

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity
Date: Wednesday, February 24, 2021 10:53:14 AM
Attachments: [Summons and Verified Complaint 2021-02-24.pdf](#)
[Ex Parte Motion for TRO with Brief in Support and Exhibits 2021-02-24.pdf](#)

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlena's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlena's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlena's continues to operate despite the license suspension and now Marlena's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlena's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

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Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity
Date: Wednesday, February 24, 2021 11:50:28 AM

FYI – MDARD will let us know if they want a release on this one. They haven't in the past but apparently are considering it. Stay tuned!

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Wednesday, February 24, 2021 11:48 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
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Thanks for the update, Eileen.

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Subject: Re: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity
Date: Tuesday, March 2, 2021 1:58:59 AM

Thanks Eileen. Please keep us updated on the outcome.

Dana

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Monday, March 1, 2021 4:53:54 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity

Good afternoon,

This is a follow up to our prior AG-heads-up e-mails regarding MDARD's enforcement activities with Marlena's Bistro and Pizzeria.

Marlena's continues to operate a food establishment despite being personally served with the TRO issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlena's has no plans to close.

We will provide an update following the hearing on Thursday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division

525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, February 26, 2021 8:20 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, February 25, 2021 11:23:09 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Good morning,

To follow up - Judge Stokes issued the requested TRO against Marlena's this morning. A zoom hearing has been set for next Thursday, March 4th.

Meeting ID: [REDACTED]
Password: [REDACTED]

Respectfully,

Eileen C. Whipple

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Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Got it on all. Will check with Jen(n?) Holton to see if she wants any media on this but I doubt it.
Thanks, Eileen!

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Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlena's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlena's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlena's continues to operate despite the license suspension and now Marlena's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlena's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Nessel, Dana \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Subject: Re: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity
Date: Tuesday, March 2, 2021 1:58:59 AM

Thanks Eileen. Please keep us updated on the outcome.

Dana

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Monday, March 1, 2021 4:53:54 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity

Good afternoon,

This is a follow up to our prior AG-heads-up e-mails regarding MDARD's enforcement activities with Marlena's Bistro and Pizzeria.

Marlena's continues to operate a food establishment despite being personally served with the TRO issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlena's has no plans to close.

We will provide an update following the hearing on Thursday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division

525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

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Sent: Friday, February 26, 2021 8:20 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, February 25, 2021 11:23:09 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Good morning,

To follow up - Judge Stokes issued the requested TRO against Marlena's this morning. A zoom hearing has been set for next Thursday, March 4th.

Meeting ID: [REDACTED]
Password: [REDACTED]

Respectfully,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Wednesday, February 24, 2021 11:50 AM

To: Nessel, Dana (AG) <[REDACTED]>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

FYI – MDARD will let us know if they want a release on this one. They haven't in the past but apparently are considering it. Stay tuned!

From: Nessel, Dana (AG) <[REDACTED]>

Sent: Wednesday, February 24, 2021 11:48 AM

To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Thanks for the update, Eileen.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Wednesday, February 24, 2021 11:20:53 AM
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Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

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Environment, Natural Resources,
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525 W. Ottawa Street
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Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Date: Thursday, March 4, 2021 4:21:47 PM

Good afternoon,

Today MDARD had a show cause hearing regarding its request for a preliminary injunction against Marlena's Bistro and Pizzeria .

The firm unsuccessfully sought to have Mr. Rick Martin (not a licensed attorney) represent it before Judge Stokes -- no licensed attorney appeared for the firm. Shortly after the hearing began, Ms. Pavlos Hackney accused the Judge of treason.

Judge Stokes informed Ms. Pavlos Hackney of the requirement to have an attorney present in order to appear, asked if she understood, and asked her if she intended to have a licensed attorney represent the firm. Ms. Hackney replied with "no comment" at which point Judge Stokes asked MDARD to proceed with its argument. Judge Stokes ultimately indicated on the record that she was converting the TRO to a preliminary injunction, fined Ms. Pavlos Hackney \$7,500 for violation of the TRO, found the violations willful, and said a bench warrant would issue for Ms. Pavlos Hackney. The court further indicated that Ms. Pavlos Hackney would remain incarcerated until she came into compliance with the court's orders.

We were told to expect a written order and bench warrant from the court this afternoon.

Local news immediately issued a story: [Bench warrant issued for owner of Marlena's Bistro \(hollandsentinel.com\)](#)

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)

Sent: Thursday, March 4, 2021 1:37 PM

To: 'Nessel, Dana (AG)' <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Importance: High

All:

The hearing in this matter just concluded. Judge Stokes is issuing a bench warrant. A more thorough recap to follow.

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
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and Agriculture Division
525 W. Ottawa Street
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From: Whipple, Eileen (AG)

Sent: Monday, March 1, 2021 4:54 PM

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Marlena's continues to operate a food establishment despite being personally served with the TRO issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlena's has no plans to close.

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Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

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Sent: Thursday, February 25, 2021 11:23:09 AM
To: Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Good morning,

To follow up - Judge Stokes issued the requested TRO against Marlena's this morning. A zoom hearing has been set for next Thursday, March 4th.

Meeting ID: [REDACTED]

Password: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Wednesday, February 24, 2021 11:50 AM
To: Nessel, Dana (AG) <[REDACTED]>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

FYI – MDARD will let us know if they want a release on this one. They haven't in the past but apparently are considering it. Stay tuned!

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Sent: Wednesday, February 24, 2021 11:48 AM
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Subject: Re: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Thanks for the update, Eileen.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Wednesday, February 24, 2021 11:20:53 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Got it on all. Will check with Jen(n?) Holton to see if she wants any media on this but I doubt it. Thanks, Eileen!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Wednesday, February 24, 2021 10:52 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG)

<HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlena's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlena's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlena's continues to operate despite the license suspension and now Marlena's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlena's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Date: Thursday, March 4, 2021 1:37:17 PM
Importance: High

All:

The hearing in this matter just concluded. Judge Stokes is issuing a bench warrant. A more thorough recap to follow.

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Monday, March 1, 2021 4:54 PM
To: 'Nessel, Dana (AG)' <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity

Good afternoon,

This is a follow up to our prior AG-heads-up e-mails regarding MDARD's enforcement activities with Marlena's Bistro and Pizzeria.

Marlena's continues to operate a food establishment despite being personally served with the TRO

issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlenna's has no plans to close.

We will provide an update following the hearing on Thursday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, February 26, 2021 8:20 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, February 25, 2021 11:23:09 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-

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Subject: Re: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

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To: [Whipple, Eileen \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Subject: Re: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Date: Friday, March 5, 2021 6:30:25 PM

Thanks for continuing to keep us updated on this.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 5, 2021 3:58:47 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Good afternoon,

After filing notice with the court this afternoon that MDARD believes Marlena's continues to operate, the court confirmed that a bench warrant was issued yesterday and transmitted to law enforcement today.

I have attached the court's written order from yesterday as well as the notice filed by MDARD today.

According to comments on the firm's Facebook page, a local "Support Marlena" rally is being organized for March 20th.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)

Sent: Thursday, March 4, 2021 4:22 PM

To: 'Nessel, Dana (AG)' <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Good afternoon,

Today MDARD had a show cause hearing regarding its request for a preliminary injunction against Marlena's Bistro and Pizzeria .

The firm unsuccessfully sought to have Mr. Rick Martin (not a licensed attorney) represent it before Judge Stokes -- no licensed attorney appeared for the firm. Shortly after the hearing began, Ms. Pavlos Hackney accused the Judge of treason.

Judge Stokes informed Ms. Pavlos Hackney of the requirement to have an attorney present in order to appear, asked if she understood, and asked her if she intended to have a licensed attorney represent the firm. Ms. Hackney replied with "no comment" at which point Judge Stokes asked MDARD to proceed with its argument. Judge Stokes ultimately indicated on the record that she was converting the TRO to a preliminary injunction, fined Ms. Pavlos Hackney \$7,500 for violation of the TRO, found the violations willful, and said a bench warrant would issue for Ms. Pavlos Hackney. The court further indicated that Ms. Pavlos Hackney would remain incarcerated until she came into compliance with the court's orders.

We were told to expect a written order and bench warrant from the court this afternoon.

Local news immediately issued a story: [Bench warrant issued for owner of Marlena's Bistro \(hollandsentinel.com\)](http://hollandsentinel.com)

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,

and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Thursday, March 4, 2021 1:37 PM
To: 'Nessel, Dana (AG)' <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Importance: High

All:

The hearing in this matter just concluded. Judge Stokes is issuing a bench warrant. A more thorough recap to follow.

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Monday, March 1, 2021 4:54 PM
To: 'Nessel, Dana (AG)' <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan

(AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity

Good afternoon,

This is a follow up to our prior AG-heads-up e-mails regarding MDARD's enforcement activities with Marlena's Bistro and Pizzeria.

Marlena's continues to operate a food establishment despite being personally served with the TRO issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlena's has no plans to close.

We will provide an update following the hearing on Thursday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, February 26, 2021 8:20 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG)

<SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, February 25, 2021 11:23:09 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Good morning,

To follow up - Judge Stokes issued the requested TRO against Marlena's this morning. A zoom hearing has been set for next Thursday, March 4th.

Meeting ID: [REDACTED]

Password: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Wednesday, February 24, 2021 11:50 AM
To: Nessel, Dana (AG) <[REDACTED]>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan

(AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

FYI – MDARD will let us know if they want a release on this one. They haven't in the past but apparently are considering it. Stay tuned!

From: Nessel, Dana (AG) <[REDACTED]>

Sent: Wednesday, February 24, 2021 11:48 AM

To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Thanks for the update, Eileen.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Wednesday, February 24, 2021 11:20:53 AM

To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Got it on all. Will check with Jen(n?) Holton to see if she wants any media on this but I doubt it.
Thanks, Eileen!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Wednesday, February 24, 2021 10:52 AM

To: Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlena's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlena's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlena's continues to operate despite the license suspension and now Marlena's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlena's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Nessel, Dana \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Subject: Re: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Date: Friday, March 5, 2021 6:30:25 PM

Thanks for continuing to keep us updated on this.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 5, 2021 3:58:47 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Good afternoon,

After filing notice with the court this afternoon that MDARD believes Marlena's continues to operate, the court confirmed that a bench warrant was issued yesterday and transmitted to law enforcement today.

I have attached the court's written order from yesterday as well as the notice filed by MDARD today.

According to comments on the firm's Facebook page, a local "Support Marlena" rally is being organized for March 20th.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

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The firm unsuccessfully sought to have Mr. Rick Martin (not a licensed attorney) represent it before Judge Stokes -- no licensed attorney appeared for the firm. Shortly after the hearing began, Ms. Pavlos Hackney accused the Judge of treason.

Judge Stokes informed Ms. Pavlos Hackney of the requirement to have an attorney present in order to appear, asked if she understood, and asked her if she intended to have a licensed attorney represent the firm. Ms. Hackney replied with "no comment" at which point Judge Stokes asked MDARD to proceed with its argument. Judge Stokes ultimately indicated on the record that she was converting the TRO to a preliminary injunction, fined Ms. Pavlos Hackney \$7,500 for violation of the TRO, found the violations willful, and said a bench warrant would issue for Ms. Pavlos Hackney. The court further indicated that Ms. Pavlos Hackney would remain incarcerated until she came into compliance with the court's orders.

We were told to expect a written order and bench warrant from the court this afternoon.

Local news immediately issued a story: [Bench warrant issued for owner of Marlena's Bistro \(hollandsentinel.com\)](http://hollandsentinel.com)

Respectfully,

Eileen C. Whipple
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Michigan Department of Attorney General
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Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Importance: High

All:

The hearing in this matter just concluded. Judge Stokes is issuing a bench warrant. A more thorough recap to follow.

Eileen C. Whipple
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and Agriculture Division
525 W. Ottawa Street
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Sent: Monday, March 1, 2021 4:54 PM
To: 'Nessel, Dana (AG)' <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan

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Subject: RE: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity

Good afternoon,

This is a follow up to our prior AG-heads-up e-mails regarding MDARD's enforcement activities with Marlena's Bistro and Pizzeria.

Marlena's continues to operate a food establishment despite being personally served with the TRO issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlena's has no plans to close.

We will provide an update following the hearing on Thursday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, February 26, 2021 8:20 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG)

<SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, February 25, 2021 11:23:09 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Good morning,

To follow up - Judge Stokes issued the requested TRO against Marlena's this morning. A zoom hearing has been set for next Thursday, March 4th.

Meeting ID: [REDACTED]

Password: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
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525 W. Ottawa Street
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Sent: Wednesday, February 24, 2021 11:50 AM
To: Nessel, Dana (AG) <[REDACTED]>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
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Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

FYI – MDARD will let us know if they want a release on this one. They haven't in the past but apparently are considering it. Stay tuned!

From: Nessel, Dana (AG) <[REDACTED]>

Sent: Wednesday, February 24, 2021 11:48 AM

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Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Thanks for the update, Eileen.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Wednesday, February 24, 2021 11:20:53 AM

To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Got it on all. Will check with Jen(n?) Holton to see if she wants any media on this but I doubt it.
Thanks, Eileen!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Wednesday, February 24, 2021 10:52 AM

To: Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlena's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlena's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlena's continues to operate despite the license suspension and now Marlena's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlena's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity
Date: Friday, March 5, 2021 7:47:15 AM

Thanks for the kind words.

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Thursday, March 4, 2021 7:05 PM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: Re: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Thanks for your good work on this, Eileen. Your statements on the record presented very respectfully, despite a difficult respondent. Extremely impressive.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, March 4, 2021 4:21:44 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Good afternoon,

Today MDARD had a show cause hearing regarding its request for a preliminary injunction against Marlena's Bistro and Pizzeria .

The firm unsuccessfully sought to have Mr. Rick Martin (not a licensed attorney) represent it before Judge Stokes -- no licensed attorney appeared for the firm. Shortly after the hearing began, Ms. Pavlos Hackney accused the Judge of treason.

Judge Stokes informed Ms. Pavlos Hackney of the requirement to have an attorney present in order to appear, asked if she understood, and asked her if she intended to have a licensed attorney represent the firm. Ms. Hackney replied with "no comment" at which point Judge Stokes asked MDARD to proceed with its argument. Judge Stokes ultimately indicated on the record that she was converting the TRO to a preliminary injunction, fined Ms. Pavlos Hackney \$7,500 for violation of the TRO, found the violations willful, and said a bench warrant would issue for Ms. Pavlos Hackney. The court further indicated that Ms. Pavlos Hackney would remain incarcerated until she came into compliance with the court's orders.

We were told to expect a written order and bench warrant from the court this afternoon.

Local news immediately issued a story: [Bench warrant issued for owner of Marlena's Bistro \(hollandsentinel.com\)](http://hollandsentinel.com)

Respectfully,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)

Sent: Thursday, March 4, 2021 1:37 PM

To: 'Nessel, Dana (AG)' <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Subject: RE: AG-Heads-Up-Bench Warrant Marlena's Bistro- MDARD Enforcement Activity

Importance: High

All:

The hearing in this matter just concluded. Judge Stokes is issuing a bench warrant. A more thorough recap to follow.

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)

Sent: Monday, March 1, 2021 4:54 PM

To: 'Nessel, Dana (AG)' [REDACTED] >

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Subject: RE: AG-Heads-Up-Marlena's Bistro-1st Motion for Contempt Filed- MDARD Enforcement Activity

Good afternoon,

This is a follow up to our prior AG-heads-up e-mails regarding MDARD's enforcement activities with Marlena's Bistro and Pizzeria.

Marlena's continues to operate a food establishment despite being personally served with the TRO issued by Judge Stokes. Therefore, this afternoon, MDARD filed the attached motion for contempt and brief in support. A recent post on the firm Facebook page indicates that despite the TRO, and despite recently issued MDHHS fines, Marlena's has no plans to close.

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Subject: Re: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Thanks Eileen.

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Subject: RE: AG-Heads-Up-Marlena's Bistro-TRO Issued- MDARD Enforcement Activity

Good morning,

To follow up - Judge Stokes issued the requested TRO against Marlena's this morning. A zoom hearing has been set for next Thursday, March 4th.

Meeting ID: [REDACTED]

Password: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
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Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

FYI – MDARD will let us know if they want a release on this one. They haven't in the past but apparently are considering it. Stay tuned!

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Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Thanks for the update, Eileen.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Wednesday, February 24, 2021 11:20:53 AM

To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Got it on all. Will check with Jen(n?) Holton to see if she wants any media on this but I doubt it.
Thanks, Eileen!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Wednesday, February 24, 2021 10:52 AM

To: Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlina's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlina's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlina's continues to operate despite the license suspension and now Marlina's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlina's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Witters, Emily \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Booth, Joshua O. \(AG\)](#); [Bruinsma, Cheri \(PACC\)](#); [Selleck, James \(AG\)](#); [Seppala, Mary Beth \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Barron, Katharyn \(AG\)](#); [McGehee, Donald \(AG\)](#); [Cezil, Veneshia \(AG\)](#); [Meingast, Heather \(AG\)](#); [Robinson, Ron \(AG\)](#); [Bartindale, Margaret \(AG\)](#); [Long, James \(AG\)](#); [Fabus, Thomas \(AG\)](#); [Hagaman-Clark, Danielle \(AG\)](#); [Geminick, Lisa \(AG\)](#); [Reichel, Robert \(AG\)](#); [Jason, Molly \(AG\)](#); [Teter, Scott \(AG\)](#); [Tanay, David \(AG\)](#); [Harris, Toni \(AG\)](#); [Taylor, Debbie \(AG\)](#); [Brya, Michelle \(AG\)](#); [Hughey, Steven \(AG\)](#); [Morton, Bradley \(AG\)](#); [Moody, Michael \(AG\)](#); [McGivney, Jessica \(AG\)](#); [Gleeson, Kathleen \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Allen, Christopher \(AG\)](#); [Jenson, Melissa \(AG\)](#); [Frankel, Robyn \(AG\)](#); [Restuccia, Eric \(AG\)](#); [Canfield, Chad \(AG\)](#); [Covington, Courtney \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Harps, Kimberly \(AG\)](#); [Grace, Stephanie \(AG\)](#); [Witters, Emily \(AG\)](#); [McCann, Amber \(AG\)](#); [Albers, Mitchell \(AG\)](#)
Subject: Media Clips 3/6/2021 - 3/8/2021
Date: Monday, March 8, 2021 9:03:02 AM

Hello Team –

Today’s media clips report includes stories that mention our cases and/or quote our staff.

We do our best to catch errors in reporting but if you notice a reporter has made a factual error, please reach out to [Courtney](#) or [Ryan](#) so they may address the error with the reporter. We encourage you to share these on your social media platforms.

Thank you,
Emily Witters
Michigan Department of Attorney General
Office of Public Information and Education
517-335-7663 – Direct
WittersE@michigan.gov

-

*** Media Clips 3/6/2021 - 3/8/2021 ***

Michigan Attorney General Dana Nessel’s Facebook page – Check it out daily for up-to-date information!!!

