

Court of Appeals, State of Michigan

ORDER

Adeline Hambley v Ottawa County

Docket No. 365918

LC No. 23-007180-CZ

Mark T. Boonstra
Presiding Judge

Jane E. Markey

Christopher P. Yates
Judges

The motion for immediate consideration is GRANTED.

The motion to strike response to motion for stay is DENIED.

Pursuant to MCR 7.205(E)(2), the Court VACATES the April 19, 2023 order to the extent that it prohibits the Ottawa County Board of Commissioners from taking action allowed by MCL 46.11(n) to remove plaintiff-appellee as the health officer for Ottawa County. Under MCL 46.11(n), a county board of commissioners has authority to remove a health officer in limited circumstances and when certain processes are given. The application for leave to appeal is GRANTED limited to the issues whether the trial court erred in awarding judgment to plaintiff-appellee on her claim for declaratory relief that she was appointed the health officer for Ottawa County by the 2022 Ottawa County Board of Commissioners and whether the trial court erred in granting plaintiff-appellee a preliminary injunction. In all other respects, the application for leave to appeal is denied for failure to persuade the Court of the need for immediate appellate review.

The motion for stay is GRANTED IN PART. Further trial court proceedings are STAYED pending resolution of this appeal or further order of this Court. The motion for stay is DENIED to the extent that defendants-appellants seek a stay of the preliminary injunction.

The motion to expedite is GRANTED. The appellant's brief is due no later than 35 days from the Clerk's certification of this order. The appellee's brief is due no later than 21 days after service of the appellant's brief. No extensions of time will be allowed for filing of the briefs except by order of the Court. The clerk is directed to expedite the submission of this case on the session calendar in accordance with MCR 7.213(C)(7).


Presiding Judge

Yates, J., concurs in the decision to modify the trial court's injunction to permit termination under MCL 46.11(n), but in all other respects would deny the application for leave to appeal because the issues raised in the application do not warrant immediate appellate review.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 6 2023

Date


Chief Clerk