

STATE OF MICHIGAN

84<sup>TH</sup> JUDICIAL DISTRICT (CADILLAC, MICHIGAN)

CHERRY GROVE TOWNSHIP,

PLAINTIFF,

v

Case No. 19-725-SN

CHAD AARON EDWARDS,

DEFENDANT.

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FORMAL HEARING

VOLUME II of II

BEFORE THE HONORABLE AUDREY VAN ALST, DISTRICT JUDGE

Cadillac, Michigan - Thursday, May 23, 2019

APPEARANCES:

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Cadillac, Michigan

Thursday, May 23, 2019 - 2:49 p.m.

THE COURT: All right. Let's go back on 19-725-SN, Cherry Grove Township versus Chad Edwards. And could we have appearances, please?

MR. WILSON: Richard Wilson, your Honor, on behalf of Cherry Grove Township.

MR. GURUMURTHY: Thank you, your Honor, Ravi Gurumurthy on behalf of Mr. Edwards. He is here, he is standing to my right.

THE COURT: I think that most of the people in the courtroom are here for this and you're probably gonna be disappointed today, because I called us here together just because I have one question that I need the answer to before I can issue my ruling. Have a seat, gentlemen.

I -- since we were here last, I reviewed everything that we have and the law, and thank you both for briefing it and providing the ordinance number five and the current ordinance. This -- this case seems to pivot on the amount of area of Mr. Edwards' land that's used for the purpose of the mud bogging. And from all of the information I have, I can't tell that. So the -- I requested this hearing to determine that. So --

MR. GURUMURTHY: We can explain, Judge.

THE COURT: Go ahead.

1 MR. WILSON: Your Honor, just preliminarily, we  
2 would like to amend the complaint in this matter -- the  
3 ticket, if you will, to include the neighboring parcel  
4 that Mr. Edwards owns. That would be parcel 2110-08-  
5 2203. Since the ticket was issued, we have obtained  
6 evidence that the activities that we complain about here  
7 have expanded onto the neighboring parcel and --

8 THE COURT: And they're abutting?

9 MR. WILSON: They're adjacent, your Honor, and  
10 we're prepared to offer proofs on that. I'm not sure  
11 what the point of the Court's question is about the size  
12 of the use? That's not the violation we're alleging  
13 here, so --

14 THE COURT: But to determine the zoning uses, I  
15 have to know the size. All right. So it -- perhaps  
16 there is a stipulation, or do we need to take proofs to  
17 determine how much of the -- first of all, Mr.  
18 Gurumurthy, any objection to including the other piece of  
19 property?

20 MR. GURUMURTHY: Yes, Judge. First of all,  
21 that wasn't made aware till a few seconds ago that Mr.  
22 Wilson wanted to amend the complaint and add the adjacent  
23 property. All along in his brief, all along in his  
24 representation, it was the 10-acre parcel where the mud  
25 bogging has occurred.

1                   There has been no mud bogging activity on the  
2                   20-acre parcel. That is a separate piece of parcel that  
3                   is adjacent to the 10-acre parcel.

4                   So, one, it's not timely. Two, it has -- there  
5                   is no evidence of any mud bogging activities occurring on  
6                   the 20-acre parcel.

7                   THE COURT: All right. Well, let's do this.  
8                   Maybe we can take some proofs about what the property is  
9                   used for and I can make a determination about the  
10                  amendment after we have some proofs about what each  
11                  property is used for.

12                  MR. WILSON: Your Honor, we'll rely on the rule  
13                  that the proofs will amend the pleadings anyway, so.

14                  THE COURT: All right. All right. So, Mr.  
15                  Wilson, this is your case and I'll let you go first for -  
16                  -

17                  MR. WILSON: Very good. Your Honor, we would  
18                  call Chad Edwards as an adverse witness.

19                  THE COURT: All right. Mr. Edwards can you  
20                  come up here please?

21                  MR. EDWARDS: Sure.

22                  THE COURT: Right around the short wall there,  
23                  and there's a chair over here. But before you're seated,  
24                  if you would face me and raise your right hand, please?  
25                  Do you solemnly swear or affirm that the testimony you

1 give in this matter will be the truth, the whole truth,  
2 and nothing but the truth?

3 MR. EDWARDS: I do, your Honor.

4 THE COURT: Have a seat please. And go ahead,  
5 Mr. Wilson.

6 MR. WILSON: Thank you, your Honor.

7 CHAD EDWARDS

8 (At 2:53 p.m., sworn as a witness testified as  
9 follows)

10 DIRECT EXAMINATION

11 BY MR. WILSON:

12 Q Sir, while the bailiff is marking the exhibits, could you  
13 give us your full name and address?

14 A Chad Aaron Edwards.

15 Q And Mr. Edwards, what is your address?

16 A It's 120 First Street, Marion, MI.

17 Q And, Mr. Edwards, are you the owner of the real property  
18 located in Cherry Grove Township, section eight?

19 A Yes, I am.

20 Q And would that include the east half of the northwest  
21 corner of the northwest quarter, a 20-acre parcel?

22 A Yes.

23 Q As well as a 10-acre parcel in the southwest corner of  
24 the northwest quarter of the northwest quarter?

25 A Yes.

1 Q All right. I'm handing you what's been marked as  
2 Plaintiff's exhibits #1 and #2 for purposes of  
3 identification. Do you recognize those?

4 A I believe so.

5 Q And what are those?

6 A What are they?

7 Q Yeah?

8 A The tax ID's on the property.

9 Q Okay. So they're from the County website, as far as you  
10 can tell?

11 A I believe so.

12 Q All right. And are there assessed values associated with  
13 those two parcels?

14 A Yes.

15 Q And do you pay taxes on both of those parcels?

16 A Yes, I do.

17 Q All right. Your Honor, we would offer exhibits #1 and  
18 #2.

19 THE COURT: Which -- could we identify them by  
20 property number?

21 MR. WILSON: Oh, yeah. Absolutely, your Honor.  
22 For the record, your Honor, exhibit #1 is tax ID 2110-08-  
23 2203, that's the 20-acre parcel -- I'm sorry, that's the  
24 10-acre parcel.

25 MR. GURUMURTHY: 2203 is the 20, I'm sorry.

1 MR. WILSON: 20-acre, I'm sorry. You're right.  
2 And exhibit #2 was the 10-acre parcel, your Honor.  
3 That's on 08-2202.

4 THE COURT: Mr. Gurumurthy, any voir dire or  
5 objection?

6 MR. GURUMURTHY: No objections, Judge.

7 THE COURT: One and two are admitted.

8 (At 2:56 p.m., Plaintiff's exhibits #1 and #2  
9 are admitted)

10 MR. WILSON: Thank you.

11 BY MR. WILSON:

12 Q Mr. Edwards, do you hold what are commonly referred to as  
13 mud bogging events on these properties?

14 A Yes.

15 Q And on both properties?

16 A No.

17 Q No?

18 A No.

19 Q Just on one?

20 A That's correct.

21 Q Which one is that?

22 A The 10-acre parcel.

23 Q The 10-acre parcel? All right. Then how often do you  
24 hold these events?

25 A Three times a year.



1 Q Have you held these events more often in the past?  
2 A Not in the last three years.  
3 Q Prior to that?  
4 A I believe so.  
5 Q How many in a year have you conducted?  
6 A I'm not sure, to be honest with you.  
7 Q How many people do you have attend these events?  
8 A Depends on the event.  
9 Q The event that occurred just last weekend, how many  
10 people were there?  
11 A Approximately 1,000.  
12 Q Did you count them?  
13 A Nope.  
14 Q Do you have somebody that does?  
15 A Nope.  
16 Q So is this just an estimate on your part?  
17 A Yes.  
18 Q All right. What do these events entail?  
19 A As far as what are you asking?  
20 Q Let me -- well, let me break that down into a couple  
21 little questions. Mud bogging, you do what? Tear the  
22 soil -- or the groundcover off to the bare dirt, put some  
23 water in it and make a mud pit of some sort?  
24 A Basically the idea, yes.  
25 Q Yes. Okay. Then you have trucks that run through it?

