

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GOTION, INC.,

Plaintiff,

Case No. 1:24-cv-00275

v.

HON. JANE M. BECKERING

GREEN CHARTER TOWNSHIP,  
a Michigan general law township,

Defendant.

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# EXHIBIT C

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GOTION, INC.,

Plaintiff,

CASE NO. 1:24-cv-00275

-vs-

HON. JANE M. BECKERING

GREEN CHARTER TOWNSHIP,  
A MICHIGAN CHARTER TOWNSHIP,

Defendant.  
\_\_\_\_\_ /

DEPOSITION OF ROGER CARROLL

Conducted in person by the Defendant on the  
5th day of September, 2024, at 21431 Northland Drive, Paris,  
Michigan, at 1:45 p.m.

APPEARANCES:

For the Plaintiff: MR. JOSHUA JAMES REUTER, P85626  
WARNER NORCROSS + JUDD  
150 Ottawa Avenue NW, Suite 1500  
Grand Rapids, Michigan 49503-2832  
(616) 752-2742  
jreuter@wnj.com

For the Defendant: MR. JACOB NORMAN WITTE, P82558  
FAHEY SCHULTZ BURZYCH RHODES PLC  
4151 Okemos Road  
Okemos, Michigan 48864-6202  
(517) 381-0100  
jwitte@fsbriaw.com

Reported By: MS. SHELLY M. NOWAK, CSR-5976

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1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION

4 GOTION, INC.,

5 Plaintiff,

CASE NO. 1:24-cv-00275

6 -vs-

HON. JANE M. BECKERING

7 GREEN CHARTER TOWNSHIP,  
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9 Defendant.  
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12 5th day of September, 2024, at 21431 Northland Drive, Paris,  
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14 APPEARANCES:

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18 Grand Rapids, Michigan 49503-2832  
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19 For the Defendant: MR. JACOB NORMAN WITTE, P82558  
20 FAHEY SCHULTZ BURZYCH RHODES PLC  
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22 Okemos, Michigan 48864-6202  
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23 Reported By: MS. SHELLY M. NOWAK, CSR-5976  
24  
25

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(No exhibits offered.)

Defendant's Exhibits:

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(Exhibit attached.)

1 ROGER CARROLL

2 HAVING BEEN CALLED BY THE DEFENDANT AND SWORN,  
3 TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. WITTE:

6 Q. Please state your name for the record.

7 A. Roger Edward Carroll.

8 Q. Okay. Let the record reflect that this is the deposition  
9 of Roger Carroll taken pursuant to notice and to be used  
10 for all purposes under the federal rules of civil  
11 procedure and the federal rules of evidence.

12 Do you prefer Roger or Mr. Carroll?

13 A. Roger is fine.

14 Q. Roger, my name is Jake Witte, and my firm represents  
15 Green Charter Township in this case.

16 A. Nice meeting you, sir.

17 Q. We are here today for -- excuse me, likewise. Good to  
18 meet you, Roger.

19 We're here today for your deposition, which means  
20 I'm going to ask you some questions. Josh, who is  
21 counsel for Gotion, he might also ask you some questions  
22 and you need to answer them.

23 Have you ever been deposed before?

24 A. Not that I can recall.

25 Q. Okay. So, I just want to set a couple of ground rules

1 money.

2 Q. Other than that cost, is there any reason why you prefer  
3 Option 1A to Option 2B?

4 A. No, other than just the cost.

5 Q. So, the page after Option 2B, there is resolution Number  
6 1012023. Do you see that?

7 A. Yup.

8 Q. And this is a resolution approving both plans and  
9 specifications of proposed extension to the city of Big  
10 Rapids water system with attachment, correct?

11 A. Yes.

12 Q. Okay. Do you remember this resolution?

13 A. No.

14 Q. Did you vote on this resolution?

15 A. Yes, I did. It shows that I did, but I don't remember.

16 Q. How did you vote?

17 A. I voted in the affirmative.

18 Q. Okay. Do you know why you voted in the affirmative?

19 A. No.

20 Q. Earlier you said that you preferred Option 1A to Option  
21 2B. Can you think of any reason why you wouldn't have  
22 just voted to approve 1A instead of both of them?

23 MR. REUTER: Object to form, lack of foundation.

24 A. I don't recall.

25 Q. (BY MR. WITTE:) Other than the plans that were presented

1 to the township, do you recall reviewing anything prior  
2 to voting on this resolution?

3 A. No.

4 Q. Do you know if the township has a master plan?

5 A. No.

6 Q. You don't know if the township has a master plan?

7 A. I do not know if the township has a master plan.

8 Q. Have you ever seen a master plan for the township?

9 A. I may have, but I don't recall presently, you know, if  
10 the township has a master plan.

11 Q. When would you have seen a master plan?

12 MR. REUTER: Objection, asked and answered.

13 A. Yeah, I don't recall. I don't remember.

14 Q. (BY MR. WITTE:) Do you remember reviewing a master plan  
15 before voting on this resolution?

16 MR. REUTER: Objection, asked and answered, form.

17 A. Again, I don't recall.

18 Q. (BY MR. WITTE:) And is it your testimony that you don't  
19 recall any of the considerations you took into account  
20 before voting on this resolution?

21 A. That's correct, I don't recall.

22 Q. Okay. Do you know if you ever saw any applications for a  
23 permit or other kind of governmental authorization for  
24 Gotion while you were at the township?

25 A. No. I never seen anything.



1           Yeah, standing objection to this -- to this line of  
2           questioning or -- yeah. Thank you.

3   Q.    (BY MR. WITTE:) And did you know that Chuck Thelen's  
4           wife, Tracy Thelen, donated \$1,200 to Jim's recall  
5           campaign on August 14 while Jim was working on the  
6           development agreement?

7   A.    Nope.

8   Q.    All right. Jim didn't mention that at any point in time?

9   A.    Nope.

10   Q.   Does that seem proper to you?

11   A.    Again, that -- I don't believe it happened, to be very  
12           honest with you. I think it's all hearsay.

13   Q.    Why do you believe it didn't happen?

14   A.    I just don't think that it's -- that it happened.

15   Q.    Do you have any --

16   A.    I leave it at that.

17   Q.    You --

18   A.    I won't go -- go any further with that question.

19   Q.    Okay. Do you have any reasons to disagree with me if I  
20           tell you that there are texts between Jim and Chuck about  
21           this?

22   A.    I have no response to that again.

23   Q.    Okay. Did Gotion or anyone associated with Gotion ever  
24           make any donations to you?

25   A.    Nope.

1 Q. Okay. Did you ever hear anything in September of 2022,  
2 of Dale Jernstadt entering into a contract with Gotion  
3 to --

4 A. No.

5 Q. -- purchase property he owns --

6 A. No.

7 Q. -- for \$2 million?

8 A. Nope.

9 Q. That was never something that Dale disclosed?

10 A. Nope.

11 Q. Does that seem like it would be problematic?

12 A. To my understanding that that company is a corporation  
13 and -- and Dale has no -- I mean, his brother does all  
14 the negotiations to my understanding. That's what I've  
15 heard -- what I was told -- what I've heard, that their  
16 farm is a corporation, and his brother is the president  
17 of the corporation.

18 Q. Do you know if Dale also has any ownership in the  
19 corporation?

20 A. I have no idea.

21 Q. Okay. And would it change your answer if you knew that  
22 that \$2 million deal was contingent on the Gotion project  
23 being built?

24 MR. REUTER: On top of the standing objection, just  
25 have one for speculation, and I'll keep that for the

1 plans?

2 A. Yes.

3 Q. And the board, when you were on it, voted to approve both  
4 of those alternative plans?

5 A. Yes.

6 Q. And if -- you did so through a resolution, correct?

7 A. That is correct.

8 Q. Are you aware that the current members of the board  
9 rescinded that resolution that approved those two  
10 alternative plans?

11 A. Yes.

12 Q. Do you take that to mean that the current board members  
13 are trying to stop the Gotion project from getting water?

14 MR. WITTE: Object to form and foundation.

15 A. Yes.

16 Q. (BY MR. REUTER:) Is it your impression that the current  
17 board members are actively trying to stop the Gotion  
18 project?