- <https://www.facebook.com/MIAttorneyGeneral/>

Frank J. Kelley (Former Michigan Attorney General from 1961 to 1999) (Passed – March 5, 2021)

- <https://www.detroitnews.com/story/obituaries/2021/03/06/frank-kelley-michigans-eternal-general-dies-96/4303222001/>
- <https://www.mlive.com/news/2021/03/michigans-longest-serving-attorney-general-frank-kelley-dies-at-96.html>
- <https://www.wxyz.com/news/frank-kelley-michigan-attorney-general-for-37-years-dies>
- <https://www.wlns.com/news/michigan/michigan-eternal-general-frank-kelley-dies-at-96/>
- <https://www.radio.com/wwjnewsradio/news/local/former-attorney-general-frank-kelley-dies-at-96>
- <https://www.michiganadvance.com/2021/03/06/frank-kelley-the-nations-longest-serving-attorney-general-dies-at-96/>
- <https://www.wzzm13.com/article/news/ag-nessel-issues-statement-on-passing-of->

- [former-ag-frank-kelley/69-9aec2c8c-e5b9-4e0e-94c7-9d2e43e70110](https://www.freep.com/story/news/local/michigan/2021/03/06/michigan-attorney-general-frank-kelley-dies/4609898001/)
- <https://www.freep.com/story/news/local/michigan/2021/03/06/michigan-attorney-general-frank-kelley-dies/4609898001/>
 - <https://www.wilx.com/2021/03/06/dana-nessel-releases-statement-on-passing-of-frank-kelley/>
 - <https://www.radio.com/wwjnewsradio/news/local/flags-to-fly-at-half-staff-in-honor-of-frank-kelley>
 - <https://www.fox17online.com/news/local-news/michigan/governor-orders-flags-at-half-staff-in-honor-of-former-ag-frank-j-kelley>
 - <https://www.miheadlines.com/2021/03/06/former-michigan-attorney-general-frank-j-kelley-has-died/>
 - <https://www.mlive.com/politics/2021/03/how-people-are-remembering-former-attorney-general-frank-kelley-the-eternal-general.html>
 - <https://www.freep.com/story/news/local/michigan/2021/03/06/reactions-former-state-attorney-general-frank-kelley-passing/4616441001/>
 - <https://wbckfm.com/flags-lowered-for-former-michigan-attorney-general-frank-kelley/>
 - <https://www.9and10news.com/2021/03/07/lawmakers-remember-michigans-eternal-general-frank-kelley/>

COVID-19 – Marlena’s Bistro and Pizzeria (Bench Warrant issued after Holland Restaurant Owner ignored State Shutdown)

- <https://www.woodtv.com/news/allegan-county/ag-holland-restaurant-owner-who-flouted-dine-in-ban-disregarded-the-law/>

COVID-19 – Vaccine (Scam Alert – Tips)

- <https://thesuntimesnews.com/g/chelsea-mi/n/24811/ag-nessel-echoes-ftcs-tips-things-watch-covid-19-vaccine-scams>
- <https://www.miningjournal.net/news/front-page-news/2021/03/jury-trials-to-resume-in-may-super-spreader-event-details-outlined-by-mchd-officials/>
- <https://www.wilx.com/2021/03/06/ag-nessel-warns-against-vaccine-scams/>
- <https://www.wlns.com/news/michigan-attorney-general-weighs-in-on-how-to-avoid-covid-19-vaccine-scams/>
- <https://www.woodtv.com/news/michigan/ag-dont-be-fooled-by-scammers-promising-a-covid-19-vaccine/>
- <https://www.clickondetroit.com/news/local/2021/03/07/michigan-attorney-general-dana-nessel-warns-residents-of-covid-19-vaccine-scams/>
- <https://www.wlns.com/news/local-news/ag-dont-be-fooled-by-scammers-promising-a-covid-19-vaccine/>

Ann Arbor Hash Bash (Digital Format to Celebrate 50th Year on April 3, 2021)

- https://www.einnews.com/pr_news/536496742/hash-bash-returns-in-digital-format-to-celebrate-50-th-year

Associated Community Services (ACS) (and several related defendants) (Massive

Michigan Charity Fraud and Robocalling Operation – Shutdown)

- <https://www.9and10news.com/2021/03/07/attorney-generals-office-working-to-stop-scam-phone-calls/>

Enbridge (Line 5 Pipeline)

- https://www.americanthinker.com/blog/2021/03/michigans_gretchen_whitmer_sticks_a_finger_in_canadas_eye.html
- <https://www.michiganadvance.com/2021/03/07/tribes-worry-line-5-tunnel-construction-could-bring-sex-trafficking-violence-to-native-communities/>

Michael Clune (Houghton Lake Man Pleads Guilty to Child Sex Crime Charges)

- <https://upnorthlive.com/news/local/man-pleads-guilty-to-child-sex-crimes-downstate-has-similar-crimes-in-northern-michigan>
- https://www.themorningsun.com/news/copscourts/longtime-child-rapist-still-facing-clare-charges-admits-to-other-charges/article_bd049f7e-7dce-11eb-93f6-ff687649face.html
- <https://www.abc12.com/2021/03/05/50-year-old-pleads-guilty-to-sexually-assaulting-12-year-old-in-shiawassee-county/>
- https://www.wnem.com/news/houghton-lake-man-pleads-guilty-to-sexually-assaulting-child/article_ceb0b54c-7ddc-11eb-a4f2-efaf56f53705.html
- <https://www.detroitnews.com/story/news/local/michigan/2021/03/05/houghton-lake-man-accused-sex-assault-boy-12-pleads-guilty/4594836001/>

U.S. Supreme Court (Support of the Right of Foreign Nationals Living in the United States under a Temporary Protected Status (TPS))

- <https://nbc25news.com/news/local/ag-nessel-joins-coalition-supporting-the-rights-of-temporary-protected-status-holders>

From: [Nessel, Dana \(AG\)](#)
To: [Grossi, Christina \(AG\)](#); [Manning, Peter \(AG\)](#)
Subject: Re: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt
Date: Thursday, March 11, 2021 3:48:15 PM
Attachments: [image001.png](#)

Please proceed as we would any other warrant.

From: Grossi, Christina (AG) <GrossiC@michigan.gov>
Sent: Thursday, March 11, 2021 3:42:45 PM
To: Manning, Peter (AG) <ManningP@michigan.gov>
Cc: Nessel, Dana (AG) <[REDACTED]>
Subject: RE: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

Go ahead and move forward. I have copied the AG so she is aware but I don't think she will care. A warrant has been issued – I don't know why we would treat this person any different than anyone else.

From: Manning, Peter (AG) <ManningP@michigan.gov>
Sent: Thursday, March 11, 2021 3:39 PM
To: Grossi, Christina (AG) <GrossiC@michigan.gov>
Subject: FW: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

I think we should tell MSP that we authorize executing the bench warrant. What is the point of bringing these cases if we aren't going to follow through. The judge believed it was appropriate to issue a warrant and the owner is still operating the restaurant in violation of her orders. Let me know if you have any concerns or think the AG needs to be involved. Otherwise, I will let Danielle know they should tell MSP we think execution is appropriate.

From: Totten, Mark <[REDACTED]>
Sent: Thursday, March 11, 2021 3:28 PM
To: Manning, Peter (AG) <ManningP@michigan.gov>; Mariani, Phil <[REDACTED]>; Kolodin, Zach <[REDACTED]>; Martinez, Maria <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Long, James (AG) <LongJ@michigan.gov>
Subject: RE: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

Thanks, Peter. Is there really any discretion here given Judge Stoke's order? Just trying to understand.

I think regardless of the answer, the governor's office would not want to be involved in an enforcement decision whether to arrest an individual, although I appreciate you making us aware here.

Best, Mark

Mark Totten

Chief Legal Counsel
Office of the Governor, State of Michigan
George W. Romney Building
111 S. Capitol Avenue
Lansing, Michigan 48909

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From: Manning, Peter (AG) <ManningP@michigan.gov>

Sent: Thursday, March 11, 2021 12:32 PM

To: Totten, Mark <[REDACTED]>; Mariani, Phil <[REDACTED]>; Kolodin, Zach <[REDACTED]>; Martinez, Maria <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Long, James (AG) <LongJ@michigan.gov>

Subject: FW: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

Importance: High

Mark, et al,

As you can see from the email chain below, MDARD requested that MSP execute the bench warrant issued by Judge Stokes against the owner of Marlina's Bistro and Pizzeria in Holland. MSP is authorized to serve and execute criminal and civil process under MCL 28.6. The relevant provision is:

(2) Any member of the department may serve and execute all criminal and civil process, when directed to do so by the governor or the attorney

general, in actions and matters in which the state is a party. The commissioner and the department are under the immediate control and direction of the governor, and any member of the department may be employed by the attorney general in any investigation or matter under the jurisdiction of his or her department.

Our office can authorize it, and my view is we should follow through to support the Judge's effort to get compliance with orders we requested on behalf of MDARD in this case. But I wanted to make sure you didn't have any issues or concerns.

Peter

From: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Sent: Thursday, March 11, 2021 10:42 AM
To: Manning, Peter (AG) <ManningP@michigan.gov>
Cc: Reichel, Robert (AG) <ReichelB@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>
Subject: FW: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt
Importance: High

Peter,

Some quick background here, MDARD reached out to MSP to request that the bench warrant be executed. Brad spoke with the State Police Post. Eileen received this email a short time ago. Can we respond that the our office is asking that the warrant be executed? I can set up a call if you want to talk it through.

Thanks~
Danielle

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Thursday, March 11, 2021 10:34 AM
To: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: FW: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt
Importance: High

From: Beatty, Steven (MSP) <BeattyS@michigan.gov>
Sent: Thursday, March 11, 2021 10:30 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>

Subject: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

Importance: High

Good Morning,

I am an attorney within the Executive Operations Bureau of the Michigan State Police. I was advised that we were requested by MDARD to attempt to execute the arrest warrant for Marlena Pavlos-Hackney in the matter in which you are representing the state on behalf of MDARD. In reviewing the publicly available information (Youtube [video](#), Holland Sentinel [article](#), [article](#)) it appears this arrest warrant is for civil contempt arising out of a civil licensing proceeding.

You should know that under [MCL 28.6](#) and MSP Official Orders, MSP enforcement members are generally prohibited from serving process in civil matters unless the state is a party to the action (which MDARD clearly is) and we are directed to do so by the Governor or the Attorney General. While I think know the direction you are likely to provide, could you please confirm that the Office of the Attorney General is directing us to assist in the execution of this arrest warrant in this MDARD civil matter. A prompt email response would be sufficient or you can call me on my cellphone at [REDACTED] if you need any additional information.

Thanks!

Steven G. Beatty

Transparency and Accountability Division
Michigan State Police
P. O. Box 30634
Lansing, MI 48909
DESK: 517-284-3236
[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: [Manning, Peter \(AG\)](#)
To: [Grossi, Christina \(AG\)](#)
Cc: [Nessel, Dana \(AG\)](#)
Subject: RE: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt
Date: Thursday, March 11, 2021 3:55:23 PM
Attachments: [image001.png](#)

Agree. Thanks.

From: Grossi, Christina (AG) <GrossiC@michigan.gov>
Sent: Thursday, March 11, 2021 3:43 PM
To: Manning, Peter (AG) <ManningP@michigan.gov>
Cc: Nessel, Dana (AG) <[REDACTED]>
Subject: RE: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

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Mark Totten

Chief Legal Counsel
Office of the Governor, State of Michigan
George W. Romney Building
111 S. Capitol Avenue
Lansing, Michigan 48909

[REDACTED]
[REDACTED]

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Subject: FW: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt

Importance: High

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Sent: Thursday, March 11, 2021 10:34 AM
To: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: FW: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit Court, Ingham County) - Civil Contempt
Importance: High

From: Beatty, Steven (MSP) <BeattyS@michigan.gov>
Sent: Thursday, March 11, 2021 10:30 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>
Subject: MDARD Assist - Arrest Warrant - MDARD v Zante Inc (Case No. 21-000113-CZ, 30th Circuit

Court, Ingham County) - Civil Contempt

Importance: High

Good Morning,

I am an attorney within the Executive Operations Bureau of the Michigan State Police. I was advised that we were requested by MDARD to attempt to execute the arrest warrant for Marlena Pavlos-Hackney in the matter in which you are representing the state on behalf of MDARD. In reviewing the publicly available information (Youtube [video](#), Holland Sentinel [article](#), [article](#)) it appears this arrest warrant is for civil contempt arising out of a civil licensing proceeding.

You should know that under [MCL 28.6](#) and MSP Official Orders, MSP enforcement members are generally prohibited from serving process in civil matters unless the state is a party to the action (which MDARD clearly is) and we are directed to do so by the Governor or the Attorney General. While I think know the direction you are likely to provide, could you please confirm that the Office of the Attorney General is directing us to assist in the execution of this arrest warrant in this MDARD civil matter. A prompt email response would be sufficient or you can call me on my cellphone at [REDACTED] if you need any additional information.

Thanks!

Steven G. Beatty

Transparency and Accountability Division

Michigan State Police

P. O. Box 30634

Lansing, MI 48909

DESK: 517-284-3236

[REDACTED]

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"



From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: AG-Heads-Up: Marlena"s to Appear on Fox News with Tucker Carlson Tonight 8 p.m.
Date: Friday, March 12, 2021 3:34:43 PM

Good afternoon,

We have just become aware via a Facebook post that the owner of Marlena's Bistro and Pizzeria will be appearing this evening on Fox News with Tucker Carlson at 8 p.m. She indicates they will be discussing her situation and "the extreme oppression of freedom in Michigan." She will apparently be joined by Mr. Martin, the unlicensed individual she is referring to as her legal counselor. The establishment also indicated in a separate post that MSP asked her to voluntarily turn herself in by next Thursday--a request she reportedly declined. As far as MDARD or local health is aware, she continues to operate a food service establishment.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: Re: AG-Heads-Up: (Postponed until Monday) Marlena's to Appear on Fox News with Tucker Carlson
Date: Friday, March 12, 2021 8:00:00 PM

Good evening,

According to another Facebook post by the establishment, the interview has been postponed until Monday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, March 12, 2021 5:49 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

Thanks Eileen and Kelly.

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Subject: RE: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

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Subject: Re: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

Should I be prepared to respond to this? I hope she gets the full 93 days for this. (Is that the max for civil contempt or just criminal contempt?)

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Sent: Friday, March 12, 2021 3:36:52 PM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG)

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Subject: RE: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

15 minutes of fame

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

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To: Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

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Subject: Re: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.
Date: Friday, March 12, 2021 5:49:02 PM

Thanks Eileen and Kelly.

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15 minutes of fame

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MSP has all of the information that MDARD has on Marlena's whereabouts as well as information on her social media activity and groups or individuals that may be present and actively provide support to Marlena during an attempted arrest.

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Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore,

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Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

15 minutes of fame

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 12, 2021 3:35 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

Good afternoon,

We have just become aware via a Facebook post that the owner of Marlena's Bistro and Pizzeria will be appearing this evening on Fox News with Tucker Carlson at 8 p.m. She indicates they will be discussing her situation and "the extreme oppression of freedom in Michigan." She will apparently be joined by Mr. Martin, the unlicensed individual she is referring to as her legal counselor. The establishment also indicated in a separate post that MSP asked her to voluntarily turn herself in by next Thursday--a request she reportedly declined. As far as MDARD or local health is aware, she continues to operate a food service establishment.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Nessel, Dana \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: Re: AG-Heads-Up: (Postponed until Monday) Marlena's to Appear on Fox News with Tucker Carlson
Date: Friday, March 12, 2021 8:02:27 PM

Thanks Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 12, 2021 7:59:56 PM
To: Nessel, Dana (AG) <[REDACTED]>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG-Heads-Up: (Postponed until Monday) Marlena's to Appear on Fox News with Tucker Carlson

Good evening,

According to another Facebook post by the establishment, the interview has been postponed until Monday.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>

Sent: Friday, March 12, 2021 5:49 PM

To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

Thanks Eileen and Kelly.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Friday, March 12, 2021 4:01:31 PM

To: Nessel, Dana (AG) <[REDACTED]>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

MDARD has handled all the media on this one for the most part.

From: Nessel, Dana (AG) <[REDACTED]>

Sent: Friday, March 12, 2021 3:40 PM

To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG)

<KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

Should I be prepared to respond to this? I hope she gets the full 93 days for this. (Is that the max for civil contempt or just criminal contempt?)

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Friday, March 12, 2021 3:36:52 PM

To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG)

<HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>;

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Subject: RE: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

15 minutes of fame

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Friday, March 12, 2021 3:35 PM

To: Nessel, Dana (AG) <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG)

<HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

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Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: AG-Heads-Up: Marlena's Segment Aired Last Night
Date: Thursday, March 18, 2021 9:06:52 AM

Good morning,

Fox News aired a short pre-taped interview with the owner of Marlena's Bistro and Pizzeria at the end of the Tucker Carlson show last night. The establishment's Facebook page previously indicated that the show had chosen not to run the story, without explanation.

The establishment has a GoFundMe that has raised over \$29,000. While it awaits execution of the warrant, MDARD is considering what, if any, additional steps can or should be taken to support its enforcement activities.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Friday, March 12, 2021 3:35 PM
To: 'Nessel, Dana (AG)' <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG-Heads-Up: Marlena's to Appear on Fox News with Tucker Carlson Tonight 8 p.m.

Good afternoon,

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Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Covington, Courtney \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Rossman-McKinney, Kelly \(AG\)](#); [McCann, Amber \(AG\)](#); [Slewo, Ashourina \(AG\)](#); [Edgerson, Mia \(AG\)](#)
Subject: Quote Approval 1/4: AG Nessel Announces Arrest of COVID-Defiant Holland Restaurant Owner
Date: Thursday, March 18, 2021 3:11:37 PM
Attachments: [image001.png](#)
Importance: High


Dana,

Here is the first of many quote approvals.

This is announcing the arrest of Marlena Pavlos-Hackney, owner of Marlena's Bistro and Pizzeria in Holland. Pavlos-Hackney has continued to willfully violate the state's food laws, public health orders and a court-ordered Temporary Restraining Order.

"This owner has continued to willfully violate the state's food laws, public health orders and the order of the court – a dangerous act that may have exposed dozens of diners and employees to the virus following the discovery that one of Marlena's customers tested positive for the virus within two days of eating there," said Nessel "MDARD is particularly concerned because the potential exposure happened at a restaurant that refuses to comply with basic COVID-19 measures required by the Michigan Department of Health & Human Services."

 [The release draft is linked here.](#)

Courtney Covington Watkins
External Affairs
Office of Public Information and Education
Michigan Department of Attorney General Dana Nessel
covingtonc2@michigan.gov
517-335-0098 office


From: [Nessel, Dana \(AG\)](#)
To: [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#)
Cc: [McCann, Amber \(AG\)](#); [Slewo, Ashourina \(AG\)](#); [Edgerson, Mia \(AG\)](#)
Subject: Re: Quote Approval 1/4: AG Nessel Announces Arrest of COVID-Defiant Holland Restaurant Owner
Date: Thursday, March 18, 2021 5:55:16 PM
Attachments: [image001.png](#)

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Thursday, March 18, 2021 4:11:31 PM
To: Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>
Cc: McCann, Amber (AG) <McCannA@michigan.gov>; Slewo, Ashourina (AG) <SlewoA@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>
Subject: RE: Quote Approval 1/4: AG Nessel Announces Arrest of COVID-Defiant Holland Restaurant Owner

This release will go out the minute we are told she has been taken into custody.