1 A Trucks drive through it.

2 Q Okay. And do you have vendors attend these events?

3 A I have not. There is a shirt guy that does come down  
4 sell some shirts, but has nothing to do with me.

5 Q All right. But there are vendors on your property during  
6 these events?

7 A He has been there, yes.

8 Q Okay. Any other vendors besides the t-shirt?

9 A No.

10 Q How about bleachers?

11 A I got an old set of bleachers there I got from school --  
12 gimme.

13 Q So you have bleachers for the spectators?

14 A They can use them if they want to. Most don't.

15 Q Do you allow camping?

16 A Yes. Anybody can camp there.

17 Q How many people camp there?

18 A I would -- probably 20. It's an alternative to anybody  
19 that comes. They don't have to drink and then leave.

20 Q Okay. So they are drinking?

21 A If they are drinking, they don't have to leave. I mean,  
22 it's -- not everybody does drink, but if somebody does,  
23 they don't have to be on the road drunk and --

24 Q Mm-hmm. Do you sell alcohol?

25 A Absolutely not.

1 Q When's the first time you held this event?

2 A 2014.

3 Q Mr. Edwards, I'm handing you what's been marked for  
4 identification purposes as Plaintiff's exhibit #3, do you  
5 recognize that?

6 A Not really. Looks like something from my property, but I  
7 don't really --

8 Q Did you prepare this?

9 A I did not.

10 Q If there's testimony that this is posted on your Facebook  
11 page, would you deny that?

12 A I have no idea if it is or isn't, to be honest with you.

13 Q Okay. Thank you. Mr. Edwards, have you received any  
14 letters from the Wexford Joint Planning Commission?

15 A Yes, sir.

16 Q And what did those letters tell you?

17 MR. GURUMURTHY: Your Honor, I'm going to  
18 object as to hearsay. He's asking to describe what the  
19 letter stated --

20 THE COURT: Well, it's outside the scope of  
21 what the Court is trying to determine.

22 MR. GURUMURTHY: And -- and again, my other  
23 objection would be as to the relevance of the purpose for  
24 today.

25 THE COURT: All right. The objection is

1           sustained for relevance.

2       BY MR. WILSON:

3       Q     Mr. Edwards, do you have a land use permit of any sort to  
4           conduct these operations?

5               MR. GURUMURTHY: Your Honor, I would object as  
6           to the relevancy. I think it has been established that -  
7           -

8               MR. WILSON: That's the -- that's the charge.

9               THE COURT: I know, but we've been through this  
10          and really all I want to know today is how much of the  
11          property or properties is used for the mud bogging for  
12          camping, parking, mud bogging, anything that's related to  
13          the mud bogging.

14              MR. WILSON: All right. There's a couple more  
15          points, then, I want to make with this witness if I may?

16              THE COURT: All right.

17       BY MR. WILSON:

18       Q     Mr. Edwards, do you have a soil erosion sedimentation  
19           control permit for this activity?

20              MR. GURUMURTHY: Your Honor, I would object, it  
21          is out of the scope of today's hearing.

22              THE COURT: Sustained.

23              MR. WILSON: Your Honor, can I make an offer of  
24          proof?

25              THE COURT: Yes.

1 BY MR. WILSON:

2 Q Mr. Edwards, do you have a soil erosion or sedimentation  
3 control permit for this activity?

4 MR. GURUMURTHY: Your Honor --

5 THE COURT: What's the offer of proof?

6 MR. WILSON: His testimony.

7 MR. GURUMURTHY: Again, I would object as to  
8 relevance.

9 THE COURT: But how does that relate to what  
10 I'm trying to find out today, the amount of property used  
11 for this?

12 MR. WILSON: All right.

13 BY MR. WILSON:

14 Q Mr. Edwards, are you a public entity?

15 A A public entity? Could you please explain?

16 Q Are you a township?

17 A Am I a township? No.

18 Q Are you a county?

19 A No.

20 Q Are you a state?

21 A No.

22 Q Are you the DNR?

23 A Nope.

24 Q All right. Other than the days when you conduct mud  
25 bogging events on your property, is your property open

1 for public use?

2 A Anybody that wants to use my property, if they contact  
3 me, they're more than welcome.

4 Q I didn't ask you if they contacted. Anybody can use your  
5 property if you give them permission. Do you hold your  
6 property out for public use?

7 A Once again, if my gates are closed, they are more than  
8 welcome to call me and I'll give them a gate code.

9 Q So the answer is no?

10 A No, the answer is yes.

11 MR. GURUMURTHY: Your Honor, I'm going to  
12 object. It's asked and answered.

13 THE COURT: I understand the question and the  
14 answer.

15 BY MR. WILSON:

16 Q Do you have any playground equipment on your property?

17 A I put a bounce house up sometimes.

18 Q That's when the mud bogging events are occurring?

19 A Or whenever I have kids there that want to use it.

20 Q Okay. But you don't have anything available for the  
21 public to use?

22 A The kids are public.

23 Q Do you have any swing sets?

24 A None.

25 Q Volleyball nets?

1 A I do have a volleyball net.

2 Q Is it up?

3 A Kind of.

4 Q Slides? Merry-go-rounds?

5 MR. GURUMURTHY: Your Honor, I'm going to  
6 object as to --

7 MR. WILSON: Your Honor, Mr. Gurumurthy --

8 THE COURT: The objection is overruled. This  
9 is exactly what I'm trying to get at.

10 MR. WILSON: Okay. Thank you.

11 BY MR. WILSON:

12 Q Are there any signs on your property, Mr. Edwards, that  
13 state that this is a public park?

14 A None.

15 Q Is there any signs on your property that states that your  
16 property is a public playground?

17 A None.

18 Q And you do -- and you do pay taxes on this?

19 A That's correct.

20 Q So, is it fair to conclude that the County of Wexford, at  
21 least, does not believe that your property is a public  
22 park or playground?

23 A Um --

24 THE COURT: I'm not sure he's qualified to  
25 answer that question.

1 THE WITNESS: I -- what are you asking? Say it  
2 one more time, please?

3 BY MR. WILSON:

4 Q Well, if you -- you have claimed in this case that your  
5 property is a public park and playground, and therefore,  
6 for some reason which is unclear to me, you don't need a  
7 zoning permit to conduct your operations.

8 A I can explain where that come from (sic).

9 Q I want you to answer my question and you can explain all  
10 you wish for your attorney.

11 A Okay.

12 Q Public parks and playgrounds are not taxed, Mr. Edwards,  
13 under Michigan Law, but I take it you are, because you  
14 just testified that you are?

