

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30736
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

November 20, 2024

Clerk of the Court
30th Judicial Circuit Court
313 W. Kalamazoo Street, 1st Floor
Lansing, MI 48933

Re: *Dana Nessel, Attorney General of the State of Michigan v Donald Peltier. Case No. 24-830-CZ; Hon. Wanda M. Stokes*

Dear Clerk:

Enclosed are the Initial Disclosures and Proof of Service for file 24-830-CZ.

If you should have any questions or concerns, please contact our office at the number below. Thank you.

Sincerely,

By: /s/ Brien Winfield Heckman
Brien Winfield Heckman (P76006)
Assistant Attorney General
Attorney for Plaintiff

BWH/mks
Enclosures

cc: Donald Peltier

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

DANA NESSEL, ATTORNEY GENERAL OF
THE STATE OF MICHIGAN,

Plaintiff,

No. 2024- 830 - CZ

v

HON. WANDA M. STOKES

DONALD PELTIER,

Defendant.

Brien Winfield Heckman (P76006)
Attorney for Plaintiff
Michigan Department of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632

INITIAL DISCLOSURES

NOW COMES the Michigan Department of Attorney General, Charitable Trust Section (“Department”), by and through its attorney, Assistant Attorney General Brien Winfield Heckman, and hereby submits this as its initial disclosures, as to all pending claims and defenses, pursuant to MCR 2.302.

A. The factual basis on which claims and defenses are based.

Defendant, Donald Peltier, is an individual, residing at 356 Granby Road South Hadley, MA 01705 whom created, operated, administered, controlled, or otherwise used around a half-dozen websites that falsely purported an affiliation

with the Democratic Party, Republican Party, candidates thereof, or associated organizations. See complaint for more details. The websites either had a donation tab or through links or redirects ended up at a website that had a donation tab, and Defendant sought and obtained donations through the websites through the false representations and statements stated on the Plaintiff's complaint. The Defendant obtained and attempted to obtain money from persons in Michigan by use of donation tabs connected with some of the websites.

B. The legal theories on which the party's claims and defenses are based, including, if necessary for a reasonable understanding of the claim or defense, citations to relevant legal authorities.

The Defendant is liable for money had and received an equitable doctrine. The Defendant received a benefit from the donors and it would be inequitable for him to retain it.

The Defendant has committed a nuisance. Under MCL 750.218(1), it is illegal for a person to obtain money under false pretenses, or to attempt to commit a crime under MCL 750.92. The Attorney General has broad authority to bring a civil action enjoining such nuisances. *Attorney Gen v PowerPick Club*, 287 Mich App 13, 44 (2010) (citing *Attorney General, ex rel Optometry Bd of Examiners v Peterson*, 381 Mich 445, 465-466 (1969)).

C. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that

information—that the disclosing party may use to support its claims or defenses unless the use would be solely for impeachment.

Donald Peltier, 356 Granby Road, South Hadley, MA 01705, has information concerning his conduct, websites, use of funds solicited, and the allegations within the complaint.

The following have information regarding websites including contact information.

Newfold Digital
5335 Gate Pkwy
Jacksonville FL 32256

Tucows Inc.
96 Mowat Ave
Toronto, Ontario, CA M6K 3M1
1 (800) 371-6992

The following entity has information that differentiates itself from the identified merchant on a credit card statement, as well as information concerning people donating to a website involved in this case as they were contacted.

Troopathon, a.k.a. Move America Forward
3105 Fite Circle Ste 108
Sacramento, CA 98527 USA

The following entities have information regarding payments made to through the websites, and potentially what happened to the funds.

PayPal Inc.,
2211 North First Street,
San Jose, CA 95131

American Express
Subpoena Response Unit (SRU)
43 Butterfield Circle
El Paso, TX 79906

Stripe, Inc.
Attn: Legal Department
354 Oyster Point Blvd
San Francisco CA 94080

The following individuals have information regarding donations made
through websites:

Cathie Ovshibnsky
1072 Greenhills Drive,
Ann Arbor, MI 48105
(313) 909-1727

Harvey Ovshibnsky
1072 Greenhills Drive,
Ann Arbor, MI 48105
(313).909-1727

Michigan Department of Attorney General
Criminal Investigation Division & Corporate Oversight Division
525 W. Ottawa St, Lansing, MI 48909
(517) 335-7622

The following individuals have information regarding website layout:

Michigan Department of Attorney General
Criminal Investigation Division & Corporate Oversight Division
525 W. Ottawa St, Lansing, MI 48909
(517) 335-7622

Custodians of record and other agents for the above entities and individuals.

D. A copy—or a description by category and location—of all documents,
ESI, and tangible things that the disclosing party has in its possession, custody, or

control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Records of the Department of Attorney General held at 525 West Ottawa Street, Lansing, MI 48933, available via Dept of Attorney General, Charitable Trust Attorney, P.O. Box 30736, Lansing MI 48909, including investigative records, LARA's documentation, tax records, PayPal, Stripe, and financial service industry records, domain host records and website records.

