

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

OV THE FARM, LLC, BOWERS
HARBOR VINEYARD & WINERY, INC.
WINERIES OF THE OLD MISSION
PENINSULA ASSOCIATION,

Case No. 1:25-cv-01588
Hon. Paul L. Maloney

Plaintiffs,

v.

PENINSULA TOWNSHIP,

Defendant.

Joseph M. Infante (P68719)
Stephen M. Ragatzki (P81952)
Christopher J. Gartman (P83286)
MILLER, CANFIELD, PADDOCK
AND STONE, PLC
Attorneys for Plaintiffs
99 Monroe Avenue NW, Suite 1200
Grand Rapids, MI 49503
(616) 776-6333
infante@millercanfield.com
ragatzki@millercanfield.com
gartman@millercanfield.com

James T. McGovern (P79410)
Ross A. Holec (P79489)
STRAUB, SEAMAN & ALLEN, P.C.
Attorneys for Defendant
1014 Main Street, P.O. Box 318
St. Joseph, MI 49085
(269) 982-1600
jmcgovern@lawssa.com
rholec@lawssa.com

Barry P. Kaltenbach
227 Monroe Street, Suite 3600
Chicago, IL 60606
(312) 460-4200
kaltenbach@millercanfield.com

**DEFENDANT PENINSULA TOWNSHIP'S MOTION
TO ALLOW REMOTE EXPERT WITNESS TESTIMONY**

NOW COMES Defendant, Peninsula Township, by and through counsel, STRAUB,
SEAMAN & ALLEN, P.C., and in support of its Motion to Allow Remote Expert Witness
Testimony states to the Court as follows:

1. On February 10, 2026, Plaintiffs filed their Amended Complaint in the above captioned matter and also filed a Motion for Preliminary Injunction. (ECF No. 14 & 15).

2. Defendant Peninsula Township timely filed a response opposing this motion on March 3, 2026. (ECF No. 21).

3. The matter is currently scheduled for a motion hearing on April 23, 2026. (ECF No. 30).

4. Defendant Peninsula Township intends to potentially call Mr. Patrick Gagliardi, as an expert witness at this hearing.

5. Mr. Gagliardi has prior plans requiring him to be out of town on April 23, 2026, but he could make himself available to testify remotely on said date.

7. Peninsula Township therefore moves this Court to allow Mr. Gagliardi to testify remotely at the April 23, 2026, motion hearing.

8. Peninsula Township sought Plaintiffs' concurrence prior to filing this motion and they indicated they were not willing to concur with this request for Mr. Gagliardi to testify remotely.

9. Federal Rule of Civil Procedure 43(a) states that at trial "[f]or good cause . . . the court may permit testimony in open court by contemporaneous transmission from a different location."

10. In this case, Peninsula Township is simply asking that the witness be allowed to testify remotely at a motion hearing, not at trial.

WHEREFORE, Defendant, by counsel, respectfully requests that this Court permit Mr. Patrick Gagliardi to testify remotely at the April 23, 2026, motion hearing.

Respectfully submitted,

STRAUB, SEAMAN & ALLEN, P.C.

Dated: April 3, 2026

/s/ Ross A. Holec

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Ross A. Holec (P79489)

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CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2026, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: **None**

/s/ Denise A. Van Hoven

Legal Assistant to James T. McGovern and
Ross A. Holec