15 A I pay my taxes.

16 Q You pay your taxes? All right.

17 MR. WILSON: Nothing further of this witness,  
18 your Honor.

19 THE COURT: Thank you. Mr. Gurumurthy?

20 MR. GURUMURTHY: Thank you, Judge.

21 CROSS-EXAMINATION

22 BY MR. GURUMURTHY:

23 Q Mr. Edwards, you began with these mud bogging events back  
24 in 2014, correct?

25 A That's correct.



1 Q Okay. Do you -- how do you advertise for this event?

2 A Social media.

3 THE COURT: Well, I'm gonna just stop, because  
4 my only question really is, how much area is used for  
5 this?

6 MR. GURUMURTHY: I think I have to clear up  
7 some of the questions that Mr. Wilson asked --

8 THE COURT: You don't need to.

9 MR. GURUMURTHY: -- of my client as an adverse  
10 witness.

11 THE COURT: You don't need to. I only want to  
12 know how -- how big the area is that's used for it.

13 BY MR. GURUMURTHY:

14 Q Mr. Edwards, there are two parcels that you own, correct?

15 A That's correct.

16 Q One is a 20-acre parcel, one is a 10-acre parcel,  
17 correct?

18 A Correct.

19 Q Okay. Where does the mud bogging event occur?

20 A On the 10-acre parcel.

21 Q Okay. Do you use the 20-acre parcel for all this mud  
22 bogging event?

23 A Only to park vehicles on.

24 Q Okay. Do you use the 20-acre parcel to park vehicles  
25 when there is no mud bogging event?

1 A Sure.

2 Q Okay. So that property is used separately than the mud  
3 bogging event, which is on the 10-acre parcel?

4 A That's correct.

5 Q Okay. Where are the bleachers set up? On what parcel?  
6 What land?

7 A They've been moved all over the place. They're currently  
8 sitting on, I think, the 10-acre parcel.

9 Q Okay. You don't have any vendors that come and set up  
10 booths at this event, correct?

11 A There's a guy that comes and sells some shirts.

12 Q Okay. The -- the -- there's some camping that also  
13 occurs on your 10-acre property, correct?

14 A There's people -- yes.

15 Q Is there camping on the 20-acre parcel?

16 A Yes.

17 Q Okay.

18 A All -- all throughout the year.

19 Q Okay. All throughout the year. So --

20 A Not just the mud bogging.

21 Q Okay. You don't sell alcohol?

22 A Never have.

23 Q Do you sell any other condiments?

24 A Nope.

25 Q Do you charge people to come to your --

1 THE COURT: Again, I just want to focus on the  
2 size. Nobody's asked a single question about how much  
3 area is used for --

4 MR. GURUMURTHY: I can get to that, Judge.

5 THE COURT: -- for this. That's all I want to  
6 know.

7 BY MR. GURUMURTHY:

8 Q For the mud bogging, do you know how much area you -- how  
9 big is the pit?

10 A Fourteen hundred feet.

11 Q Okay.

12 A In circumference.

13 Q And how do you know that number?

14 A Because I took a measuring wheel and wheeled it off.

15 Q Okay. So you did it yourself?

16 A I did it myself.

17 Q And it's 1,400 feet in circumference?

18 A That's correct.

19 Q Between the camping, the vehicles being parked, the  
20 bounce house, the volleyball net, how many acres is used  
21 for this mud bogging event?

22 A Between the camping and everything?

23 Q Yes.

24 A If you're gonna relate it to the mud bog, I suppose it's  
25 all -- typically -- technically used, but it's -- there's

1 campers there right now that have been there through  
2 everything.

3 Q Okay. But just for the mud bogging event, if you had to  
4 tell the Judge how much land is used between where the  
5 vehicles that come for the event park?

6 A Mm-hmm.

7 Q Okay. The event when people come to the event that use  
8 the bounce house if they do?

9 A Mm-hmm.

10 Q How many acres is used for just the event?

11 A There is not more than five acres used just for that  
12 event.

13 Q Okay. Do you happen to know what that amount is? The  
14 amount of land that is in use?

15 A I haven't wheeled that part off, no.

16 Q Okay. You haven't measured that part off?

17 A Nope.

18 Q Is it more than five acres?

19 A Not -- nope.

20 Q Is it less than five acres?

21 A In my opinion, yes.

22 Q Okay. And your testimony is that currently, there are  
23 campers that are sitting on that property right now?

24 A There is.

25 Q And you don't have a mud bogging event today?

1 A No.

2 Q Do you have a mud bogging event tomorrow?

3 A No.

4 Q Do you have a mud bogging event this month or next month?

5 A No.

6 Q Okay. And those campers are expected to stay there?

7 A Yes.

8 Q Okay.

9 MR. GURUMURTHY: I don't have any other  
10 questions.

11 THE COURT: Mr. Wilson, any other questions?

12 REDIRECT EXAMINATION

13 BY MR. WILSON:

14 Q Mr. Edwards, do you have a license for your campground?

15 A No.

16 Q Okay. Thank you.

17 THE COURT: Mr. Wilson (sic), the mud bog you  
18 said you measured with a measuring wheel? The actual mud  
19 pit?

20 THE WITNESS: Yes.

21 THE COURT: Did you measure it when it was  
22 ready to be used?

23 THE WITNESS: Yes.

24 THE COURT: So it's full of water or -- I've  
25 never been to a mud bog, but I have, I think, a good

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mental image.

THE WITNESS: I measured the whole complete outside of the -- all the way around the circumference.

THE COURT: Of the bog?

THE WITNESS: Yes.

THE COURT: Okay. And it was 1,400?

THE WITNESS: Yes.

THE COURT: All right. So the area that's used for camping, that's bot, you said, on the 10-acre parcel and the 20-acre parcel?

THE WITNESS: Yes.

THE COURT: And how much area, just your best guess, on the 10-acre parcel, how many acres or how much square footage is used for camping?

THE WITNESS: On the 10-acre parcel?

THE COURT: Just on the 10-acre parcel?

THE WITNESS: None.

THE COURT: None? Oh, you testify earlier that people camp on the 10 and the 20.

THE WITNESS: They could, but they really don't use that. It's -- that's where we play at, your Honor, and --

THE COURT: Okay. So on the 20-acre parcel, how much is used for the -- how much is taken up for people with their campers and their curtilage around

1           them?

2                   THE WITNESS: I'm gonna say this last time that  
3           it might've been -- there was 10 campers.

4                   THE COURT: And how much area do you think that  
5           took up?

6                   THE WITNESS: I don't know. I wouldn't --  
7           without measuring it, to be honest with you.

8                   THE COURT: Well, you're my best guesser, here.

9                   THE WITNESS: I -- I don't know. I would have  
10          to wheel --

11                  THE COURT: What kind of campers?

12                  THE WITNESS: Some of them are just tents and  
13          there was probably two -- my campers there all the time,  
14          another friend --

15                  THE COURT: What is your camper?

16                  THE WITNESS: Just a motorhome.

17                  THE COURT: How big?

18                  THE WITNESS: I don't know, 30-footer.

19                  THE COURT: All right.

20                  THE WITNESS: But it's also what I stay in if I  
21          go out there tomorrow, do you know what I mean? So --

22                  THE COURT: All right. All right. That's your  
23          space that you stay in there?

24                  THE WITNESS: Yeah, that's what --

25                  THE COURT: Okay.

1 THE WITNESS: -- I use.

2 THE COURT: All right. And so out of the other  
3 -- out of the 10 campers, how many trailers?

4 THE WITNESS: Four.

5 THE COURT: And six tents?

6 THE WITNESS: (No audible response)

7 THE COURT: All right. And parking, you said,  
8 happens on the 20-acre parcel?

9 THE WITNESS: Yes.

10 THE COURT: And how much area is dedicated for  
11 parking?

12 THE WITNESS: They can use all of it if they  
13 need to, your Honor. I try to keep them --

14 THE COURT: How much is typically used?

15 THE WITNESS: Typically less than half of that  
16 20 is used.

17 THE COURT: More than five, less than 10?

18 THE WITNESS: Yes.

19 THE COURT: And the bounce house -- are the  
20 bounce house and the volleyball net in close proximity?

21 THE WITNESS: That volleyball net was set up  
22 one time. It's never been used.

23 THE COURT: Okay. Bounce house, how much area  
24 does that take up?

25 THE WITNESS: Ten -- ten -- fifteen feet wide



1 by fifty foot, I think.

2 THE COURT: Fifteen by fifty?

3 THE WITNESS: Yeah.

4 THE COURT: All right. And the t-shirt guy, is  
5 he just a guy walking around, or does he have a table or  
6 --

7 THE WITNESS: He comes with a tent-thing. A  
8 little -- everybody puts pop-up tents and anything to  
9 stay out of the sun or the rain.

