitive damages, including damages for impairment of reputation, personal humiliation, and mental anguish and suffering, in an amount to be sought and proved at trial in excess of one million dollars;
- c. Enter an order requiring payment of such judgment by the Saginaw County Treasurer pursuant to MCL 600.6093(3);
- d. Enter a declaration that Plaintiffs' federal rights were violated;

- e. Enter a declaration that the result of the state civil forfeiture process resulted in a violation Plaintiff GERALD OSTIPOW's Eighth Amendment rights against excessive fines;
- f. Enter a declaration that the process employed by Defendant(s) in causing the selling and disposable of Plaintiffs' property, at Defendant(s)' profit, without a non-appealable final judgment, violates minimum requirements of due process;
- g. Enter a declaration that the process employed by Defendant(s) in requiring a bond, as done this case, to prevent sale of property before a final, non-appealable determination is rendered violates minimum requirements of due process;
- h. Enter an order against Defendant SAGINAW COUNTY - OFFICE OF SHERIFF compelling the immediate disclosure of all sought records under the *Freedom of Information Act*, MCL 15.240;
- i. Award punitive damages of \$1,000.00 in favor of Plaintiffs pursuant to MCL 15.240(7);
- j. Order the payment of a civil fine of \$1,000.00 to deposited into the general fund of the Michigan treasury pursuant to MCL 15.240(7);
- k. Award, under the *Freedom of Information Act*, all costs, disbursements, and actual/reasonable attorney fees, as required by MCL 15.240(6);
- l. Award, under the *Revised Judicature Act of 1961*, all costs and attorney fees, as required by MCL 600.2919a(1);
- m. Award all costs and attorney fees pursuant to 42 U.S.C. § 1988; and
- n. Grant or award such other relief that this Court deems just and proper.

JURY DEMAND

82. Plaintiffs GERALD S. OSTIPOW and ROYETTA L. OSTIPOW, by and through counsel, request and demand a jury trial for all triable issues.

Date: August 24, 2016

/s/ Philip L. Ellison
OUTSIDE LEGAL COUNSEL PLC
BY PHILIP L. ELLISON (P74117)
Co-Counsel for Plaintiffs
PO Box 107
Hemlock, MI 48626
(989) 642-0055
(888) 398-7003 - fax
pellison@olcplc.com

Attorney for Plaintiff

/s/ Matthew E. Gronda
MATTHEW E. GRONDA (P73693)
Co-Counsel for Plaintiffs
4855 State Street, Suite 6A
Saginaw, MI 48603
(989) 249-0350
(866) 233-2630 - fax
matthewgronda@gmail.com

Attorney for Plaintiff