

**STATE OF MICHIGAN
IN THE MICHIGAN COURT OF CLAIMS**

THE MACKINAC CENTER FOR PUBLIC POLICY,

Plaintiff,

Case No. 21-000011-MZ

v

MICHIGAN STATE UNIVERSITY,

Hon. Elizabeth L. Gleicher

Defendant.

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**DEFENDANT'S 11/22/2022 SUPPLEMENTAL BRIEF TO ITS MOTION FOR
RECONSIDERATION AND CLARIFICATION**

Defendant, by and through counsel, submits this supplemental brief to its motion for reconsideration and clarification in order to correct a misstatement of fact on the record.

Plaintiff's counsel concurs in the filing of the same.

Defendant seeks, in part, reconsideration regarding the Court's decision on Defendant's redactions pursuant to MCL 15.243(2) and the family educational rights and privacy act (FERPA). At a zoom hearing held on November 22, 2022, the Court asked defense counsel a

question regarding certain subsets of the redactions applied under the MCL 15.243(2) and FERPA (the names (and other identifying information) of the students who signed the petitions in support or against the removal of Hsu). Defense counsel indicated that she believed the petitions were led by students and signed only by students. However, it is unclear whether the petition in support of removal was led by students, and it appears the petition against removal was led by faculty. Further, while both petitions included student names, the petition in support of removal contained names of people within the MSU community (faculty, staff, students), while the petition against removal contained names of people within and outside the MSU community. (See, e.g., pages 244-259 and 291-295 produced to Plaintiff (redacted) and to the Court for in camera review (unredacted)). The student names and other identifying information were redacted because it is believed that the students became aware of the petitions due to their student status and were acting within their capacity as students when signing, as evidenced by the academic department/program information provided along with their names.

Respectfully submitted,



Elizabeth M. Watza
Attorney for Defendants

Date: November 28, 2022