10 THE COURT: Okay.

11 THE WITNESS: That's all it is.

12 THE COURT: Is there any other activity there  
13 going on besides the things we've talked about? The bog,  
14 camping, parking, bounce house, t-shirt guy?

15 THE WITNESS: Not that I can think of.

16 THE COURT: Is it just walking around  
17 socializing?

18 THE WITNESS: That's all this event is, is  
19 socializing, fundraising.

20 THE COURT: How do you do the fundraising part?

21 THE WITNESS: We accept donations, and anything  
22 that we get --

23 THE COURT: Physically how do you do that? Do  
24 you have a table set up or --

25 THE WITNESS: No. When they come through they

1 sign a waiver, and when they come through they -- if they  
2 choose to donate, they do so then, and if not, then --

3 THE COURT: So somebody's standing where they  
4 come in to park?

5 THE WITNESS: Yes.

6 THE COURT: Okay. Mr. Wilson, does that raise  
7 any other questions?

8 MR. WILSON: I don't think so, your Honor.

9 THE COURT: Mr. Gurumurthy?

10 MR. GURUMURTHY: Just a couple, Judge.

11 RE-CROSS-EXAMINATION

12 BY MR. GURUMURTHY:

13 Q Mr. Edwards, the 20-acre parcel, is that landlocked?

14 A No.

15 Q Okay. There's another entrance to the 20-acre parcel,  
16 correct?

17 A Correct.

18 Q Okay. And where is that entrance from?

19 A 40 Road.

20 Q Okay.

21 A I believe it's 1177 40 Road.

22 Q What entrance do you use for the mud bogging event?

23 A I -- it's not an actual address. I've used the 7177.

24 It's just something that I Google mapped. Some people  
25 say it don't even come out to that -- that actual drive.

1 Q Okay. So what I'm asking you, it's a separate entrance  
2 that you use for the mud bogging event than what you  
3 would use for the 20-acre parcel?

4 A That's correct.

5 Q Okay.

6 MR. GURUMURTHY: No other questions.

7 THE COURT: May this witness step down?

8 MR. WILSON: He may, your Honor.

9 MR. GURUMURTHY: Yes.

10 THE COURT: Thank you, sir.

11 THE WITNESS: Thank you.

12 (At 3:14 p.m., witness excused)

13 THE COURT: Mr. Wilson, any other witnesses?

14 MR. WILSON: Yes, your Honor. I call Robert  
15 Hall.

16 THE COURT: And, sir, if you would before  
17 you're seated, raise your right hand? Do you solemnly  
18 swear or affirm that the testimony you give in this  
19 matter will be the truth, the whole truth, and nothing  
20 but the truth?

21 MR. HALL: I do.

22 THE COURT: Have a seat please. And, go ahead,  
23 Mr. Wilson.

24 MR. WILSON: Thank you, your Honor.

25 ROBERT HALL

1 (At 3:14 p.m., sworn as a witness testified as  
2 follows)

3 DIRECT EXAMINATION

4 BY MR. WILSON:

5 Q Mr. Hall, would you state your full name and current  
6 occupation?

7 A My name is Robert Alvin Hall and I'm the planning and  
8 zoning administrator for the Wexford Joint Planning  
9 Commission.

10 Q And, Mr. Hall, how long have you hold -- held that  
11 position?

12 A I've held that position since December 2016.

13 Q And do you have any prior experience as a zoning  
14 administrator?

15 A Yes, I do.

16 Q Could you tell the Court what that is?

17 A I have been doing this for townships, and villages, and  
18 cities, for the last 20 years.

19 Q What's your educational background?

20 A Educational background? I have typical high school  
21 graduate and many college hours short of a bachelor's  
22 degree.

23 Q Have you taken any specialized training in zoning  
24 administration?

25 A Yes. I take advantage of Michigan Townships Association,

1 Michigan State University Education Extension, Michigan  
2 Association of Planning, Michigan Municipal League  
3 Training whenever it's available.

4 Q Mr. Hall, I'm gonna hand you what has been previously  
5 marked for identification purposes as Plaintiff's exhibit  
6 #3. Can you identify that document?

7 A Yes.

8 Q Can you tell me, did you print that document?

9 A Yes.

10 Q Can you tell me where you printed it from?

11 A I found this as a post on the Mud Madness Facebook page.

12 Q And based on your review of the Mud Madness -- excuse me,  
13 Mud Madness Facebook page, is that a Facebook page  
14 associated with the mud bogging events that we are  
15 describing here in Court today?

16 A Yes, it is.

17 MR. WILSON: Your Honor, we would offer  
18 Plaintiff's #3 into evidence.

19 THE COURT: Mr. Gurumurthy, any voir dire or  
20 objection?

21 MR. GURUMURTHY: One, I would object, Judge.  
22 It's a -- it's a document that Mr. Hall did not prepare,  
23 can't identify it. It simply states he found it on  
24 Facebook. And two, it's hearsay. It's an out of court  
25 statement, so I don't know what it is being offered for

1 for whatever it is being offer need it is for the truth.  
2 So I would object based on that.

3 THE COURT: That -- at this point, that  
4 objection stands. That objection is sustained.

5 BY MR. WILSON:

6 Q Mr. Hall, I'm marking -- handing you what's been marked  
7 Plaintiff's exhibit #4. Can you identify that?

8 A Yup.

9 Q What is that?

10 A That is an aerial image of three distinct parcels  
11 provided to me by the Wexford County GIS Department.

12 Q And does that show Mr. Edwards' two parcels, 2202 and  
13 2203?

14 A Yes.

15 Q And can you point to the Court, which parcels those would  
16 be? Are they labeled?

17 A They're labeled on this particular exhibit.

18 Q I believe they're also labeled on the smaller exhibit I  
19 provided to the Court.

20 A Okay.

21 Q And so the 20 acres is this larger parcel on the west  
22 side, the 10 acres is the small square --

23 A Actually it's east side.

24 Q East side, you're right. I'm looking at this upside  
25 down. The 10 acres, the small parcel, and the lower --

1 A (inaudible)

2 Q Okay. Mr. Hall, did you have occasion to visit Mr.  
3 Edwards' property over the past weekend?

4 A Yes, I did.

5 Q And did you -- were you accompanied by anyone?

6 A Yes, I was.

7 Q Can you tell the Court what that was all about?

8 A I knew that Mr. Edwards had advertised on Facebook that  
9 he was going to be conducting one of his mud bogs on  
10 Saturday, May 18th, and I thought that would be an  
11 opportune time to get some photographs that might help  
12 the Wexford Joint Planning Commission understand the  
13 impact of the activity taking place.

14 Q All right. And did you have a fellow with a drone  
15 accompany you?

16 A Yes.

17 Q And did he assist you in taking these photographs?

18 A Yes.

19 Q He operated the drone?

20 A He operated the drone.

21 Q Where were you located when you were operating this  
22 drone?

23 A We were on 40 Road just to the east edge of Mr. Edwards'  
24 20-acre parcel.

25 Q All right. I'm handing you what's been marked as -- for

1 identification purposes as Plaintiff's exhibit #5 through  
2 #11. Can you identify those for the Court, please?

3 A Yes.

4 Q What are those?

5 A Those are photographs that were taken on this past  
6 Saturday, May 18th.

7 Q And what do they depict?

8 A They depict the mud bog and the insore activities taking  
9 place on Mr. Edwards' property.

10 Q All right. And can you orient yourself -- let me just  
11 have these, if I may, and we'll go through them  
12 carefully. I'm handing you what's marked as #5 --  
13 Plaintiff's exhibit #5, and let me ask the Court to --

14 THE COURT: I'm not going to look at it until  
15 it's admitted.

16 MR. WILSON: Okay.

17 BY MR. WILSON:

18 Q Can you -- exhibit #5, can you orient yourself -- I see a  
19 road in the back, is that --

20 A Yes. This is 27 Road. It runs north and south, we're  
21 standing on 40 Road that runs east and west to the north  
22 of Mr. Edwards' 20-acre parcel, and this is looking down  
23 on the 10-acre parcel and the southern end of the 20-acre  
24 parcel.