From: Covington, Courtney (AG) <CovingtonC2@michigan.gov>
Sent: Thursday, March 18, 2021 3:12 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Slewo, Ashourina (AG) <SlewoA@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>
Subject: Quote Approval 1/4: AG Nessel Announces Arrest of COVID-Defiant Holland Restaurant Owner
Importance: High

Dana,


Here is the first of many quote approvals.

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“This owner has continued to willfully violate the state’s food laws, public health orders and the order of the court – a dangerous act that may have exposed dozens of diners and employees to the virus following the discovery that one of Marlena’s customers tested positive for the virus within two days of eating there,” said Nessel **“MDARD is particularly concerned because the potential exposure happened at a restaurant that refuses to comply with basic COVID-19 measures**

required by the Michigan Department of Health & Human Services.”

 [The release draft is linked here.](#)

Courtney Covington Watkins
External Affairs
Office of Public Information and Education
Michigan Department of Attorney General Dana Nessel
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From: [Whipple, Eileen \(AG\)](#)
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Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC
Date: Friday, March 19, 2021 2:55:04 PM

Good Afternoon:

The hearing in the Marlena's matter just concluded. Marlena is being held in contempt until she pays the fine and the Court is satisfied that she will close and remain closed. We are drafting an order to that effect.

At the start of the hearing Judge Aquilina ordered Mr. Martin into custody for criminal contempt for the unauthorized practice of law. She indicated he would be entitled to a hearing.

Mr. Robert Baker filed an appearance and represented Ms. Pavlos-Hackney at the hearing. After speaking with his client, he indicated that she would be shut down and pay the fine today. The Judge indicated that she was not convinced Marlena's would stay closed and would not release her until she demonstrated compliance over multiple days. If she were to be released and then re-open, a new bench warrant would issue. MDARD is currently working on a plan to safely check on operations at the establishment over the next few days.

Protests are occurring outside the courthouse. AAG Danielle Allison-Yokom appeared for MDARD and has indicated they are taking measures to ensure she is able to leave the building safely. Danielle was also heckled by individuals in the courtroom prior to the start of the hearing including one person who asked her how she can sleep at night.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Michigan Department of Attorney General](#)
To: [Nessel Dana \(AG\)](#)
Subject: AG Nessel Announces Arrest of COVID-Defiant Holland Restaurant Owner
Date: Friday, March 19, 2021 8:23:04 AM

Attorney General Dana Nessel



Media Contact:

[Kelly Rossman-McKinney](#)
(c) 517-512-9342

FOR IMMEDIATE RELEASE:

Friday, March 19, 2021

AG Nessel Announces Arrest of COVID-Defiant Holland Restaurant Owner

LANSING – Michigan Attorney General Dana Nessel announced the arrest today of Marlena Pavlos-Hackney, the owner of Marlena’s Bistro and Pizzeria in Holland. Pavlos-Hackney has continued to willfully violate the state’s food laws, public health orders and a court-ordered Temporary Restraining Order which was converted into a Preliminary Injunction.

Pavlos-Hackney, 55, Holland, was taken into custody by the Michigan State Police (MSP) today at 5:45 a.m. on an outstanding Ingham County Civil Warrant for Contempt of Court, for failing to comply in a civil case filed by the Michigan Department of Agriculture and Rural Development (MDARD v. Zante Inc., dba Marlena’s Bistro and Pizzeria). She was arrested, without incident, following a traffic stop on Lakewood Blvd and 160th in Ottawa County.

MDARD suspended Marlena’s food establishment license on January 20, 2021. The restaurant has been operating without a license since then – in violation of the Michigan Food Law. An administrative hearing was held on February 1 to determine if the suspension was proper and on February 11 the Administrative Law Judge issued a decision and an order continuing the summary suspension of Marlena’s food license.

“This owner has continued to willfully violate the state’s food laws, public health orders and the order of the court – a dangerous act that may have exposed dozens of diners and employees to the virus following the discovery that one of Marlena’s customers tested positive for the virus within two days of eating there,” said Nessel “MDARD is particularly concerned because the potential exposure happened at a restaurant that refuses to comply with basic COVID-19 measures required by the Michigan Department of Health & Human Services.”

The Allegan County Health Department issued a news release notifying the public about their potential exposure to COVID-19.

Pavlos-Hackney was advised by MSP via phone on March 11 that a warrant had been issued for her arrest and she was advised to turn herself in by March 18; she failed to do so.

Pavlos-Hackney was observed driving and a traffic stop was initiated, at which time she was positively identified and arrested without incident. She was transported and is now lodged at the Ingham County Jail while awaiting court proceedings.

###

Please note: A charge is merely an allegation and the defendant is presumed innocent unless and until proven guilty. The Attorney General’s office does not provide booking photos; however, one may be available upon request via email from the [Michigan State Police](#).



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This email was sent to [REDACTED] using GovDelivery Communications Cloud on behalf of: Michigan Attorney General G. Mennen Williams Building, 7th Floor 525 W. Ottawa St., P.O. Box 30212 Lansing, MI 48909 517-373-1100

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Whipple, Eileen \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#)
Subject: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 8:22:46 AM

The owner of Marlena's Pizzeria was arrested earlier this morning without incident in Holland and is being transported to Ingham County Jail. Our release is on its way out. The woman was charged with contempt of court – failed to comply with COVID-19 requirements. You should see the release in a sec

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Albers, Mitchell \(AG\)](#); [McCann, Amber \(AG\)](#); [Covington, Courtney \(AG\)](#); [Slewo, Ashourina \(AG\)](#); [Whipple, Eileen \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#)
Subject: FW: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 10:20:11 AM

Here's the meeting ID. Not sure about link tho so cc'ing the attorneys.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 10:16 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

Zoom information for the hearing is:

Meeting ID: [REDACTED]

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 10:15 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: FW: Arrest of Holland Restaurant Owner Made

Will you please send me the link so I can share it with the AG and whatever reporters ask for it?
Thanks.

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, March 19, 2021 10:13 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hagaman-Clark, Danielle (AG) <HagamanClarkD@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Albers, Mitchell (AG) <AlbersM1@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Slewo, Ashourina (AG) <SlewoA@michigan.gov>
Subject: Re: Arrest of Holland Restaurant Owner Made

Is there a link to this? I'd like to watch it.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 10:11:54 AM
To: Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hagaman-Clark, Danielle (AG) <HagamanClarkD@michigan.gov>; VanDeventer, John (AG)

<VandeventerJ@michigan.gov>

Cc: Albers, Mitchell (AG) <AlbersM1@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Slewo, Ashourina (AG) <SlewoA@michigan.gov>

Subject: FW: Arrest of Holland Restaurant Owner Made

FYI

From: Holton, Jennifer (MDARD) <holtonj@michigan.gov>

Sent: Friday, March 19, 2021 10:04 AM

To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Banner, Shanon (MSP) <BannerS@michigan.gov>

Cc: Robinson, Duwayne (MSP) <RobinsonD14@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Subject: RE: Arrest of Holland Restaurant Owner Made

Heads up. Twitter states rally starting outside of Ingham Co. jail.

Rally at capitol: <https://twitter.com/PolarBarrett/status/1372889328364490753>

<https://twitter.com/CSlam2103/status/1372857054633848834>

https://twitter.com/Happy_Hunter58/status/1372880640442564608

<https://twitter.com/JefBrads/status/1372351871583723520>

<https://twitter.com/JudiDouglas4/status/1371088392432275459>

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Friday, March 19, 2021 9:41 AM

To: Banner, Shanon (MSP) <BannerS@michigan.gov>

Cc: Holton, Jennifer (MDARD) <holtonj@michigan.gov>; Robinson, Duwayne (MSP) <RobinsonD14@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>

Subject: RE: Arrest of Holland Restaurant Owner Made

You bet!!! Cc'ing Eileen on this for the zoom link info.

From: Banner, Shanon (MSP) <BannerS@michigan.gov>

Sent: Friday, March 19, 2021 9:39 AM

To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Cc: Holton, Jennifer (MDARD) <holtonj@michigan.gov>; Robinson, Duwayne (MSP) <RobinsonD14@michigan.gov>

Subject: RE: Arrest of Holland Restaurant Owner Made

Thanks Kelly. Ingham County Jail has asked that we not provide the arrest photo until she is arraigned (which is consistent with our procedures too). If you can share the Zoom link when you receive it, I would appreciate it so that I can confirm that arraignment occurs. Thanks!!

From: Rossman-McKinney, Kelly (AG)
Sent: Friday, March 19, 2021 9:37 AM
To: Holton, Jennifer (MDARD) <holtonj@michigan.gov>; Banner, Shanon (MSP) <BannerS@michigan.gov>; Brown, Tiffany <BrownT56@michigan.gov>; Leddy, Robert <LeddyR@michigan.gov>
Subject: FW: Arrest of Holland Restaurant Owner Made

FYI – Owner will be before Judge Aquilina today at 1 PM at the Ingham County Courthouse in Lansing.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 9:35 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

Just heard from the clerk it was moved to 1 p.m. I will provide the zoom information as soon as we receive it.

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Sent: Friday, March 19, 2021 9:33 AM
To: Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
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She goes before Judge Aquilina at 2 PM today. Should be interesting. (Even Beth LeBlanc said that!)

From: Rossman-McKinney, Kelly (AG)
Sent: Friday, March 19, 2021 8:23 AM
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Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
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Cc: [Albers, Mitchell \(AG\)](#); [McCann, Amber \(AG\)](#); [Covington, Courtney \(AG\)](#); [Slewo, Ashourina \(AG\)](#)
Subject: FW: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 10:11:59 AM

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Sent: Friday, March 19, 2021 10:04 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Banner, Shanon (MSP) <BannerS@michigan.gov>
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Cc: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

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Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
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Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
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From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#)
Subject: FW: Comms Voicemails – Friday, March 19, 2021 at 4:30 pm
Date: Friday, March 19, 2021 4:55:15 PM

FYI – Lots of “Free Marlana calls and emails. Just sending you a sample from the latest batch of emails that came in through the coms line. (This doesn’t count what has come in over the main AG line and AG email.)

From: Grace, Stephanie (AG) <GraceS@michigan.gov>
Sent: Friday, March 19, 2021 4:34 PM
To: Harps, Kimberly (AG) <HarpsK@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>
Cc: Witters, Emily (AG) <WittersE@michigan.gov>
Subject: Comms Voicemails – Friday, March 19, 2021 at 4:30 pm

Comms Voicemails – Friday, March 19, 2021 at 4:30 pm

COUNT	DATE	TIME	NAME	PHONE	COMMENTS
1	3/19	3:48 pm	[REDACTED]	[REDACTED]	Attorney General Dana Nessel works for me, for us in Michigan. I cannot believe she arrested the poor Marlana in Holland. I cannot believe she is doing this. This is Tierney --- feel free to give me a call – I demand she be released immediately. Call me I am a tax payer, paying your salary. COMMENT
2	3/19	3:31 pm	[REDACTED]	[REDACTED]	I do not approve of the waste of Tax payer dollars that went into the prosecution and arrest of restaurant owner Marlana. Please consider reversing your actions. Thank you. COMMENT
3	3/19	2:16 pm	No Name	No Number	Expressing my concern regarding the recent arrest of Marlana. I do not support this, she is just trying to support her family and her

					<p>employees. You have no business in arresting these people. I don't think our taxes should be going to arrest good citizens who are just trying to take care of their business, their family and employees.</p> <p>COMMENT</p>
4	3/19	1:31 pm	No Name	No Number	<p>We the people and the patriots of this country and this state demand that you release Marlena from Marlena's Bistro. Rescind the order, it is time, get it done.</p> <p>COMMENT</p>
5	3/19	1:22	[REDACTED]	[REDACTED]	<p>From Traverse City calling to let you know that for you to put tax dollars into arresting Marlena at her Bistro is a ridiculous use of resources and our tax dollar. You have got to come up with a better plan. You are giving our state a very black eye for no good reason. You have bad data and you are acting on it in a bad way. I think you are wrong on the science and on the management of Covid. I don't know what you are possibly thinking other than you are just trying to make trouble.</p> <p>COMMENT</p>
6	3/19	1:08 pm	[REDACTED]	[REDACTED]	<p>Requesting that Marlena be set free. Thank you for your time but please do the right thing. I am asking that our tax dollars go towards constitutional fundamentals.</p> <p>COMMENT</p>

Stephanie

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC
Date: Friday, March 19, 2021 4:53:55 PM

What a great email, Dana – absolutely terrific!!!!

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, March 19, 2021 4:50 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Thanks so much to each of you. For every heckler in the courtroom today, there were tens of thousands of Michiganders applauding your work to keep our state residents safe and healthy. I could not be more proud or more grateful for the good work of each of you. Now try to have a relaxing weekend! (That's an order!)

Dana

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 3:44:18 PM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

What a team! Excellent work and thanks for keeping PIE (aka Coms) in the loop!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Friday, March 19, 2021 3:32 PM

To: Grossi, Christina (AG) <GrossiC@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>

Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Thanks Christina,

Laura LaMore has been instrumental on this as well. Danielle is safely on the way.

Thanks,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Grossi, Christina (AG) <GrossiC@michigan.gov>

Sent: Friday, March 19, 2021 2:59 PM

To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>

Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Thanks Eileen and Danielle for all your hard work on this. I'm sorry this has been as difficult and contentious as it is and it's unfortunate that you've taken the brunt of people's anger for simply doing your job. Really good work – we're proud of all your efforts. Someone please let us know when we've confirmed Danielle has safely left the building.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Friday, March 19, 2021 2:55 PM

To: Nessel, Dana (AG) [REDACTED]

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Good Afternoon:

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Respectfully,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#); [Grossi, Christina \(AG\)](#); [Nessel, Dana \(AG\)](#)
Cc: [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC
Date: Friday, March 19, 2021 3:44:19 PM

What a team! Excellent work and thanks for keeping PIE (aka Coms) in the loop!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 3:32 PM
To: Grossi, Christina (AG) <GrossiC@michigan.gov>; Nessel, Dana (AG) [REDACTED]
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

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Cc: [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC
Date: Friday, March 19, 2021 3:34:25 PM

Excellent – and thanks to Laura as well!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 3:32 PM
To: Grossi, Christina (AG) <GrossiC@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

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Cc: [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: RE: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC
Date: Friday, March 19, 2021 3:32:17 PM

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Date: Friday, March 19, 2021 2:58:51 PM

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To: [Whipple, Eileen \(AG\)](#); [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Albers, Mitchell \(AG\)](#); [McCann, Amber \(AG\)](#); [Covington, Courtney \(AG\)](#); [Slewo, Ashourina \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#)
Subject: RE: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 10:49:10 AM

Got it and thanks for the guidance, Eileen!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 10:30 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
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Zoom information for the hearing is:

Meeting ID: [REDACTED]

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 10:15 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
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Date: Friday, March 19, 2021 10:13:05 AM

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Subject: RE: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 10:30:26 AM

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Subject: Re: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 9:29:33 AM

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 8:22:42 AM
To: Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
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Date: Friday, March 19, 2021 10:15:52 AM

Getting from the attorneys and will forward to you ASAP.

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Friday, March 19, 2021 10:13 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hagaman-Clark, Danielle (AG) <HagamanClarkD@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Albers, Mitchell (AG) <AlbersM1@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Slewo, Ashourina (AG) <SlewoA@michigan.gov>
Subject: Re: Arrest of Holland Restaurant Owner Made

Is there a link to this? I'd like to watch it.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 10:11:54 AM
To: Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hagaman-Clark, Danielle (AG) <HagamanClarkD@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Albers, Mitchell (AG) <AlbersM1@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Slewo, Ashourina (AG) <SlewoA@michigan.gov>
Subject: FW: Arrest of Holland Restaurant Owner Made

FYI

From: Holton, Jennifer (MDARD) <holtonj@michigan.gov>
Sent: Friday, March 19, 2021 10:04 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Banner, Shanon (MSP) <BannerS@michigan.gov>
Cc: Robinson, Duwayne (MSP) <RobinsonD14@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

Heads up. Twitter states rally starting outside of Ingham Co. jail.

Rally at capitol: <https://twitter.com/PolarBarrett/status/1372889328364490753>

<https://twitter.com/CSlam2103/status/1372857054633848834>

https://twitter.com/Happy_Hunter58/status/1372880640442564608

<https://twitter.com/JefBrads/status/1372351871583723520>

<https://twitter.com/JudiDouglas4/status/1371088392432275459>

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 9:41 AM
To: Banner, Shanon (MSP) <BannerS@michigan.gov>
Cc: Holton, Jennifer (MDARD) <holtonj@michigan.gov>; Robinson, Duwayne (MSP) <RobinsonD14@michigan.gov>; Whipple, Eileen (AG) <WhippleE@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

You bet!!! Cc'ing Eileen on this for the zoom link info.

From: Banner, Shanon (MSP) <BannerS@michigan.gov>
Sent: Friday, March 19, 2021 9:39 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Cc: Holton, Jennifer (MDARD) <holtonj@michigan.gov>; Robinson, Duwayne (MSP) <RobinsonD14@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

Thanks Kelly. Ingham County Jail has asked that we not provide the arrest photo until she is arraigned (which is consistent with our procedures too). If you can share the Zoom link when you receive it, I would appreciate it so that I can confirm that arraignment occurs. Thanks!!

From: Rossman-McKinney, Kelly (AG)
Sent: Friday, March 19, 2021 9:37 AM
To: Holton, Jennifer (MDARD) <holtonj@michigan.gov>; Banner, Shanon (MSP) <BannerS@michigan.gov>; Brown, Tiffany <BrownT56@michigan.gov>; Leddy, Robert <LeddyR@michigan.gov>
Subject: FW: Arrest of Holland Restaurant Owner Made

FYI – Owner will be before Judge Aquilina today at 1 PM at the Ingham County Courthouse in Lansing.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 9:35 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>

Subject: RE: Arrest of Holland Restaurant Owner Made

Just heard from the clerk it was moved to 1 p.m. I will provide the zoom information as soon as we receive it.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>

Sent: Friday, March 19, 2021 9:33 AM

To: Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>

Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>

Subject: RE: Arrest of Holland Restaurant Owner Made

She goes before Judge Aquilina at 2 PM today. Should be interesting. (Even Beth LeBlanc said that!)

From: Rossman-McKinney, Kelly (AG)

Sent: Friday, March 19, 2021 8:23 AM

To: 'Nessel, Dana (AG)' <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>

Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>

Subject: Arrest of Holland Restaurant Owner Made

The owner of Marlena's Pizzeria was arrested earlier this morning without incident in Holland and is being transported to Ingham County Jail. Our release is on its way out. The woman was charged with contempt of court – failed to comply with COVID-19 requirements. You should see the release in a sec

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#); [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Allison-Yokom, Danielle \(AG\)](#)
Subject: RE: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 9:36:26 AM

Got it and thanks for the update!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Friday, March 19, 2021 9:35 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Nessel, Dana (AG) [REDACTED]; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

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From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 9:33 AM
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Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

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Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Arrest of Holland Restaurant Owner Made

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From: [Whipple, Eileen \(AG\)](#)
To: [Rossman-McKinney, Kelly \(AG\)](#); [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Allison-Yokom, Danielle \(AG\)](#)
Subject: RE: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 9:34:55 AM

Just heard from the clerk it was moved to 1 p.m. I will provide the zoom information as soon as we receive it.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Friday, March 19, 2021 9:33 AM
To: Nessel, Dana (AG) <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: RE: Arrest of Holland Restaurant Owner Made

She goes before Judge Aquilina at 2 PM today. Should be interesting. (Even Beth LeBlanc said that!)

