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Haider A. Kazim
hkazim@cmda-law.com

October 11, 2023

33rd Circuit Court Clerk
Charlevoix County Building
301 State Street # 1
Charlevoix, MI 49720

Re: Halsey Wolff v Health Dept. of NW Michigan, et al.
33rd Circuit Court County of Charlevoix Case No.: 23-0328-28CZ

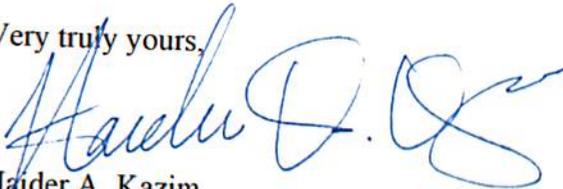
Dear Court Clerk:

Regarding the above-referenced matter, enclosed for filing are:

1. Appearance of Attorney Haider A. Kazim;
2. Notice of Hearing;
3. Defendants' Motion For a More Definite Statement and to Strike All or Part of Plaintiff's Complaint Under MCR 2.115;
4. Brief in Support of the Motion for a More Definite Statement and to Strike All or Part of Plaintiff's Complaint under MCR 2.115;
5. Proof of Service;
6. \$20 check for the filing fee.

If you have any questions regarding this matter, please feel free to contact us.

Very truly yours,



Haider A. Kazim

HAK/kjm

cc: Halsey Wolff (w/enc.) – Via First Class Mail and Email Only
Chuck Isley, Esq. (w/enc.) – Via Email Only
Daniel Thorell (w/enc.) – Via Email Only
Jeremy Fruk (w/enc.) – Via Email Only

**STATE OF MICHIGAN
IN THE 33RD CIRCUIT COURT COUNTY OF CHARLEVOIX**

HALSEY WOLFF,
Plaintiff,

HON. ROY C. HAYES III
CIRCUIT COURT JUDGE

v

CASE NO. 23-0328-28-CZ

HEALTH DEPARTMENT OF
NORTHWEST MICHIGAN, and
JEREMY FRUK, in their individual and
official capacities,

Defendants.

Halsey Wolff,
Plaintiff, *In Pro Per*
2045 McKinley Avenue
Ypsilanti, MI 48197
runlikehal@yahoo.com

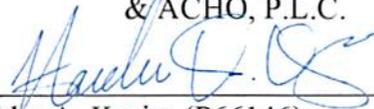
Haider A. Kazim (P66146)
Cummings, McClorey, Davis & Acho, P.L.C
Attorneys for Defendants Health Depart. of
Northwest Michigan and Jeremy Fruk
310 W. Front Street, Ste. 221
Traverse City, MI 49684
(231) 922-1888/(231) 922-9888 Fax
hkazim@cnda-law.com

APPEARANCE

NOW COMES Haider A. Kazim of CUMMINGS, McCLOREY, DAVIS & ACHO,
P.L.C., and hereby enters his Appearance on behalf of Defendants, HEALTH DEPARTMENT OF
NORTHWEST MICHIGAN, and JEREMY FRUK, regarding the above-entitled matter.

Dated: October 11, 2023

CUMMINGS, McCLOREY, DAVIS
& ACHO, P.L.C.



Haider A. Kazim (P66146)
Attorneys for Defendants Health Depart. of
Northwest Michigan and Jeremy Fruk
310 West Front Street, Suite 221
Traverse City, MI 49684

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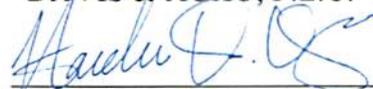
Haider A. Kazim (P66146)
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Northwest Michigan, and Jeremy Fruk
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hkazim@cnda-law.com

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendants, Health Department of Northwest MI and Jeremy Fruk's Motion For a More Definite Statement and to Strike All or Part of Plaintiff's Complaint Under MCR 2.115, has been scheduled for hearing, on December 1, 2023, at 1:30 p.m., or soon thereafter as counsel may be heard before the Honorable Roy C. Hayes III, Circuit Court Judge, by Zoom, meeting ID #: 3239109908.

Respectfully submitted,

CUMMINGS, McCLOREY,
DAVIS & ACHO, P.L.C.