25 Q Okay. So if I'm orienting myself to exhibit #4, the mud



1 bog is approximately where?

2 A We're up to the north. The mud bogging is right here --  
3 the pit area.

4 Q The pit area? Okay.

5 A Yes.

6 Q And then the parking is all --

7 A And the parking you can see scatters --

8 Q Down into this right here?

9 A Yes.

10 MR. WILSON: Your Honor, did I offer #4?

11 THE COURT: No.

12 MR. WILSON: Okay. I would offer #4.

13 THE COURT: Mr. Gurumurthy, that's the aerial  
14 map from Wexford GIS. Any voir dire or objection?

15 MR. GURUMURTHY: Just some brief voir dire,  
16 Judge. Mr. Hall, do you have exhibit #4 -- prepared  
17 exhibit #4 in front of you?

18 THE WITNESS: Yes.

19 MR. GURUMURTHY: You found that online,  
20 correct?

21 THE WITNESS: Yes.

22 MR. GURUMURTHY: Okay. And you printed that on  
23 -- printed that off online?

24 THE WITNESS: Actually, I didn't, actually the  
25 Wexford County GIS Coordinator printed this off for me.

1 MR. GURUMURTHY: Okay. And you -- this aerial  
2 photo is dated spring of 2011?

3 THE WITNESS: That's correct.

4 MR. GURUMURTHY: Okay. Did you have something  
5 that is more recent?

6 THE WITNESS: Yes.

7 MR. GURUMURTHY: Perhaps 2014 or --

8 THE WITNESS: Yes. I have Google Earth images,  
9 actually, that are from 2018.

10 MR. GURUMURTHY: Okay. Do you have that here  
11 today?

12 THE WITNESS: I think you have it in your  
13 packet.

14 MR. WILSON: One moment, your Honor. Might you  
15 have it, Mr. Hall?

16 THE WITNESS: (No audible response)

17 MR. WILSON: (inaudible) I have some more here  
18 as well.

19 THE WITNESS: Maybe I've got it. Yes.

20 MR. WILSON: All right. Let me ask.

21 MR. GURUMURTHY: I don't have any objections to  
22 this, Judge.

23 THE COURT: Do you want to mark it, Mr. Wilson?

24 MR. WILSON: Four is already marked.

25 THE COURT: Oh, I thought he was talking --

1 MR. GURUMURTHY: This is just -- I have no  
2 objection to #4. I just wanted to see if there was one  
3 that was more recent, but I think the Court can give it  
4 appropriate -- this is dated 2011.

5 THE COURT: All right. Four is admitted.

6 (At 3:26 p.m., Plaintiff's exhibit #4 is  
7 admitted)

8 MR. GURUMURTHY: The events didn't start until  
9 2014.

10 BY MR. WILSON:

11 Q Back to exhibit #5, Mr. Hall, it was your testimony that  
12 the pit is here. Referencing exhibit #4 now, he is on  
13 the 10-acre parcel?

14 A Yes.

15 Q And this photograph depicts the camp -- or the parking  
16 that extends over into the 20-acre parcel?

17 A Yes.

18 Q All right. Handing you what's been marked as Plaintiff's  
19 exhibit #6. Can you tell the Court what that depicts?

20 A Exhibit #6 was when I had him try to pan a little more to  
21 the east from the mud pit. Where you have the mud pit  
22 here at 27 Road over here again, attempting to depict the  
23 amount of camping, parking, people, tents, taking place  
24 on the properties.

25 Q And is there a structure or two on this -- in this

1 photograph?

2 A There is -- you can see the -- the different pop-ups. A  
3 larger tent with what appears to be two or three smaller  
4 tents. Bleachers and a couple unidentified things, as  
5 well as the porta-potties -- porta-johns.

6 Q All right. Exhibit #7, is that just depicting the area  
7 of the 20-acres that's used for parking?

8 A Yes. And it's only depicting probably about two thirds  
9 of the southern area of the 20-acre parcel.

10 Q All right. Exhibit #8, what do we see in exhibit #8?

11 A What we're trying to do on this photograph in exhibit #8,  
12 is show the orientation of 27 Road and capture only as  
13 much of the 10-acre parcel again to show how the mud pit  
14 has increased in size of years since the GIS imagery of  
15 2011, and to show the -- the rest of the impact on the  
16 land just taking place on that --

17 MR. GURUMURTHY: Your Honor, I'm gonna object  
18 to that last part of Mr. Hall's testimony. There's no  
19 testimony as to what's -- the pit size wasn't what it was  
20 increased to.

21 THE COURT: The -- the objection is overruled.  
22 The answer is what it is. He's saying what he's trying  
23 to show.

24 MR. WILSON: Thank you, your Honor.

25 BY MR. WILSON:

1 Q Mr. Hall, in the background, do we see additional tents  
2 around the edge of the mud bog?

3 A Yeah. Pop-up structures and guardrails and stuff, yes.

4 Q All right. And in your experience, are those the sort of  
5 tents that are used by campers or are those the types of  
6 tents that are used by vendors?

7 A Well, I'd have to honestly say both, because I am a  
8 camper, but I go to flea markets and craft shows, too.  
9 But more commonly, it's what you see at a -- at a vendor  
10 show, yes.

11 Q All right. And at a vendor's show, are they typically  
12 lined up next to each other?

13 A Yes.

14 Q And is that depicted here in exhibit #8?

15 A It does show several lined up, yes.

16 Q All right. All right. Exhibit #9, what are we looking  
17 at there?

18 A Exhibit #9 is trying to capture the -- the edge of what I  
19 think would be the 10-acre parcel of Mr. Edwards, into,  
20 again, the southern half of the 20-acre parcel. Again, a  
21 close-up trying to catch as much of the activity as  
22 possible. The vehicles, porta-johns.

23 Q All right. We see porta-johns on --

24 A Play -- a pop-up playhouse. A big tent structure.

25 Q And we're seeing porta-johns here in the foreground?

1 A Yes.

2 Q And in the background, do you see campers?

3 A Yes.

4 Q All right. Are there also bodies of water depicted in  
5 this photograph?

6 A Yes. Several bodies of water. There appears to be a  
7 creek at the top of the photo that actually shows on the  
8 county mapping system. There appears to be a drain or a  
9 waterway, and based on my experience, that's not shown on  
10 county mapping, and a large pond area to the north side  
11 of the 10-acre parcel.

12 Q All right. And that's down in the lower right-hand  
13 corner of exhibit #10?

14 A Yes.

15 Q It's exhibit #10, isn't it?

16 THE COURT: That was #9.

17 MR. WILSON: I'm sorry.

18 BY MR. WILSON:

19 Q Exhibit #9, yes. Down in the lower right?

20 A Yes.

21 Q Okay. Thank you. Handing you what's been marked as  
22 exhibit #10. Mr. Hall, what are we looking at here?

23 A Again, this is a -- as zoomed in as we could get on the,  
24 what I would -- or what appears to be the east side of  
25 the 10-acre parcel where the bulk of the activity or

1 spectators are for the mud bog activity that's taking  
2 place.

3 Q All right. And again, we see some sort of tent along the  
4 very edge?

5 A We see multiple structures, 1, 2, 3, 4, 5, 6, 7, 8, 9,  
6 10, or so structures.

7 Q And they are abutted right up next to the mud pit?

8 A Yes, the guardrail area it looks like, and the one they  
9 have cordoned off with snow fence.

10 Q Okay. Finally I'm handing you what's been marked as  
11 Plaintiff's exhibit #11. Tell us what we're looking at  
12 here?