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Sent: Friday, March 19, 2021 8:23 AM
To: 'Nessel, Dana (AG)' <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Arrest of Holland Restaurant Owner Made

The owner of Marlina's Pizzeria was arrested earlier this morning without incident in Holland and is being transported to Ingham County Jail. Our release is on its way out. The woman was charged with contempt of court – failed to comply with COVID-19 requirements. You should see the release in a sec

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Whipple, Eileen \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#)
Subject: RE: Arrest of Holland Restaurant Owner Made
Date: Friday, March 19, 2021 9:33:05 AM

She goes before Judge Aquilina at 2 PM today. Should be interesting. (Even Beth LeBlanc said that!)

From: Rossman-McKinney, Kelly (AG)
Sent: Friday, March 19, 2021 8:23 AM
To: 'Nessel, Dana (AG)' <[REDACTED]>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Arrest of Holland Restaurant Owner Made

The owner of Marlena's Pizzeria was arrested earlier this morning without incident in Holland and is being transported to Ingham County Jail. Our release is on its way out. The woman was charged with contempt of court – failed to comply with COVID-19 requirements. You should see the release in a sec

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Reichel, Robert \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#)
Subject: Marlena's Key Events Timeline
Date: Saturday, March 20, 2021 9:22:40 PM

Good evening,

Christina indicated that a timeline of key events in the case with Marlena's Bistro and Pizzeria may be helpful. It is below.

November 18, 2020 - Allegan County Health Department (ACHD) first contacted Marlena's regarding complaints that the firm was allowing indoor dining. Marlena's continued to allow indoor dining with no restrictions.

December 2, 2020 – ACHD issued a Warning Order.

December 15, 2020 – ACHD issued a Cease and Desist Order.

December 30, 2020 – MDARD issued a Cease and Desist Order.

January 20, 2021 – MDARD issued an Emergency Summary Suspension Order pursuant to MCL 289.4125 (Food Law), and MCL 24.292 (APA).

January 21, 2021 – ACHD delivered the MDARD Summary Suspension Order and hearing information but it was refused by Ms. Pavlos-Hackney.

January 29, 2021 – MDARD employees again delivered the MDARD Summary Suspension Order and left it at the establishment.

February 1, 2021 – Hearing in front of ALJ Lauren Van Steel.

February 11, 2021 – ALJ Van Steel issued her Decision and Order Continuing the Summary Suspension.

February 16, 2021 – ACHD confirmed that Ms. Pavlos-Hackney received the Decision and Order and again asked her to work with them to come into compliance. Ms. Pavlos-Hackney declined the opportunity.

February 18, 2021 – Ms. Pavlos-Hackney informed ACHD that inspectors from MDARD or ACHD were not welcome in her establishment.

February 24, 2021 - MDARD filed a Summons and Complaint, Motion for TRO and Brief in Support.

February 25, 2021 – Judge Stokes issued a TRO.

February 26, 2021 – TRO was personally served on Ms. Pavlos-Hackney at the establishment.

March 1, 2021 – Motion for Contempt.

March 2, 2021 – Motion for Contempt personally served on Ms. Pavlos-Hackney at the establishment.

March 4, 2021 – Hearing in front of Judge Stokes. Judge Stoke ordered the TRO converted to a Preliminary Injunction, fined the establishment \$7,500 and indicated that a bench warrant would issue. Written order followed the hearing indicating Ms. Pavlos-Hackney would be incarcerated unless and until she complied. Bench Warrant was signed.

March 5, 2021 – MDARD filed a Notice to the Court that Marlena's was still operating. Bench Warrant provided by Court to law enforcement.

March 10, 2021 – MDARD contacts MSP. MSP reached out the Ms. Pavlos-Hackney and provided her an opportunity to turn herself in.

March 19, 2021- Ms. Pavlos-Hackney was arrested and brought before Judge Aquilina. Ms. Pavlos-Hackney was fined \$7,500 again (total of \$15,000) and told she would remain incarcerated until she pays her fine and demonstrates compliance. At the hearing, she was threatened with "93 days" for

criminal contempt for her behavior during the hearing. We believe some of the news reports are reporting this incorrectly, suggesting she could be kept incarcerated for “up to 93 days” if she does not comply. She likely could remain incarcerated longer than 93 days if she refused to comply. A written order is forthcoming.

Not depicted in the timeline are the regular observations by ACHD or MDARD inspectors, Facebook posts, news reports, or complaints indicating that at all times the establishment continued to remain open and refused to employ even some of the most basic preventative measures like masks or social distancing.

Please let me know if additional information, or this information in a different format, would be helpful.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: AG Heads-Up: Marlena Released
Date: Tuesday, March 23, 2021 3:20:41 PM
Attachments: [SKM_454e21032312590.pdf](#)

We have received confirmation from the Sherriff's office that Ms. Pavlos-Hackney has been released. We also received the attached order from the Court authorizing her release.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Monday, March 22, 2021 5:20 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Good afternoon,

Marlena's Bistro and Pizzeria appeared to remain closed over the weekend and today (although the establishment is always closed on Mondays). MDARD filed the attached Proposed Order (regarding the hearing Friday) and Notice to the Court that the establishment appeared closed. Marlena's attorney also filed a notice informing the Court that the establishment was closed, and asked for

Marlena's release.

The Court previously indicated that Ms. Pavlos-Hackney would not be released until further order of the Court. However, the Ingham County Sheriff's Office did reach out and ask if we had confirmed that the restaurant was closed as they anticipated someone would be paying the fines today on her behalf. According to the filing by Ms. Pavlos-Hackney's attorney, the \$15,000 fine has been paid.

The GoFundMe fundraiser is now up to over \$240,000.

Brief outline of potential next steps: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Friday, March 19, 2021 2:55 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-

Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Good Afternoon:

The hearing in the Marlena's matter just concluded. Marlena is being held in contempt until she pays the fine and the Court is satisfied that she will close and remain closed. We are drafting an order to that effect.

At the start of the hearing Judge Aquilina ordered Mr. Martin into custody for criminal contempt for the unauthorized practice of law. She indicated he would be entitled to a hearing.

Mr. Robert Baker filed an appearance and represented Ms. Pavlos-Hackney at the hearing. After speaking with his client, he indicated that she would be shut down and pay the fine today. The Judge indicated that she was not convinced Marlena's would stay closed and would not release her until she demonstrated compliance over multiple days. If she were to be released and then re-open, a new bench warrant would issue. MDARD is currently working on a plan to safely check on operations at the establishment over the next few days.

Protests are occurring outside the courthouse. AAG Danielle Allison-Yokom appeared for MDARD and has indicated they are taking measures to ensure she is able to leave the building safely. Danielle was also heckled by individuals in the courtroom prior to the start of the hearing including one person who asked her how she can sleep at night.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Nessel, Dana \(AG\)](#)
To: [Dana Nessel](#)
Subject: Fwd: Marlena's Key Events Timeline
Date: Sunday, March 21, 2021 5:24:06 AM

From: Nessel, Dana (AG) [REDACTED]
Sent: Sunday, March 21, 2021 5:11:06 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Re: Marlena's Key Events Timeline

Thanks so much for providing this in such a timely manner, Eileen. Really appreciate it.

Dana

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Saturday, March 20, 2021 9:22:33 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
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Lansing, MI 48909

From: [Nessel, Dana \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Reichel, Robert \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#)
Subject: Re: Marlena's Key Events Timeline
Date: Sunday, March 21, 2021 5:11:07 AM

Thanks so much for providing this in such a timely manner, Eileen. Really appreciate it.

Dana

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Saturday, March 20, 2021 9:22:33 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Marlena's Key Events Timeline

Good evening,

Christina indicated that a timeline of key events in the case with Marlena's Bistro and Pizzeria may be helpful. It is below.

November 18, 2020 - Allegan County Health Department (ACHD) first contacted Marlena's regarding complaints that the firm was allowing indoor dining. Marlena's continued to allow indoor dining with no restrictions.

December 2, 2020 – ACHD issued a Warning Order.

December 15, 2020 – ACHD issued a Cease and Desist Order.

December 30, 2020 – MDARD issued a Cease and Desist Order.

January 20, 2021 – MDARD issued an Emergency Summary Suspension Order pursuant to MCL 289.4125 (Food Law), and MCL 24.292 (APA).

January 21, 2021 – ACHD delivered the MDARD Summary Suspension Order and hearing information but it was refused by Ms. Pavlos-Hackney.

January 29, 2021 – MDARD employees again delivered the MDARD Summary Suspension Order and left it at the establishment.

February 1, 2021 – Hearing in front of ALJ Lauren Van Steel.

February 11, 2021 – ALJ Van Steel issued her Decision and Order Continuing the Summary Suspension.

February 16, 2021 – ACHD confirmed that Ms. Pavlos-Hackney received the Decision and Order and again asked her to work with them to come into compliance. Ms. Pavlos-Hackney declined the opportunity.

February 18, 2021 – Ms. Pavlos-Hackney informed ACHD that inspectors from MDARD or ACHD were not welcome in her establishment.

February 24, 2021 - MDARD filed a Summons and Complaint, Motion for TRO and Brief in Support.

February 25, 2021 – Judge Stokes issued a TRO.

February 26, 2021 – TRO was personally served on Ms. Pavlos-Hackney at the establishment.

March 1, 2021 – Motion for Contempt.

March 2, 2021 – Motion for Contempt personally served on Ms. Pavlos-Hackney at the establishment.

March 4, 2021 – Hearing in front of Judge Stokes. Judge Stoke ordered the TRO converted to a Preliminary Injunction, fined the establishment \$7, 500 and indicated that a bench warrant would issue. Written order followed the hearing indicating Ms. Pavlos-Hackney would be incarcerated unless and until she complied. Bench Warrant was signed.

March 5, 2021 – MDARD filed a Notice to the Court that Marlena’s was still operating. Bench Warrant provided by Court to law enforcement.

March 10, 2021 – MDARD contacts MSP. MSP reached out the Ms. Pavlos-Hackney and provided her an opportunity to turn herself in.

March 19, 2021- Ms. Pavlos-Hackney was arrested and brought before Judge Aquilina. Ms. Pavlos-Hackney was fined \$7,500 again (total of \$15,000) and told she would remain incarcerated until she pays her fine and demonstrates compliance. At the hearing, she was threatened with “93 days” for criminal contempt for her behavior during the hearing. We believe some of the news reports are reporting this incorrectly, suggesting she could be kept incarcerated for “up to 93 days” if she does not comply. She likely could remain incarcerated longer than 93 days if she refused to comply. A written order is forthcoming.

Not depicted in the timeline are the regular observations by ACHD or MDARD inspectors, Facebook posts, news reports, or complaints indicating that at all times the establishment continued to remain open and refused to employ even some of the most basic preventative measures like masks or social distancing.

Please let me know if additional information, or this information in a different format, would be helpful.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: AG Heads-Up: Marlena"s Remains Closed; Fines Paid; Proposed Order Filed
Date: Monday, March 22, 2021 5:20:16 PM
Attachments: [Proposed Order for Contempt 2021-03-22.pdf](#)
[Notice Regarding Marlena"s Bistro Pizzeria 2021-03-22.pdf](#)
[Marlena"s Bistro-Motion, Notice, Proposed Order of Satisfaction.pdf](#)

Good afternoon,

Marlena’s Bistro and Pizzeria appeared to remain closed over the weekend and today (although the establishment is always closed on Mondays). MDARD filed the attached Proposed Order (regarding the hearing Friday) and Notice to the Court that the establishment appeared closed. Marlena’s attorney also filed a notice informing the Court that the establishment was closed, and asked for Marlena’s release.

The Court previously indicated that Ms. Pavlos-Hackney would not be released until further order of the Court. However, the Ingham County Sheriff’s Office did reach out and ask if we had confirmed that the restaurant was closed as they anticipated someone would be paying the fines today on her behalf. According to the filing by Ms. Pavlos-Hackney’s attorney, the \$15,000 fine has been paid.

The GoFundMe fundraiser is now up to over \$240,000.

Brief outline of potential next steps: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street

P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)

Sent: Friday, March 19, 2021 2:55 PM

To: 'Nessel, Dana (AG)' <[REDACTED]>

Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Good Afternoon:

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Assistant Attorney General

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Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Witters, Emily \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Booth, Joshua O. \(AG\)](#); [Bruinsma, Cheri \(PACC\)](#); [Selleck, James \(AG\)](#); [Seppala, Mary Beth \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Barron, Katharyn \(AG\)](#); [McGehee, Donald \(AG\)](#); [Cezil, Veneshia \(AG\)](#); [Meingast, Heather \(AG\)](#); [Robinson, Ron \(AG\)](#); [Bartindale, Margaret \(AG\)](#); [Long, James \(AG\)](#); [Fabus, Thomas \(AG\)](#); [Hagaman-Clark, Danielle \(AG\)](#); [Geminick, Lisa \(AG\)](#); [Reichel, Robert \(AG\)](#); [Jason, Molly \(AG\)](#); [Teter, Scott \(AG\)](#); [Tanay, David \(AG\)](#); [Harris, Toni \(AG\)](#); [Taylor, Debbie \(AG\)](#); [Brya, Michelle \(AG\)](#); [Hughey, Steven \(AG\)](#); [Morton, Bradley \(AG\)](#); [Moody, Michael \(AG\)](#); [McGivney, Jessica \(AG\)](#); [Gleeson, Kathleen \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Allen, Christopher \(AG\)](#); [Jenson, Melissa \(AG\)](#); [Frankel, Robyn \(AG\)](#); [Restuccia, Eric \(AG\)](#); [Canfield, Chad \(AG\)](#); [Covington, Courtney \(AG\)](#); [Harps, Kimberly \(AG\)](#); [Grace, Stephanie \(AG\)](#); [McCann, Amber \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Boice, Brianne \(AG\)](#); [Witters, Emily \(AG\)](#)
Subject: Media Clips 3/20/2021 - 3/22/2021
Date: Monday, March 22, 2021 8:40:21 AM

Hello Team –

Today’s media clips report includes stories that mention our cases and/or quote our staff.

We do our best to catch errors in reporting but if you notice a reporter has made a factual error, please reach out to [Courtney](#) or [Kelly](#) so they may address the error with the reporter. We encourage you to share these on your social media platforms.

Thank you,
Emily Witters
Michigan Department of Attorney General
Office of Public Information and Education
517-335-7663 – Direct
WittersE@michigan.gov

-

***** Media Clips 3/20/2021 - 3/22/2021 *****

Michigan Attorney General Dana Nessel’s Facebook page – Check it out daily for up-to-date information!!!

- <https://www.facebook.com/MIAAttorneyGeneral/>

COVID-19 – Marlena’s Bistro and Pizzeria (Arrest of Holland Restaurant Owner (Marlena Pavlos-Hackney) who Ignored State Shutdown)

- <https://www.wilx.com/2021/03/19/ag-nessel-announces-arrest-of-holland-restaurant-owner/>
- <https://www.nbcnews.com/news/us-news/michigan-restaurant-owner-arrested-after-defying-covid-19-orders-attorney-n1261536>
- <https://www.wfmj.com/story/43526254/michigan-restaurant-owner-in-jail-for-defying-virus-orders>
- <https://upnorthlive.com/news/local/west-michigan-restaurant-owner-arrested-for-defying-covid-19-orders>
- <https://www.detroitnews.com/story/news/local/michigan/2021/03/19/holland-restaurant-owner-arrested-after-flouting-covid-19-rules/4762772001/>
- <https://www.woodtv.com/news/ottawa-county/holland-restaurant-owner-arrested-after-flouting-state-dining-restrictions/>

<https://www.wilx.com/2021/03/20/michigan-restaurant-owner-in-jail-for-defying-virus-orders/>

- <https://www.channel3000.com/attorney-general-michigan-pizzeria-owner-continuously-violated-covid-19-measures/>
- <https://www.hollandsentinel.com/story/news/local/2021/03/20/marlenas-supporters-rally-her-restaurant-saturday/4786899001/>
- <https://thehill.com/blogs/blog-briefing-room/news/544186-michigan-pizzeria-owner-arrested-for-willfully-violating-public>
- <https://wbckfm.com/michigan-ag-nessel-goes-after-small-restaurant-owner-while-giving-governor-whitmer-a-pass-on-nursing-home-deaths/>
- <https://www.upmatters.com/news/supporters-rally-for-woman-jailed-after-keeping-restaurant-open/>
- <http://www.keweenawreport.com/featured/attorney-general-orders-arrest-of-restaurant-owner/>

Dillen Leonard (Former Flint Insurance Agent) (Fraudulent Automobile Insurance Scheme – Held Accountable)

- <https://www.abc12.com/2021/03/19/flint-man-gets-probation-restitution-community-service-for-selling-fake-insurance/>
- <https://insurancenewsnet.com/oarticle/mich-a-g-nessel-flint-man-held-accountable-in-fraudulent-automobile-insurance-scheme>

Shaun Lowery (Diocese of Lansing – Brighton area Priest Under Investigation)

- <https://www.whmi.com/news/article/brighton-area-priest-under-investigation-by-michigan-ag>

Temujin Kensu (1986 Murder of Scott Macklem) (“Ninja Killer” or Wrongfully Convicted Man)

- <https://www.nbcnews.com/news/all/temujin-kensu-ninja-killer-or-wrongfully-convicted-man-n1260983>

From: [Nessel, Dana \(AG\)](#)
To: [Rossman-McKinney, Kelly \(AG\)](#); [Grossi, Christina \(AG\)](#)
Cc: [Whipple, Eileen \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed
Date: Monday, March 22, 2021 9:02:51 PM

Thanks Eileen. Just hard to understand how her license is not revoked under the circumstances.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Monday, March 22, 2021 7:07:25 PM
To: Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Great work!

Sent from my iPhone

On Mar 22, 2021, at 5:27 PM, Grossi, Christina (AG) <GrossiC@michigan.gov> wrote:

Thanks, Eileen – please keep us posted.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Monday, March 22, 2021 5:20 PM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG)

<CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

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Respectfully,

Eileen C. Whipple
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and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Friday, March 19, 2021 2:55 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

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Date: Monday, March 22, 2021 7:07:27 PM

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[REDACTED]

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<PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>;
Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG)
<KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel,
Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>;
Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG)
<SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar,
Robin (AG) <HiarR@michigan.gov>

Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside
Ingham CC

Good Afternoon:

The hearing in the Marlena's matter just concluded. Marlena is being held in contempt until she pays the fine and the Court is satisfied that she will close and remain closed. We are drafting an order to that effect.

At the start of the hearing Judge Aquilina ordered Mr. Martin into custody for criminal contempt for the unauthorized practice of law. She indicated he would be entitled to a hearing.

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Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Grossi, Christina \(AG\)](#)
Cc: [Whipple, Eileen \(AG\)](#); [Nessel, Dana \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed
Date: Monday, March 22, 2021 7:07:27 PM

Great work!

Sent from my iPhone

On Mar 22, 2021, at 5:27 PM, Grossi, Christina (AG) <GrossiC@michigan.gov> wrote:

Thanks, Eileen – please keep us posted.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Monday, March 22, 2021 5:20 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
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Brief outline of potential next steps:

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To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG)

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Robin (AG) <HiarR@michigan.gov>

Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside
Ingham CC

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525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Detroit Free Press](#)
To: [Nessel, Dana \(AG\)](#)
Subject: Daily Briefing: Cynthia Erivo talks about becoming the Queen of Soul in "Genius: Aretha"
Date: Monday, March 22, 2021 6:19:33 AM


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Daily Briefing
YOUR MORNING NEWS ROUND-UP

MONDAY, MARCH 22

Access the e-Edition: Exclusive, subscriber-only access to a digital replica of the newspaper.