19 MR. WITTE: Object form and foundation.

20 A. Yes.

21 MR. REUTER: Okay. No further questions. Thank you  
22 for your time. Did you have any follow-up?

23 MR. WITTE: Nope. We're all set here, Roger. Thank  
24 you for being here today.

25 (Deposition concluded at 3:28 p.m.)

GOTION, INC. v GREEN CHARTER TOWNSHIP  
CARROLL, ROGER 09/05/2024

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1 STATE OF MICHIGAN )  
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2 COUNTY OF GRATIOT )

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I certify that this transcript is a complete, true, and correct record of the testimony of ROGER CARROLL held in this case on 09/05/2024.

I also certify that prior to taking this deposition ROGER CARROLL was duly sworn to tell the truth.

I also certify that I am not a relative or employee of or an attorney for a party; or a relative or employee of an attorney for a party; or financially interested in the action.

*Shelly Nowak*

\_\_\_\_\_/  
Shelly M. Nowak, CSR-5976  
Notary Public for the County of Gratiot  
Commission Expires: 10-13-2024

# EXHIBIT D

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GOTION, INC.,

Plaintiff,

CASE NO. 1:24-cv-00275

-vs-

HON. JANE M. BECKERING

GREEN CHARTER TOWNSHIP,  
A MICHIGAN CHARTER TOWNSHIP,

Defendant.  
\_\_\_\_\_ /

DEPOSITION OF DENISE MACFARLANE

Conducted in person by the Defendant on the  
5th day of September, 2024, at 21431 Northland Drive, Paris,  
Michigan, at 9:07 a.m.

APPEARANCES:

For the Plaintiff: MR. JOSHUA JAMES REUTER, P85626  
WARNER NORCROSS + JUDD  
150 Ottawa Avenue NW, Suite 1500  
Grand Rapids, Michigan 49503-2832  
(616) 752-2742  
jreuter@wnj.com

For the Defendant: MR. JACOB NORMAN WITTE, P82558  
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Reported By: MS. SHELLY M. NOWAK, CSR-5976

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HON. JANE M. BECKERING

7 GREEN CHARTER TOWNSHIP,  
8 A MICHIGAN CHARTER TOWNSHIP,

9 Defendant.  
\_\_\_\_\_ /

10 DEPOSITION OF DENISE MACFARLANE

11 Conducted in person by the Defendant on the  
12 5th day of September, 2024, at 21431 Northland Drive, Paris,  
13 Michigan, at 9:07 a.m.

14 APPEARANCES:

15 For the Plaintiff: MR. JOSHUA JAMES REUTER, P85626  
16 WARNER NORCROSS + JUDD  
17 150 Ottawa Avenue NW, Suite 1500  
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23 Reported By: MS. SHELLY M. NOWAK, CSR-5976  
24  
25

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(Exhibits attached.)



1 DENISE MACFARLANE

2 HAVING BEEN CALLED BY THE DEFENDANT AND SWORN,  
3 TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. WITTE:

6 Q. Please state your name for the record.

7 A. Denise MacFarlane.

8 Q. Okay. Please let the record reflect that this is the  
9 deposition of Denise MacFarlane taken pursuant to notice  
10 and to be used for all purposes under the federal rules  
11 of civil procedure and the federal rules of evidence.

12 Would you prefer Denise or Ms. MacFarlane?

13 A. Denise is fine.

14 Q. Denise, my name is Jake Witte, and my firm represents  
15 Green Charter Township in this case. We are here today  
16 to take your deposition, which means I'm going to ask you  
17 questions, and you're going to answer them.

18 We also have counsel for Gotion here. He might also  
19 ask you some questions and you will need to provide  
20 answers. The first question is, have you been deposed  
21 before?

22 A. No.

23 Q. Okay. So, I want to share just a -- a quick couple of  
24 ground rules. When I ask you a question, please answer  
25 truthfully and completely. And if you don't know the

1 A. Yes.

2 Q. So, you don't think it would have been the township's  
3 call to give permission for one and not the other?

4 MR. REUTER: Object to form.

5 A. I don't -- I don't know.

6 Q. (BY MR. WITTE:) Okay. So, there is -- about halfway  
7 through, it says, Now, therefore, it is hereby resolved  
8 that. There are two paragraphs -- or sorry. The second  
9 paragraph under there says, The township board, in  
10 approving the plans and specifications, finds and  
11 determines that neither of the two alternative proposed  
12 extensions of the water system will adversely impact the  
13 orderly development of the township consistent with the  
14 township's master plan. Did I read that correctly?

15 A. Yes.

16 Q. Do you agree with that statement?

17 A. Yes.

18 Q. At the time this -- at the time you voted in favor of  
19 this resolution, did the township have a master plan?

20 A. I believe we did, but it was outdated and hadn't been  
21 touched in years. So, I don't know -- I don't know how  
22 old the master plan was.

23 I know at one point they had one, the township had  
24 one.

25 Q. Was the master plan discussed at this meeting?

1 A. I don't remember.

2 Q. It says, Consistent with the township's master plan. Do  
3 you think there was consideration by other board members  
4 about the master plan?

5 MR. REUTER: Object, asked and answered.

6 A. I don't know.

7 Q. (BY MR. WITTE:) Okay. Other than the township's master  
8 plan, do you know if there was anything specific you  
9 considered to vote in favor of this resolution?

10 MR. REUTER: Objection, asked and answered.

11 A. Other than the agreement we had -- the township  
12 previously had with the city -- and like I said, I don't  
13 know how old that was -- that allowed the city to come  
14 into the township if the township approved for a -- you  
15 know, to bring water to a development.

16 Q. (BY MR. WITTE:) Okay. Have you ever seen any  
17 applications for a permit or other kind of governmental  
18 authorization or approval for Gotion?

19 A. I don't believe so, no.

20 Q. Do you recall Gotion ever submitting anything like that  
21 to the township?

22 A. No.

23 Q. Okay. I am going to hand you a document that we will  
24 mark as Exhibit 53.

25 (Exhibit 53 marked.)

1 Q. Was there any discussion about having a job with Gotion  
2 before you were recalled?

3 A. No.

4 Q. Only afterwards?

5 A. Well --

6 MR. REUTER: Object to form and foundation.

7 A. I don't remember. I -- there might have been. I don't  
8 remember.

9 Q. (BY MR. WITTE:) Did you understand that you might have a  
10 job with Gotion?

11 MR. REUTER: Object to form.

12 A. If -- worst-case scenario, because we had thought we were  
13 going to lose in the recall. So, it came as a total  
14 surprise. So, there would have been, Hey, if this goes  
15 wrong, I'm going to be unemployed and I need a job.

16 Q. (BY MR. WITTE:) Who would that conversation have been  
17 with?

18 A. Jim.

19 Q. And what was Jim's response that you might have a job at  
20 Gotion?

21 A. That that could be a possibility.

22 Q. But you never talked to anyone at Gotion directly about  
23 this?

24 A. No.

25 Q. So, earlier we talked about how the development agreement

1 was voted on by the board on August 1.

2 A. Yes.

3 Q. Do you recall when Jim Chapman signed the development  
4 agreement?

5 A. I wasn't there when he signed it. So, whatever date.

6 Q. If I say it was signed on August 22 of 2023, would you  
7 agree with that?

8 A. If that's what it showed in the paperwork, yes.

9 Q. Were you aware that on August 1, the same day the  
10 development agreement was presented to the township  
11 board, that Gotion offered to fly Jim to China?

12 MR. REUTER: Object to form and foundation.

13 A. I have not heard that, no.

14 Q. (BY MR. WITTE:) Jim never mentioned that to you?

15 A. No.

16 Q. Does that seem proper to you?

17 A. Proper what? That he didn't mean it?

18 MR. REUTER: Object to form and foundation.

19 Q. (BY MR. WITTE:) That Gotion would offer to fly Jim to  
20 China.

21 MR. REUTER: Same objection.

22 A. I don't know how to answer that. I don't know, because I  
23 never heard that before.

24 Q. (BY MR. WITTE:) So, that this is the first time you're  
25 hearing about it?

1 wife donated \$1,200 to Jim's recall campaign on August 14  
2 while he was in the process of negotiating the  
3 development agreement?