13 A In Plaintiff's exhibit #11, we're trying to do a couple  
14 things. We're trying to show the bulk of the mud pit  
15 activity, as well as the surrounding area that shows a  
16 large body of water just to the -- just to the southeast  
17 of the porta-johns, as well as the possibility of ingress  
18 and egress from an adjoining parcel that connects to Mr.  
19 Edwards.

20 Q All right.

21 MR. WILSON: Your Honor, we would offer  
22 Plaintiff's #5 through #11.

23 THE COURT: Mr. Gurumurthy, any voir dire or  
24 objection?

25 MR. GURUMURTHY: Just some brief questions,

1 Judge, before I object or --

2 THE COURT: All right.

3 MR. GURUMURTHY: Mr. Hall, you didn't take  
4 these pictures, correct?

5 THE WITNESS: I did not take them. I was  
6 present when the pictures were taken.

7 MR. GURUMURTHY: And you were not controlling  
8 the drone, correct?

9 THE WITNESS: No, I was not.

10 MR. GURUMURTHY: And --

11 THE WITNESS: Unless, directing him where to  
12 shoot the pictures is controlling.

13 MR. GURUMURTHY: And the only pictures you took  
14 were on May 18th, correct?

15 THE WITNESS: Yes.

16 MR. GURUMURTHY: Did you --

17 THE WITNESS: Well, they were the only pictures  
18 that I took on that day, these photographs, yes.

19 MR. GURUMURTHY: Did you take any pictures on  
20 the 19th?

21 THE WITNESS: No.

22 MR. GURUMURTHY: So as far as you know, these  
23 campers, tents, could be there right now? You don't  
24 know?

25 THE WITNESS: I don't know.



1 MR. GURUMURTHY: Okay. Did you take any on the  
2 17th?

3 THE WITNESS: No, I did not.

4 MR. GURUMURTHY: And, again, as far as you  
5 know, on the 17th, these tents and campers could've been  
6 --

7 MR. WILSON: Relevancy, your Honor.

8 MR. GURUMURTHY: It goes to --

9 MR. WILSON: They're illegal if they're there  
10 on the 17th --

11 THE COURT: The objection is sustained. It's  
12 not relevant.

13 MR. GURUMURTHY: And again, you had somebody  
14 else -- direct somebody else to take the pictures,  
15 correct?

16 THE WITNESS: That's correct, yes.

17 MR. GURUMURTHY: I would object based on the  
18 lack of knowledge that this witness, didn't even take the  
19 pictures or here when the pictures -- he had somebody  
20 else do it. I don't know how these pictures were taken,  
21 what property they were taken on. I mean, it looks --

22 THE COURT: Mr. Hall, were you able to see the  
23 screen while these pictures were being taken?

24 THE WITNESS: Yes, I was directing the drone  
25 operator.

1 THE COURT: All right. Plaintiff's #5, #6, #7,  
2 #8, #9, #10, and #11 are admitted over objection.

3 (At 3:34 p.m., Plaintiff's exhibits #5 through  
4 #11 are admitted)

5 MR. WILSON: Thank you, your Honor. Your  
6 Honor, I have to pause and say I'm a bit confused by your  
7 earlier comments on what it is you're exactly looking at  
8 here. We're trying to establish a violation --

9 THE COURT: Without -- without going into it,  
10 because I had my research done, except one piece that I  
11 needed which was what was noticed for today, which was a  
12 continuation of the hearing to allow proofs to establish  
13 the total area of respondent's property used for mud  
14 bogging, including bog parking, etc.

15 I thought you both did an excellent job on your  
16 briefs. I have the information I need except the total  
17 area used.

18 MR. WILSON: All right. Well, I would -- I  
19 hazard to guess, your Honor, that either Mr. Gurumurthy  
20 or myself have some surveyor out to survey the exact  
21 areas of any of these activities, so the evidence that  
22 you're getting is probably going to be the best that  
23 you're going to get in terms of the size of the uses.  
24 But --

25 MR. GURUMURTHY: My suggestion, Judge, is that

1 we have a Court order to have Mr. Edwards have another  
2 mud bog and then we have a surveyor come out and --

3 THE COURT: I'm not gonna need anything more  
4 than I'm getting today.

5 MR. WILSON: Okay. Thank you. Do you want any  
6 further evidence, then, on the violations?

7 THE COURT: No.

8 MR. WILSON: No? Okay. Then I will conclude  
9 my remarks -- or my questioning of this witness. Thank  
10 you.

11 THE COURT: Mr. Gurumurthy, any questions of  
12 this witness?

13 MR. GURUMURTHY: Yes. I can approach the  
14 bench, Judge?

15 THE COURT: Yes.

16 CROSS-EXAMINATION

17 BY MR. GURUMURTHY:

18 Q Mr. Hall, you indicated earlier that you wanted to show  
19 that the mud bog pit had increased in size?

20 A Yes.

21 Q Show me, besides that --

22 THE COURT: Mr. Gurumurthy, I don't need to  
23 know that.

24 MR. GURUMURTHY: Well, Judge, he testified to  
25 it that there was an increase.

1 THE COURT: And I'm gonna totally disregard  
2 that comment he made.

3 MR. GURUMURTHY: Okay. I have other questions,  
4 Judge.

5 BY MR. GURUMURTHY:

6 Q Mr. Hall, do you know the total area that is used when  
7 these mud bogging events occur as to the acreage that is  
8 used?

9 A I believe I do, yes.

10 Q Okay. And did you go out and measure it?

11 A No, I didn't, I relied on geographic information system  
12 on the county website for parcel identification and  
13 sizes.

14 Q Okay. And that would be exhibit #4, correct?

15 A That's correct. Yes, sir.

16 Q Okay. But again, my question was, when the event occurs,  
17 do you know the total area that is used?

18 A Yes.

19 Q And -- but this picture was taken in 2011, correct?

20 A That's correct.

21 Q There were no -- there was no mud bogging events that  
22 occurred in 2011, so how would you know, looking at  
23 picture of 2011, what total area was used for mud  
24 bogging?

25 A My exhibits that I have up here that show the photographs

1 encompassing the totality of both the 20-acre and 10-acre  
2 parcel is what I used to make my decision.

3 Q Okay. You heard Mr. Edwards testify earlier that the 20-  
4 acres is always -- there's camping there, there's tents  
5 there. They are not just there on a mud bogging event,  
6 correct?

7 A I heard him testify to that, yes.

8 Q And you don't have any other pictures to show that those  
9 tents, or campers, or vehicles that are parked aren't  
10 there on another day, other than on May 18th, correct?

11 A Not in court with us at this time.

12 Q And when you wrote Mr. Edwards the ticket, you all -- you  
13 only cited him for the 10-acre parcel, correct?

14 A That's correct.

15 Q Okay. Is it illegal to park a camper on your private  
16 property?

17 A Without a permit, yes, it is, according to the Wexford  
18 Joint Zoning Ordinance.

19 Q So if I -- if I see people driving or parked -- having  
20 campers parked in their driveways, that's illegal?

21 A No. If you have a dwelling on the parcel, you are  
22 allowed to keep properly registered and licensed vehicles  
23 on your property.

24 Q Okay. Have you happened to dig further into seeing if  
25 Mr. Edwards has a permit to park the camper on the 20-

1           acres?

2       A     As a matter of fact, I have. We have our files, and I  
3           checked with Wexford County in the past, and they have  
4           nothing on file whatsoever.

5       Q     And if Mr. Edwards was to testify and tell you that he  
6           has a permit to park his camper on the 20-acre parcel,  
7           that would be incorrect?

8       A     I would say it would be incorrect that I never issued a  
9           permit or our office never did.

10      Q     Does Mr. Edwards have a permit for the trailer that is  
11           parked on his 20-acre property, if you're aware?

