UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

OV THE FARM, LLC, a Michigan limited liability company, BOWERS HARBOR VINEYARD & WINERY, INC., a Michigan corporation, and WINERIES OF THE OLD MISSION PENINSULA ASSOCIATION., a Michigan nonprofit corporation,

Plaintiffs,

v

PENINSULA TOWNSHIP, a Michigan municipal corporation,

Defendant.

Case No: 1:25-cv-1588

Honorable Paul L. Maloney

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PLAINTIFFS' ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES

Plaintiffs OV the Farm, LLC ("Bonobo"), Bowers Harbor Vineyard & Winery, Inc., and Wineries of the Old Mission Peninsula Association ("WOMP") by their attorneys Miller Canfield Paddock and Stone, PLC, in response to Defendant's First Set of Interrogatories state as follows:

GENERAL OBJECTIONS:

Plaintiffs object that these interrogatories are written to encompass all wineries in Peninsula Township and object to the extent that the responses call for information beyond the personal knowledge of Bonobo, Bowers Harbor and WOMP. While each Plaintiff has verified responses below, the verification is only to that information within each Plaintiff's personal knowledge. To the extent fewer than all Plaintiffs possess responsive information to an interrogatory, Plaintiffs have attempted to make that distinction clear in the response.

INTERROGATORY #1: Describe how the Township's New Noise Ordinance is incapable of being validly applied in any set of circumstances as to each and every Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP).

ANSWER: Plaintiffs object that this interrogatory is overly broad and unduly burdensome as written. Plaintiffs cannot predict every scenario in which noise may arise from their properties, nor can they predict whether a noise will "unreasonably annoy" someone. Even more problematic, Peninsula Township has a long history of arbitrary enforcement, so this interrogatory, as written, asks Plaintiffs to predict something uncertain. However, that uncertainty about the types of noise that could cause a violation, whether a person will be "unreasonably annoyed," and whether Peninsula Township will selectively enforce the New Noise Ordinance have a chilling effect on Plaintiffs' conduct and make them fearful of arbitrary enforcement by Peninsula Township in the future. For the same reasons, the New Noise Ordinance's potential penalization of sounds that are "plainly audible"—coupled with Peninsula Township's history of arbitrary enforcement—creates a chilling effect on Plaintiffs' conduct. The New Noise Ordinance is thus incapable of being validly applied because it is vague and overbroad in violation of the First Amendment and the Due Process Clause.

INTERROGATORY #2: Identify all instances where the Township applied the New Noise Ordinance in a manner that Plaintiffs deem a sanction as to any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) with date of sanction, reason for sanction, and any Township explanation of why the sanction was issued.

ANSWER: Plaintiffs object that this interrogatory is vague because Plaintiffs do not know whether Defendant is referring to the New Noise Ordinance being in force and effective or whether Defendant is referring to specific instances of enforcement. Subject to and without waiving that objection, the New Noise Ordinance remains in force and is thus capable of being "applied" to Plaintiffs because Plaintiffs assume the Township enforces its own ordinances. To date, Plaintiffs are not aware of the Township issuing any citations to them under the New Noise Ordinance.

INTERROGATORY #3: Describe in detail all events and/or additional business activities that each Plaintiff held (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) outside on its premises in the years 2024, 2025, and 2026 with specified date, description of event, number of customers/visitors at each identified activity.

ANSWER: Plaintiffs object that this request is overly broad, unduly burdensome, vague, and irrelevant as written. Because the terms "events" and "business activities" are not defined, Defendant appears to be asking for every instance of conduct that occurred outside at 11 wineries over a three-year period. Plaintiffs run agricultural businesses covering thousands of acres of land within Peninsula Township, and a request that Plaintiffs identify every activity—whether it is spraying, picking, crushing, bottling, or selling wine—is not relevant or proportional to the needs of this case. Plaintiffs, therefore, object to the request as written. If the Township is able to define "event" and/or "additional business activities" Plaintiffs may be able to respond.