Haider A. Kazim (P66146)
Attorney for Defendants

Dated: October 11, 2023

**STATE OF MICHIGAN
IN THE 33RD CIRCUIT COURT COUNTY OF CHARLEVOIX**

HALSEY WOLFF,
Plaintiff,

HON. ROY C. HAYES III
CIRCUIT COURT JUDGE

v

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2045 McKinley Avenue
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**DEFENDANTS' MOTION FOR A MORE DEFINITE STATEMENT AND TO STRIKE
ALL OR PART OF PLAINTIFF'S COMPLAINT UNDER MCR 2.115**

NOW COME Defendants, HEALTH DEPARTMENT OF NORTHWEST MICHIGAN and JEREMY FRUK, by and through their attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C., and for their Motion for A More Definite Statement and to Strike All or Part of Plaintiff's Complaint under MCR 2.115, state as follows:

1. Plaintiff, Halsey Wolff, has filed a rambling narrative consisting of eight (8) pages disguised as his Complaint. (Exhibit A).
2. The ambiguous and disjointed Complaint makes it impossible for Defendants to determine the nature of Plaintiff's claims against them.
3. Pursuant to MCR 2.111(B)(1), the Complaint must contain "[a] statement of the facts, without repetition, on which the pleader relies in stating the cause of action, with the specific

allegations necessary reasonably to inform the adverse party of the nature of the claims the adverse party is called on to defend[.]”

4. Plaintiff’s Complaint does not contain a statement of facts with specific factual allegations which, would inform the Defendants of the nature of the claims against them. Instead, the Complaint is a stream of consciousness ranting that does not list in any decipherable manner, the allegations and claims against the Defendants such that Defendants can file an informed and reasoned response to the Complaint.

5. The Complaint also fails to comply with the Michigan Court Rules which, govern the form of pleadings.

6. MCR 2.113(B)(1) requires that all allegations **must** be made in numbered paragraphs. Plaintiff’s Complaint does not contain any numbered paragraphs stating his allegations against the Defendants.

7. MCR 2.113(B)(2) states that the paragraph **must** be limited as far as practicable to a single set of circumstances.

8. Plaintiff’s Complaint is an amalgam of multiple circumstances, occurrences, grievances, and issues such that it is impossible for Defendants to distinguish the cause(s) of action(s) against them.

9. MCR 2.113(B)(3) provides that each statement of a claim for relief founded on a single transaction or occurrence or on separate transactions or occurrences, **must** be stated in a separately numbered count.

10. Plaintiff’s Complaint is devoid of any separately numbered counts which, would inform the Defendants of the claim(s) for relief sought by Plaintiff. Instead, the Complaint is a running commentary of Plaintiff’s conclusions of fact and law.

11. Plaintiff's failure to comply with MCR 2.111(B)(1) and MCR 2.113(B), makes it impossible for Defendants to file an answer to the Complaint.

12. There are no "clear, concise, and direct" allegations of facts upon which, Plaintiff relies in stating his cause of action. MCR 2.111(A)(1).

13. MCR 2.115(A) states:

If a pleading is so vague and ambiguous that it fails to comply with the requirements of these rules, an opposing party may move for a more definite statement before filing a responsive pleading. The motion must point out the defects complained of and the details desired. If the motion is granted and is not obeyed within 14 days after notice of the order, or within such other time as the court may set, the court may strike the pleading to which the motion was directed or enter an order it deems just.

14. Defendants request that Plaintiff be ordered to submit a more definite statement setting forth a statement of facts, without repetition, on which the Plaintiff relies in stating his cause of action.

15. Defendants further request that Plaintiff be ordered to submit clear, concise and direct allegations that reasonably inform them of the nature of the claims alleged.

16. MCR 2.115(B) provides:

On motion by a party or on the court's own initiative, the court may strike from a pleading redundant, immaterial, impertinent, scandalous, or indecent matter, or may strike all or part of a pleading not drawn in conformity with these rules.

17. Plaintiff's Complaint is replete with redundant, immaterial, and impertinent statements. For example, the sections of his Complaint titled "Rational" and "Commentary" are composed entirely of immaterial and redundant statements, that are entirely conclusory and bear no resemblance to the type of specific factual allegations required by the Michigan Court Rules.

18. As aforementioned, Plaintiff's Complaint is "not drawn in conformity with [Michigan Court Rules]".

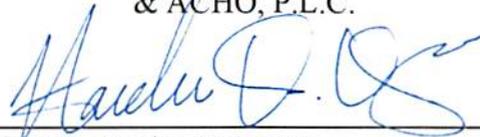
19. Defendants request that all of Plaintiff's Complaint be stricken for failure to comply with the Michigan Court Rules pursuant to MCR 2.115(B).

20. Defendants further request that all or part of Plaintiff's Complaint be stricken because it is clearly redundant, immaterial, and impertinent under MCR 2.115(B).

WHEREFORE, Defendants, HEALTH DEPARTMENT OF NORTHWEST MICHIGAN and JEREMY FRUK, respectfully request that this Honorable Court grant their Motion for A More Definite Statement and to Strike All or Part of Plaintiff's Complaint pursuant to MCR 2.115.

Dated: October 11, 2023

CUMMINGS, McCLOREY, DAVIS
& ACHO, P.L.C.