12                   MR. WILSON: Which trailer, your Honor?  
13           There's -- we've identified a number of mobile  
14           structures. Again, I'm not sure the relevance of this,  
15           but --

16                   THE COURT: Neither am I. Let's --

17                   MR. GURUMURTHY: I can move on, Judge.

18                   THE COURT: All right.

19                   THE WITNESS: I think I can help out with that,  
20           if I may be of --

21                   THE COURT: No, sir.

22                   MR. GURUMURTHY: I'm withdrawing that question.  
23           I don't have any other questions, Judge.

24                   THE COURT: Sorry, Mr. Hall, based on your  
25           experience as a -- in the zoning field and your visit to

1 this -- your visit to the site, you didn't go in there,  
2 you were always on the road?

3 THE WITNESS: We were in the road, yes, ma'am.

4 THE COURT: All right. So in your review of  
5 the pictures you took, and from being there physically,  
6 and what you saw that looks like it's used for the mud  
7 bogging operation, including the camping, the toilets,  
8 the parking, what is your estimate of total acreage  
9 that's used between the two parcels?

10 THE WITNESS: If I'm basing it off my training,  
11 the total acreage being used for the mud bog, whether  
12 it's the mud bog physically or it's (inaudible) uses is  
13 the totality of the 30 acres, the two parcels.

14 THE COURT: All right. Does that raise any  
15 other questions, or do you have any other questions, Mr.  
16 Wilson?

17 REDIRECT EXAMINATION

18 BY MR. WILSON:

19 Q Mr. Hall, as the zoning administrator, you don't look at  
20 these activities in isolation, do you? I mean, let me  
21 explain what I'm saying here. You don't look to the mud  
22 pit as one use, the viewing stand as another use, the  
23 parking as a third use, the camping as a fourth use?  
24 This is the principle activity is the mud bogging and the  
25 campers, and the -- the grandstands, and the tents, and

1 the camping, and the parking, are incidental to that --

2 A That's correct. That's how I look at it.

3 Q And -- and it's the mud bogging event that brought all  
4 these people there to begin with?

5 A Yes.

6 Q Clearly?

7 A Yes.

8 Q All right.

9 MR. WILSON: Nothing further, your Honor.

10 THE COURT: Mr. Gurumurthy?

11 MR. GURUMURTHY: No questions, Judge.

12 THE COURT: You may step down.

13 (At 3:42 p.m., witness excused)

14 THE COURT: Mr. Wilson, any other witnesses?

15 MR. WILSON: Your Honor, in light of the  
16 Court's earlier comments on the limited nature of the  
17 evidence that you want, no, I do not.

18 THE COURT: Thank you. Mr. Gurumurthy?

19 MR. GURUMURTHY: Your Honor, I would call my  
20 client to the stand, Mr. Edwards.

21 THE COURT: All right. Mr. Edwards, you remain  
22 under oath. Have a seat. Go ahead, Mr. Gurumurthy.

23 MR. GURUMURTHY: Thank you, Judge.

24 CHAD EDWARDS

25 (At 3:42 p.m., previously sworn and recalled as



1 a witness, testified as follows)

2 DIRECT EXAMINATION

3 BY MR. GURUMURTHY:

4 Q Mr. Edwards, you testified earlier to the circumference  
5 of this mud bogging pit is 1,400 square feet, correct?

6 A That's correct.

7 THE COURT: Not 1,400 square feet,  
8 circumference.

9 MR. GURUMURTHY: I'm --

10 THE WITNESS: 1,400 circumference. Yes.

11 THE COURT: That requires math on my part, I'll  
12 do that later.

13 BY MR. GURUMURTHY:

14 Q I apologize, I misspoke, 1,400 feet. Do you know what  
15 the -- the size of the pit was prior to May 18th?

16 A 1,400 feet.

17 Q Okay. Has the pit -- has it become larger or smaller in  
18 size, if you had to compare it to the prior events?

19 A It hasn't changed in years.

20 Q Okay. How long have you owned this property for?

21 A Since 2014.

22 Q Okay. I'm gonna show you what was marked as exhibits #5  
23 through -- I believe there are nine.

24 THE COURT: Five through #11.

25 MR. GURUMURTHY: Eleven.

1 BY MR. GURUMURTHY:

2 Q Take a minute and just look at those pictures. They're  
3 the same pictures that you saw defense counsel  
4 (inaudible). Just let me know when you're familiar with  
5 all those pictures. Okay. Do those pictures accurately  
6 depict the events of May 18th?

7 A Yes.

8 Q Okay. And you believe those pictures were taken on your  
9 property from the mud bogging event?

10 MR. WILSON: Objection, that wasn't the  
11 testimony, your Honor. They were taken from the right of  
12 way, but --

13 THE COURT: Close enough.

14 MR. WILSON: Close enough?

15 BY MR. GURUMURTHY:

16 Q Can you -- I'll spread these out for you. In your  
17 estimation, are they campers and tents parked at those  
18 events?

19 A Are the campers and tents --

20 Q Camper -- are the campers and tents parked on May 18th?

21 A Yes.

22 Q Okay. And were those campers and tents parked there  
23 prior to May 18th?

24 A Yes.

25 Q Okay. There were some porta-johns there as well,

1 correct?

2 A Yes.

3 Q How long have those porta-johns been there?

4 A Most of them have been there for probably four years now.

5 Q Okay. So they don't get moved?

6 A No.

7 Q Do you own them?

8 A Yes.

9 Q Okay. So they -- and on what parcel or what acreage is  
10 the porta-johns on?

11 A They're --

12 Q Is it the 10-acre or the 20-acre?

13 A They're on the 20-acre.

14 Q The campers that are there that stay there outside of the  
15 mud bogging event, what parcel is that on?

16 A The 20-acre.

17 Q Okay. And so those campers stay whether or not you have  
18 an event? They're always there?

19 A For the most part, yes.

20 Q When people bring tents, are these tents set up like  
21 booths, or are they set up with -- in other words are  
22 there tables and chairs there, or are they set up with  
23 booths with signs and ads and displays to sell things?

24 A All's those are is the 10x10 pop-ups for people to get  
25 out of the weather, whether it's rain or sun, that you

1 see everywhere you go. Every place you go has them.

2 Q Okay. And people take those tents and leave with them  
3 when they leave?

4 A Yes.

5 Q Okay.

6 A It's no different than the lawn chairs.

7 Q In your estimation, you've indicated that these pictures  
8 or the vehicles that are in these pictures are -- some of  
9 them are parked on the 20-acre parcel and some of them  
10 are on the 10-acre parcel?

11 A That's correct.

12 Q Okay. In your estimation, if you were to take the entire  
13 event, the vehicles that are parked, that are there for  
14 the event, the campers and the tents, is that more or  
15 less than five acres that is used?

16 A (No audible response)

17 Q Including the -- including the pit?

18 A I would say it's less than five acres if you grouped them  
19 all tight together.

20 Q All right. And the way they're spread out now, are they  
21 still spread out over five acres, or is that still less  
22 than five acres?

23 A I'm not sure. I can't answer that.

24 Q Okay.

25 MR. GURUMURTHY: I don't have any other

1 questions, Judge.

2 THE COURT: Mr. Wilson?

3 CROSS-EXAMINATION

4 BY MR. WILSON:

5 Q Did you bring your permit that you claim to have?

6 A Permit for?

7 THE COURT: Nope, you don't need to go there.

8 MR. WILSON: Okay. Just trying to do some  
9 effective cross-examination, your Honor.

10 THE COURT: I'm sorry that I'm interrupting  
11 that, but I really just need to know about the area.

12 BY MR. WILSON:

13 Q Just to confirm, Mr. Edwards, Plaintiff's exhibits #5  
14 through #11, in your view, accurately depict your  
15 property on -- well, five days ago, May 18th, correct?