Aretha Franklin, played by Cynthia Erivo, relaxes after a performance.

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Cynthia Erivo talks becoming the Queen of Soul in 'Genius: Aretha'

The British actress-singer says she worked hard to capture the richness of Aretha Franklin's singing and the textures of her life in the new series.



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Holland bistro will close during owner's incarceration



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160 W. Fort St., Detroit, MI 48226

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [VanDeventer, John \(AG\)](#)
Subject: FW: Kyle Melinn's Podcast on Monday
Date: Thursday, March 25, 2021 8:39:47 AM

Original podcast ask and interact.

From: Rossman-McKinney, Kelly (AG)
Sent: Tuesday, March 23, 2021 2:22 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: RE: Kyle Melinn's Podcast on Monday

I know. I recommend reinforcing that message on the podcast – which will be five days later and an opportunity to get that message out there again.

From: Nessel, Dana (AG) [REDACTED]
Sent: Tuesday, March 23, 2021 2:13 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Re: Kyle Melinn's Podcast on Monday

I'm sure I will be making a lengthy statement on this tomorrow at the budget hearing.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Tuesday, March 23, 2021 1:22:38 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Kyle Melinn's Podcast on Monday

Kyle Melinn has invited you to be on his podcast Monday – which will be a max of 15 minutes. Says “She’s taking a heck of a beating from Republicans on this Hackney (sic – he means Marlena’s) arrest and I have to imagine she has something she’d like to say about that.” This is an opportunity to echo what JV is writing for you for tomorrow’s budget hearing. I’m pretty sure the last time you did Kyle’s podcast was more than a year ago – when we recorded it over at the Supreme Court right after a newser. I recommend you do this if we can find a 15-minute block of your time on Monday.

What do you think – are you game?

From: [Nessel, Dana \(AG\)](#)
To: [Hagaman-Clark, Danielle \(AG\)](#); [Whipple, Eileen \(AG\)](#)
Subject: Fwd: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed
Date: Tuesday, March 23, 2021 2:15:39 PM

Thanks so much for looking into this, Eileen.

Danielle-for your consideration.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Tuesday, March 23, 2021 1:32:13 PM
To: Nessel, Dana (AG) [REDACTED]; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Certainly--

MCL 289.5107(1) makes it a misdemeanor to violate any provision of the Food Law or rules promulgated under the food law. Punishment includes a fine of not less than \$250.00 or more than \$2,500.00 or imprisonment for not more than 90 days, or both.

There is a felony provision, but it is inapplicable.

For Marlena's, acts that may violate the food law include:

Continuing to operate after MDARD's cease and desist. MCL 289.2113, 289.5105(1)(r)).

Offering the sale of food after the food establishment license was suspended. MCL 289.4125, 289.5105(1)(d) and/or (q).

Refusing entry or evaluation to inspectors. MCL 289.5101(1)(f).

Each day a violation occurs it is considered a separate violation.

This is unlike the administrative fine provision which only authorizes one \$500 fine for each initial violation or a \$1000 fine for a subsequent violation. However, each day of a continuing violation is **not** considered a separate violation so MDARD could be limited to a maximum fine of \$1,500.

Historically, Food Law prosecutions were handled by local prosecutors. Our understanding is that the Allegan County Prosecutor would be unlikely to proceed with a prosecution – though we have not discussed it with their office. Please let me know if more information would be helpful.

Respectfully,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) [REDACTED]
Sent: Tuesday, March 23, 2021 11:28 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Perhaps that should be explored then. Can you please review them with me?

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Tuesday, March 23, 2021 10:56:04 AM
To: Nessel, Dana (AG) [REDACTED]; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: RE: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

MDARD is still evaluating the best path forward for this establishment. However, though the Food Law provides some useful tools here, it is also limited. If MDARD revoked the license – it may cause the need for another administrative hearing and unless MDARD was able to demonstrate ongoing

imminent threat --the establishment could likely operate pending the outcome of the hearing. Once the establishment is in compliance, continued civil action under the Food Law is limited. MDARD also has the ability to assess very limited administrative fines.

Finally, there are criminal provisions of the Food Law that have not been employed here.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
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P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) [REDACTED]
Sent: Monday, March 22, 2021 9:03 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Thanks Eileen. Just hard to understand how her license is not revoked under the circumstances.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Monday, March 22, 2021 7:07:25 PM
To: Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) [REDACTED]; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG)

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<KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

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Protests are occurring outside the courthouse. AAG Danielle Allison-Yokom appeared for MDARD and has indicated they are taking measures to ensure she is able to leave the building safely. Danielle was also heckled by individuals in the courtroom prior to the start of the hearing including one person who asked her how she can sleep at night.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Edgerson, Mia \(AG\)](#); [Grossi, Christina \(AG\)](#); [VanDeventer, John \(AG\)](#); [AGPress](#)
Subject: Kyle Melinn's Podcast on Monday
Date: Tuesday, March 23, 2021 1:22:40 PM

Kyle Melinn has invited you to be on his podcast Monday – which will be a max of 15 minutes. Says “She’s taking a heck of a beating from Republicans on this Hackney (sic – he means Marlena’s) arrest and I have to imagine she has something she’d like to say about that.” This is an opportunity to echo what JV is writing for you for tomorrow’s budget hearing. I’m pretty sure the last time you did Kyle’s podcast was more than a year ago – when we recorded it over at the Supreme Court right after a newser. I recommend you do this if we can find a 15-minute block of your time on Monday.

What do you think – are you game?

From: Harps, Kimberly (AG)
To: Nessel, Dana (AG); Grossi, Christina (AG); Hammoud, Fadwa (AG); VanDeventer, John (AG); Booth, Joshua O. (AG); Bruinsma, Cheri (PACC); Selleck, James (AG); Seppala, Mary Beth (AG); Rossman-McKinney, Kelly (AG); Potchen, Joseph (AG); Manning, Peter (AG); Barron, Katharyn (AG); McGehee, Donald (AG); Cezil, Veneshia (AG); Meingast, Heather (AG); Robinson, Ron (AG); Bartindale, Margaret (AG); Long, James (AG); Fabus, Thomas (AG); Hagaman-Clark, Danielle (AG); Geminick, Lisa (AG); Reichel, Robert (AG); Jason, Molly (AG); Teter, Scott (AG); Tanay, David (AG); Harris, Toni (AG); Taylor, Debbie (AG); Brya, Michelle (AG); Hughey, Steven (AG); Morton, Bradley (AG); Moody, Michael (AG); McGivney, Jessica (AG); Gleeson, Kathleen (AG); King-Piepenbrok, Pier (AG); Teszlewicz, Barbara (AG); Edgerson, Mia (AG); Gustafson, Holly (AG); Allen, Christopher (AG); Jenson, Melissa (AG); Frankel, Robyn (AG); Restuccia, Eric (AG); Canfield, Chad (AG); Covington, Courtney (AG); Harps, Kimberly (AG); Grace, Stephanie (AG); McCann, Amber (AG); Albers, Mitchell (AG); Boice, Brianne (AG); Witters, Emily (AG)
Subject: Media Clips 3/23/21
Date: Tuesday, March 23, 2021 8:54:24 AM

Hello Team –

Today’s media clips report includes stories that mention our cases and/or quote our staff.

We do our best to catch errors in reporting but if you notice a reporter has made a factual error, please reach out to [Courtney](#) or [Kelly](#) so they may address the error with the reporter. We encourage you to share these on your social media platforms.

Thank you.

Kimberly Harps

*Michigan Attorney General’s Office
Communications Division
Office of Public Information & Education
517.241.9989*

Media Clips 3/23/21

Michigan Attorney General Dana Nessel’s Facebook page – Check it out daily for up-to-date information!!!

- <https://www.facebook.com/MIAttorneyGeneral/>

Motion To Release Jailed Holland Restaurant Owner Filed As Supporters Continue To Rally

- <https://www.fox17online.com/news/local-news/lakeshore/allegan/motion-to-release-jailed-holland-restaurant-owner-filed-as-supporters-continue-to-rally>
- <https://upnorthlive.com/news/local/michigan-republican-party-call-upon-attorney-general-to-release-holland-pizzeria-owner>
- <http://www.keweenawreport.com/featured/attorney-general-orders-arrest-of-restaurant-owner/>
- <https://www.upmatters.com/news/supporters-rally-for-woman-jailed-after-keeping-restaurant-open/>

Attorney General: Man With Ties To Wolverine Watchmen Charged With Weapons

Violations

- <https://www.freep.com/story/news/local/michigan/2021/03/22/whitmer-kidnap-wolverine-watchmen-weapons-felonies/6957183002/>

Pastor On Leave Pending Outcome Of Investigation By Mich. Attorney General

<https://www.wilx.com/2021/03/22/pastor-on-leave-pending-outcome-of-investigation-by-mich-attorney-general/>

AG Nessel Informs Michiganders Of Free Weekly Access To Credit Reports

- <https://www.wnmufm.org/post/ag-nessel-informs-michiganders-free-weekly-access-credit-reports#stream/0>
- <https://www.wilx.com/2021/03/22/ag-nessel-michiganders-have-free-weekly-access-to-credit-reports-until-april-20/>
- <https://www.mlive.com/public-interest/2021/03/michigan-residents-offered-free-access-to-their-credit-reports-through-april-20.html>
- <https://wbckfm.com/battle-creek-area-residents-can-still-get-free-credit-reports/>

2 Years Into Michigan's Convictions Review Unit Everyone Is Still Behind Bars

- <https://www.detroitnews.com/story/news/local/michigan/2021/03/23/michigan-conviction-integrity-unit-no-exonerations/4668051001/>

Concerns Mount Over Attorney Fees In Flint Water Settlement. Here's Why

- <https://www.freep.com/story/news/local/michigan/flint-water-crisis/2021/03/23/concerns-mounting-over-requested-attorney-fees-flint-case/4753904001/>

Ohio, Louisiana Want To Intervene In Line 5 Federal Lawsuit

- <https://www.detroitnews.com/story/news/local/michigan/2021/03/22/ohio-louisiana-want-intervene-line-5-federal-lawsuit/4797302001/>
- <https://www.mlive.com/public-interest/2021/03/ohio-louisiana-argue-against-line-5-shutdown-in-federal-court.html>

Jacques: In Michigan, No Justice For Nursing Home Victims

- https://www.shorelinemedia.net/ludington_daily_news/opinion/national/jacques-in-michigan-no-justice-for-nursing-home-victims/article_24ea73fa-6cfc-5767-a1e6-10c7f1fade80.html

From: [Nessel, Dana \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: Re: AG Heads-Up: Marlena Released
Date: Tuesday, March 23, 2021 3:22:10 PM

Thanks again, Eileen.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Tuesday, March 23, 2021 3:20:39 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena Released

We have received confirmation from the Sherriff's office that Ms. Pavlos-Hackney has been released. We also received the attached order from the Court authorizing her release.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Monday, March 22, 2021 5:20 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-

McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Good afternoon,

Marlena's Bistro and Pizzeria appeared to remain closed over the weekend and today (although the establishment is always closed on Mondays). MDARD filed the attached Proposed Order (regarding the hearing Friday) and Notice to the Court that the establishment appeared closed. Marlena's attorney also filed a notice informing the Court that the establishment was closed, and asked for Marlena's release.

The Court previously indicated that Ms. Pavlos-Hackney would not be released until further order of the Court. However, the Ingham County Sheriff's Office did reach out and ask if we had confirmed that the restaurant was closed as they anticipated someone would be paying the fines today on her behalf. According to the filing by Ms. Pavlos-Hackney's attorney, the \$15,000 fine has been paid.

The GoFundMe fundraiser is now up to over \$240,000.

Brief outline of potential next steps: [REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,

and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Friday, March 19, 2021 2:55 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Good Afternoon:

The hearing in the Marlena's matter just concluded. Marlena is being held in contempt until she pays the fine and the Court is satisfied that she will close and remain closed. We are drafting an order to that effect.

At the start of the hearing Judge Aquilina ordered Mr. Martin into custody for criminal contempt for the unauthorized practice of law. She indicated he would be entitled to a hearing.

Mr. Robert Baker filed an appearance and represented Ms. Pavlos-Hackney at the hearing. After speaking with his client, he indicated that she would be shut down and pay the fine today. The Judge indicated that she was not convinced Marlena's would stay closed and would not release her until she demonstrated compliance over multiple days. If she were to be released and then re-open, a new bench warrant would issue. MDARD is currently working on a plan to safely check on operations at the establishment over the next few days.

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Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Whipple, Eileen \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Grossi, Christina \(AG\)](#)
Cc: [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: RE: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed
Date: Tuesday, March 23, 2021 1:32:15 PM

Certainly--

MCL 289.5107(1) makes it a misdemeanor to violate any provision of the Food Law or rules promulgated under the food law. Punishment includes a fine of not less than \$250.00 or more than \$2,500.00 or imprisonment for not more than 90 days, or both.

There is a felony provision, but it is inapplicable.

For Marlena's, acts that may violate the food law include:

Continuing to operate after MDARD's cease and desist. MCL 289.2113, 289.5105(1)(r)).

Offering the sale of food after the food establishment license was suspended. MCL 289.4125, 289.5105(1)(d) and/or (q).

Refusing entry or evaluation to inspectors. MCL 289.5101(1)(f).

Each day a violation occurs it is considered a separate violation.

This is unlike the administrative fine provision which only authorizes one \$500 fine for each initial violation or a \$1000 fine for a subsequent violation. However, each day of a continuing violation is *not* considered a separate violation so MDARD could be limited to a maximum fine of \$1,500.

Historically, Food Law prosecutions were handled by local prosecutors. Our understanding is that the Allegan County Prosecutor would be unlikely to proceed with a prosecution – though we have not discussed it with their office. Please let me know if more information would be helpful.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) [REDACTED]
Sent: Tuesday, March 23, 2021 11:28 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG)

<KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Perhaps that should be explored then. Can you please review them with me?

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>

Sent: Tuesday, March 23, 2021 10:56:04 AM

To: Nessel, Dana (AG) [REDACTED]; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>

Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>

Subject: RE: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

MDARD is still evaluating the best path forward for this establishment. However, though the Food Law provides some useful tools here, it is also limited. If MDARD revoked the license – it may cause the need for another administrative hearing and unless MDARD was able to demonstrate ongoing imminent threat --the establishment could likely operate pending the outcome of the hearing. Once the establishment is in compliance, continued civil action under the Food Law is limited. MDARD also has the ability to assess very limited administrative fines.

Finally, there are criminal provisions of the Food Law that have not been employed here.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Nessel, Dana (AG) <[REDACTED]>
Sent: Monday, March 22, 2021 9:03 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Thanks Eileen. Just hard to understand how her license is not revoked under the circumstances.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Monday, March 22, 2021 7:07:25 PM
To: Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Nessel, Dana (AG) <[REDACTED]>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Great work!

Sent from my iPhone

On Mar 22, 2021, at 5:27 PM, Grossi, Christina (AG) <GrossiC@michigan.gov> wrote:

Thanks, Eileen – please keep us posted.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Monday, March 22, 2021 5:20 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Good afternoon,

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The Court previously indicated that Ms. Pavlos-Hackney would not be released until further order of the Court. However, the Ingham County Sheriff's Office did reach out and ask if we had confirmed that the restaurant was closed as they anticipated someone would be paying the fines today on her behalf. According to the filing by Ms. Pavlos-Hackney's attorney, the \$15,000 fine has been paid.

The GoFundMe fundraiser is now up to over \$240,000.

Brief outline of potential next steps:

[REDACTED]

[REDACTED]

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
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and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: Whipple, Eileen (AG)
Sent: Friday, March 19, 2021 2:55 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG Heads-Up: Marlena's Remains in Custody, Protesting Occurring Outside Ingham CC

Good Afternoon:

The hearing in the Marlena's matter just concluded. Marlena is being held in contempt until she pays the fine and the Court is satisfied that she will close and remain closed. We are drafting an order to that effect.

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Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Nessel, Dana \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Grossi, Christina \(AG\)](#)
Cc: [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Manning, Peter \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed
Date: Tuesday, March 23, 2021 11:27:59 AM

Perhaps that should be explored then. Can you please review them with me?

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Tuesday, March 23, 2021 10:56:04 AM
To: Nessel, Dana (AG) [REDACTED]; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
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and Agriculture Division
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From: Nessel, Dana (AG) [REDACTED]
Sent: Monday, March 22, 2021 9:03 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
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Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Great work!

Sent from my iPhone

On Mar 22, 2021, at 5:27 PM, Grossi, Christina (AG) <GrossiC@michigan.gov> wrote:

Thanks, Eileen – please keep us posted.

[REDACTED]

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Subject: RE: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed
Date: Tuesday, March 23, 2021 10:56:05 AM

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Sent: Monday, March 22, 2021 9:03 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
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Subject: Re: AG Heads-Up: Marlena's Remains Closed; Fines Paid; Proposed Order Filed

Great work!

Sent from my iPhone

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Thanks, Eileen – please keep us posted.

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Monday, March 22, 2021 5:20 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; McCann, Amber (AG) <McCannA@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Edgeron, Mia (AG) <EdgeronM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
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Good afternoon,

Marlena's Bistro and Pizzeria appeared to remain closed over the weekend and today (although the establishment is always closed on Mondays). MDARD filed the attached Proposed Order (regarding the hearing Friday) and Notice to the Court that the establishment appeared closed. Marlena's attorney also filed a notice informing the Court that the establishment was closed, and asked for Marlena's release.

The Court previously indicated that Ms. Pavlos-Hackney would not be released until further order of the Court. However, the Ingham County Sheriff's Office did reach out and ask if we had confirmed that the restaurant was closed as they anticipated someone would be paying the fines today on her behalf. According to the filing by Ms. Pavlos-Hackney's attorney, the \$15,000 fine has been paid.

The GoFundMe fundraiser is now up to over \$240,000.

Brief outline of potential next steps: [REDACTED]

Respectfully,

Eileen C. Whipple
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To: 'Nessel, Dana (AG)' [REDACTED]

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To: [Nessel, Dana \(AG\)](#)
Cc: [Edgerson, Mia \(AG\)](#); [Grossi, Christina \(AG\)](#); [VanDeventer, John \(AG\)](#); [AGPress](#)
Subject: RE: Kyle Melinn's Podcast on Monday
Date: Tuesday, March 23, 2021 2:22:15 PM

I know. I recommend reinforcing that message on the podcast – which will be five days later and an opportunity to get that message out there again.

From: Nessel, Dana (AG) [REDACTED]
Sent: Tuesday, March 23, 2021 2:13 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
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Subject: Re: Kyle Melinn's Podcast on Monday

I'm sure I will be making a lengthy statement on this tomorrow at the budget hearing.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Tuesday, March 23, 2021 1:22:38 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Kyle Melinn's Podcast on Monday

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What do you think – are you game?