Haider A. Kazim (P66146)
Attorneys for Defendants Health Depart. of
Northwest Michigan and Jeremy Fruk
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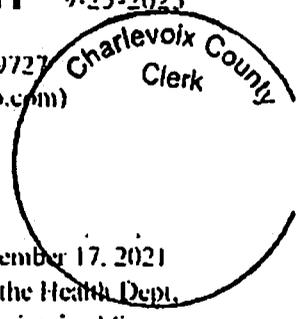
Exhibit A

**To Defendants' Motion for A More Definite Statement and to Strike
All or Part of Plaintiff's Complaint**

230328-28 C2

Wolff vs the Health Department of Northwest Mich. COMPLIANT 9-25-2023

Plaintiff: Halsey (Hal) Wolff, property owner of 07645 Cedar Lane, East Jordan, MI, 49727
Home address: 2045 McKinley Avenue, Ypsilanti, MI 48197 (e-mail: runlikehal@yahoo.com)



Defendant: Jeremy Fruk, Environmental Director, Health Department of NW Michigan
Address: 220 W. Garfield Ave., Charlevoix, MI 49720 (e-mail: j.fruk@nwhealth.org)

Primary Issue in dispute: a Cease and Desist issued by the Health Department on September 17, 2021 requiring Mr. Wolff to stop using the septic system on his family's property. Since then, the Health Dept. has declined to issue a variance for a fully functional system that has been in place and maintained for continuous usage for 56 years, but wasn't registered by the Hal's (now deceased) parents decades ago.

2nd issue in dispute: the Health Dept. has carelessly used bogus data and spread false and inflammatory allegations at Mr. Wolff's expense. They effectively incited a number of neighbors who now think that not only does Mr. use a trailer, but that he is likely a danger to the health and safety of the neighborhood. This is not true and has been very harmful to Mr. Wolff's interests. He feels entitled to damages based on aggressive and irresponsible actions of the Health Dept. of NW MI that went well outside their mission.

Attempts made by the Plaintiff to resolve the Cease & Desist warrant without litigation:

- 1) A Board of Appeals was held on December 16, 2021. They voted against Mr. Wolff 3-2.
- 2) Plaintiff had a phone call and a number of e-mail exchanges with the Environmental Director.
- 3) Mr. Wolff attended the 11-1-2022 Board of Health meeting and made a 3 minute plea for support.
- 4) Mr. Wolff completed taking months of data regarding the soil quality, water table height, and ground and lake water quality. This info was provided to the Health Dept. but was disregarded.
- 5) A 2nd Board of Appeals hearing was held on July 24, 2023. They voted against Mr. Wolff 4-1

Plaintiff's position:

Mr. Wolff doesn't contest that his septic system doesn't meet code size specs, or that it was unregistered. But he knows it works well, suits his needs and is safe. (There is no capacity issue w/ tank or drain field.)

- 1) He believes he shouldn't be forced to install a new (costly & less reliable) pumped system because his family has maintained a small but functional gravity system for 56 years, or because his parents didn't know they had to register it, and because he naively filed for a well permit
- 2) The Health Dept. continues to make false and inflammatory allegations such as "Multiple agencies may be needed to address all of the violations on the Wolff property", and "Mr. Wolff hasn't even filed a variance requesting he be allowed to relocate his trailer" (right next to the road of all places - where the Health Dept. believes a gravity-based system could be located.)
- 3) Hal has done nothing wrong, and shouldn't be "punished" for a registration error and preventative maintenance work that occurred over a decade ago when his parents owned the property.

Defendants stated position - they have raised a number of issues including:

- 1) Mr. Wolff's system is not compliant to modern code, and it was never registered by his father,
- 2) Maintenance work was done on the system, which wasn't authorized by the Health Dept.
- 3) The water table height is too high, and the soil is too porous. (This was proven to be false.)
- 4) Mr. Wolff swapped an updated (smaller) trailer which is claimed to be a "replacement building". He installed ~50 ft2 of multi-use space area in a shed he built adding to their 400 ft2 living space.
- 5) Mr. Wolff may have violated a number of additional codes requiring support from other agencies

Legal support: based on various complications, the Plaintiff intends to represent himself with possible SR support from Mark Hilal or possibly someone else. *(If a lawyer is required, one will be found.)*

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Claims Dept.

Outcome Requested and Case for damages

Outcome requested: Mr. Wolff feels that the Court should consider a mandated variance for this unique and rustic property usage with an appropriate deed restriction noting the limited septic condition requiring upgrade to code if the property is sold or developed. If not that, then a court-conducted unbiased jury review hearing is requested. (Mr. Wolff believes that the inaccurate and inflammatory information presented against him, and the nature of some of the Sanitary Code Board of Appeals members made that forum biased and unfair for his situation.)

Damages: \$100,000 requested for loss of use of the property and the unnecessary public humiliation created. Mr. Wolff feels that punitive damages should be considered due to the aggressive behavior and inflammatory statements made by Health Dept. staff that conflict with their mission which have caused significant duress to Mr. Wolff. The conflict and humiliation caused Mr. Wolff to stop using his property for the entire 2023 season while trying to clear his name and the reputation of his parents. (Consideration for treble damages.)

