

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

DENNIS VANDERLAAN and
DAYNELLE VANDERLAAN,
Plaintiffs,

Case No.: 25-_____-MZ
Honorable _____

v.

COMPLAINT

MICHIGAN DEPARTMENT OF
NATURAL RESOURCES,
Defendant

OUTSIDE LEGAL COUNSEL PLC
PHILIP L. ELLISON (P74117)
Attorney for Plaintiffs
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VERIFIED COMPLAINT

NOW COME Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN,
by and through counsel, and complains unto the Court as follows:

PARTIES

1. Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN are residents of the State of Michigan and the owners/occupants of private property located on East Moore Road in Newaygo County, Michigan.
2. Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES is a state agency sued in the Michigan Court of Claims. At all relevant times, Conservation Officer Cameron Wright was an employee, agent, and representative of Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES acting as an agent thereof.

GENERAL FACTS

3. On or about November 15, 2025, being the opening day of Michigan rifle deer hunting season, Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN were seated inside their enclosed hunting blind on their own privately-owned property located in Newaygo County during lawful hunting hours.

4. The East Moore Road property is privately owned by Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN.

5. Where Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN were hunting on their private property was not accessible by or open to any member of the general public.

6. Without a warrant, consent, emergency, or any articulable suspicion of wrongdoing, Conservation Officer Cameron Wright, as an agent of Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES, warrantlessly and permissionlessly entered Plaintiffs' private property to conduct and did conduct a search of the East Moore Road property to extract information for possible but non-articulable criminal charges.

7. The purpose of Conservation Officer Wright's entry was not caretaking or community engagement; it was to obtain information for potential enforcement action—an investigatory objective that, when pursued through physical intrusion onto private land, constitutes a 'search' under Article I, Section 11.

8. The physical intrusion onto the East Moore Road property and specifically the immediate surroundings of the enclosed blind constituted a "search" under Article I, Section 11.

9. There is no state law authorizing DNR officers to warrantlessly enter private land at will to "check licenses."

10. Conservation Officer Cameron Wright approached from the neighboring property, walked behind the enclosed blind, and then came to the front opening to confront Plaintiffs while armed, hand on his firearm, and in uniform.

11. Conservation Officer Cameron Wright opened the encounter with accusatory questioning without any observed violations.

12. Plaintiffs were confined within the blind, in a remote area, with an armed uniformed officer at the entrance with his hand on his weapon, and did not feel free to terminate the encounter or order him to leave.

13. During the encounter, Conservation Officer Cameron Wright acknowledged that Plaintiffs had valid licenses and that Plaintiffs had done everything right.

14. Despite that, Conservation Officer Cameron Wright stated he would write a report and send it to the prosecutor "to see what happens," despite acknowledging he lacked proof of any wrongdoing.

15. The encounter disrupted Plaintiffs' lawful hunt, scared off game, and caused fear, annoyance, anxiety, and apprehension about the current and future intrusions.

16. Conservation Officer Cameron Wright unlawfully entered private land without a warrant to extract information that he used to make a report being cataloged

and/or held with Department's files and database(s), and used (on information and belief) as the basis for a referral and/or report to the Newaygo County Prosecutor's Office despite having no articulable suspicion of any wrongdoing at the time of entering the East Moore Road property.

COUNT I
BAUSERMAN CLAIM – ARTICLE I, SECTION 11

17. The prior allegations are reincorporated herein.

18. The Michigan Constitution provides “[t]he person, houses, papers, possessions, electronic data, and electronic communications of every person shall be secure from unreasonable searches and seizures.”

19. In the absence of consent, a warrant, or a valid exemption to the warrant requirement, Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES' entry and search of private property, like Plaintiffs' East Moore Road property on November 15, 2025, violated Article I, Section 11 of the Michigan Constitution.

20. Article I, Section 11 of the Michigan Constitution provides greater protection for private land than the federal Fourth Amendment provides under the “open fields” doctrine.

21. Accordingly, the federal open fields doctrine does not authorize the warrantless entry and search of Plaintiffs' privately-owned East Moore Road property.

22. Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN suffered damages as a result of Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES' violation of Article I, Section 11 of the Michigan Constitution thereby making the latter liable pursuant to *Bauserman v Unemployment Ins Agency*, 509 Mich 673; 983 NW2d 855 (2022).

COUNT II
STATE CONSTITUTIONAL CHALLENGE TO THE “OPEN FIELDS” DOCTRINE

23. The prior allegations are reincorporated herein.

24. Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES and its conservation officers purport to rely on the federal “open fields” doctrine to justify warrantless entries onto privately-owned hunting and farming land, including Plaintiffs' East Moore Road property.

25. The “open fields” doctrine is a judge-made limitation on Fourth Amendment protection that treats privately-owned land outside the curtilage of a home as having no constitutionally protected privacy interest under federal law.

26. Article I, Section 11 of the Michigan Constitution more expansively protects the “persons, houses, papers, possessions, electronic data, and electronic

communications” of every person from unreasonable searches and seizures and is interpreted by the Michigan Supreme Court as an independent source of protection that may provide greater safeguards than the federal Fourth Amendment.

27. Plaintiffs’ East Moore Road property is not wild, unowned wasteland; it is privately-owned, occupied land posted that is used inter alia for hunting and recreation for which the owners most reasonably expect privacy and exclusion of government officials absent a warrant, consent, or exigent circumstances.

28. Treating such actively-used, privately-owned, posted hunting land as constitutionally unprotected “open fields” under Article I, Section 11 would nullify the constitutional security of “possessions” for a vast portion of Michigan’s private land and would license suspicionless, standardless intrusions by conservation officers.