16 A I believe so.

17 Q Okay. And those --

18 A Some of it's not my property. There's some things on  
19 here that's not my property.

20 Q Okay.

21 A In the view.

22 Q But they're in the view. But -- and you agree, as I  
23 think your attorney said, the porta-johns are on the 20-  
24 acres. Do you have a permit for the porta-johns?

25 A No..

1 Q Okay. And the camping is occurring on the 20-acre parcel  
2 as well?

3 A Correct.

4 Q Do you have somebody that services those porta-johns?

5 A I have somebody --

6 THE COURT: Again, we're going just further  
7 than I need.

8 MR. WILSON: Okay. Thank you, your Honor.

9 THE COURT: You may have some other issues you  
10 want to follow-up on, but I don't today.

11 MR. WILSON: Nothing further, your Honor.

12 THE COURT: All right. Mr. Gurumurthy?

13 MR. GURUMURTHY: Just some brief.

14 REDIRECT EXAMINATION

15 BY MR. GURUMURTHY:

16 Q Mr. Edwards, you indicated that some of the pictures  
17 depicted neighboring property, correct?

18 A Yes.

19 Q Could you show me which picture that shows the  
20 neighboring parcel?

21 A That right there could all be cut off right across  
22 through there.

23 Q Okay, so some of those buildings and vehicles are not on  
24 your property?

25 A That's correct.

1 THE COURT: What number is that?

2 MR. GURUMURTHY: That would be #8.

3 THE COURT: I think he was saying the bottom  
4 half is his property.

5 MR. GURUMURTHY: Well, I'm gonna ask him that.

6 THE WITNESS: No.

7 THE COURT: Sorry.

8 THE WITNESS: The top half, your Honor.

9 THE COURT: The top half?

10 THE WITNESS: Yes.

11 MR. GURUMURTHY: Okay.

12 BY MR. GURUMURTHY:

13 Q Okay. Will you, just by -- with your finger, just show  
14 which part would not be your property?

15 A All the way down to there.

16 Q Okay. So the bottom half of this is not your property,  
17 it's the neighboring parcel?

18 A That's correct.

19 THE COURT: Here, can you have him draw a line  
20 on that?

21 MR. WILSON: Your Honor, may I approach to see  
22 where this witness is --

23 THE COURT: Yes.

24 MR. WILSON: -- marking the exhibit, please?

25 MR. GURUMURTHY: (inaudible) Mr. Edwards.

1 THE WITNESS: Sorry, I'm a little bit off right  
2 there. A little high, sorry. It's actually right in  
3 between these two right here.

4 MR. GURUMURTHY: Just draw a dotted line.

5 MR. WILSON: Just for the record, your Honor,  
6 the dotted line is the witness' indication as to where he  
7 believes his property line is.

8 THE COURT: All right.

9 BY MR. GURUMURTHY:

10 Q Any other pictures that we can see that indicate the  
11 neighboring parcel that is in this picture?

12 A I believe so. Yeah.

13 MR. GURUMURTHY: I have no other questions,  
14 Judge.

15 THE COURT: Mr. Wilson?

16 RE-CROSS-EXAMINATION

17 BY MR. WILSON:

18 Q Mr. Edwards, are you related to a Jerome Green?

19 A I am.

20 Q And, is Mr. Green the owner of the neighboring property  
21 you just pointed out?

22 A He is.

23 Q And what relationship are you to Mr. Green?

24 A He's my step-dad.

25 Q Your step-dad?



1 A Yup.  
2 Q All right. Does he allow you to park vehicles on his  
3 property?  
4 A No, he actually hollers at me all the time about parking  
5 in his property.  
6 Q Do you, in fact -- were there, in fact, automobiles  
7 parked on his property last weekend?  
8 A I'm sure. He's got lots of automobiles on his property.  
9 Q Mr. Edwards, I'm not trying to trick you, I mean --  
10 A I don't have any (inaudible) --  
11 Q Cars --  
12 A -- parked on his property, no.  
13 Q I'm sorry?  
14 A I did not have any vehicles parked on his property.  
15 Q Forget it.

16 MR. WILSON: Nothing further, your Honor.

17 THE COURT: Mr. Gurumurthy?

18 MR. GURUMURTHY: Nothing further.

19 THE COURT: You can step down.

20 (At 3:52 p.m., witness excused)

21 THE COURT: Mr. Gurumurthy, any other  
22 witnesses?

23 MR. GURUMURTHY: If I can confirm with my  
24 client, Judge?

25 THE COURT: All right.

1 MR. GURUMURTHY: I mean, the Court is simply  
2 looking for witnesses who would give you an estimation of  
3 the usage or acreage of the land that is used for the  
4 event --

5 THE COURT: Yes.

6 MR. GURUMURTHY: -- correct? Does the Court  
7 care about vendors?

8 THE COURT: Nope.

9 MR. GURUMURTHY: No other witnesses, Judge.

10 THE COURT: All right. Counsel, are you both  
11 done?

12 MR. WILSON: Yes.

13 MR. GURUMURTHY: Yes.

14 THE COURT: All right. So here's what I'd like  
15 to do. I'd like to return the copies that Mr. Wilson  
16 presented to me, and I'd like them marked exhibits. I'd  
17 like to redact the personal information. It looks like  
18 there's a little bit of personal information of Mr.  
19 Edwards on this tax sheet.

20 MR. WILSON: That's fine, your Honor.

21 THE COURT: I'm -- I'm just gonna white-out  
22 over that. It's a handwritten --

23 MR. WILSON: Oh, yeah, I don't know where that  
24 came from.

25 THE COURT: All right. And then Mr. Wilson,

I'll give you back this exhibit that wasn't admitted, and you can have these copies back also.

Based on what I've heard today, I will grant Mr. Wilson's request to amend the ticket to include the 20-acre parcel. And I will issue a written opinion. It is -- it is almost done, so maybe it will be done tomorrow.

MR. WILSON: Your Honor, before you finish it -

—

THE COURT: Depends on what happens tomorrow.

MR. WILSON: Oops, I'm sorry.

THE COURT: Go ahead.

MR. WILSON: Before you finish it, I would like to bring it to the Court's attention one new piece of legal authority we would like you to look at.

THE COURT: All right.

MR. WILSON: Not sure if you're aware of the fact, but I just happened to bring you a copy of the Michigan Court of Appeals issued a published opinion two days ago, so be careful that it may still be wet, in the case of Reaume, R-E-A-U-M-E, versus Township of Spring Lake, addresses non-conforming uses and makes it clear that under Michigan Law, the failure of a municipality to enforce its ordinance against a person is not equivalent to a lawful use and does not make a use that is otherwise

1 unlawful, lawful, simply because the government doesn't  
2 enforce it.

3 THE COURT: All right.

4 MR. WILSON: Doesn't enforce their ordinance  
5 against it. And so it does not -- lack of enforcement  
6 does not create a non-conforming use.

7 THE COURT: Okay. Thank you. So, counsel, I  
8 will -- I really will try to get that done tomorrow and  
9 get it out in the mail tomorrow.

10 MR. WILSON: Okay.

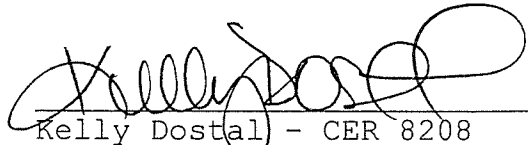
11 THE COURT: Thank you.

12 MR. WILSON: Thank you.

13 (At 3:55 p.m., proceeding concluded)

I certify that this transcript, consisting of 60 pages,  
is a complete, true, and correct transcript, of the  
Formal Hearing, Volume II of II, held on Thursday, May 23,  
2019.

Date: July 23, 2019

  
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