Rational: Health Dept. personnel have insinuated mis-conduct on the part of the Plaintiff, Mr. Wolff. The truth is that efforts on his part to maintain the septic system were done over 10 years ago in an effort to support his aging parents when they still owned the property (which he can prove), and recent upgrades he has made to his property have all been legal.

Further, the actions of the Health Department have created rifts between Mr. Wolff and some of his neighbors, and provided a public forum to allow for spurious accusations from both neighbors and the Eveline Twp. Zoning Administrator. All of this, in addition to the Cease & Desist has brought his antiquated but safe and legal lifestyle under comfortable scrutiny based on false statements and allegations such that he feels his property has effectively become a hostile environment (that also requires him to rent a porti-potty while visiting his property) and consequently has refrained from using his property this year under the current circumstances.

Mr. Wolff has stage 4 (prostate) cancer and the number of healthy years remaining for him is questionable. Based on that he would prefer not to have to invest in a costly and unnecessary septic system given the unknown costs of his future medical care. Further, the installation of such would be disruptive to the property (a large number of trees would need to be removed) and would result in a less reliable pump-based system vs the gravity-based system now in place.

Mr. Wolff would prefer to use the family property in a manner consistent with the manner he and his parents have used it for decades. He does not possess the kind of house that would require a much larger (compliant) septic system, and being forced to install one now makes no rational sense to him, other than being mandated based on strict (punitive) enforcement of modern code.

He also feels that such a course of action would cast a further cloud of doubt within the neighborhood and be tantamount to an admission of guilt that he and his family have led an unsafe lifestyle (ie maintaining a trailer & non-compliant septic system), which isn't true. Further, the cost of installing a compliant septic system after 56 years of responsible family ownership feels to Mr. Wolff more like a ransom payment than a responsible action, as he knows that the system in place has shown no signs of failure and suits their needs to a T.

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MMRMA

CLERK OF COURT
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MONTGOMERY COUNTY, PA

What the Health Department of NM Michigan is defending:

- 1) Their right & ability to mandate full compliance to their requirements in all situations no matter what the background situation or current circumstances at hand.
- 2) Possibly a punitive measure directed towards Mr. Wolff and his father.
- 3) Seemingly, a desire to support the community by eliminating their grandfathered usage of an RV trailer

What Mr. Wolff is defending:

- 1) His right to enjoy his rustic property as his family has for decades, and not to be held accountable for the sins of his father who maintained but did not register their septic small but fully functional and appropriately sized system.
- 2) The right of Hal & his family to manage their modest needs in a sound manner, such as replacing their trailer when it is needed or wanted, making upgrades to their waterfront and to the summerhouse (including homemade furniture), creating a small multi-use space in a new shed, and performing maintenance work on their septic system.
- 3) The right to expect fair play from the Health Dept. and all Government agencies, and not to be forced into "irrational obedience" based on a punitive or political agenda
- 4) The right for a rational decision to be rendered that doesn't reduce or eliminate their grandfathered rights simply because they live a lifestyle that others consider unsavory.
- 5) The right to live without Government or public interference in his life for no apparent reason other than a bias against himself and his family and their antiquated lifestyle.
- 6) The right to expect the acquisition of appropriate data to matter, for truth to be valued, and for justice for himself, his family, and for all, regardless of class status and wealth.

Commentary: When a Police force behaves in a manner that exceeds their authority, they need to be held accountable as they now are by social movements calling for accountability and with advancements such as with the use of body-cams. Mr. Wolff believes that it is time for the Health Department to face similar scrutiny based on their actions relating to Mr. Wolff and his Lake Charlevoix property. They have a policing function, but he feels they have overstepped their bounds and their mission.

Mr. Wolff didn't endanger anyone or cause a public disturbance. He did his best to try to help his 86 year old father who was struggling to keep his Charlevoix property accessible to him and his aging mother. And years later when he inherited the property, he did his best to make some legal improvements to the property, including replacing the aging trailer with one with a lower sleeping capacity, and a hand built shed that contains a small multi-use area.

It seems that the Health Department is holding all of that work against him, and he is intent to protect his rights and lifestyle. These are the forces is struggling to overcome. This case runs much deeper than his self-interest to continue to use his property in peace. It has more to do with Government.

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Claims Dept.