4 A. I did not know that.

5 Q. Jim never mentioned that to you?

6 A. No.

7 Q. Did Gotion make any donations to you?

8 A. I didn't campaign, no.

9 Q. Okay. Does that seem problematic?

10 MR. REUTER: Object to form.

11 A. No, I don't -- if Jim -- whoever had donated to him,  
12 that's his issue. I don't have a problem with it.

13 Q. (BY MR. WITTE:) You're not concerned that he was  
14 receiving money from Chuck Thelen while he was in the  
15 process of negotiating the development agreement?

16 A. You just said it was from his wife.

17 Q. Excuse me. From -- from Tracy Thelen while he was  
18 negotiating the development agreement?

19 MR. REUTER: Object to form.

20 A. I don't know.

21 Q. (BY MR. WITTE:) You don't think the board should have  
22 been made aware of that?

23 A. No -- I don't know. I don't know because I didn't know  
24 anything about it. I'm just now hearing about it, so I  
25 don't know.

1 Q. Is it concerning to you that you're just now hearing  
2 about it?

3 MR. REUTER: Object to form.

4 A. I guess I'm inquisitive of why I didn't hear about it,  
5 but I have not known about it, no.

6 Q. (BY MR. WITTE:) So, you think monetary donations could  
7 effect the public official's impartiality when they're  
8 negotiating an agreement?

9 MR. REUTER: Object to form, speculation.

10 A. Are you talking specifically Jim or others?

11 Q. (BY MR. WITTE:) Both.

12 MR. REUTER: Same objection.

13 A. As a grand scale, sure.

14 Q. (BY MR. WITTE:) But not in this instance?

15 A. I don't --

16 MR. REUTER: Same objection.

17 A. I don't know.

18 Q. (BY MR. WITTE:) And you've never been offered or  
19 accepted anything of value from Gotion --

20 A. No.

21 Q. -- or its employees?

22 MR. WITTE: Okay. That's all I have.

23 CROSS-EXAMINATION

24 BY MR. REUTER:

25 Q. Hi, Denise.

1 the development agreement, would it?

2 MR. WITTE: Object to form --

3 A. Correct, yes.

4 MR. WITTE: -- hearsay, and it calls for a legal  
5 conclusion.

6 Q. (BY MR. REUTER:) Okay.

7 MR. WITTE: And Denise, I'm sorry. If I object, if  
8 you can not talk over me --

9 THE WITNESS: Okay.

10 MR. WITTE: -- I would appreciate that.

11 MR. REUTER: Did you -- do we need to repeat any of  
12 that or did you get it all?

13 THE COURT REPORTER: I got it all.

14 MR. REUTER: So, objections are noted and answers  
15 noted?

16 THE COURT REPORTER: Uh-huh.

17 Q. (BY MR. REUTER:) Okay. Now, I think that's it, but just  
18 let me take just 30 seconds here to check my notes.

19 MR. REUTER: Okay. That's all I have. Thank you  
20 for your time, Denise. We appreciate it. Oh, I'm sorry.  
21 Jake, did you have any follow-up?

22 MR. WITTE: No further questions. Thank you,  
23 Denise.

24 (Deposition concluded at 10:50 a.m.)  
25



GOTION, INC. v GREEN CHARTER TOWNSHIP  
MACFARLANE, DENISE 09/05/2024

Job 32984  
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1 STATE OF MICHIGAN )  
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2 COUNTY OF GRATIOT )

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I certify that this transcript is a complete, true, and correct record of the testimony of DENISE MACFARLANE held in this case on 09/05/2024.

I also certify that prior to taking this deposition DENISE MACFARLANE was duly sworn to tell the truth.

I also certify that I am not a relative or employee of or an attorney for a party; or a relative or employee of an attorney for a party; or financially interested in the action.

*Shelly Nowak*

\_\_\_\_\_/  
Shelly M. Nowak, CSR-5976  
Notary Public for the County of Gratiot  
Commission Expires: 10-13-2024

# EXHIBIT E

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GOTION, INC.,

Plaintiff,

CASE NO. 1:24-cv-00275

-vs-

HON. JANE M. BECKERING

GREEN CHARTER TOWNSHIP,  
A MICHIGAN CHARTER TOWNSHIP,

Defendant.  
\_\_\_\_\_ /

DEPOSITION OF DALE JERNSTADT

Conducted in person by the Defendant on the  
5th day of September, 2024, at 21431 Northland Drive, Paris,  
Michigan, at 10:56 a.m.

APPEARANCES:

For the Plaintiff: MR. JOSHUA JAMES REUTER, P85626  
WARNER NORCROSS + JUDD  
150 Ottawa Avenue NW, Suite 1500  
Grand Rapids, Michigan 49503-2832  
(616) 752-2742  
jreuter@wnj.com

For the Defendant: MR. JACOB NORMAN WITTE, P82558  
FAHEY SCHULTZ BURZYCH RHODES PLC  
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Okemos, Michigan 48864-6202  
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Reported By: MS. SHELLY M. NOWAK, CSR-5976

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1 UNITED STATES DISTRICT COURT  
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4 GOTION, INC.,

5 Plaintiff,

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HON. JANE M. BECKERING

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8 A MICHIGAN CHARTER TOWNSHIP,

9 Defendant.  
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10 DEPOSITION OF DALE JERNSTADT

11 Conducted in person by the Defendant on the  
12 5th day of September, 2024, at 21431 Northland Drive, Paris,  
13 Michigan, at 10:56 a.m.

14 APPEARANCES:

15 For the Plaintiff: MR. JOSHUA JAMES REUTER, P85626  
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18 Grand Rapids, Michigan 49503-2832  
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19 For the Defendant: MR. JACOB NORMAN WITTE, P82558  
20 FAHEY SCHULTZ BURZYCH RHODES PLC  
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23 Reported By: MS. SHELLY M. NOWAK, CSR-5976  
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(No exhibits offered.)

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(Exhibits attached.)

1 DALE JERNSTADT

2 HAVING BEEN CALLED BY THE DEFENDANT AND SWORN,  
3 TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 BY MR. WITTE:

6 Q. Can you please state your name for the record?

7 A. Dale Jernstadt.

8 Q. Okay. Let the record reflect that this is the deposition  
9 of Dale Jernstadt taken pursuant to notice and to be used  
10 for all purposes under the federal rules of civil  
11 procedure and the federal rules of evidence.

12 Do you prefer Dale or Mr. Jernstadt?

13 A. You can call me Dale, that's fine.

14 Q. Thanks, Dale. Dale, my name is Jake Witte. My firm  
15 represents Green Charter Township in this case. This is  
16 a deposition, which means you're gonna be asked questions  
17 and you need to provide answers. The first question is,  
18 have you ever been deposed before?

19 A. Have I what?

20 Q. Ever been deposed before?

21 A. Deposed?

22 Q. Ever been in a deposition before?

23 A. No, sir, nope. No.

24 Q. So, I'm going to share a couple of ground rules then. As  
25 I said, I'm going to ask you questions, and counsel for

1 year ago.

2 Q. Okay. And this is property that you own with your  
3 brother?

4 A. Uh-huh.

5 Q. Yes or no, please?

6 A. Yes.

7 Q. And he did not disclose the amount of the offer, your  
8 brother?

9 A. Oh. You mean disclose the amount? Yes.

10 Q. What's that amount?

11 A. Two million.

12 Q. What do you think your property near the development is  
13 worth?

14 A. It could be worth that --

15 MR. REUTER: Objection, lack of foundation.

16 A. It's probably at least worth that or more.

17 Q. (BY MR. WITTE:) How many acres is it?

18 A. Huh?

19 Q. How many mean acres is it?

20 A. Let me see. That was the -- I'd say around 72, 73 acres,  
21 I think that's left now.

22 Q. And is the whole thing a hay field?

23 A. Uh-huh.

24 Q. And you didn't accept the offer, correct?

25 A. Well, yes, our -- yes, I guess I should say yes.

1 Q. So, you did not accept the offer?

2 A. I'll have to ask my brother, but I think we have them,  
3 but there has been no dollars transferred.

4 Q. So, you have accepted the offer?

5 A. Huh?

6 Q. You have accepted the offer?

7 A. Yes.

8 Q. When was this?

9 A. I'd say around a year ago.

10 Q. So, around September?

11 A. You know, somewhere in thereabouts. That's about --  
12 around at least a year ago around in September, yes.

13 Q. Could it have been in August?

14 A. I can't -- I can't tell you that. I don't.

15 Q. Do you know how we could find out when -- when the offer  
16 was made?

17 A. I don't know if my brother knows or not.

18 Q. And your testimony is that it was -- it was accepted last  
19 year?

20 A. Yes.

21 Q. And you haven't received funds yet?

22 A. No.

23 Q. Do you know --

24 A. A few. A little.

25 Q. What have you received?



1 A. Not much. I don't know how you would say it, to keep the  
2 offer on the table. We've got a little bit to make -- I  
3 don't know what you call it.

