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' RESPONSE TO DEFENDANT'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiffs OV the Farm, LLC, 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 Requests for Production of Documents state as follows:

GENERAL OBJECTIONS:

Plaintiffs object that these requests for production are directed to all wineries in Peninsula Township and object to the extent that the responses call for production of documents beyond the care, custody, or control of Bonobo, Bowers Harbor and WOMP.

REQUEST TO PRODUCE #1: To the extent a Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) alleges it suffered concrete quantifiable harm when, and after, Bonobo received the letter dated November 21, 2025, from Peninsula Township's general counsel, produce all documents showing which plaintiff suffered financial loss and identification of the claimed quantifiable financial harm to each affected business.

RESPONSE: Bonobo is seeking only nominal damages, along with declaratory and injunctive relief, in its claim of First Amendment retaliation. Plaintiffs do not seek any other money damages on any other claims at this time and therefore object that this request is not relevant to any claims or defenses in this lawsuit.

REQUEST TO PRODUCE #2: Produce all documents showing that a Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) cancelled events or activities as a result of Bonobo receiving the letter dated November 21, 2025, from Peninsula Township's general counsel.

RESPONSE: Plaintiffs are performing a search but to date have not located any documents responsive to this request. If Plaintiffs locate responsive documents they will update this response.

REQUEST TO PRODUCE #3: Produce all internal communications from Bonobo to and/or from Bowers Harbor, WOMP, and any WOMP member over the past five years, regarding plans or desires to expand current business operations in Peninsula Township or to begin new business ventures within the Township. This request is intended to encompass communications maintained by any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) to include communications on personal cell phones, text messages, social media, etc. of all owners, employees or agents of the wineries.

RESPONSE: Plaintiffs object that the time period for this request is overly broad and unduly burdensome. The allegations in the First Amended Complaint date, at earliest, to July 2025.

Plaintiffs further object that the phrases "plans or desires to expand current business operations in Peninsula Township or to begin new business ventures within the Township" are vague and could require Plaintiffs to disclose confidential business plans or trade secrets. Plaintiffs further object that this request is not relevant to any claims or defenses in this lawsuit. Plaintiffs further object that this request calls for the production of documents protected by the attorney-client privilege and/or attorney work product doctrine.

REQUEST TO PRODUCE #4: Produce all menus or other documents describing food available for purchase at a Plaintiff's establishment (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) over the past five years. This request is intended to encompass all descriptions of food available for sale at the wineries, either during the regular course of business or during periodic or unique events held on a Plaintiff- wineries' properties.

RESPONSE: Plaintiffs object that this request is not relevant to any claim or defense currently at issue in this lawsuit. Plaintiffs further object that, even if this request were relevant, responsive documents were produced in the *WOMP I* lawsuit.

REQUEST TO PRODUCE #5: Produce all mailings, emails, and social media postings for advertisements relating to all Plaintiffs (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) over the last five years.

RESPONSE: Plaintiffs object that the time period for this request is overly broad and unduly burdensome. The allegations in the First Amended Complaint date, at earliest, to July 2025. Plaintiffs will produce responsive documents from July 2025 to the present.

REQUEST TO PRODUCE #6: Produce all Complaints (whether mailing, email, text, or letter) that any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) received over the last five years that pertains to any noise level, parking issue, traffic congestion, or hosting special events at any of the Plaintiffs' establishments.

RESPONSE: Plaintiffs object that the time period for this request is overly broad and unduly burdensome. The allegations in the First Amended Complaint date, at earliest, to July 2025. Plaintiffs will produce responsive documents from July 2025 to the present.

REQUEST TO PRODUCE #7: Produce any and all correspondence that Bonobo sent to Peninsula Township at any time after November 21, 2025, as related to the November 21, 2025, dated letter that it received from Peninsula Township's general counsel.

RESPONSE: Bonobo is performing a search but to date has not located any documents responsive to this request. If Bonobo locates responsive documents it will update this response.

REQUEST TO PRODUCE #8: Produce any and all correspondence that any Plaintiff (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) sent to any owners and/or employees of any other winery in Peninsula Township that pertained in any way to the November 21, 2025, dated letter that Bonobo received from Peninsula Township's general counsel.

RESPONSE: Plaintiffs object that this request calls for the production of documents protected by the attorney-client privilege and/or attorney work product doctrine.

REQUEST TO PRODUCE #9: Produce a complete copy of all Plaintiffs' (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) tax returns for the years 2020, 2021, 2022, 2023, 2024, 2025, and 2026 (with obligation to supplement).

RESPONSE: Plaintiffs object that this request is not relevant to any claim or defense asserted in this lawsuit.

REQUEST TO PRODUCE #10: Produce all documents that list all Plaintiffs' (Bonobo, Bowers Harbor, WOMP, and each member of WOMP) income related to food sales and related to hosting private events (not open to the public) for the years 2020, 2021, 2022, 2023, 2024, 2025, and 2026 (with obligation to supplement).

RESPONSE: Plaintiffs object that this request is not relevant to any claim or defense asserted in issue in this lawsuit.

Respectfully submitted,

By: /s/ Joseph M. Infante

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Dated: October 19, 2026