Primary points against the Health Dept. of NW Michigan:

- 1) **No contact with property owner prior to initial assessment:** they made their initial assessment with no contact or even attempted contact with Mr. Wolff and subsequently published a highly inflammatory and inaccurate report. It seemed as if they assessed the situation on the Wolff property, made up their minds that something wrong was going on, didn't bother to find out about the grandfathered rights his family had maintained for 56 years, and jumped to some conclusions that they are still unwilling to reconsider, possibly because that would require admitting they were wrong.
- 2) **Flagrant misinformation:** at the initial review hearing, they made a number of aggressive and disparaging remarks, such as: "Multiple agencies may be needed to address all of the violations on the Wolff property". (This statement was challenged by a member of the board and the response from Mr. Jones was, "It's just a statement." Yes, but an aggressive and inflammatory statement that may well have tainted the outcome of the hearing against Mr. Wolff at the first hearing.)
- 3) **Bad data:** The Health Dept. claimed (erroneously) that the existing septic system on the Wolff property failed to meet the 48" ground water clearance requirement. Substantial testing conducted by Mr. Wolff with support from Mackinac Environmental Technology indicates that it does meet the requirement, and did so both in the fall of 2022 and the spring of 2023 (over an 8 week span).
- 4) **Bad math:** At the 2nd review board hearing, the primary rationale to contest use of the existing septic system was that an aging trailer had been replaced with a newer one of similar size but reduced sleeping capacity, and that a small shed had been built that contained a small (~50 ft²) multi-use area, which they claimed exceeded the 50% threshold to invoke "Successor Building" status. Point of fact, the Wolff property has 3 grandfathered structures (a cabin of ~260 ft²), a small RV trailer (~130 ft²) and an outdoor bathroom (~20 ft²). In combination, they equal over 400 ft² of living space. Certainly the <50 ft² multi-use area in NO WAY came even close to exceeding the 50% threshold. But moreover, that threshold is intended for standard homes of ~1000 ft², meaning a 500 ft² addition renovation would be needed to exceed the minimum threshold. This is 50 square feet. It shouldn't be a big deal, but it has been construed as such.
- 5) **Lack of regard for actual data:** Mr. Wolff has spent considerable time and effort to gather reliable data regarding the existing septic system. With the support of Mackinac Environmental Technology, Hal carefully gathered months of ground water clearance data. With the support of Tip of the Mill Watershed they also gathered environmental data with ground and lake water samples, and conductivity readings were also taken. The data gathered was "determined to be irrelevant..." That seems inconsistent with the function of the Health Department. It seems that data would only be ignored if a punitive outcome was intended, which would likely erode the grandfathered rights his family maintains.
- 6) **Aggressive and anti-social behavior:** In addition to the questionable statements regarding multiple violations that was proffered before and at the first hearing, at the 2nd hearing, Mr. Jones stated that Mr. Wolff "has not even filed for a variance to allow for his trailer to be relocated" - that is to relocate it to a new location on his property that they favor (*which is right next to the road*) where they feel a new compliant gravity-based system could potentially be installed. Mr. Wolff's neighbors have recently subjected him to significant harassment for his rustic lifestyle, and in no way would he or his neighbors appreciate having the trailer relocated right next to Cedar Lane - making it highly visible to everyone in the community. This "fix it at any cost" stance shows insensitivity to the livelihood of the Wolff family (*and their neighbors*) from the Health Dept. by asserting that the fact that this unwieldy "solution" hasn't been initiated is somehow a lapse on the part of Mr. Wolff. To

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Chairman

make a comment like that - insinuating that applying for a variance to relocate the family's trailer to a location right next to the road seems highly insensitive to the Wolff family and the neighbors as well

- 7) **An unwillingness to accept the fact that the modern prevailing septic code is not a good fit for the antiquated property usage situation at hand:** Mr. Wolff is an engineer (as was his father). He certainly understands that there is a need and benefit from standardized codes and procedures, and that those generally work fairly well in many situations. But no code or procedure works in ALL situations, yet the Health Department seems unwilling to consider that the current non-compliant septic system situation that has worked well for 56 years, might be the best solution for the Wolff family, and not their demand for a pump-based system with a 1000 gallon tank (and a 500 gallon transfer tank) and 100+ feet of drain pipe. A one-size-fits-all code-compliant solution is not always necessary. The Wolff situation is unique to the entire lake. No other property he has seen has similar accommodations. It seems like it should be a textbook situation in which a variance would be an excellent solution, and when the property is actually developed, then a code compliant system could be implemented. Requiring that a 1000 gallon tank be installed when an ~50 gallon one worked well for 40 years seems overtly irrational. And moreover, **it feels like acquiescing to such an outcome is actually an admission of guilt on the part of the Wolff Family** - that they have been living a potentially dangerous lifestyle for 56 years, when that is anything but true

Hal Wolff

9-25-2023

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Claims Dept.**

What justifies the enforcement being mandated? It appears that it is a turf war and a social class conflict of sorts. The Environmental Dept. of the Health Department of NW Michigan has a rigorous enforcement mentality and they appear determined to dictate a code compliant outcome that defies the rights of the Wolff family to maintain their longstanding lifestyle. Hal feels strongly that he has done nothing wrong. His family has never put his neighbors or the environment at risk. In fact, their lifestyle is very much in harmony with the environment, far more so than most residents on Lake Charlevoix. (For example, his property is largely in a natural state with native vegetation, with a carbon foot-print for use that is a tiny fraction of the large estates on the lake that have become the norm.)