4 Q. A deposit?

5 A. Yeah. I guess a little deposit on it or something like  
6 that, yes.

7 Q. How much?

8 A. I don't know; I can't tell you.

9 Q. Who would have received that?

10 A. My brother.

11 Q. On behalf of Jernstadt Dairy?

12 A. Uh-huh.

13 Q. Okay. Do you know what has to happen for the remaining  
14 funds to transfer?

15 A. There -- I don't know what's exactly going on to -- what  
16 is exactly. Like I said, usually my brother does that.  
17 He deals with that. We talk, but then he's -- he's my  
18 older brother, and he kind of takes care of that.

19 Q. Did he -- did he tell you why you haven't received the  
20 full \$2 million yet?

21 MR. REUTER: Object to form.

22 A. No.

23 Q. (BY MR. WITTE:) Is that something --

24 A. We just -- and I can't. I don't know what the real --  
25 what you call the real thing is. They paid us a little

1 Q. -- is that accurate? Okay. Did you abstain from voting  
2 on anything based on Gotion's offer to purchase your  
3 property?

4 A. My property?

5 Q. (Attorney nods head.)

6 A. I didn't vote. I never -- anything to do with any  
7 property, I never voted. I abstained from my vote.

8 Q. You voted on things related to Gotion though, right?

9 A. Yes, I think. I'm trying to think. The one -- because  
10 the Renaissance was when we had -- I think was that the  
11 one where we had, you know, the county, and Big Rapids  
12 Township, and Green Township down at the career center, I  
13 did not vote, uh-uh.

14 Q. Did you --

15 A. I think that was Renaissance. Yeah, I did not vote at  
16 that, sir. No, I didn't.

17 Q. When Gotion made this offer to buy your property --

18 A. Uh-huh.

19 Q. -- did you tell anyone at the township about it?

20 MR. REUTER: Object to form.

21 A. No.

22 Q. (BY MR. WITTE:) You didn't disclose it at any board  
23 meetings?

24 A. It would -- everybody, the word got out, okay? But no, I  
25 don't tell nobody.

1 Q. Is it your understanding that the remaining purchase  
2 price of \$2 million depends on whether or not Gotion can  
3 build its plant?

4 MR. REUTER: Objection, asked and answered, form.

5 A. Probably. I guess. Yes.

6 Q. (BY MR. WITTE:) So, it's fair to say that if Gotion is  
7 able to go through with its project, you'll receive \$2  
8 million?

9 MR. REUTER: Same objection.

10 A. Yes.

11 Q. (BY MR. WITTE:) Okay. Let's look at a document that is  
12 marked -- previously marked as Exhibit 3. Have you seen  
13 this document before?

14 A. Yeah, but that would have been the 20 -- yeah. Uh-huh.

15 Q. What is this document?

16 A. Unapproved. It tells the minutes of the regular meeting  
17 of December 13, '22. Before we approved, the next board  
18 meeting, we would have approved that.

19 Q. Approved what?

20 A. The minutes from December 13th of '22.

21 Q. Were you present at the December 13, 2022 board meeting?

22 A. '22? I'm just trying to think when I was.

23 Q. The first paragraph --

24 A. I might not have been there. I was at the meeting. I --  
25 because there were two or three months I was gone because

1 A. Because this is the one in December, yes, but that would  
2 have been December.

3 Q. Why did you vote in favor of this resolution?

4 A. By looking at it, I figured it was the right thing to do.

5 Q. Why is that?

6 A. Because I think it's the best thing for the township is  
7 why I did.

8 Q. Okay. Why did you think that?

9 A. Huh?

10 Q. Why did you think it was the best thing for the township?

11 A. I think the township could use a little boost in our  
12 economy. I think it's a great thing after going to  
13 Holland, and seeing that facility, and what information  
14 we received at the board meeting I think was the right  
15 thing to do.

16 Q. December of 2022, would there have been any discussions  
17 between you and Gotion about a purchase of your property  
18 at this point in time?

19 A. '22?

20 Q. Yes.

21 A. December?

22 MR. REUTER: Objection, asked and answered.

23 A. Like I said, I don't deal with that. My brother deals  
24 with that. And -- because that would have been the  
25 September before that is when we originally signed our

1 agreement with them.

2 Q. (BY MR. WITTE:) The September before what?

3 A. Remember, the -- see, that would have been last year  
4 would have been '23. So, no, wait a minute. Wait a  
5 minute here. Because we've only had -- if this is '24.  
6 Maybe it was '22 we signed the agreement.

7 Q. So, in September of 2022, you think that --

8 A. Is when I first knew about it because this is already  
9 '24, last year was '23. So, it had been about a year.

10 Q. Okay. So, in September of 2022, is what you're saying,  
11 is when you signed an agreement with Gotion for the  
12 purchase of your property?

13 A. Uh-huh.

14 MR. REUTER: Object to form.

15 A. Somewhere in there. I don't remember the exact dates. I  
16 don't.

17 Q. (BY MR. WITTE:) So, that would have been before December  
18 of 2022, correct?

19 A. Yes.

20 Q. Before this resolution would have been done?

21 A. Yeah, but that would have been -- yeah, I think. Because  
22 last year would have been '23. Yeah, it's been about a  
23 good year.

24 Q. So, when you -- you voted on this resolution, you were  
25 anticipating at some point receiving \$2 million from

1 have seven.

2 Q. Okay.

3 A. But like I said, it really wasn't directly with my land  
4 purchase. That wasn't it. I was dealing with the whole  
5 -- the whole program.

6 Q. What do you mean the whole program?

7 A. Well, the Gotion situation, you know, and -- and the  
8 members of our township --

9 Q. Okay.

10 A. -- is what -- that's why I'm on -- I was a trustee. I'm  
11 thinking of the people of the township to make their  
12 lives better now and for the future generations.

13 Q. Okay. Did you disclose that you had signed that offer in  
14 September at the time you voted on this resolution?

15 A. Oh. You mean in September?

16 Q. Yeah.

17 A. This one was -- this wasn't September, was it?

18 Q. This was in December. So, at this time, had you  
19 disclosed to the board that there was that signed  
20 contract with Gotion for your property to be purchased?

21 A. No, because that was nobody else's business --

22 Q. Okay.

23 A. -- you know, really.

24 Q. You didn't think it was relevant that Gotion was going to  
25 pay you \$2 million if they could build a plant in the

1 A. Well, I -- yes.

2 Q. (BY MR. WITTE:) Okay. Did you -- there is a bullet  
3 point that says \$250k escrow for expenses. Do you recall  
4 an escrow being discussed at this meeting?

5 A. I don't remember now. Like I said, that's been a while.

6 Q. Okay.

7 A. I don't remember that, no. But if -- if this is there,  
8 we all discussed it.

9 Q. Okay. Let's go to the next page. At the very bottom, it  
10 says motion was made by D. MacFarlane and supported by J.  
11 Clark to approve the first draft of the development  
12 agreement of Gotion, Inc. It further authorized the  
13 supervisor to finish the terms, conditions, and  
14 reimbursement fees. Did I read that correctly?

15 A. Yes.

16 Q. Do you remember that motion?

17 A. Uh-huh.

18 Q. Did you vote on that motion?

19 A. Yes.

20 Q. How did you vote?

21 A. For it.

22 Q. Okay. At this point in time, had you disclosed to anyone  
23 on the township board that Gotion had made a \$2 million  
24 offer that you had accepted on your property?

25 MR. REUTER: Object to form.

1 A. No.

2 Q. (BY MR. WITTE:) Why not?

3 MR. REUTER: Asked and answered.

4 A. I -- it's nobody else's business.

5 Q. (BY MR. WITTE:) Looking at the motion that you voted in  
6 favor here, what did you understand the effect of this  
7 motion to be?