E. A description by category and location of all documents, ESI, and tangible things that are not in the disclosing party's possession, custody, or control that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment. The description must include the name and, if known, the address and telephone number of the person who has possession, custody, or control of the material.

Records to which Donald Peltier has or had access, including tax records, PayPal, Stripe, and financial service industry records, domain host records, website records, bank account records, and similar records.

Custodians of records of various organizations, not the Attorney General.

F. A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under MCR 2.310 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

At this time, the Department does not know the extent of damages, it will be disgorgement of all proceeds from Michigan residents.

G. A copy (or an opportunity to inspect a copy) of pertinent portions of any insurance, indemnity, security equivalent, or suretyship agreement under which another person may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment, including self-insured retention and limitations on coverage, indemnity, or reimbursement for amounts available to satisfy a judgment; and none on behalf of the Department.

H. The anticipated subject areas of expert testimony.

None at this time. However, there may be a need for an expert regarding internet and financial records.

CONCLUSION

Until discovery is completed it is unknown whether and to what extent all of the above is accurate, and the Department reserves the right to supplement and clarify accordingly.

Respectfully submitted,

/s/ Brien Winfield Heckman
Brien Winfield Heckman (P76006)
Assistant Attorneys General
Corporate Oversight Division
Charitable Trust Section
P.O. Box 30736
Lansing, Michigan 48909
(517) 335-7632

Dated: November 20, 2024

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

DANA NESSEL, ATTORNEY GENERAL OF
THE STATE OF MICHIGAN,

Plaintiff,

No. 2024- 830 - CZ

v

HON. WANDA M. STOKES

DONALD PELTIER,


Defendant.

Brien Winfield Heckman (P76006)
Attorney for Plaintiff
Michigan Department of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632

PROOF OF SERVICE

To: Donald Peltier
356 Granby Road
South Hadley MA 01075

The undersigned certifies that a copy of the Attorney General's Initial
Disclosures and Discovery Requests were served upon the above Defendant by 1st
Class Mail at their respective address thereon, on the 20th day of November, 2024.


Marcia Knapp-Stoll, Legal Secretary
Corporate Oversight Division
Michigan Dep't of Attorney General

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

DANA NESSEL, ATTORNEY GENERAL OF
THE STATE OF MICHIGAN,

Plaintiff,

No. 2024- 830 - CZ

v

HON. WANDA M. STOKES

DONALD PELTIER,

Defendant.

Brien Winfield Heckman (P76006)
Attorney for Plaintiff
Michigan Department of Attorney General
Corporate Oversight Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632

**ATTORNEY GENERAL'S FIRST SET OF INTERROGATORIES, REQUESTS
TO ADMIT, AND REQUEST TO PRODUCE**

NOW COMES the Michigan Department of Attorney General, by and through Assistant Attorney General Brien Winfield Heckman, who files the following interrogatories, requests to admit, and requests to produce to be answered within 28 days from the date of service, separately and fully in writing under oath, pursuant to the Michigan Court Rules:

INSTRUCTIONS

Your answers are to include information that is available to you and/or information that can be obtained by you from employer(s), agents, representatives, accountants, private investigators, attorneys, lessees, sureties, and/or any other person(s), firm, corporation, or entity who is in possession of or who may have obtained information for or on behalf of you or with whom you have dealt in connection with the subject matter covered by these Discovery Requests. Demand is further made for production and attachment of all documents requested.

If any Discovery Request cannot be answered fully, please answer to the extent possible and explain why you are unable to answer fully.

If you object to any Discovery Request, answer the request by providing all non-objectionable documents and information. Then state your objection and its supporting facts.

When the identification of any document is requested, give the date, the identity of the author or addressor, the identity of the addressee, the identity of the person presently in custody, control or possession of the document, and the title and/or identifying code and state whether you will produce a copy on request without the necessity of a court order. In lieu of that identification, you may attach the documents to your answers to these Discovery Requests and state the present custodian of the record.

When the identification of any person is requested, please give the name, current address, and telephone number.

Please take notice that these Discovery Requests will be deemed to be continuing to require supplemental answers should you or anyone acting on your behalf obtain further information after the submission of answers that would tend to change, alter, or modify, wholly or in part, any such answer. Supplemental answers will be served on the undersigned counsel immediately on receipt of that information.

We will object to the introduction, use, and/or admission by you of any evidence at the trial of this matter that is responsive to this discovery request and that is not provided in response to this request.