Yet the Health Department has smeared Hal's reputation to one of trailer-trash to be rebuked and reviled. It appears that they intended to start an adverse reaction against this family, and they succeeded. They have the Township crying foul about zoning violations when there appears to be none, only a misunderstanding of his grandfathered rights and a possible filing error. They also have the neighborhood (Fonnadonah) HOA crying foul and using the Cease & Desist as a proxy war of sorts based on their desire to rid the neighborhood Wolff family's grandfathered right to continue to use an RV trailer.

Soon after the Health Dept's Cease & Desist edict was announced, the HOA administered a dose of public humiliation regarding a 60+ year old deed restriction that has never been enforced, which became statutorily archaic over 50 years ago. This same restriction is violated by others on the lake, but when the HOA Board realized they had no case against the trailer usage, they quickly and conveniently pivoted to support for the Health Department's Cease & Desist order that was hastily proclaimed, but has been steadfastly maintained. The HOA now has a good excuse to scrutinize Mr. Wolff, with the Health Department effectively laying down the cover-fire for them: that they are unclean lake polluters who are putting everyone at risk! That is not true, but it has played well with some of the neighbors.

Commentary: The Health Department has turned Hal's Up North haven into a nightmare. It has disrupted his life there for two years now - but all he would have to do is acquiesce, admit that he and his family have been living in an inappropriate lifestyle for some portion of their 56 years of residence, and invest in a \$20,000 septic system that they have no current need for, and a system that would likely also have little value to any future resident who chose to build on the property. If future development does occur, the property would most likely need a much larger system even than the 1000 x 100 foot system that the Wolff family is being called on to install.

A monetary penalty would be less obtrusive, as that wouldn't require cutting down trees or squandering the resources required to install a compliant septic system when the current system hasn't failed. It feels more like a ransom demand has been made that the need to solve any actual problem other than the lack of property registration by Hal's father, and possibly also due to Hal's support of his aging parents by helping them maintain the non-compliant septic system.

Mr. Wolff has tried hard to live a responsible lifestyle. He is an engineer, an Eagle Scout and a Sierra Club member. He tried to serve his community as President of the Cedar Lane Conservancy, and spends large amounts of time and energy to support various non-profits including his own (Running Blind) that supports visually impaired people. He also has stage 4 prostate cancer that when it diagnosed 5 years ago left him with a likely life expectancy of 7 years. And instead of being able to enjoy the time he's got on his family's long owned Lake Charlevoix jewel, a government agency trusted to protect people's health & welfare has gone after him as if there was an environmental problem at hand and made it clear that all Hal needs to do to "fix things" is to implement a \$20,000 septic system. It feels more like a monument dedicated to an imaginary house and to strict adherence to Government regulations. It turns out that's a very high cost, more than Mr. Wolff is able to bear, so he's trying to fight back now that he's "poked the bear", as one local environmental engineer Hal consulted with aptly put it.

Notable statements made by Health Department associated individuals:

1) "Multiple agencies may be needed..." to address all of the violations on the Wolff property. (This comment was made verbally by Mr. Jones at the first review Board meeting.)

2) The groundwater and all other data Mr. Wolff gathered was "determined to be irrelevant..." (This comment was made by Mr. Jones in writing prior to the 2nd review Board meeting.)

3) "Mr. Wolff hasn't even filed for a (Twp zoning) variance (to ask approval) to relocate his trailer." Meaning in a manner that would suit the Health Department, but would also cause significant harm to the lifestyle of the Wolff family. (This comment was made by Mr. Jones at the 2nd review Board meeting.)

4) "If this was some small lake somewhere in the county, then things might be different, but this is Lake Charlevoix...!" (This comment was made by a member of the Review Board at the 2nd hearing.)

5) The addition of a 50 square foot multi-use space in a small shed appropriately triggered the (section 2-53) Successor Building code requirement. (Stated by Mr. Jones at 2nd review Board hearing.)

6) "Take a look at this!" was a comment made by one of the Review Board members who observed that the family trailer was connected to the septic system (as it has been for 56 years) as he beckoned the other members of the Board to observe what he "discovered" which he appeared to be indicating was a gross violation of the Health Department's Cease and Desist and presumably also a violation of public decency.

POINT OF FACT the trailer is still connected to the septic, but no waste water has been disposed of in the unit since 2022 when Mr. Wolff became aware that the Cease & Desist was actually still in force.

7) After proving that the original septic system existed and was still in service, and that the system met the groundwater clearance requirement which the Health Department had previously (erroneously) claimed was not being met, which was a primary rationale for the denial at the first review Board meeting, at the 2nd one it was stated that "nothing has changed since the previous review" such that there was no reason to come to any different decision than the last one - which was to deny that a variance be granted.