8 A. Well, to show our support to Gotion, so they could get  
9 things going.

10 Q. Did you understand this motion to have anything to do  
11 with the development agreement?

12 A. Yeah. It's right there, development agreement, yes.

13 Q. Okay. What do you think the motion had to do with the  
14 development agreement?

15 MR. REUTER: Object to form.

16 A. To okay it to get the ball rolling, I guess.

17 Q. (BY MR. WITTE:) To get the ball rolling, what does that  
18 mean?

19 A. To get things started and support.

20 Q. So, this was the start of something related to the  
21 development agreement?

22 A. Well, it says right in here, the development agreement, I  
23 guess for Gotion, and our support from the township.

24 Q. Okay. The motion says here to approve the first draft of  
25 the development agreement, correct?



1 But anyhow, the supervisor was really good about bringing  
2 up the facts or in acknowledging it. Otherwise, we  
3 wouldn't have supported it.

4 Q. (BY MR. WITTE:) And you don't know if you had seen the  
5 township's master plan at this point?

6 A. No, I don't remember.

7 Q. Oh, and -- and sorry. One more thing. So, you voted yes  
8 on this?

9 A. Yup.

10 Q. And this was October 10, 2023?

11 A. Uh-huh.

12 Q. At this point in time, you were still under contract with  
13 Gotion for that \$2 million purchase of your property near  
14 where the project was going to be, correct?

15 MR. REUTER: Object to form.

16 A. Let me see the dates. I'm not sure on the dates, but  
17 probably, yes.

18 Q. (BY MR. WITTE:) Earlier you said that contract would  
19 have been entered into in September of 2022, correct?

20 A. Yeah. It must have been October, so it should have been.

21 Q. Well, this is October of 2023, right?

22 A. Yes.

23 Q. And at the time that you voted to approve these water  
24 plans, did you disclose to the township board that you  
25 had that option?

1 MR. REUTER: Object to form.  
2 A. I don't remember now if I did.  
3 Q. (BY MR. WITTE:) Did you say anything about it at the  
4 meeting?  
5 A. Uh-uh.  
6 Q. Would you have said anything about it to the board  
7 members individually?  
8 A. That we had an option? I don't remember.  
9 Q. That Gotion was going to pay you \$2 million for the  
10 property --  
11 A. No. That's never been brought up --  
12 MR. REUTER: Object to form. Wait. Object, to  
13 form. Okay, go ahead.  
14 A. I never brought it out. Maybe they have an option, but  
15 no money was ever discussed.  
16 Q. (BY MR. WITTE:) Earlier you said it was for \$2 million?  
17 A. Yes.  
18 Q. Oh. So -- so, you're saying --  
19 A. I'm saying --  
20 Q. I'm sorry, can I finish?  
21 A. Go ahead.  
22 Q. You're saying that you would have told -- maybe told one  
23 of the board members that Gotion had an option, but not  
24 anything related to how much money?  
25 A. Correct.

1 A. I guess I can't answer that, sir, because I really don't  
2 know. I haven't reviewed it.

3 Q. (BY MR. WITTE:) Did you know that Chuck Thelen's wife  
4 donated \$1,200 to Jim's campaign on August 14 while he  
5 was negotiating the development agreement?

6 MR. REUTER: Object to form and lack of foundation.

7 A. No, sir, I don't. No.

8 Q. (BY MR. WITTE:) Has Gotion or anyone connected with  
9 Gotion made any donations to your campaign?

10 A. No, sir.

11 Q. Would it be concerning to you if Jim is in the middle of  
12 negotiating the development agreement and is receiving  
13 donations from Chuck Thelen's wife?

14 MR. REUTER: Object to form, lack of foundation,  
15 speculation.

16 A. I -- I don't know.

17 Q. (BY MR. WITTE:) If you didn't know about it, I assume  
18 that means that Jim never told you?

19 A. Oh, anything -- I don't know nothing about it. No, sir.

20 Q. And he never told the board?

21 MR. REUTER: Object to form, lack of foundation.

22 A. Not that I know of, no, sir.

23 Q. (BY MR. WITTE:) Do you think that receiving money from  
24 someone connected to the developer that you're working on  
25 a contract with is -- is problematic?

1 A. Yes.

2 Q. So, this appears to be the resolution to make the  
3 Renaissance zone within Green Charter Township, right?

4 A. Correct, yes.

5 Q. Okay. Can you flip to the last page? Or I'm sorry, page  
6 3 of this -- of this exhibit?

7 A. Okay.

8 Q. Do you see where it says abstain?

9 A. Yes.

10 Q. Okay. And it's got your name next to it?

11 A. Correct.

12 Q. So, you abstained from voting in support of this  
13 resolution?

14 A. Yes.

15 Q. And that was because you wanted to avoid any conflict of  
16 interest, right?

17 A. Exactly.

18 Q. Okay. So, when you were on the board -- and again, when  
19 did you start on the board?

20 A. It would have been -- I don't know, three years. It  
21 would have been years. I was on the board for three  
22 years.

23 Q. Okay, okay.

24 A. And it would have been the last election -- not this last  
25 election, but the election I was voted on, it was three

1 years because -- yeah. I would have been finishing up.

2 Yes.

3 Q. Okay. So, last year for 2023 was your last year on the  
4 board?

5 A. Correct.

6 Q. Okay. So, during your entire time on the board, did --  
7 you wanted to avoid conflicts of interest, right?

8 MR. WITTE: Object to form.

9 A. Yes.

10 Q. (BY MR. REUTER:) Did you ever do anything that you  
11 thought was a conflict of interest when you were a board  
12 member representing the township people?

13 MR. WITTE: Object to form and to the extent it  
14 calls for a legal conclusion.

15 A. No.

16 Q. (BY MR. REUTER:) Okay. And I think you testified to  
17 this, but I'll just ask it straight out.

18 A. Right.

19 Q. When you were a board member, you wanted to act -- you  
20 wanted to act in the best interest of the township and  
21 the -- and the township people --

22 A. Yes, yes.

23 Q. -- correct? Okay. So, you were never doing anything as  
24 a board member just to benefit yourself personally?

25 A. No.

1 Q. Do you remember the water extension plans that you talked  
2 about with Jake earlier?

3 A. From the city?

4 Q. Yes.

5 A. Yes.

6 Q. I believe that is Exhibit --

7 MR. WITTE: Eleven.

8 A. Eleven. This must be it.

9 Q. Yes. Can you flip -- keep flipping. Okay, right there.

10 MR. REUTER: So, for the record, Jake, this is the  
11 page in Exhibit 11 that shows the resolution?

12 MR. WITTE: Yup.

13 Q. (BY MR. REUTER:) Dale, you see that resolution right in  
14 front of you?

15 A. Yes.

16 Q. And this was the resolution you testified that you voted  
17 in favor of?

18 A. Yes.

19 Q. This is approving both sets of water plans to give water  
20 to the Gotion project, right?

21 A. Correct, yes.

22 Q. Okay. Are you aware that the current members on the  
23 board that they revoked were -- rescinded this  
24 resolution?

25 MR. WITTE: Object to form, foundation.

GOTION, INC. v GREEN CHARTER TOWNSHIP  
JERNSTADT, DALE 09/05/2024

Job 32984  
78

1 A. Yes.

2 Q. (BY MR. REUTER:) Okay. And would you take that to mean  
3 the current members on the board are saying that they're  
4 going to preclude water from going to Gotion's project?

5 MR. WITTE: Object to form.

6 A. I guess that's what I understand, yes.

7 Q. Okay.

8 MR. REUTER: I don't have any further questions.  
9 Thank you for your time, Dale, unless Jake has questions  
10 for you.

11 MR. WITTE: Nothing further. You can be on your  
12 way, Dale.

13 (Deposition concluded at 12:36 p.m.)

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GOTION, INC. v GREEN CHARTER TOWNSHIP  
JERNSTADT, DALE 09/05/2024

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1 STATE OF MICHIGAN )  
 ) SS  
2 COUNTY OF GRATIOT )

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I certify that this transcript is a complete, true, and correct record of the testimony of DALE JERNSTADT held in this case on 09/05/2024.

9

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11

I also certify that prior to taking this deposition DALE JERNSTADT was duly sworn to tell the truth.

