

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OTTAWA

ADELINE HAMBLEY,

Case No: 23-7180-CZ

Plaintiff,

Hon. Jenny McNeill
Sitting by SCAO Assignment

v.

OTTAWA COUNTY,
a Michigan County; and
JOE MOSS, SYLVIA RHODEA,
JACOB BONNEMA, LUCY EBEL,
GRETCHEN COSBY, REBEKAH CURRAN,
ROGER BELKNAP, and ALLISON MIEDEMA,
Ottawa County Commissioners in their
individual and official capacities,

Defendants.

**PLAINTIFF'S MOTION TO ENFORCE PRELIMINARY INJUNCTION AND FOR
ORDER TO STAY DEFENDANTS' OCTOBER 24 TERMINATION HEARING**

The Court of Appeals remanded this matter to this Court yesterday, October 12, 2023, after affirming this Court's declaratory judgment that Plaintiff Adeline Hambley is the Ottawa County Health Officer, and that she was such when Defendants illegally demoted her on January 3, 2023. Health Officer Hambley files this motion to enforce the Preliminary Injunction as amended that the Court of Appeals also affirmed. That requires a ruling from this Court on the "just cause" standard which applies at the hearing that Defendants have set for October 24, and a determination of the processes available to Hambley. To that end, Hambley seeks a stay of the October 24 termination hearing planned by Defendants, which as

currently planned, will be in violation of the Preliminary Injunction.

The Court of Appeals affirmed the grant of a preliminary injunction to Health Officer Hambley as it was amended by the appeals court, to permit Defendants to move to terminate Hambley only under the limited circumstances of “just cause” as found in MCL 46.11(n) and only if they adhere to the requirements of a fair hearing with all that due process requires.

Nonetheless, Defendants intend to hold a termination hearing starting on October 24, 2023, for Health Officer Hambley which, as Hambley’s fact evidence will demonstrate, will not comply with MCL 46.11(n) or the preliminary injunction. For the reasons further explained in the accompanying brief, Hambley requests that this Court stay a termination hearing until the parties can present evidence on Plaintiff’s motion for an order to enforce the preliminary injunction and until this Court can rule on what is required at that hearing under MCL 46.11(n).

Moreover, Defendants also have stated that they intend to file an application for leave to appeal with the Michigan Supreme Court, seeking the ability to challenge the Court of Appeals’ ruling agreeing with this Court that Adeline Hambley is the duly-appointed Health Officer for Ottawa County. Since that is the position they take, which would again indicate that Defendants do not believe that they need to have a hearing under MCL 46.11(n), Hambley seeks a stay of the October 24 hearing until the Supreme Court determines whether to grant the application. Hambley should not have to go through the hearing when Defendants assert “it doesn’t really matter” because of their litigation position continuing to challenge this Court and the Court of Appeals on her status as Health Officer.

Accordingly, Health Officer Hambley respectfully requests that this Court:
(1) hear legal arguments on Hambley’s motion to enforce the preliminary injunction on Friday, October 20, 2023; (2) enter a stay of the October 24 County termination hearing of Hambley until the parties can have an evidentiary hearing in this Court pertaining to the fact questions in Hambley’s motion to enforce the preliminary injunction; and until the Michigan Supreme Court rules on Defendants’ forthcoming application for leave to appeal.

PINSKY SMITH, PC
Attorneys for Plaintiff Adeline Hambley

Dated: October 13, 2023

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