Mr. Wolff found this statement to be alarming. He felt that a lot had changed since the previous review board meeting - specifically that any assertion that there was never a septic system in place on the Wolff property was false - the original system had been found and unearthed for all to see.

Further, the two reasons used for previously denying a variance were also both found to be false: 1) that the family trailer could simply be relocated as the Health Department felt it could - should be, and 2) the current system's location did not meet the groundwater clearance conditions. While it is true that nothing on the Wolff property has changed, but the entire basis for a variance denial was eliminated.

8) "Why not just install a compliant system and move on!" Stated by Mr. Jones during the July 24th Board of Appeals hearing. This is more easily said than done, as Mr. Wolff feels this amounts to both an admission of guilt and a ransom. It would also be a large physical disturbance to the rustic property.

9) "Our department works with the home owners to see what makes the most sense for them." * - per Casey Clement of the Health Dept. of NW Michigan (* Paraphrased based on notes made by Mr. Wolff during a public forum on Septic System issues conducted on Sept. 21, 2023. Note - a recording of the event was made by Tip of the Mitt.) This statement seems like a worthy goal for a science-based organization such as the Health Department, but lies in the face of the harsh and manipulative treatment Mr. Wolff has experienced for the past two years.

RECEIVED

SEP 26 2023

**MMRMA
Claims Dept.**

Signs of failure of a septic system (From Tip of the Mitt Watershed Council)

DEFINITION OF FAILURE

- Discharge to surface
- Discharge into surface water, storm drains, or groundwater
- Backup of sewage into structure
- Illicit connection or discharge
- Drainfield hydraulically saturated
- Endangering public or private water supply
- Imminent danger created
- Absence of part or all of septic system
- Contamination of well water



(None of these conditions have EVER occurred on the Wolff property.)

Mission Statement of HDNW:

To serve our entire community and to achieve health equity by promoting well-being, preventing disease, and protecting the environment through partnerships, innovation, and excellence in public health practice.

RECEIVED

SEP 26 2023

MMRMA
Claims Dept.

**STATE OF MICHIGAN
IN THE 33RD CIRCUIT COURT COUNTY OF CHARLEVOIX**

HALSEY WOLFF,
Plaintiff,

HON. ROY C. HAYES III
CIRCUIT COURT JUDGE

v

CASE NO. 23-0328-28-CZ

HEALTH DEPARTMENT OF
NORTHWEST MICHIGAN, and
JEREMY FRUK, in their individual and
official capacities,
Defendants.

Halsey Wolff,
Plaintiff, *In Pro Per*
2045 McKinley Avenue
Ypsilanti, MI 48197
runlikehal@yahoo.com

Haider A. Kazim (P66146)
Cummings, McClorey, Davis & Acho, P.L.C
Attorneys for Defs. Health Department of
Northwest Michigan, and Jeremy Fruk
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(231) 922-1888
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**BRIEF IN SUPPORT OF DEFENDANTS' MOTION FOR A MORE DEFINITE
STATEMENT AND TO STRIKE ALL OR PART OF PLAINTIFF'S COMPLAINT
UNDER MCR 2.115**

NOW COME Defendants, HEALTH DEPARTMENT OF NORTHWEST MICHIGAN and
JEREMY FRUK, by and through their attorneys, CUMMINGS, McCLOREY, DAVIS & ACHO,
P.L.C., and for their Brief in Support of the Motion for A More Definite Statement and to Strike
All or Part of Plaintiff's Complaint under MCR 2.115, state as follows:

Plaintiff has filed a rambling narrative consisting of eight (8) pages disguised as his
Complaint. (Ex. A). The ambiguous and disjointed Complaint makes it impossible for Defendants
to determine the nature of Plaintiff's claims against them.

Pursuant to MCR 2.111(B)(1), the Complaint must contain "[a] statement of the facts,
without repetition, on which the pleader relies in stating the cause of action, with the specific

allegations necessary reasonably to inform the adverse party of the nature of the claims the adverse party is called on to defend[.]” Plaintiff’s Complaint does not contain a statement of facts with specific factual allegations which, would inform the Defendants of the nature of the claims against them. Instead, the Complaint is a stream of consciousness ranting that does not list in any decipherable manner, the allegations and claims against the Defendants such that Defendants can file an informed and reasoned response to the Complaint.

The Complaint also fails to comply with the Michigan Court Rules which, govern the form of pleadings. MCR 2.113(B)(1) requires that all allegations **must** be made in numbered paragraphs. Plaintiff’s Complaint does not contain any numbered paragraphs stating his allegations against the Defendants.

MCR 2.113(B)(2) states that the paragraph **must** be limited as far as practicable to a single set of circumstances. Plaintiff’s Complaint is an amalgam of multiple circumstances, occurrences, grievances, and issues such that it is impossible for Defendants to distinguish the cause(s) of action(s) against them.