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*Shelly Nowak*

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\_\_\_\_\_  
Shelly M. Nowak, CSR-5976  
Notary Public for the County of Gratiot  
Commission Expires: 10-13-2024



# EXHIBIT F

# EXHIBIT

# G



### General Property Details: 01 032 015 501

#### Property Address

18 MILE RD  
BIG RAPIDS, MI, 49307

#### Owner Address

JERNSTADT WILLIAM J/DALE E Unit: 01  
- Unit Name: GREEN

19281 NORTHLAND DR  
BIG RAPIDS, MI 49307

#### General Information for 2022 Tax Year

Parcel Number: 01 032 015 501 Assessed Value: \$91,700  
Property Class: 101 Taxable Value: \$46,890  
Class Name: 101 AGRICULTURAL - IMP State Equalized Value: \$91,700

School Dist Code: 54010

School Dist Name: BIG RAPIDS PUBLIC

PRE 2021: 100%

PRE 2022: 100%

#### Prev Year Info

Year	MBOR Assessed	Final SEV	Final Taxable
2021	\$90,100	\$90,100	\$45,393
2020	\$90,300	\$90,300	\$44,767

#### Land Information

Acreage: 72.29

Zoning:



# EXHIBIT

# H

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

GOTION, INC.,

Plaintiff,

v

Case No: 1:24-cv-00275  
HON. JANE M. BECKERING

GREEN CHARTER TOWNSHIP,  
a Michigan charter township,

Defendant.

---

DEPOSITION OF CHARLES THELEN

taken before Shawn M. Breimayer, Certified Shorthand Reporter,  
at the office of Warner Norcross + Judd, 150 Ottawa Avenue NW,  
Ste 1500, Grand Rapids, MI, Thursday, August 29, 2024,  
commencing at 9:11 a.m., pursuant to notice.

APPEARANCES:

FOR THE PLAINTIFF: Daniel P. Ettinger (P53895)  
Ashley G. Chrysler (P80263)  
Warner Norcross + Judd  
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(616) 752-2000

FOR THE DEFENDANT: Jacob N. Witte (P82558)  
John S. Brennan (P55431)  
Thomas Forgione (P87288)  
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Reported by: Shawn M. Breimayer, CSR-6888

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1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION

4 \_\_\_\_\_  
5 GOTION, INC.,

6 Plaintiff,

7 v

Case No: 1:24-cv-00275  
HON. JANE M. BECKERING

8 GREEN CHARTER TOWNSHIP,  
9 a Michigan charter township,

10 Defendant.  
11 \_\_\_\_\_

12 DEPOSITION OF CHARLES THELEN  
13 taken before Shawn M. Breimayer, Certified Shorthand Reporter,  
14 at the office of Warner Norcross + Judd, 150 Ottawa Avenue NW,  
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Reported by: Shawn M. Breimayer, CSR-6888

GOTION, INC vs GREEN CHARTER TOWNSHIP  
THELEN, CHARLES 08/29/2024

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EXHIBITS:	MARKED
DEPOSITION EXHIBIT 30	100
(Original FARA Registration	
DEPOSITION EXHIBIT 31	119
(FARA Registration Filing from April 21, 2023)	

1 (Deposition commenced at 9:11 a.m.)

2 THE VIDEOGRAPHER: We are going to on the record  
3 at 9:11 AM on August 29, 2024. This is volume one of  
4 disk one of the video deposition of Charles Chuck  
5 Thelen in the matter of Gotion Incorporated versus  
6 Green Charter Township, a Michigan charter township  
7 filed in the United States District Court Western  
8 District of Michigan Southern Division, case number  
9 1:24-cv-00275. This deposition is being held at 150  
10 Ottawa Avenue Northwest, Grand Rapids, Michigan. My  
11 name is Chip Staley, I'm the videographer. Counsel will  
12 now state their appearance and affiliation for the  
13 reporter.

14 MR. WITTE: Jacob Witte, W-i-t-t-e, on behalf of  
15 Defendant Green Charter Township.

16 MS. CHRYSLER: Good morning. Ashley Chrysler on  
17 behalf of Plaintiff, Gotion Incorporated.

18 MR. FORGIONE: Tom Forgione on behalf of Green  
19 Charter Township.

20 MR. BRENNAN: John Brennan on the behalf of the  
21 Township.

22 MR. ETTINGER: And Dan Ettinger on behalf of  
23 Plaintiff Gotion.

24 THE VIDEOGRAPHER: The court reporter will swear  
25 in the witness.



1 discussion to be had?

2 A. Before the celebration I asked everybody to gather  
3 around the back of their vehicles and I said thank you  
4 all for all of the support that you're giving Gotion.  
5 I am here because it's a celebration, and if anybody  
6 starts to speak about politics I will get in my car and  
7 leave.

8 Q. So no one spoke about politics?

9 A. Not to me.

10 Q. So that's -- in your mind, the distinction between a --  
11 a celebration and a rally is -- a rally people are  
12 talking about politics, a celebration people are not  
13 talking about politics to you?

14 MS. CHRYSLER: Object to form.

15 THE WITNESS: I'm sorry?

16 MS. CHRYSLER: Object to form.

17 THE WITNESS: Oh. My belief is rally is  
18 typically a negative connotation, so more of a protest,  
19 if you will, and I've never been in a protest.

20 BY MR. WITTE:

21 Q. So --

22 A. In my life.

23 Q. A celebration would be similar to a rally, but with a  
24 positive connotation?

25 A. I call it a celebration.

1 Q. All right. At the celebration, were there like signs?

2 A. There were signs that people had made, homemade signs,  
3 as well as some other signs that said yes Gotion, go  
4 for jobs, go future, their signs out.

5 Q. So there were homemade signs and the other signs. If  
6 the other signs weren't homemade, where did they come  
7 from?

8 A. Our PR firm solicited a company to make those signs.

9 Q. Do you know how many signs?

10 A. I want to say a hundred.

11 Q. Okay. And those were provided to -- to people at the  
12 celebration?

13 A. They were provided to people at the celebration.

14 Q. Okay. Was that a celebration, was that something that  
15 you organized or Gotion organized?

16 A. Gotion did not organize it. I did not organize it.  
17 Honestly, I don't know what the genesis was, but I did  
18 attend.

19 Q. How did you know it was happening?

20 A. Word of mouth through the community.

21 Q. Okay. Who would have told you?

22 A. I'm sorry?

23 Q. Who would have told you?

24 A. I do not recall.

25 Q. Did you hear about it, I mean, was it through the

1 community, like residents of Big Rapids or through  
2 Gotion's employees, who heard about it?

3 A. I believe it was probably through the residents. It  
4 could have -- it could have been through Jamie, because  
5 she's very tuned into the community. I don't recall  
6 where I heard about it from.

7 Q. I'm sorry, it could have been through who?

8 A. Jamie Ruell, my office manager.

9 Q. Okay.

10 A. Because she is also a part of boards for many different  
11 organizations in the city.

12 Q. Do you know if you would have received an e-mail about  
13 it?

14 A. I did not receive an e-mail.

15 Q. Okay. So it was just -- what about a text message, is  
16 that possible?

17 A. I don't think so.

18 Q. And is Jamie Ruell, that is a Gotion employee, right?

19 A. Yes, she is.

20 Q. Do you know if she holds any -- any public offices in  
21 the -- the Greater Big Rapids area?

22 A. She recently told me that she was accepted as a  
23 director of the Manna Pantry, which is a nonprofit  
24 organization that feeds hungry kids. I don't know if  
25 you consider that a public office, but I think she's

1 Q. And who would have arranged these?

2 A. Those parties at her house would be arranged by her  
3 Carlleen Rose.

4 Q. And what is your relationship to Carlleen Rose?

5 A. Friends.

6 Q. How long have you known her?

7 A. Couple years.

8 Q. And what kind of things would happen at those -- the  
9 celebrations with Carlleen Rose?

10 A. We had a bonfire, we played cornhole, couple cocktails.  
11 Like I said, at her birthday party there was a live  
12 band. Just people out in the middle of the woods  
13 having a good time. I don't know how else to say it.

14 Q. Do you know if any of the previous Green Charter  
15 Township board members were invited to or attended  
16 those celebrations?

17 A. I don't know if they were invited. I'm trying to  
18 remember if I saw -- I think the one a year or so  
19 ago -- no. I was thinking Jim Chapman, but he didn't.  
20 Not that I know of. I don't really know the previous  
21 board members well. I couldn't pick them out on the  
22 street if I saw them.