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Cc: [Edgerson, Mia \(AG\)](#); [Grossi, Christina \(AG\)](#); [VanDeventer, John \(AG\)](#); [AGPress](#)
Subject: Re: Kyle Melinn's Podcast on Monday
Date: Tuesday, March 23, 2021 2:12:45 PM

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From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Tuesday, March 23, 2021 1:22:38 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Kyle Melinn's Podcast on Monday

Kyle Melinn has invited you to be on his podcast Monday – which will be a max of 15 minutes. Says “She’s taking a heck of a beating from Republicans on this Hackney (sic – he means Marlena’s) arrest and I have to imagine she has something she’d like to say about that.” This is an opportunity to echo what JV is writing for you for tomorrow’s budget hearing. I’m pretty sure the last time you did Kyle’s podcast was more than a year ago – when we recorded it over at the Supreme Court right after a newser. I recommend you do this if we can find a 15-minute block of your time on Monday.

What do you think – are you game?

From: [Nessel, Dana \(AG\)](#)
To: [Rossman-McKinney, Kelly \(AG\)](#)
Cc: [Edgerson, Mia \(AG\)](#); [Grossi, Christina \(AG\)](#); [VanDeventer, John \(AG\)](#); [AGPress](#)
Subject: Re: Kyle Melinn's Podcast on Monday
Date: Tuesday, March 23, 2021 2:12:45 PM

I'm sure I will be making a lengthy statement on this tomorrow at the budget hearing.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Tuesday, March 23, 2021 1:22:38 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Kyle Melinn's Podcast on Monday

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What do you think – are you game?

From: [Allison-Yokom, Danielle \(AG\)](#)
To: [Nessel, Dana \(AG\)](#)
Cc: [Whipple, Eileen \(AG\)](#); [Synk, Polly \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Reichel, Robert \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Hiar, Robin \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [Albers, Mitchell \(AG\)](#)
Subject: Food Law Authority - for legislative hearing
Date: Wednesday, March 24, 2021 1:50:38 PM

Good afternoon,

Per our conversation, here are a couple of helpful citations from the Food Law and other information that may be helpful today.

Summary Suspension Provision

MCL 289.4125(4) Based upon facts submitted by a person familiar with those facts or upon information and belief alleging that an imminent threat to the public health, safety, or welfare exists, the director may summarily suspend a license, registration, or certificate issued under this act. A person whose license, registration, or certificate has been summarily suspended under this section may petition the director to dissolve the order. Upon receipt of such a petition, the director shall immediately schedule a hearing to decide whether to grant or deny the petition to dissolve. The presiding officer shall grant the requested relief dissolving the summary suspension order unless sufficient evidence is presented that an imminent threat to the public health, safety, or welfare exists requiring emergency action and continuation of the director's summary suspension order.

License Requirements

MCL 289.4101(1) Except as provided in sections 4102 and 4105, a person shall not operate a food establishment unless licensed by the department as a food establishment.

Note: Marlena's Bistro and Pizzeria does not fall within any exception to licensure.

Prohibited Acts

MCL 289.5101(1) A person shall not do or cause to be done any of the following:

(d) Sell, deliver for sale, hold for sale, or offer for sale food unless that person holds a license issued under chapter IV.

(n) Interfere with the director in the conduct of his or her responsibilities under this act.

(q) Operate without a license, registration, permit, or endorsement.

(r) Violate a provision of this act or a rule.

Injunctive Relief

MCL 289.5111 In addition to the remedies provided for in this act, the department may apply to the circuit court for, and the court shall have jurisdiction upon hearing and for cause shown, a temporary or permanent injunction restraining any person from violating any provision of this act or rules promulgated under this act irrespective of whether or not there exists an adequate remedy at law.

MDARD's approach to summary suspensions

In each case where MDARD issued a summary suspension, it looked at more than whether the establishment was violating MDHHS's Epidemic Orders. MDARD also looked at local infection rates, hospital capacity, risk levels, school closures in the community, whether the local health department had determined the operations were an imminent threat to the public health, and various other factors. In every case where MDARD issued a summary suspension, a hearing was held in front of the Michigan Office of Administrative Hearings and Rules and MOAHR continued the summary suspensions.

Additional Timeline Point

The Allegan County Health Department determined that a person who tested positive for COVID-19 ate at Marlina's on February 27, 2021. The health department issued a press release regarding the incident on March 4, 2021, which was necessary in part because the establishment did not maintain a list of customers for contact tracing purposes.

Appeal rights

Marlina's had the ability to appeal both the decision from MOAHR regarding the summary suspension and the issuance of the preliminary injunction by Judge Stokes. Marlina's has not taken any steps that MDARD is aware of to appeal.

Please let me know if I can provide you anything else that would be helpful.

Danielle Allison-Yokom
Assistant Attorney General
Environmental, Natural Resources,
and Agriculture Division
525 West Ottawa Street

PO Box 30755
Lansing, Michigan 48909
(517) 335-7664

From: [Nessel, Dana \(AG\)](#)
To: [Edgerson, Mia \(AG\)](#)
Subject: Fwd: Marlena's Key Events Timeline
Date: Wednesday, March 24, 2021 12:55:25 PM

Please print off timeline

From: Nessel, Dana (AG) [REDACTED]
Sent: Sunday, March 21, 2021 5:24:05 AM
To: Dana Nessel [REDACTED]
Subject: Fwd: Marlena's Key Events Timeline

From: Nessel, Dana (AG) [REDACTED]
Sent: Sunday, March 21, 2021 5:11:06 AM
To: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Re: Marlena's Key Events Timeline

Thanks so much for providing this in such a timely manner, Eileen. Really appreciate it.

Dana

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Saturday, March 20, 2021 9:22:33 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Subject: Marlena's Key Events Timeline

Good evening,

Christina indicated that a timeline of key events in the case with Marlena's Bistro and Pizzeria may be helpful. It is below.

November 18, 2020 - Allegan County Health Department (ACHD) first contacted Marlena's regarding complaints that the firm was allowing indoor dining. Marlena's continued to allow indoor dining with no restrictions.

December 2, 2020 – ACHD issued a Warning Order.

December 15, 2020 – ACHD issued a Cease and Desist Order.

December 30, 2020 – MDARD issued a Cease and Desist Order.

January 20, 2021 – MDARD issued an Emergency Summary Suspension Order pursuant to MCL 289.4125 (Food Law), and MCL 24.292 (APA).

January 21, 2021 – ACHD delivered the MDARD Summary Suspension Order and hearing information but it was refused by Ms. Pavlos-Hackney.

January 29, 2021 – MDARD employees again delivered the MDARD Summary Suspension Order and left it at the establishment.

February 1, 2021 – Hearing in front of ALJ Lauren Van Steel.

February 11, 2021 – ALJ Van Steel issued her Decision and Order Continuing the Summary Suspension.

February 16, 2021 – ACHD confirmed that Ms. Pavlos-Hackney received the Decision and Order and again asked her to work with them to come into compliance. Ms. Pavlos-Hackney declined the opportunity.

February 18, 2021 – Ms. Pavlos-Hackney informed ACHD that inspectors from MDARD or ACHD were not welcome in her establishment.

February 24, 2021 - MDARD filed a Summons and Complaint, Motion for TRO and Brief in Support.

February 25, 2021 – Judge Stokes issued a TRO.

February 26, 2021 – TRO was personally served on Ms. Pavlos-Hackney at the establishment.

March 1, 2021 – Motion for Contempt.

March 2, 2021 – Motion for Contempt personally served on Ms. Pavlos-Hackney at the establishment.

March 4, 2021 – Hearing in front of Judge Stokes. Judge Stoke ordered the TRO converted to a Preliminary Injunction, fined the establishment \$7, 500 and indicated that a bench warrant would issue. Written order followed the hearing indicating Ms. Pavlos-Hackney would be incarcerated unless and until she complied. Bench Warrant was signed.

March 5, 2021 – MDARD filed a Notice to the Court that Marlana’s was still operating. Bench Warrant provided by Court to law enforcement.

March 10, 2021 – MDARD contacts MSP. MSP reached out the Ms. Pavlos-Hackney and provided her an opportunity to turn herself in.

March 19, 2021- Ms. Pavlos-Hackney was arrested and brought before Judge Aquilina. Ms. Pavlos-Hackney was fined \$7,500 again (total of \$15,000) and told she would remain incarcerated until she pays her fine and demonstrates compliance. At the hearing, she was threatened with “93 days” for criminal contempt for her behavior during the hearing. We believe some of the news reports are reporting this incorrectly, suggesting she could be kept incarcerated for “up to 93 days” if she does not comply. She likely could remain incarcerated longer than 93 days if she refused to comply. A written order is forthcoming.

Not depicted in the timeline are the regular observations by ACHD or MDARD inspectors, Facebook posts, news reports, or complaints indicating that at all times the establishment continued to remain open and refused to employ even some of the most basic preventative measures like masks or social distancing.

Please let me know if additional information, or this information in a different format, would be helpful.

Respectfully,

Eileen C. Whipple
Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Grace, Stephanie \(AG\)](#)
To: [Harps, Kimberly \(AG\)](#); [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Booth, Joshua O. \(AG\)](#); [Bruinsma, Cheri \(PACC\)](#); [Selleck, James \(AG\)](#); [Seppala, Mary Beth \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Barron, Katharyn \(AG\)](#); [McGehee, Donald \(AG\)](#); [Cezil, Veneshia \(AG\)](#); [Meingast, Heather \(AG\)](#); [Robinson, Ron \(AG\)](#); [Bartindale, Margaret \(AG\)](#); [Long, James \(AG\)](#); [Fabus, Thomas \(AG\)](#); [Hagaman-Clark, Danielle \(AG\)](#); [Geminick, Lisa \(AG\)](#); [Reichel, Robert \(AG\)](#); [Jason, Molly \(AG\)](#); [Teter, Scott \(AG\)](#); [Tanay, David \(AG\)](#); [Harris, Toni \(AG\)](#); [Taylor, Debbie \(AG\)](#); [Brya, Michelle \(AG\)](#); [Hughey, Steven \(AG\)](#); [Morton, Bradley \(AG\)](#); [Moody, Michael \(AG\)](#); [McGivney, Jessica \(AG\)](#); [Gleeson, Kathleen \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Teszewicz, Barbara \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Allen, Christopher \(AG\)](#); [Jenson, Melissa \(AG\)](#); [Frankel, Robyn \(AG\)](#); [Restuccia, Eric \(AG\)](#); [Canfield, Chad \(AG\)](#); [Covington, Courtney \(AG\)](#); [McCann, Amber \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Boice, Brianne \(AG\)](#); [Witters, Emily \(AG\)](#)
Subject: Media Clips 3/24/21
Date: Wednesday, March 24, 2021 9:04:36 AM

Hello Team –

Today's media clips report includes stories that mention our cases and/or quote our staff.

We do our best to catch errors in reporting but if you notice a reporter has made a factual error, please reach out to [Courtney](#) or [Kelly](#) so they may address the error with the reporter. We encourage you to share these on your social media platforms.



Thank You,

Stephanie L. Grace

MI Department of Attorney General

Office of Public Information & Education

Office: 517-335-0747

Media Clips 3/24/21

Michigan Attorney General Dana Nessel's Facebook page – Check it out daily for up-to-date information!!!

- <https://www.facebook.com/MIAttorneyGeneral/>

AG Dana Nessel proves she is politically motivated in her last press release

- <https://wbckfm.com/ag-dana-nessel-proves-she-is-politically-motivated-in-her-last-press-release/>

Marlena Pavlos-Hackney released from Ingham County Jail

- <https://wwmt.com/news/local/marlena-pavlos-hackney-released-from-ingham->

[county-jail](#)

- <https://www.ironmountaindailynews.com/news/2021/03/michigan-restaurant-owner-awaits-jail-release/>
- <https://www.fox17online.com/news/local-news/lakeshore/allegan/interactive-timeline-events-leading-up-to-marlena-pavlos-hackneys-arrest>
- <https://mynbc15.com/news/coronavirus/she-is-no-hero-restaurant-owner-arrested-jailed-for-violating-covid-19-restrictions-03-23-2021>
- https://www.grandhaventribune.com/news/local/republicans-call-for-release-of-detained-holland-restaurant-owner/article_35887727-a14b-5f5e-b65b-8ed78754d370.html
- <https://wtvbam.com/2021/03/23/republicans-come-to-defense-of-arrested-holland-restaurant-owner/>
- <https://www.charlotteobserver.com/news/nation-world/national/article250140174.html>

Michigan residents offered free access to their credit reports through April 20, 2022

- https://fintechzoom.com/fintech_news_loans/loans-bad-credit-online-michigan-residents-offered-free-access-to-their-credit-reports-through-april-20/

CMS Energy Corporation reveals an earnings mystery

- <https://newsheater.com/2021/03/24/cms-energy-corporation-cms-reveals-an-earnings-mystery/>

11 Michigan business, city still appealing \$50,000 in COVID fines

- <https://www.detroitnews.com/story/news/local/michigan/2021/03/23/11-michigan-businesses-city-still-appealing-50-k-fines-miosha/4673042001/>

Concerns mount over attorney fees in Flint water settlement

- https://www.heraldmailmedia.com/news/nation/concerns-mount-over-attorney-fees-in-flint-water-settlement-heres-why/article_35ca0f9a-7159-5a12-9dda-c302141628e7.html
- <https://www.freep.com/story/news/local/michigan/flint-water-crisis/2021/03/23/faq-flint-water-crisis-attorney-fees/4789226001/>

Ann Arbor's 50th Hash Bash will be virtual, but smoke-in protest planned

- <https://www.mlive.com/news/ann-arbor/2021/03/ann-arbors-50th-hash-bash-will-be-virtual-but-smoke-in-protest-planned.html>

Racial justice advocates march for accountability in Ann Arbor

- <https://www.washtenawvoice.com/2021/03/23/racial-justice-advocates-march-for-accountability-in-ann-arbor/>

Nessel to testify on domestic terrorism before US House panel

- <https://www.woodtv.com/news/michigan/nessel-to-testify-on-domestic-terrorism-before-us-house-panel/>
- <https://www.9and10news.com/2021/03/23/michigans-attorney-general-testifies->

[on-domestic-terrorism-militia-activity/](#)

- <https://www.whmi.com/news/article/slotkin-says-domestic-terror-hearings-will-focus-on-facts-not-politics>

Attorney General announces \$188.6 million settlement with medical device manufacturer

- <https://www.wlns.com/news/michigan/attorney-general-announces-188-6-million-settlement-with-medical-device-manufacturer/>

Nessel charges Wolverine Watchmen member on felony weapons counts

- <https://www.metrotimes.com/news-hits/archives/2021/03/23/nessel-charges-wolverine-watchmen-member-on-felony-weapons-counts>
- http://www.iosconews.com/oscodapress/news/crime/article_7761958e-8be9-11eb-ab48-9f38802d3432.html

Next steps after Nessel announces no nursing home investigation

- <https://www.spinalcolumnonline.com/articles/runestad-considering-next-steps-after-nessel-announces-no-nursing-home-investigation/>

Nessel Requests US AG to close loophole on “ghost guns”

- <https://www.fox17online.com/news/local-news/michigan/ag-nessel-requests-us-ag-to-close-loophole-on-ghost-guns>

Owner of Michigan towing company allegedly sold cars with titles obtained through fraud

- <https://www.mlive.com/news/2021/03/owner-of-michigan-towing-company-allegedly-sold-cars-with-titles-obtained-through-fraud.html>

East Lansing City Council calls on MSU to release documents in Larry Nassar investigation

- <https://www.lansingstatejournal.com/story/news/2021/03/23/east-lansing-city-council-urges-msu-release-larry-nassar-records/6974579002/>

Rapper and porn star charged

- <https://www.metroweekly.com/2021/03/rapper-and-porn-star-charged-with-robbing-a-gay-man-and-killing-another-in-detroit/>

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Whipple, Eileen \(AG\)](#); [Nessel, Dana \(AG\)](#)
Cc: [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Jarvi, Ryan \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Reichel, Robert \(AG\)](#); [Synk, Polly \(AG\)](#); [Allison-Yokom, Danielle \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [LaMore, Laura \(AG\)](#); [Hiar, Robin \(AG\)](#)
Subject: RE: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity
Date: Wednesday, February 24, 2021 11:20:56 AM

Got it on all. Will check with Jen(n?) Holton to see if she wants any media on this but I doubt it.
Thanks, Eileen!

From: Whipple, Eileen (AG) <WhippleE@michigan.gov>
Sent: Wednesday, February 24, 2021 10:52 AM
To: Nessel, Dana (AG) <[REDACTED]>
Cc: Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Jarvi, Ryan (AG) <JarviR2@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; LaMore, Laura (AG) <LaMoreL1@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>
Subject: AG-Heads-Up-Marlena's Bistro-NEW MDARD Enforcement Activity

Good morning,

There is a new MDARD enforcement matter to highlight for you.

MDARD just filed an action in Ingham County Circuit Court regarding Marlena's Bistro and Pizzeria in Holland Michigan (Allegan County). The complaint, motion for TRO, and brief in support are attached.

Marlena's continued offering in-person dining despite the MDHHS orders. Malena's does not employ any COVID-19 mitigation strategies. MDARD suspended Marlena's food establishment license on January 20, 2021. An administrative hearing was held on February 1, 2021. On February 11, 2021 the ALJ issued a decision and order continuing the summary suspension. Marlena's continues to operate despite the license suspension and now Marlena's is refusing entry of inspectors from either Allegan County Health Department or MDARD --which is a separate violation of the Michigan Food Law. Marlena's has also indicated repeatedly that they are a "constitutionally compliant" business and will not adhere to any government order regarding masks or social distancing.

Similar to MDARD's other recent cases, there has been local media interest in this case.

I will provide another update once we hear from the Court on our request for a TRO.

Thanks,

Eileen C. Whipple

Assistant Attorney General
Michigan Department of Attorney General
Environment, Natural Resources,
and Agriculture Division
525 W. Ottawa Street
P.O. Box 30755
Lansing, MI 48909

From: [Witters, Emily \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Booth, Joshua O. \(AG\)](#); [Bruinsma, Cheri \(PACC\)](#); [Selleck, James \(AG\)](#); [Seppala, Mary Beth \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Barron, Katharyn \(AG\)](#); [McGehee, Donald \(AG\)](#); [Cezil, Veneshia \(AG\)](#); [Meingast, Heather \(AG\)](#); [Robinson, Ron \(AG\)](#); [Bartindale, Margaret \(AG\)](#); [Long, James \(AG\)](#); [Fabus, Thomas \(AG\)](#); [Hagaman-Clark, Danielle \(AG\)](#); [Geminick, Lisa \(AG\)](#); [Reichel, Robert \(AG\)](#); [Jason, Molly \(AG\)](#); [Teter, Scott \(AG\)](#); [Tanay, David \(AG\)](#); [Harris, Toni \(AG\)](#); [Taylor, Debbie \(AG\)](#); [Brya, Michelle \(AG\)](#); [Hughey, Steven \(AG\)](#); [Morton, Bradley \(AG\)](#); [Moody, Michael \(AG\)](#); [McGivney, Jessica \(AG\)](#); [Gleeson, Kathleen \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Allen, Christopher \(AG\)](#); [Jenson, Melissa \(AG\)](#); [Frankel, Robyn \(AG\)](#); [Restuccia, Eric \(AG\)](#); [Canfield, Chad \(AG\)](#); [Covington, Courtney \(AG\)](#); [Harps, Kimberly \(AG\)](#); [Grace, Stephanie \(AG\)](#); [McCann, Amber \(AG\)](#); [Albers, Mitchell \(AG\)](#); [Witters, Emily \(AG\)](#)
Subject: Media Clips 3/25/2021
Date: Thursday, March 25, 2021 8:54:04 AM

Hello Team –

Today’s media clips report includes stories that mention our cases and/or quote our staff.