MCR 2.113(B)(3) provides that each statement of a claim for relief founded on a single transaction or occurrence or on separate transactions or occurrences, **must** be stated in a separately numbered count. Plaintiff’s Complaint is devoid of any separately numbered counts which, would inform the Defendants of the claim(s) for relief sought by Plaintiff. Instead, the Complaint is a running commentary of Plaintiff’s conclusions of fact and law.

Plaintiff’s failure to comply with MCR 2.111(B)(1) and MCR 2.113(B), makes it impossible for Defendants to file an answer to the Complaint. There are no “clear, concise, and direct” allegations of facts upon which, Plaintiff relies in stating his cause of action. MCR 2.111(A)(1).

MCR 2.115(A) states:

If a pleading is so vague and ambiguous that it fails to comply with the requirements of these rules, an opposing party may move for a more definite statement before filing a responsive pleading. The motion must point out the defects complained of and the details desired. If the motion is granted and is not obeyed within 14 days after notice of the order, or within such other time as the court may set, the court may strike the pleading to which the motion was directed or enter an order it deems just.

Defendants request that Plaintiff be ordered to submit a more definite statement setting forth a statement of facts, without repetition, on which the Plaintiff relies in stating his cause of action. Defendants further request that Plaintiff be ordered to submit clear, concise and direct allegations that reasonably inform them of the nature of the claims alleged.

MCR 2.115(B) provides:

On motion by a party or on the court's own initiative, the court may strike from a pleading redundant, immaterial, impertinent, scandalous, or indecent matter, or may strike all or part of a pleading not drawn in conformity with these rules.

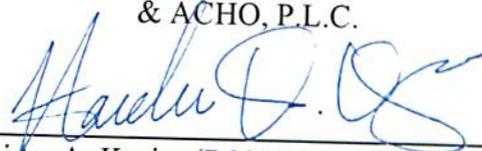
Plaintiff's Complaint is replete with redundant, immaterial, and impertinent statements. For example, the sections of his Complaint titled "Rational" and "Commentary" are composed entirely of immaterial and redundant statements, that are entirely conclusory and bear no resemblance to the type of specific factual allegations required by the Michigan Court Rules. Defendants request that all or part of Plaintiff's Complaint be stricken because it is clearly redundant, immaterial, and impertinent under MCR 2.115(B).

As aforementioned, Plaintiff's Complaint is "not drawn in conformity with [Michigan Court Rules]". Defendants request that all of Plaintiff's Complaint be stricken for failure to comply with the Michigan Court Rules pursuant to MCR 2.115(B).

WHEREFORE, Defendants, HEALTH DEPARTMENT OF NORTHWEST MICHIGAN and JEREMY FRUK, respectfully request that this Honorable Court grant their Motion for A More Definite Statement and to Strike All or Part of Plaintiff's Complaint pursuant to MCR 2.115.

Dated: October 11, 2023

CUMMINGS, McCLOREY, DAVIS
& ACHO, P.L.C.



Haider A. Kazim (P66146)
Attorneys for Defendants Health Depart. of
Northwest Michigan and Jeremy Fruk
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**STATE OF MICHIGAN
IN THE 33RD CIRCUIT COURT COUNTY OF CHARLEVOIX**

HALSEY WOLFF,
Plaintiff,

HON. ROY C. HAYES III
CIRCUIT COURT JUDGE

v

CASE NO. 23-0328-28-CZ

HEALTH DEPARTMENT OF
NORTHWEST MICHIGAN, and
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PROOF OF SERVICE

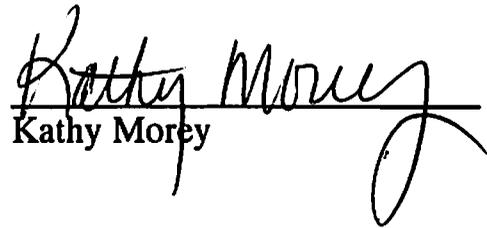
STATE OF MICHIGAN)
) ss.
COUNTY OF GRAND TRAVERSE)

On October 11, 2023, Kathy Morey, being duly sworn, deposes and says that she served the Appearance of Attorney Haider A. Kazim; Notice of Hearing; Defendants' Motion For a More Definite Statement and to Strike All or Part of Plaintiff's Complaint Under MCR 2.115; Brief in Support of the Motion for a More Definite Statement and to Strike All or Part of Plaintiff's Complaint under MCR 2.115; and this Proof of Service, to the following, via the methods specified below:

VIA FIRST CLASS MAIL AND EMAIL TO:

Halsey Wolff,
2045 McKinley Avenue
Ypsilanti, MI 48197
runlikehal@yahoo.com

33rd Circuit Court Clerk
Charlevoix County Building
301 State Street # 1
Charlevoix, MI 49720
circuitcourt@charlevoixcounty.org
(with Judge's Courtesy Copy)


Kathy Morey