23 Q. Does that apply to Jim Chapman as well?

24 A. No. Jim Chapman I know.

25 Q. Okay. And for these celebrations, was there like a

1 MS. CHRYSLER: Object to speculation.

2 THE WITNESS: Ms. Ruell has voiced support of  
3 the project in the community on many occasions.

4 BY MR. WITTE:

5 Q. So, to your knowledge, she is in support of the Gotion  
6 project?

7 A. She's in support of the community and she sees that  
8 Gotion will help the community, so yes, she's in  
9 support of Gotion.

10 Q. And you know Tracy?

11 A. I do.

12 Q. How long have you known Tracy?

13 A. Couple years. Not much more than that.

14 Q. Are you familiar with her campaign?

15 A. I do know that she is now running for office.

16 Q. Okay. And you're familiar with her politics?

17 A. I don't speak a lot of politics with her. We do speak  
18 on occasion, because I also like the lady. I don't  
19 know what her campaign foundation is and what she's  
20 promising. I'm staying away from it.

21 Q. But you do know she's pro Gotion?

22 A. I do know she's pro Gotion.

23 Q. And she supports your plan?

24 A. She supports the community, therefore, she supports  
25 economic opportunity.

1 Q. And when you say the board, can you explain who you're  
2 referring to?

3 A. It's the board of directors for Gotion worldwide.

4 Q. So that would be Gotion High-Tech?

5 A. Gotion High-Tech does set policy for all the regions.

6 Q. So, and forgive me if I'm unfamiliar with your  
7 corporate structure here.

8 A. Mm-hm.

9 Q. The Gotion High-Tech board of directors would have  
10 supervisory authority over Chen Li and Ray Chen, who  
11 supervise you, is that approximately the chain of  
12 command?

13 A. Ray Chen, yes, because again, he's responsible for  
14 plants worldwide.

15 Q. Okay.

16 A. Chen Li, I'm not sure how that relationship works.

17 Q. And I wanted to touch a little bit, so you explained  
18 that you thought that bringing this project to Mecosta  
19 County was the moral thing to do. If the -- based on  
20 your belief that it's going to benefit the community,  
21 is that accurate?

22 A. Mm-hm.

23 Q. If the community is not in favor of it, do you think  
24 that it's still a moral thing to do?

25 A. If the majority of the community is not for it, then

1 here to the point it would no longer be the moral thing  
2 to do is site the project?

3 A. I don't know to answer to that.

4 MS. CHRYSLER: Jake, we've been going about an  
5 hour 20, is now a good time for a break?

6 MR. WITTE: Yeah.

7 THE VIDEOGRAPHER: We are going off the record  
8 at 10:28.

9 (Off the record at 10:28 a.m.)

10 (Back on the record at 10:45 a.m.)

11 THE VIDEOGRAPHER: We're going back on the  
12 record at 10:45.

13 BY MR. WITTE:

14 Q. All right, Chuck, let's -- let's talk about the early  
15 stages of the project. What was your first involvement  
16 with the Green Charter Township Gotion project?

17 A. The Green Charter portion of it was I was introduced to  
18 Mr. Chapman by the then supervisor of Big Rapids  
19 Township.

20 Q. When did you start talking to the then supervisor of  
21 Big Rapids Township?

22 A. I went past the airport and saw the sign and called the  
23 number on the sign. The number on the sign was the  
24 previous supervisor, who then forwarded me to Bill  
25 Stanek, who would have been the supervisor. I'm saying

1           that had anything to do with the contract or the  
2           project. I assume there are some in there from Randy  
3           Thelen.

4           Q. And was project elephant like the only search term  
5           you're using or did you use other search terms?

6           A. I looked for anything in the timeframe plus, minus  
7           three months of that contract negotiation.

8           Q. And what was the timeframe?

9           A. I think it was mentioned earlier, I think it was mid  
10          July 2023.

11          Q. Okay. And you're saying that you're beginning of  
12          siting the project started in 2022 or 2021?

13          A. The initial conversations with Big Rapids started then.

14          Q. And then it wasn't until 2023 that you engaged in  
15          discussion with Green Charter Township, is that  
16          accurate?

17          A. I don't think that's accurate.

18          Q. When did you start talking to Green Charter Township  
19          about the project?

20          A. It was prior to September of 2022.

21          Q. So --

22          A. So I would say three months prior, maybe.

23          Q. And would you have included documents from that  
24          timeframe? Earlier you said that it was only around  
25          2023 is the date cutoff you used for the documents you



1 shared.

2 A. Documents exchanged between us and the Township or  
3 Right Place or -- yeah, the Township were put in a  
4 central share point area, so the documents you got were  
5 everything from that shared point.

6 Q. And would that include communications, e-mail, texts  
7 from 2022?

8 A. The last I knew there were folders in that file that  
9 did contain communications.

10 Q. I'm sorry, that wasn't my question. The question was,  
11 were those communications from 2022?

12 MS. CHRYSLER: Objection. Asked and answered.

13 MR. WITTE: He didn't answer the question.

14 BY MR. WITTE:

15 Q. I understand there's a folder with communications?

16 A. Mm-hm.

17 Q. Earlier you indicated those communications would have  
18 been from 2023 onward, but there's discussions  
19 happening in 2022. So, my question is, did you include  
20 communications from 2022 in the documents you produced?

21 A. I included communications based on the sort criteria.  
22 I don't know if the dates included 2022.

23 Q. Earlier you said the sort criteria related to dates.  
24 You provided, I think you said, three months of 2023.

25 A. The sort criteria included any communications with Mr.

1 Chapman, it included the documents that were shared  
2 between the Township or The Right Place or -- I think  
3 that was it during the '22, 2022 timeframe, so those  
4 documents were shared with you.

5 Q. So you're saying documents, I understand that you're  
6 using that term differently than communications, or are  
7 you using those terms interchangeably?

8 A. I'm using it differently.

9 Q. Okay. So what about communications? That's -- that's  
10 my question is, what is the timeframe of communications  
11 you provided?

12 A. Communications specifically texts, if I recall  
13 correctly, include identifying anybody that was in that  
14 process and then giving the texts from those people or  
15 to those people.

16 Q. So --

17 A. Despite the timeframe.

18 Q. So how old would those texts be?

19 A. I'd have to go back to look at them to answer that  
20 question. I don't know.

21 Q. And how many e-mails do you think you exchanged with  
22 Randy Thelen?

23 A. 15ish, I'm guessing, because most of our communication  
24 was verbal.

25 Q. Did you produce all of those e-mails, because I think

1 A. For the township supervisor and township clerk it says  
2 8-22-23.

3 Q. So do you understand that is when Jim and Janet signed  
4 the development agreement?

5 A. Again, I wasn't part of the final signature, so I'll  
6 take the word that this is when they signed it. I  
7 wasn't there.

8 Q. When did Gotion sign?

9 A. I don't see a date, but my memory serves that it would  
10 have been on or about October 10th timeframe.

11 Q. Why so long after the Township signs?

12 A. That was one of my frustrations you probably saw in  
13 some of the texts. It was very difficult to get Mr. Li  
14 into one room long enough to review the documents and  
15 sign them. It took us a long time to get his  
16 signatures because of his schedule.

17 Q. Just a -- was it explained to you was it was just  
18 problems with scheduling?

19 A. Correct.

20 Q. Not -- not anything other than just finding him?

21 A. It was explained to me by my person David Adams in  
22 Fremont, who was helping us facilitate this, that Chen  
23 was out of town and that they were chasing him down and  
24 trying to get a signature date, and that took far  
25 longer than I would have liked and I was a little

1           ordinances?

2                   MS. CHRYSLER: Objection. Calls for a legal  
3           conclusion.

4                   THE WITNESS: It's my understanding the Township  
5           can enact any ordinance they wish.

6   BY MR. WITTE:

7           Q. Okay. And when you were discussing this agreement with  
8           Jim, was there any talk of limiting what ordinances the  
9           Township could -- was there any talk of limiting what  
10          ordinances the Township could adopt?

11          A. I don't recall that conversation.

12          Q. Did Jim ever talk to you about the Township adopting a  
13          planning commission while he was supervisor?