DEFINITIONS

1. The terms document or documents include, without limitation, writings and printed matter of every kind and description, photographs, databases, checks, letters, envelopes, drawings, notes, e-mail, deleted e-mail, computer files, deleted computer files, and records (tape, disc, or other) of oral communications.
2. The terms person or persons include, without limitation, individuals, associations, partnerships, corporations, joint ventures, unions, and other organizations.
3. The term identify as used in connection with a "document" or "documents" means the following:
 - a. State the type of document (letter, agreement, memorandum, etc.), the date of the document, the name and address of the person originating the document, the name and address of the person, if any, to whom the document was addressed, the names and addresses of all persons to whom copies of the document

were to be, or have been, sent, and the firm or firms with which all such persons were associated at the date of the document;

b. State whether the original is within your access, custody, or control and identify each person in possession of the document or a copy; and

c. If you claim that any documents are privileged, (i) identify and describe each such document by date, author, and addressee; (ii) identify each person (other than stenographic or clerical assistants) participating in the preparation of the document; (iii) identify each person to whom the contents of the document have been communicated by copy, exhibition, reading, or summarization; (iv) provide a brief summary of the document's contents; and (v) state the privilege or privileges in sufficient detail so that the court may adjudicate the validity of the claim.

4. The term identify as used in connection with a "person" or "persons" means the following:

a. Regarding an individual, state the name, title, all phone numbers you have for that individual, present address (or, if unknown, the last known address), their last known employer, the exact duties and responsibilities of that individual, and

b. Regarding an association, partnership, corporation, joint venture, union, or other organization, (i) state the name of the organization, the address of the principal office, the state or country under whose law the organization is organized, and the address of any government agency where organizational records are filed and (ii) identify the person in charge of the principal office.

5. The term describe in detail means the following:

a. Describe fully by reference to underlying facts rather than by reference to ultimate facts or conclusions of fact or law;

b. To the extent possible, particularize as to time, place, and manner; and

c. Set forth all relevant facts necessary to the complete understanding of the act, process, event, or thing in question.

6. If any part of these Discovery Requests cannot be answered in full, answer to the extent and in the manner possible, using an estimate or stating your belief if exact figures, dates, methods, detailed records, or other information requested are not available and specifying if an estimate or belief rather than exact figures or statements have been used. Be as exact as possible. This does not absolve you of your obligation to search for information, documents, and others matters and materials to find the answer or document.
7. If you claim that any documents are lost or destroyed, (a) identify and describe each such document by date, author, and addressee and (b) provide a brief summary of its contents.
8. The term subject property refers to the real property that is the subject matter of your specific performance claim in the above captioned case.

The words "you" mean and Donald Peltier include any business that Donald Peltier holds an ownership interest in, and representatives (including attorneys) and all other persons acting or purporting to act or that have acted on behalf of the same. It includes you in representative capacities, such as you working for another.

DISCOVERY REQUESTS

1. Interrogatory. Identify all internet domains for which you have owned, administered, or could alter the content (such as changing content or images on a website) from January 1st, 2020 through to the date of your response hereto.

ANSWER:

2. Interrogatory. Identify all other people who could alter the above internet domains during the above period.

ANSWER:

3. Interrogatory. Identify all Internet Protocol (IP) addresses (the unique identifying number assigned to every device connected to the Internet) by which you have accessed the Internet from January 1st, 2020 through to the date of your response hereto, these include home computers, library computers, cell phones, and other devices.¹ If the IP address is unavailable, describe in detail the device, when it was used, identify its owner, and describe why and when it became unavailable.

ANSWER:

4. Interrogatory. Identify all bank, financial account, credit card, PayPal, Stripe, and other financial service industry devices and accounts to which you have used from January 1st, 2020 through to the date of your response hereto, providing the name of the institution, and other identifying information, including the last four digits of account or card numbers.

ANSWER:

¹ If you need help finding it, here's an article on how to do so.
<https://www.popsoci.com/diy/how-to-find-my-ip-address/>

5. Interrogatory. Describe in detail all assistance, including donations and volunteer work, you have provided from January 1st, 2020 through to the date of your response hereto to the Democratic and Republican Party, including their affiliates, associated organizations, or candidates. For all donations, identify the recipient of the donation, the source of the donation (which financial service industry device or account identified in the previous question was used), the amount of the donation, the date of the donation, and the method (check, wire transfer, etc.). For all volunteer work, identify the Party, organization, or candidate, describe the nature of the work, and the date of the work, and identify a person at the organization who can confirm you volunteered. For all other assistance, describe it in detail and identify an individual who can confirm it.

ANSWER:

6. Interrogatory. Identify all people and documents that support the Department's complaint, your defenses to the allegations in the complaint, or that could refresh your recollection, including but not limited to phone representatives, bank tellers, financial service industry accounts statements, calendars, phone records, timesheets, emails, and describe in detail the substance of any potential testimony from those people or the nature of the document, including which paragraphs on the complaint they'll support or refute, and how they support or refute them.

ANSWER:

7. Request to Produce. Produce all documents referenced in your responses.

ANSWER:

ATTESTATION

“The answers to these Interrogatories and the documents furnished in connection therewith are true and accurate to the best of my knowledge, information and belief.”

Dated: _____ /s/ _____

DONALD PELTIER

STATE OF _____)

_____ COUNTY)

Signed and sworn to before me in _____ County, State of _____ on this _____ day of _____, 2024

/s/ _____

Notary Public's Name _____

Notary public, State of _____, County of _____.

My commission expires _____.