We do our best to catch errors in reporting but if you notice a reporter has made a factual error, please reach out to [Courtney](#) or [Kelly](#) so they may address the error with the reporter. We encourage you to share these on your social media platforms.

Thank you,
Emily Witters
Michigan Department of Attorney General
Office of Public Information and Education
517-335-7663 – Direct
WittersE@michigan.gov

-

***** Media Clips 3/25/2021 *****

Michigan Attorney General Dana Nessel’s Facebook page – Check it out daily for up-to-date information!!!

- <https://www.facebook.com/MIAttorneyGeneral/>

COVID-19 – Marlena’s Bistro and Pizzeria (Arrest of Holland Restaurant Owner (Marlena Pavlos-Hackney) who Ignored State Shutdown)

- <https://www.foxnews.com/media/tucker-says-michigan-ag-admits-guest-arrested-for-appearing-on-show-it-sounds-like-dictatorship>

Consumers Energy (Campaign Launched to Help Pay Heating Bills)

- https://www.record-eagle.com/news/business/business-in-brief-03-24-21/article_37663fd4-8662-11eb-b791-37135c605136.html

David Lubahn (Former Blackman-Leoni Twp. Public Safety Officer) (Misconduct and Perjury Charges) (Pleads Guilty)

- <https://www.wilx.com/2021/03/24/former-blackman-leoni-township-police-officer-pleads-guilty-in-public-integrity-case/>
- <https://www.mlive.com/news/jackson/2021/03/former-jackson-area-police-officer->

[pleads-guilty-to-lesser-charge-after-accusations-of-perjury-misconduct.html](#)

Homeland Security (Domestic Terrorism)

- <https://www.fox17online.com/news/local-news/michigan/live-at-9-30-a-m-ag-nessel-testifies-on-domestic-terrorism>
- <https://www.detroitnews.com/story/news/politics/2021/03/24/nessel-seeks-greater-resources-feds-combat-domestic-terrorism/6980205002/>
- <https://www.mlive.com/public-interest/2021/03/we-need-help-michigan-attorney-general-says-feds-need-to-step-up-fight-against-domestic-terrorism.html>
- <https://www.usatoday.com/story/news/politics/elections/2021/03/24/capitol-riot-fallout-congress-mulls-domestic-terrorism-legislation/6982890002/>
- <https://www.wlns.com/top-stories/nessel-to-testify-on-domestic-terrorism-before-us-house-panel/>
- <https://homelandprepnews.com/countermeasures/65829-congress-eyes-domestic-terrorism-law/>
- <https://lawandcrime.com/high-profile/michigan-ag-calls-for-federal-domestic-terrorism-statute-in-house-testimony-saying-her-state-is-ground-zero-for-anti-government-militia-extremism/>
- <https://www.freep.com/story/news/local/michigan/2021/03/24/dana-nessel-domestic-terrorism-michigan/6983336002/>
- <https://www.motherjones.com/politics/2021/03/lawmakers-spar-over-need-for-new-domestic-terrorism-laws/>
- <https://patch.com/michigan/across-mi/citing-plot-against-whitmer-nessel-urges-congress-adopt-stronger-federal-anti>
- <https://www.wlns.com/news/recent-attacks-spark-domestic-terrorism-debate-it-must-be-addressed/>
- <https://www.clickondetroit.com/news/politics/2021/03/24/labels-matter-michigan-lawmakers-push-for-stronger-federal-terrorism-laws/>
- <https://www.fox2detroit.com/news/nessel-testifies-as-lawmakers-work-to-combat-domestic-terrorism>
- <https://www.abc12.com/2021/03/24/attorney-general-calls-for-more-funding-to-fight-domestic-terrorism/>
- <https://www.wftv.com/news/lawmakers-consider-push-federal-domestic-terrorism-laws/XQV54GDQCNHJHILJXNKESWNW3Y/>
- <https://www.fox17online.com/news/local-news/michigan-attorney-dana-nessel-offers-response-to-domestic-terrorism>

Immigration Scams (Related to Recent Biden Administration Reforms)

- <https://wwmt.com/features/first-42/new-immigration-scams-emerge-amid-new-biden-policies>

Michigan State University (MSU) Board of Trustees (Request to Release Larry Nassar Documents)

- <https://statenews.com/article/2021/03/east-lansing-city-council-passes-resolution-calling-on-msu-to-release-6000-nassar-documents>
- <https://statenews.com/article/2021/03/survivors-msu-community-makes-final-plea-to>

[release-the-documents-prior-to-the-ag-deadline](#)

- <https://www.fox47news.com/neighborhoods/msu-campus/east-lansing-city-council-calls-on-msu-to-release-thousands-of-documents-in-nassar-investigation>

Norman Kasubowski (Timber Harvester going to Circuit Court on Embezzlement Charges)

- <https://www.mlive.com/news/2021/03/michigan-timber-harvester-allegedly-lied-about-wood-taken-from-clients-property-to-save-money.html>

Propane (Price Gouging)

- <https://www.jdsupra.com/legalnews/price-gouging-weekly-round-up-march-7442062/>

U.S. Attorney General Merrick Garland (Gun Control Act) (Ghost Gun loophole)

- <http://www.minews26.com/content/mich-attorney-general-dana-nessel-calls-to-close-ghost-gun-loophole/>

From: [Nessel, Dana \(AG\)](#)
To: [Allison-Yokom, Danielle \(AG\)](#)
Cc: [Whipple, Eileen \(AG\)](#); [Synk, Polly \(AG\)](#); [Grossi, Christina \(AG\)](#); [Hammoud, Fadwa \(AG\)](#); [VanDeventer, John \(AG\)](#); [Rossman-McKinney, Kelly \(AG\)](#); [Covington, Courtney \(AG\)](#); [Potchen, Joseph \(AG\)](#); [Manning, Peter \(AG\)](#); [Reichel, Robert \(AG\)](#); [Teszlewicz, Barbara \(AG\)](#); [King-Piepenbrok, Pier \(AG\)](#); [Gustafson, Holly \(AG\)](#); [Edgerson, Mia \(AG\)](#); [Hiar, Robin \(AG\)](#); [Schumaker, Kelly \(AG\)](#); [Albers, Mitchell \(AG\)](#)
Subject: Re: Food Law Authority - for legislative hearing
Date: Thursday, March 25, 2021 9:01:01 AM

Thanks Danielle! Very helpful.

From: Allison-Yokom, Danielle (AG) <AllisonYokomD@michigan.gov>
Sent: Wednesday, March 24, 2021 1:50:36 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Whipple, Eileen (AG) <WhippleE@michigan.gov>; Synk, Polly (AG) <SynkP@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; Hammoud, Fadwa (AG) <HammoudF1@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Covington, Courtney (AG) <CovingtonC2@michigan.gov>; Potchen, Joseph (AG) <PotchenJ@michigan.gov>; Manning, Peter (AG) <ManningP@michigan.gov>; Reichel, Robert (AG) <ReichelB@michigan.gov>; Teszlewicz, Barbara (AG) <teszlewiczb@michigan.gov>; King-Piepenbrok, Pier (AG) <KingP1@michigan.gov>; Gustafson, Holly (AG) <GustafsonH@michigan.gov>; Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Hiar, Robin (AG) <HiarR@michigan.gov>; Schumaker, Kelly (AG) <SchumakerK@michigan.gov>; Albers, Mitchell (AG) <AlbersM1@michigan.gov>
Subject: Food Law Authority - for legislative hearing

Good afternoon,

Per our conversation, here are a couple of helpful citations from the Food Law and other information that may be helpful today.

Summary Suspension Provision

MCL 289.4125(4) Based upon facts submitted by a person familiar with those facts or upon information and belief alleging that an imminent threat to the public health, safety, or welfare exists, the director may summarily suspend a license, registration, or certificate issued under this act. A person whose license, registration, or certificate has been summarily suspended under this section may petition the director to dissolve the order. Upon receipt of such a petition, the director shall immediately schedule a hearing to decide whether to grant or deny the petition to dissolve. The presiding officer shall grant the requested relief dissolving the summary suspension order unless sufficient evidence is presented that an imminent threat to the public health, safety, or welfare exists requiring emergency action and continuation of the director's summary suspension order.

License Requirements

MCL 289.4101(1) Except as provided in sections 4102 and 4105, a person shall

not operate a food establishment unless licensed by the department as a food establishment.

Note: Marlena's Bistro and Pizzeria does not fall within any exception to licensure.

Prohibited Acts

MCL 289.5101(1) A person shall not do or cause to be done any of the following:

(d) Sell, deliver for sale, hold for sale, or offer for sale food unless that person holds a license issued under chapter IV.

(n) Interfere with the director in the conduct of his or her responsibilities under this act.

(q) Operate without a license, registration, permit, or endorsement.

(r) Violate a provision of this act or a rule.

Injunctive Relief

MCL 289.5111 In addition to the remedies provided for in this act, the department may apply to the circuit court for, and the court shall have jurisdiction upon hearing and for cause shown, a temporary or permanent injunction restraining any person from violating any provision of this act or rules promulgated under this act irrespective of whether or not there exists an adequate remedy at law.

MDARD's approach to summary suspensions

In each case where MDARD issued a summary suspension, it looked at more than whether the establishment was violating MDHHS's Epidemic Orders. MDARD also looked at local infection rates, hospital capacity, risk levels, school closures in the community, whether the local health department had determined the operations were an imminent threat to the public health, and various other factors. In every case where MDARD issued a summary suspension, a hearing was held in front of the Michigan Office of Administrative Hearings and Rules and MOAHR continued the summary suspensions.

Additional Timeline Point

The Allegan County Health Department determined that a person who tested positive for COVID-19 ate at Marlena's on February 27, 2021. The health

department issued a press release regarding the incident on March 4, 2021, which was necessary in part because the establishment did not maintain a list of customers for contract tracing purposes.

Appeal rights

Marlena's had the ability to appeal both the decision from MOAHR regarding the summary suspension and the issuance of the preliminary injunction by Judge Stokes. Marlena's has not taken any steps that MDARD is aware of to appeal.

Please let me know if I can provide you anything else that would be helpful.

Danielle Allison-Yokom
Assistant Attorney General
Environmental, Natural Resources,
and Agriculture Division
525 West Ottawa Street
PO Box 30755
Lansing, Michigan 48909
(517) 335-7664

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Nessel, Dana \(AG\)](#); [Grossi, Christina \(AG\)](#); [VanDeventer, John \(AG\)](#)
Cc: [Edgerson, Mia \(AG\)](#)
Subject: RE: Kyle Melinn's Podcast on Monday
Date: Thursday, March 25, 2021 9:20:01 AM

Many thanks!

From: Nessel, Dana (AG) [REDACTED]
Sent: Thursday, March 25, 2021 9:07 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Subject: Re: Kyle Melinn's Podcast on Monday

Ok. I will do it.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Thursday, March 25, 2021 8:39:46 AM
To: Nessel, Dana (AG) [REDACTED]; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Subject: FW: Kyle Melinn's Podcast on Monday

Original podcast ask and interact.

From: Rossman-McKinney, Kelly (AG)
Sent: Tuesday, March 23, 2021 2:22 PM
To: 'Nessel, Dana (AG)' [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: RE: Kyle Melinn's Podcast on Monday

I know. I recommend reinforcing that message on the podcast – which will be five days later and an opportunity to get that message out there again.

From: Nessel, Dana (AG) [REDACTED]
Sent: Tuesday, March 23, 2021 2:13 PM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Re: Kyle Melinn's Podcast on Monday

I'm sure I will be making a lengthy statement on this tomorrow at the budget hearing.

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Tuesday, March 23, 2021 1:22:38 PM
To: Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>; AGPress <AGPress@michigan.gov>
Subject: Kyle Melinn's Podcast on Monday

Kyle Melinn has invited you to be on his podcast Monday – which will be a max of 15 minutes. Says “She’s taking a heck of a beating from Republicans on this Hackney (sic – he means Marlena’s) arrest and I have to imagine she has something she’d like to say about that.” This is an opportunity to echo what JV is writing for you for tomorrow’s budget hearing. I’m pretty sure the last time you did Kyle’s podcast was more than a year ago – when we recorded it over at the Supreme Court right after a newser. I recommend you do this if we can find a 15-minute block of your time on Monday.

What do you think – are you game?

From: [Rossman-McKinney, Kelly \(AG\)](#)
To: [Grossi, Christina \(AG\)](#); [Nessel, Dana \(AG\)](#)
Cc: [Edgerson, Mia \(AG\)](#); [VanDeventer, John \(AG\)](#)
Subject: RE: Opportunity to vent &/or rant
Date: Thursday, March 25, 2021 8:34:26 AM

Mostly Marlena but her rant (if I recall) was based on the contrast between the GOP outrage over our enforcement of the food establishment laws vs nursing homes. Thought John drafted something for her that she intended to use yesterday.

From: Grossi, Christina (AG) <GrossiC@michigan.gov>
Sent: Thursday, March 25, 2021 8:28 AM
To: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>; Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Subject: Re: Opportunity to vent &/or rant

Are they going to ask her about nursing homes?

From: Rossman-McKinney, Kelly (AG) <RossmanMcKinneyK@michigan.gov>
Sent: Thursday, March 25, 2021 8:25:55 AM
To: Nessel, Dana (AG) [REDACTED]
Cc: Edgerson, Mia (AG) <EdgersonM@michigan.gov>; Grossi, Christina (AG) <GrossiC@michigan.gov>; VanDeventer, John (AG) <VandeventerJ@michigan.gov>
Subject: Opportunity to vent &/or rant

At the risk of annoying you with this request I'm bringing it back up ... since yesterday's Sen approps hearing was such a lovefest (how long does that Knezek honeymoon linger, for crying out loud?!?! – you can use the MIRS podcast (4-15 minutes) for that instead. You haven't been on in over a year. What do you think?

From: [MIRS Delivery](#)
To: [Nessel, Dana \(AG\)](#)
Subject: MIRS BREAKING NEWS: Gov Done Talking About Gordon; Tigers Can Have 8,200 Fans; Defiant Restaurateur Arrested -- 10:46 p.m.
Date: Friday, March 19, 2021 10:55:10 AM

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MIRS BREAKING NEWS: Gov Done Talking About Gordon; Tigers Can Have

8,200 Fans; Defiant Restaurateur Arrested -- 10:46 p.m.

https://mirsnews.com/alert.php?alert_id=3579

The confidentiality clause is gone, but not much has changed as far as how much Gov. Gretchen **WHITMER** is willing to talk about the departure of Robert **GORDON** from the Michigan Department of Health and Human Services (DHHS).

The first question out of the gate at today's COVID-19 press conference was about Gordon and why she and Gordon chose to waive the confidentiality clause from his separation agreement, which was announced Thursday.

The Governor said, "We don't have anything to hide" and that "we released" Gordon from the confidentiality piece.

"What people have been able to ascertain is exactly what we've been saying throughout. That is that Director Gordon resigned and I accepted the resignation and thanked him for his service and appointed a new director," Whitmer said.

She continued by saying "I know that there are some people on the other side of the aisle, in particular, who would rather spend their time talking about personnel issues."

Asked again about why Gordon resigned, Whitmer said later, "I have said all I'm gonna say about Director Gordon's departure."

On Thursday, Gordon responded to the House Oversight Committee's request he testify with a letter in lieu of testimony that alluded to "robust conversations" in government where "reasonable people could disagree and did" (See "[Gordon Provides Letter Instead Of Testimony After Nixing Confidentiality Clause](#)," 3/18/21).

Committee Chair Rep. Steven **JOHNSON** (R-Wayland) wasn't satisfied with the answers and introduced a resolution to give his committee subpoena power to compel Gordon to testify.

Also today, the Governor announced today that outdoor sports stadiums can allow up to 20% capacity under the latest state COVID-19 order, which also ramps up testing of youth sports in the face of increased outbreaks tied to high school sports.

Whitmer announced the changes today after Republicans lobbied to have bigger capacity at outdoor venues, particularly with an eye toward the Detroit Tigers' home opener.

"We are thrilled to safely welcome back the best fans in baseball to Comerica Park for Opening Day and beyond," said Chris **GRANGER**, group president of sports and Entertainment, Ilitch Holdings, in the state's press release.

The higher capacity limit would allow about 8,200 fans into Comerica Park which has a capacity just beyond 41,000. The previous state limit would've allowed 1,000 people in the

ballpark (See "[Republicans To Gov: Increase Comerica Capacity For Opening Day](#)," 3/15/21).

Outdoor stadiums are allowed the additional capacity if they do a number of things, like establishing infection control plans in compliance with the DHHS and sending the infection control plans to the local health department and the DHHS at least seven days before scheduled events.

But Whitmer and the DHHS also announced more testing protocols for high school sports, as she attributed many of the increasing outbreaks in K-12 settings to high school sports.

"A significant number of the reason cases have been attributed to high school athletics," Whitmer said, in announcing the new requirement of high school athletes getting tested before every game and practice.

In addition to the increased stadium capacity, the state also said fully vaccinated individuals can have residential gatherings with other fully vaccinated individuals without masks, which aligns the state's restrictions with the latest issued guidance from the Centers for Disease Control & Prevention (CDC).

The changes to the order go into effect Monday, March 22, and remain in effect through Monday, April 19.

In other news:

-- Whitmer said Michigan has at least 756 cases of the COVID-19 variant first identified in the United Kingdom, the second-most of any U.S. state, behind Florida. There are two cases of the variant first found in South Africa in Michigan.

-- Cases, positivity rates and hospital capacity dedicated to COVID-19 are all up, which led Chief Medical Executive Dr. Joneigh **KHALDUN** to say the state is trending the wrong direction on COVID numbers.

Cases are up 77% since a low in mid-February, but still lower than a peak from mid-November. The positivity rate is 177% higher than mid-February but still below a December high point. And hospital capacity is 25% higher than a low found in the end of February, but lower than the early December peak.

Holland Restaurant Owner Arrested For Violating Public Health Orders

The owner of Marlena's Bistro and Pizzeria in Holland was arrested today for willfully violating the state's food laws, public health orders and a court-order temporary restraining order.

Restaurant owner Marlena **PAVLOS-HACKNEY** has "continued to willfully violate" the TRO, which was converted into a preliminary injunction, Attorney General Dana **NESSSEL** said.

"This owner has continued to willfully violate the state's food laws, public health orders and the order of the court -- a dangerous act that may have exposed dozens of diners and employees to the virus following the discovery that one of Marlena's customers tested

positive for the virus within two days of eating there," Nessel said. "MDARD is particularly concerned because the potential exposure happened at a restaurant that refuses to comply with basic COVID-19 measures required by the Michigan Department of Health & Human Services."

The Allegan County Health Department issued a news release notifying the public about their potential exposure to COVID-19 at the restaurant.

Pavlos-Hackney, 55, was taken into custody by the Michigan State Police around 5:45 a.m. on an outstanding Ingham County civil warrant for contempt of court for failing to comply in a civil case filed by the Michigan Department of Agriculture and Rural Development (MDARD). She was arrested, without incident, following a traffic stop on Lakewood Boulevard and 160th in Ottawa County.