INTERROGATORY #4: Describe in detail all new, special, or expanded events or additional business activities any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) currently has scheduled to be held outside on its premises from the date of issuance of this Response with identification of dates, start times, and description of planned event or activity.

ANSWER: Plaintiffs object that this request is overly broad, unduly burdensome, vague, and irrelevant as written. Because the terms "new, special or expanded events" and "additional

business activities" are not defined, it appears that Defendant is asking every winery within Peninsula Township to identify every single business decision it will make from August 2026 to an indefinite point in the future. Plaintiffs cannot answer this interrogatory as written. If the Township is able to define "new, special or expanded events" and/or "additional business activities" Plaintiffs may be able to respond.

INTERROGATORY #5: Did any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) cancel any events or activities as a result of Bonobo receiving the letter dated November 21, 2025, from Peninsula Township's general counsel; if so, provide a description of the event, the date it was to be held, and reason it was cancelled.

ANSWER: To date, Plaintiffs have not canceled any events as a result of Bonobo receiving the letter dated November 21, 2025 from Peninsula Township's general counsel.

INTERROGATORY #6: Did any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) contact Peninsula Township at any time after November 21, 2025, to discuss the November 21, 2025 dated letter that it received from Peninsula Township's general counsel.

ANSWER: Bonobo did not contact Peninsula Township at any time after November 21, 2025 to discuss the November 21, 2025 letter. The remaining Plaintiffs object to this interrogatory as written because it incorrectly implies that wineries other than Bonobo received a letter dated November 21, 2025 from Peninsula Township's general counsel.

INTERROGATORY #7: Has Peninsula Township issued to any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) a sanction, citation, warning, letter for other correspondence or communication that Plaintiffs deem causing a chilling effect on its business activities at any time before or after November 21, 2025.

ANSWER: Yes.

INTERROGATORY #8: List all employees who were employed with Bonobo from January 1, 2025 through present with name, position/title of employment, duration of employment, address, phone number of each employee.

ANSWER: Plaintiffs Bowers Harbor and WOMP object to this interrogatory as it seeks information that is not within their personal knowledge. Bonobo objects to this interrogatory as it

seeks information that is not relevant to any claim or defense in this lawsuit. Subject to and without waiving that objection, Bonobo states:

Todd Oosterhouse – Owner and General Manager.
Jill Terralavoro – Winery Director.
Each of these individuals is c/o Miller Canfield.

INTERROGATORY #9: List all WOMP's members that are claiming monetary damages due to the claims related to this litigation with specification of which member is claiming which amount of monetary damages and for specify the reason for each element of claimed monetary damage.

ANSWER: Bonobo is claiming nominal damages for its claim of First Amendment retaliation only. To date, no other Plaintiffs are claiming monetary damages in this litigation.

As to objections:

Respectfully submitted,

By: /s/ Joseph M. Infante

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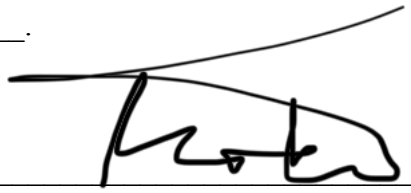
Dated: October 16, 2026

VERIFICATION

I declare under penalty of perjury that the foregoing Answers to Defendant's First Set of Interrogatories are true and correct as to Plaintiff OV the Farm, LLC.

Executed on 10-16-2026_____.



Todd Oosterhouse

VERIFICATION

I declare under penalty of perjury that the foregoing Answers to Defendant's First Set of Interrogatories are true and correct as to Plaintiff Bowers Harbor Vineyard & Winery, Inc.

Executed on 10/16/26.

Bill Maier

VERIFICATION

I declare under penalty of perjury that the foregoing Answers to Defendant's First Set of Interrogatories are true and correct as to Plaintiff Wineries of the Old Mission Peninsula Association.

Executed on October 16, 2026.

C. Baldyga

Chris Baldyga