14          A. Oh, I was aware it was on the ballot for that fall.

15          Q. Were you in favor of the Township adopting a planning  
16          commission when Jim was in office?

17          A. I don't know if I should take a political position on  
18          what I'm in favor of what one place does or the other,  
19          but as long as it's fair and realistic the ordinances  
20          must be followed.

21          Q. And so, you think the creation of a planning commission  
22          is a political decision?

23          A. It's done by the politicians, so yes.

24          Q. Okay. Did Jim ever discuss the reasons why the  
25          Township wanted to enact a planning commission at that

1           decided the best way to get the content to the audience  
2           without the profanity is to do the Chat With Chuck on a  
3           typed in fashion.

4           Q. Okay. I think you used the phrase a virtual town hall,  
5           what do you mean by that?

6           A. When -- boy, this is right at the beginning. We were  
7           going to have a town hall meeting at the Ferris State  
8           University auditorium where we were going to have a  
9           panel of six people speak and answer the questions from  
10          everybody in the community. We received threats, and I  
11          won't go into detail of those threats. We realized  
12          very quickly we can't do this in person. It's not  
13          safe. So we said how do we do this. We did a town  
14          hall style panel discussion, including people from the  
15          State, the County, the college, myself, and so on  
16          answering -- we solicited, I think it was 450 questions  
17          from the community, and we answered all those  
18          questions. It was very well received. And I said  
19          well, let's just keep doing it that way, so let's do it  
20          virtually and be able to answer -- answer people's  
21          questions.

22          Q. Okay.

23          A. So when there was a hoax claim about an eagle's nest on  
24          the property I can go on live and show people exactly  
25          what that claim was or why it was a hoax. That was

1 just one of the many of the hoaxes that were pulled.

2 Q. So is a primary goal of these to address what you  
3 perceive to be misinformation?

4 A. Yes, it was.

5 Q. Okay. And in addressing that misinformation, is -- is  
6 your goal to kind of help people in the Big Rapids  
7 community better understand the project from Gotion's  
8 perspective?

9 A. Hopefully not only from Gotion's perspective, but yes.

10 Q. From who else's perspective?

11 A. When the no goes want to talk about things such as  
12 Gotion is going to take the money and skip town, things  
13 of that nature. I've asked MEDC to join me to explain  
14 the claw backs. How does this work. From the aspect  
15 of how does it affect jobs and labor and economic  
16 stability in the area, I had on the president of the  
17 pipe fitters union to explain what kind of jobs they  
18 work on and why this is very important to labor in the  
19 State of Michigan. So not just Gotion, but also, other  
20 environmental agencies, obviously, organized labor,  
21 things of that nature. I wouldn't say it's a majority  
22 of Gotion facts.

23 Q. Okay.

24 A. I also had on our -- one of our top scientists from our  
25 research facility Independence, Ohio that went through

1 the exact safety data sheets for the material to  
2 explain what they mean and to explain how these  
3 products are not toxic. Because there's a lot of  
4 locate hoaxes and a lot of misinformation going around  
5 about the toxicity and how they're going to blow the  
6 place up ad yada, yada, yada, so trying to calm  
7 people's fears that were fanned by the flames of  
8 misinformation.

9 Q. And hopefully influence community attitude about the  
10 project?

11 A. Hopefully give them enough information where they can  
12 make an informed choice.

13 Q. Is this -- one of the objectives would be gaining  
14 support for Gotion's project?

15 A. I was trying to stop the bleeding, because of the  
16 negative, constant negative connotation, the constant  
17 threats of violence, the terrorists acts that were  
18 happening in the area. I was hoping to bring a little  
19 semblance of what the real facts are. So yes, I was  
20 hoping to improve our perception through giving actual  
21 data and facts, not the supposition and theories that  
22 were flying around.

23 Q. Where do you think all that negative stuff is coming  
24 from?

25 MS. CHRYSLER: Object to speculation.

1 THE WITNESS: I know the group it's coming from,  
2 but what is their actual goal, I have no idea.

3 BY MR. WITTE:

4 Q. I mean, do you think it's a particular philosophy or is  
5 there some kind of singular interest that you're aware  
6 of or, I mean, I assume it something that you've  
7 thought about it a lot?

8 A. It is.

9 MS. CHRYSLER: Object to form, speculation.

10 THE WITNESS: I have thought about it, but I  
11 can't put myself in these peoples' heads, because when  
12 I see what they do I can't think that way. So I don't  
13 know what their motivation is. I just don't know.

14 BY MR. WITTE:

15 Q. Have you had any just, you know, sit down conversations  
16 with these folks?

17 A. I had one sit down conversation with Supervisor Kruse.

18 Q. How did that go?

19 A. It was amicable. It was an introductory meeting.  
20 After that he didn't want to talk to me anymore.

21 Q. And do you think he holds those same, I guess, negative  
22 ideas that you were talking about earlier?

23 MS. CHRYSLER: Object to speculation.

24 THE WITNESS: When he was the president of MESA  
25 he sent a threatening letter about a lawsuit they



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1 A. Yes.

2 Q. How many do you think?

3 A. As I said, three or four. I can't recall.

4 Q. Were they all in 2024?

5 A. I can't recall.

6 Q. Okay.

7 A. I don't remember when we started them.

8 Q. Do you know --

9 A. I do believe it was all in 2024, though, but I'm not  
10 positive.

11 Q. Do you know if there's like a singular location where  
12 someone can go if they wanted to watch them?

13 A. We -- we had it on teams and then people would dial  
14 into Teams. That format proved technically not  
15 trustworthy like we've see today, so we moved to a Zoom  
16 format, so the Zoom was out there. We would announce  
17 the -- the event, try to do it nine, 10 days prior, and  
18 then that would go typically either through The Pioneer  
19 or I have seen notifications that was on the pro Gotion  
20 Facebook that they would say hey, Chat With Chuck is  
21 coming. I assume word of mouth, but I don't know.

22 Q. So would you -- would you send like the notification to  
23 The Pioneer and then The Pioneer would have like an  
24 article with a link that would allow people to  
25 participate in the Chat With Chuck?

1 A. I would not send a notification.

2 Q. Who would do that?

3 A. The PR firm.

4 Q. Okay. And then, after the Chat With Chuck is done, is  
5 live streaming a fair way to say it, is it archived?

6 A. I've been told, and actually, I watched one of them, so  
7 I know it exists, that they put -- I don't know how  
8 many days later, but there's a link that goes on to one  
9 of the Facebook sites and then you can watch from  
10 there.

11 Q. Okay.

12 A. The reason I know that is because, like I said, I do  
13 have a Facebook account, and I was very curious to see  
14 how I sounded, what I looked like, and see if I did a  
15 good job, so I did watch it. So, yeah, I -- I was  
16 accessed myself one through the Facebook account.

17 Q. Is your personal Facebook, are you -- are you a member  
18 or have you joined the only Gotion or only things  
19 Gotion plus Facebook group?

20 A. I don't know how a Facebook works if you're a member if  
21 you join anything, but I do have access to it. I don't  
22 know. I know clicked on it and there it was. I'm not  
23 a Facebook guru.

24 Q. That's fair, I'm not either. So we'll look at Exhibit  
25 35 now, and I'll -- are you familiar with this Facebook

1 BY MR. WITTE:

2 Q. All right. So, Chuck, we've talked about how you've  
3 tried to stay out of politics, we've talked about how  
4 you had your celebration across from the Mike Rogers  
5 rally where brought political signs, and we've talked  
6 about you organizing a meeting regarding the referendum  
7 of the township planning commission, which is an issue  
8 that you described as a political issue, so I think you  
9 could probably tell where all this is leading up to.

10 I'd like to talk about paragraph 3M of the development  
11 agreement, so if you want to turn to Exhibit Number 7.  
12 Page four of that document contains subsection M?

13 A. I'm sorry?

14 Q. Page four of this document contains subsection M?

15 A. M?

16 Q. M as in month. If you quickly look at page three you  
17 can see that paragraph three begins with Gotion  
18 obligations, Gotion shall. And then, subparagraph M  
19 says, not support or encourage any activity which  
20 supports or encourages any political philosophy amongst  
21 its employees or the Big Rapids community.

22 A. Mm-hm.

23 Q. Are you familiar with this language?

24 A. I am.

25 Q. Do you know who asked to have this included in the