

EXHIBIT 4

Plaintiff's Motion to Enforce Settlement
Agreement

Sarah Riley Howard

From: Sarah Riley Howard
Sent: Thursday, November 2, 2023 5:55 PM
To: David Kallman; Stephen Kallman
Subject: RE: settlement proposal - per MRE 408
Attachments: D Kallman and S Kallman letter - 11-2-2023.pdf; Enclosure to Letter - 11-2-2023.pdf

Dave – our response is attached.

Sarah

From: David Kallman <dave@kallmanlegal.com>
Sent: Thursday, November 2, 2023 5:20 PM
To: Sarah Riley Howard <showard@pinskysmith.com>; Stephen Kallman <steve@kallmanlegal.com>
Subject: RE: settlement proposal - per MRE 408

Sarah,

I haven't heard anything today. Has there been any progress? I would like to be able to present to the entire board an option for if your client stays as a part of a settlement (as we've already discussed), or an option if your client leaves as a part of a settlement. Then the board can decide where they want to go next.

Let me know.

Thanks,

David Kallman
Kallman Legal Group, PLLC
Attorney at Law
5600 W. Mount Hope Hwy.
Lansing, MI 48917
Phone: (517) 322-3207
Fax: (517) 322-3208

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From: David Kallman
Sent: Wednesday, November 1, 2023 4:08 PM
To: Sarah Riley Howard <showard@pinskysmith.com>; Stephen Kallman <steve@kallmanlegal.com>
Subject: RE: settlement proposal - per MRE 408

Sarah,

I think a good next step would be to see what your client would accept in order to resign.

We will be updating the entire board of any progress we make in negotiations between attorneys. However, the entire board will not be reconvening until Monday which is the earliest a decision could be made so I want to see how much progress we can make between attorneys so I can present everything to the entire board.

Before we go to the expense of a mediator, let's see how far we can get with our discussions.

Let me know your client's position.

Thanks,

David Kallman
Kallman Legal Group, PLLC

Attorney at Law

5600 W. Mount Hope Hwy.

Lansing, MI 48917

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Fax: (517) 322-3208

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From: Sarah Riley Howard <showard@pinskysmith.com>

Sent: Wednesday, November 1, 2023 3:30 PM

To: David Kallman <dave@kallmanlegal.com>; Stephen Kallman <steve@kallmanlegal.com>

Subject: FW: settlement proposal - per MRE 408

I took your counteroffer to my clients. They reject your counteroffer. Their offer below is still open.

If your clients will only entertain settlement proposals that involve Adeline Hambley resigning as Health Officer, please advise, so that I can see if Hambley wants to make an offer in that event. I am not certain that she will want to make a settlement offer that involves her resignation as Health Officer, but I will at least check with her if you advise me that there is no settlement proposal your clients will take where she stays. Hambley won't agree to a settlement where she stays at OCDPH in a capacity where she isn't Health Officer.

Two more points: I am willing to try using a mediator and to gather in one location for that purpose prior to Monday if you think that would help to see if we make progress, since I know Monday is our deadline, or really Sunday is. Second, I presume that our offer hasn't been shared with the entire BOC, who is a party in this case, and whose members will all be directly affected by continuation of litigation over the next 12-18 months. The entire BOC has the right to know about all settlement offers, like ours below, directed to it as one of the defendant parties to the litigation. The BOC's members should not be excluded from information about these talks because we agreed that we would not go to the press about these discussions. If Hambley is willing to make an offer to settle that involves her resignation as Health Officer, we require before we convey that offer that you will agree to tell the entire BOC about all of her settlement offers, including the one below.

Sarah

From: Sarah Riley Howard

Sent: Wednesday, November 1, 2023 1:20 PM

To: dave@kallmanlegal.com; Steve Kallman <steve@kallmanlegal.com>

Subject: RE: settlement proposal - per MRE 408

Actually, my math below is wrong. Attorney fees/costs after 20 percent discount are actually less than stated below – should be \$82,018.11.

Sarah

From: Sarah Riley Howard
Sent: Wednesday, November 1, 2023 1:14 PM
To: dave@kallmanlegal.com; Steve Kallman <steve@kallmanlegal.com>
Subject: settlement proposal - per MRE 408

Dave and Steve,

Below are the elements of our settlement offer, including the attorney fee number. I've not finished reviewing the entire bill. What I can tell you is that this attorney fee/costs number may get lower if I find other entries that I think it's fair to remove from the final bill, but it won't get higher if settlement is successful.

- *Health Officer Hambley stays in her position.
- *The County pays her attorney fees and costs. However, the County doesn't pay for the cost of the hearing, and receives a 20% discount to pay fees/costs now as part of a settlement. Attorney fees/costs are \$102,522.64 as of October 31, 2023. With 20 percent discount, that becomes \$86,818.11. If we end up with successful settlement, I won't charge further to get a settlement across the finish line. You'll get a copy of the final bill to ensure there are no charges for the hearing.
- *Everyone in Public Health except for Ms. Hambley and Ms. Mansaray gets an extra week of vacation that they must use or lose by December 31, 2024, as a reflection of how stressful the last 10 months have been on them.
- *The County dismisses the charges against Hambley and drops the hearing. The charges are entirely resolved and cannot form the basis of future charges.
- *If the County files any other charges against Hambley before December 31, 2024, the County must first use HR's employment attorney to do an investigation and make it available to Hambley before filing new charges.
- *Everyone maintains their positions about the charges, i.e., no one concedes the other side's position.
- *Hambley releases the litigation case entirely, and releases all of her claims as of date of settlement (including any possible punitive, non-economic, economic, etc.).
- *Deputy Marcia Mansaray agrees to resign effective January 5, 2024, with severance pay and benefits for a year. Deputy health officer position is posted internally and externally through normal HR practices, which means Hambley as health officer has ultimate authority to select, but using a hiring committee to advise. News of Mansaray's resignation as part of the agreement will be announced as soon as settlement is finalized.
- *Hambley may continue to use Sarah Howard as separate legal counsel if needed, but only up to \$1,000 per month unless prior authorization from Doug Van Essen/Insurance Authority. Bill for attorney fees will be submitted monthly to County (if applicable) with enough of a description of work to enable payment.
- *Mutually-acceptable joint statement to be released to the effect of: it is best for the County for everyone to put this matter behind them and for the parties to do their best to work with one another cooperatively going forward.

We look forward to hearing back from you. My cell is always the best to reach me on: 616-901-9140.

Sarah