29. Other state courts construing similarly-worded state constitutional provisions have rejected the federal “open fields” doctrine and held that warrantless entries by wildlife officers onto posted and gated private hunting and farming land violate their state constitutions, including the Tennessee Court of Appeals’ decision in *Rainwaters v Tennessee Wildlife Resources Agency* squarely rejected the open-fields exception as a basis for warrantless searches of privately-owned land actively used for farming and recreation.

30. The reasoning of *Rainwaters* and the growing body of state-constitutional decisions rejecting the “open fields” doctrine confirms that state constitutions may and should provide meaningful protection for privately-owned land against warrantless intrusions by state conservation officers.

31. A person’s right to exclude the government from privately possessed land remains a fundamental aspect of the right to be secure against unreasonable searches.

32. As applied to Plaintiffs’ East Moore Road property, any assertion that Article I, Section 11 incorporates the federal “open fields” doctrine, or otherwise permits warrantless entry and search of Plaintiffs’ privately-owned, occupied, and posted hunting land by conservation officers to “check licenses” or search for possible violations, renders the constitutional guarantee of security in “possessions” hollow and violates Article I, Section 11 of the Michigan Constitution.

33. Plaintiffs request a declaration pursuant to MCR 2.605 that Article I, Section 11 of the Michigan Constitution does not adopt or incorporate the federal “open fields” doctrine, and that Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES may not rely on that doctrine as authority to enter and search privately-owned hunting land like Plaintiffs’ East Moore Road property without a warrant, consent, or exigent circumstances.

**COUNT III
TRESPASS**

34. The prior allegations are reincorporated herein.

35. Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN were and are in lawful possession and control of their private East Moore Road property.

36. Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES trespassed upon Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN's private property without lawful authority or consent.

37. Agents of Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES, including Conservation Officer Wright, have no statutory, constitutional, or common-law authority to enter the privately-owned East Moore Road property without a warrant, consent, or exigent circumstances.

38. Upon information and belief, Defendant DNR maintains an ongoing practice of entering private hunting properties statewide without warrants or consent to conduct suspicionless checks, making injunctive relief necessary to prevent continued irreparable constitutional injury.

39. Due to governmental immunity, a damages award is not sought for the trespass under this Count; however, an injunctive order and declaratory relief is sought against Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES for its illegal act and ongoing practice trespassing upon private property.

RELIEF REQUESTED

40. WHEREFORE, Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN respectfully requests this Court to—

- a. Declare that Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES committed a trespass under state law;
- b. Enter an order for injunctive relief to halt any further unannounced and unasked-for trespass(es) by Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES into the future;
- c. Enter an injunction requiring the destruction and/or expungement of all information and/or data extracted (in whatever medium or form) as well as official reports and narrative statements due to the illegal actions undertaken on November 15, 2025;
- d. Declare that Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES violated Article I, Section 11 of the Michigan Constitution on November 15, 2025;

- e. Declare that Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES committed a trespass under state law;
- f. Declare that Article I, Section 11 of the Michigan Constitution does not incorporate the federal 'open fields' doctrine and that Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES may not rely upon the same within the territory of Michigan;
- g. Require Defendant MICHIGAN DEPARTMENT OF NATURAL RESOURCES to adopt and implement policies, training, or written guidance to its conservation officers clarifying that Article I, Section 11 prohibits warrantless entry onto the East Moore Road property absent warrant, consent, or exigent circumstances.
- h. Award compensatory damages under Count I pursuant to *Bauserman v Unemployment Ins Agency*, 509 Mich 673; 983 NW2d 855 (2022) for having violated Article I, Section 11 of the Michigan Constitution on November 15, 2025;
- i. Award all nominal, punitive, and non-economic damages, including mental anguish, annoyance, and emotional distress, and exemplary damages as permitted under Michigan law, along with nominal damages if appropriate under Count I pursuant to *Bauserman v Unemployment Ins Agency*, 509 Mich 673; 983 NW2d 855 (2022) for having violated Article I, Section 11 of the Michigan Constitution on November 15, 2025;
- j. Enter declaratory relief that Defendant has no authority to enter privately-owned hunting land to conduct license checks absent a warrant, consent, or exigent circumstances.
- k. Award attorney fees and costs pursuant all applicable statutes, rules, and laws; and
- l. Grant any other relief the Court deems just and proper.

VERIFICATION

Plaintiffs DENNIS VANDERLAAN and DAYNELLE VANDERLAAN, each being duly sworn, hereby declares under the penalties of perjury that this complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Nov 24, 2025

Dennis Vanderlaan
DENNIS VANDERLAAN

Signed and sworn to before me, this 24th day of November, 2025 by DENNIS VANDERLAAN.

Notary's Signature: Philip L. Ellison

Notary's Name: Philip L. Ellison (SEAL) if required

Notary Public, Saginaw County, State of Michigan

Acting in County of Newaygo, Michigan

My commission expires: 10/8/29

Executed on Nov 24, 2025

Daynelle Vanderlaan
DAYNELLE VANDERLAAN

Signed and sworn to before me, this 24th day of November, 2025 by DAYNELLE VANDERLAAN.

Notary's Signature: Philip L. Ellison

Notary's Name: Philip L. Ellison (SEAL) if required

Notary Public, Saginaw County, State of Michigan

Acting in County of Newaygo, Michigan

My commission expires: 10/8/2029

OUTSIDE LEGAL COUNSEL PLC
www.olicplc.com

Date: November 24, 2025

RESPECTFULLY SUBMITTED:

Philip L Ellison

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