MDARD suspended Pavlos-Hackney's food establishment license on Jan. 20 for failing to require workers and customers to wear masks and to socially distance. The restaurant has been operating without a license since then -- in violation of the Michigan food law.

A sign on the restaurant's door acknowledge the lack of compliance, stating: "By law, we do not follow any of the governor's, mayor's, health department's, or other government agency orders or suggestions pertaining to social distancing or mask wearing. Your health is your responsibility."

An administrative hearing was held Feb. 1 to determine if the suspension was proper and on Feb. 11 the administrative law Judge issued a decision and an order continuing the summary suspension of the food license.

The MSP called Pavlos-Hackney March 11 that a warrant had been issued for her arrest and she was advised to turn herself in by Thursday, which she failed to do.

Pavlos-Hackney is now lodged at the Ingham County Jail while awaiting court proceedings.

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From: [MIRS Delivery](#)
To: [Nessel, Dana \(AG\)](#)
Subject: MIRS BREAKING NEWS: Senate Allows Hertel Appointment As DHHS Director To Go Through - 12:17 p.m.
Date: Tuesday, March 23, 2021 12:25:13 PM

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MIRS BREAKING NEWS: Senate Allows Hertel Appointment As DHHS Director

To Go Through - 12:17 p.m.

https://mirsnews.com/alert.php?alert_id=3581

The full Senate allowed the appointment of Michigan Department of Health and Human Services (DHHS) Director Elizabeth **HERTEL** to go through, a move led by Senate Majority Leader Mike **SHIRKEY** (R-Clarklake) over a split Republican caucus.

Sen. Ken **HORN** (R-Frankenmuth), Sen. Wayne **SCHMIDT** (R-Traverse City) and Sen. Jim **STAMAS** (R-Midland), all second-term members, joined Shirkey in supporting the appointment. The vote on confirmation was 18-16, which is one vote short of the 19 needed for passage. However, since the Senate's power is only to reject, Hertel's appointment will go through anyway.

Hertel's husband, Sen. Curtis **HERTEL** Jr. (D-East Lansing) abstained from the vote and Sen. Mallory **McMORROW** (D-Troy) was absent due to being on maternity leave.

Conservative Republicans, led by Sen. Jim **RUNESTAD** (R-White Lake), argued Hertel was too much of a Gov. Gretchen **WHITMER** apologist. They bristled at Hertel's unwillingness to critically analyze the Whitmer administration's initial COVID-19 restrictions, in particular the decision to put COVID-19 patients into nursing homes (See ["Hertel Can't See Not Being On Same Page With Governor,"](#) 2/25/21).

The Whitmer administration spent \$22 million on a pair of lightly used field hospitals as opposed to housing recovering patients at these locations, they claim. They also raise questions about the transparency of DHHS, particularly when it comes to releasing data on nursing home deaths due to COVID-19.

"I will not vote to confirm a director for our state's health department who cannot admit that mistakes," said Sen. Ruth **JOHNSON** (R-Holly). "Nor will I vote to confirm a health director who continues to obscure the data used by the department to make important decisions."

Republicans also are agitated that Whitmer continues to not invite Republican lawmakers to the table when it comes to the degree of COVID-19 restrictions and the ability for businesses to open up. Rejecting gubernatorial appointments is the only tool they have to exert any power over the process, which they've done in bouncing several university and lower-tier appointments this year.

Runestad argued that DHHS' responses to COVID-19 has been "chaotic" and nothing is going to change at the departments under Hertel.

However, Hertel has a long history in Lansing with enough pre-established relationships that would make her rejection -- while politically desirable -- functionally difficult.

For example, the Senate has a new chair of the House DHHS Appropriations Subcommittee, whose staff has worked well in the past with the former Trinity Health

official, Public Sector Consultants analyst and House Republican policy staffer (See ["Hertel Poised To Survive Senate Confirmation Fight,"](#) 3/9/21).

The realization is that Whitmer isn't going to appoint a DHHS director who isn't on the same page as her. It's best to clear the way for someone they feel comfortable working with as opposed to someone who can come across as a cold fish, like former Director Robert **GORDON**.

Today marked the last day under a 1964 Attorney General Frank **KELLEY** decision that the Senate could act on the Whitmer appointment, however Republicans could push the matter in court if it were inspired.

The Constitution gives the Senate "60 session days" to reject a gubernatorial appointment. Kelley interpreted that as 60 consecutive days when the Senate is in session, which would include Saturday and Sundays. The Republican majority could argue in court it means 60 actual session days, which would, theoretically, stretch the Senate's advice and consent power over Hertel into June.

Today's unsuccessful vote to advice and consent to the Hertel appointment doesn't necessarily take that option off the table.

Sen. Curtis Hertel Jr. (D-East Lansing), recused himself from the vote, saying "it will be the hardest vote I will skip," and not because she is his wife, but because she is so qualified it hurts him to have to sit it out due to the obvious personal conflict.

"She is by far the most qualified person that could be nominated," he said, noting the care she puts into the job in a non-partisan way.

Those who voted against the appointment included Sens. Tom **BARRETT** (R-Pottersville), Johnson, Kim **LaSATA** (R-Bainbridge Twp.), Runestad, Lana **THEIS** (R-Brighton), Roger **VICTORY** (R-Hudsonville) and Dale **ZORN** (R-Ida).

In other news:

- Local and state health officials would not have the authority to split up large families at restaurants, a child's sporting's event or in their home, under legislation that passed on a party-line 20-15 vote this morning in the Senate.

Sen. Michael **MacDONALD**'s SB 0257 earned quick support from Sen. Ed **McBROOM** (R-Vulcan), who lives on a farm with several children. He said his party of 13 was split up into three tables this weekend when they went to the local Pizza Hut and the situation wasn't really convenient for anyone (See ["MacDonald: 'No Evidence That Large Families Are Inherently Dangerous,'"](#) 3/22/21).

- Sen. Tom **BARRETT** (R-Pottersville) offered himself up as a "political prisoner" to take the place of restaurant owner Marlena **PAVLOS-HACKNEY** in the Ingham County jail.

In debating the appointment of Elizabeth Hertel, Barrett invoked the name of the Holland entrepreneur, who has ignored local and health orders connected to COVID-19. Barrett called him the first "political prisoner" in the war against the pandemic.

- The Senate Oversight Committee this morning moved open records bills similar to what cleared the full House last week. The 10-bill package subjects the Governor's office to the Freedom of the Information Act (FOIA) and creates a new Legislative Open Records Act (LORA) (See ["House Passes LORA Bills Without A Single Dissenting Vote,"](#) 3/18/21).

- Gun owners would not need a license or a permit to carry a firearm (concealed or openly) under the proposed policy from declared Republican gubernatorial candidate Austin **CHENGE**.

His announced "2A (Second Amendment) policy" is, "You can take my firearm from my cold dead hands," he said in a statement today.

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MIRS Capitol Capsule, Monday, March 22, 2021

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HOUSE COMMITTEE SCHEDULE

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SENATE COMMITTEE SCHEDULE

<https://mirsnews.com/scmte.php>

Any-Reason Virtual Meetings Ending Soon For Gov't, No Extension In Sight

Government bodies, from the state on down, lose the ability to do virtual public meetings for any reason at the end of this month, and it looks unlikely a change in law will allow that to continue.

<https://mirsnews.com/capsule.php?gid=6053#64613>

Hagerstrom: House R's Prescription Drug Package Is 'Obamacare 2.0'

The 15 bills that make up the House Republican prescription drug reduction package are being labeled by one free market conservative activist as "Obamacare 2.0" the day before they are set to begin moving in the House.

<https://mirsnews.com/capsule.php?gid=6053#64619>

Does Whitmer Need More Issues For 2022?

Doing just one thing very well and sticking to that one thing has been cited by some as a key to success. But that approach can be a problem in politics because, no matter what, about half the voters won't think you've done a good job and if a few things concerning that one issue go awry at the wrong time, you may be sunk.

<https://mirsnews.com/capsule.php?gid=6053#64622>

GOP Lawmakers Stand Up For Jailed Holland Restaurateur

Republican lawmakers gathered in Holland across the street from Marlena's Bistro and Pizzeria this morning to protest the jailing of owner Marlena **PAVLOS-HACKNEY** for refusing to pay a \$7,500 fine and ignoring the state's COVID-19 public health orders.

<https://mirsnews.com/capsule.php?gid=6053#64611>

Carra Prepares For Congressional Run Against Upton

Rep. Steve **CARRA** (R-Three Rivers) is beginning the process of a congressional run in 2022, the first-term House member announced over the weekend.

<https://mirsnews.com/capsule.php?gid=6053#64614>

What Will Plymouth Twp Spend Its COVID Money On?

In Plymouth Township, the treasurer is seeing a 98% return rate on property taxes. No major employers went belly up. There are few lead pipes. Broadband service is fine. The water and sewer lines are fairly new, not being connected to the Detroit Water & Sewerage Department.

<https://mirsnews.com/capsule.php?gid=6053#64624>

Tuesday May Be Senate R's Last Day To Bounce Hertel

If Senate Republicans are serious about rejecting Elizabeth **HERTEL** as the Governor's pick for the Michigan Department of Health and Human Services (DHHS), Tuesday would be the last day, barring a constitutional fight later this spring.

<https://mirsnews.com/capsule.php?gid=6053#64620>

Docs Ask For Vaccine Distribution To Their Offices

Now that a third vaccine is available for COVID-19 -- the Johnson & Johnson vaccine, which can be stored in a refrigerator -- the Michigan Academy of Family Physicians (MAFP) is urging the state to allocate vaccines to family physicians.

<https://mirsnews.com/capsule.php?gid=6053#64615>

COVID Report Most Since Early Jan; School Outbreaks Up 5th Straight Week

The 4,801 newly confirmed COVID-19 cases reported today from the past two days is the most reported in a single instance since Jan. 11.

<https://mirsnews.com/capsule.php?gid=6053#64617>

MacDonald: 'No Evidence That Large Families Are Inherently Dangerous'

Sen. Michael **MACDONALD** (R-Sterling Heights) has introduced legislation that would ban state or local officials from issuing emergency orders that limit the size of families that can gather at a table in a restaurant, at a child's sporting event or in their home.

<https://mirsnews.com/capsule.php?gid=6053#64616>

State Investigated Employee Who Claimed To Be In DC During Capitol Insurrection

A state employee underwent investigation by his employer after making his Facebook look as if he was in Washington, D.C. on the day of the U.S. Capitol insurrection, according to an email *MIRS* obtained.

<https://mirsnews.com/capsule.php?gid=6053#64612>

Study: 'Pandemic Fatigue' May Have Increased Great Lakes Drownings

The COVID-19 pandemic indirectly caused more drownings in the Great Lakes, according to a new study.

<https://mirsnews.com/capsule.php?gid=6053#64618>

Bits And Tidbits

Nessel: Wolverine Watchmen Member Facing Felony Weapons Charges

<https://mirsnews.com/capsule.php?gid=6053#64623>

On This Day In Michigan History

On March 22, 1954, the country's first regional shopping mall opened in Southfield.

<https://mirsnews.com/capsule.php?gid=6053#64621>

House Committee Calendar Events

WEDNESDAY, MARCH 24, 2021

12:00 PM - Transportation

VanSingel, Scott;Rm: 307 HOB

TUESDAY, MARCH 23, 2021

10:30 AM - Transportation

O'Malley, Jack;Rm: 519 HOB

WEDNESDAY, MARCH 24, 2021

12:00 PM - Financial Services

Farrington, Diana;Rm: 327 HOB

TUESDAY, MARCH 23, 2021

8:30 AM - Education

Hornberger, Pamela;Rm: 352 CB

TUESDAY, MARCH 23, 2021

12:00 PM - Military, Veterans & Homeland Security

LaFave, Beau;Rm: 521 HOB

THURSDAY, MARCH 25, 2021

10:30 AM - Natural Resources & Outdoor Recreation

Howell, Gary;Rm: 307 HOB

TUESDAY, MARCH 23, 2021

10:00 AM - **Regulatory Reform**

Hauck, Roger;Rm: 352 CB

THURSDAY, MARCH 25, 2021

10:30 AM - **Health Policy**

Kahle, Bronna;Rm: 352 CB

TUESDAY, MARCH 23, 2021

11:30 AM - **Energy**

Bellino, Joseph;Rm: 352 CB

TUESDAY, MARCH 23, 2021

9:00 AM - **Commerce & Tourism**

Marino, Steve;Rm: 327 HOB

TUESDAY, MARCH 23, 2021

9:00 AM - **Agriculture & Rural Development / Natural Resources**

Allor, Sue;Rm: 326 HOB

TUESDAY, MARCH 23, 2021

12:00 PM - **Elections & Ethics**

Bollin, Ann;Rm: 326 HOB

WEDNESDAY, MARCH 24, 2021

10:30 AM - **Agriculture**

Alexander, Julie;Rm: 326 HOB

TUESDAY, MARCH 23, 2021

10:30 AM - **General Government**

VanWoerkom,Greg;Rm: 307 HOB

TUESDAY, MARCH 23, 2021

8:30 AM - **House Fiscal Agency Governing Committee**

Albert, Thomas;Rm: 352 CB

THURSDAY, MARCH 25, 2021

10:30 AM - **Oversight**

Johnson, Steven;Rm: 326 HOB

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8:30 AM - **Natural Resources**

McBroom, Ed;Rm: 403 CB

WEDNESDAY, MARCH 24, 2021

12:00 PM - **Finance**

Runestad, Jim;Rm: 403 CB

THURSDAY, MARCH 25, 2021

1:00 PM - **Health Policy and Human Services**

VanderWall, Curtis;Rm: SENATE HEARING ROOM, GROUND FLOOR, BOJI TOWER

WEDNESDAY, MARCH 24, 2021

12:30 PM - **Energy and Technology**

Lauwers, Dan;Rm: SAR

TUESDAY, MARCH 23, 2021

8:00 AM - **Community Health / Human Services**

Outman, Rick;Rm: SENATE HEARING ROOM, GROUND FLOOR, BOJI TOWER

TUESDAY, MARCH 23, 2021

8:00 AM - **Oversight**

McBroom, Ed;Rm: 403 CB

WEDNESDAY, MARCH 24, 2021

7:00 PM - **Appropriations**

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TUESDAY, MARCH 23, 2021

3:00 PM - **Regulatory Reform**

Nesbitt, Aric;Rm: SAR

New House Committee Action Reports

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Date: Monday, March 22, 2021 1:00:22 PM

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**MIRS MIDDAY UPDATE: GOP
Lawmakers Stand Up For Jailed**

Restaurateur; Docs Want Vaccines At Their Offices - 12:53 p.m.

https://mirsnews.com/alert.php?alert_id=3580

Republican lawmakers gathered in Holland, across the street from Marlena's Bistro and Pizzeria, this morning to protest the jailing of owner Marlena **PAVLOS-HACKNEY** for refusing to pay a \$7,500 fine and ignoring the state's COVID-19 public health orders.

"A year ago, the Governor started her economic suppression and her lockdown of this state. We continue to see the Attorney General of this state use her power for partisan political differences," Sen. Aric **NESBITT** (R-Lawton) said in the live-streamed press conference hosted by the Michigan Republican Party.

"Our left wing Attorney General Dana **NESSSEL** refuses to investigate Gov. Whitmer's tragic nursing home policy but is spending time going after this small business, other small businesses around the state," Nesbitt said.

Asked why the GOP is standing behind someone who is flagrantly not obeying the rules, Rep. Mary **WHITEFORD** (R-Casco Twp.) said they "believe there are checks and balances established in law. There was no process involved in shutting down Marlena's and shutting down other restaurants in this state. That is the bottom line."

Rep. Steven **JOHNSON** (R-Wayland) added to that.

"Marlena did not violate a law that the Legislature passed. Marlena violated an order issued by an unelected bureaucrat. No one should be going to jail because one unelected bureaucrat makes an order. The legislative branch is the law-making entity and this Governor is trying to bypass that at the same time trying to hide her nursing home scandal," Johnson said.

It might not have been a law, the reporter noted, but it was a health code violation.

"Are there any other questions?" Whiteford asked. "So you won't answer that question," the reporter responded.

"I'm here today because somebody is in jail for operating a business against the rules. This business is not open," Sen. Roger **VICTORY** (R-Hudsonville) responded. "Why is she not here today because her restaurant is not open and yet this resident is being jailed. That question hasn't been answered."

Pavlos-Hackney appeared before Ingham County Judge Rosemarie **AQUILINA** Friday. Pavlos-Hackney had been arrested around 5:45 a.m. that day for continued violations of the state's food laws, public health orders and a court-ordered temporary restraining order (See "[Maddock Offers To Help Defiant Restaurant Owner Get Out Of Jail.](#)" 3/16/21).

The judge ordered Pavlos-Hackney -- who is believed to be the first Michigan restaurant owner arrested for violating the orders -- to remain jailed for up to 93 days, but she could be released earlier if she pays the fine and health officials can confirm she has closed her restaurant.

The press conference today was held across the street from the restaurant as several dozen protestors gathered in front of the business to support Pavlos-Hackney.

"I think the important thing to remember here is what is the message that is being sent to anyone in Michigan that wants to open a business, anyone that wants to make a living for themselves. They are being told that at any point in time, one person can come in and shut you down. One person can throw you in jail because you want to make a living. That is not the America I grew up in," Johnson said.

"Nessel's priorities are clear as she fights to release criminals from prison and let the Whitmer administration off the hook for trying to use COVID relief money to give no-bid contracts to Democratic political operatives. These people are out here today, we're out here today, to shed light on what is going on with these political witch hunts that are happening from the partisan left-wing Attorney General Dana Nessel," Nesbitt said.

Docs Ask For Vaccine Distribution To Their Offices

Now that a third vaccine is available for COVID-19 -- the Johnson & Johnson vaccine, which can be stored in a refrigerator -- the Michigan Academy of Family Physicians is urging the state to allocate vaccines to family physicians.

Pamela **ROCKWELL**, DO and associate professor of family medicine at the University of Michigan, acknowledged the Pfizer and Moderna vaccines require special freezers for storage. But now the one-shot Johnson & Johnson vaccine is available, she noted in an online press conference this morning.

She also said eight out of 10 patients rely on their regular physician for advice about vaccines and said distribution to family doctor's offices may help to overcome vaccine hesitancy.

Distributing vaccines to doctor's offices may help "make a tremendous dent" in the unvaccinated population and alleviate some of the workload on local health departments, said Mark **HAMED**, MD and president of Michigan Academy of Family Physicians.

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Plymouth Township doesn't have significant cashflow issues. They don't have a lot of lead pipes or any old infrastructure to replace. How will they spend the \$2.67 million in COVID relief money coming from the federal government? Township Supervisor Kurt Heise answers these and other questions.

Sen. Dayna Polehanki talks about the Senate Republicans' mid-COVID schools plan, transgender athletes and the continuation with school athletics amid a scattering of coronavirus outbreaks.

Public relations professional Darci McConnell sits in with the MIRS team to talk about the formation of groups discontented about "everything," the Marlena Pavlos Hackney arrest and a concrete sign the Governor isn't as strict as her own administration's recommendations in her COVID response.

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6 reasons that Michigan's COVID-19 numbers are surging*

Michigan's seven-day average of new COVID-17 cases is going up a steep pace. So is the positivity rate.

Source: *M-Live* **Date:** 03-20-2021 **Link:** <https://www.mlive.com/public-interest/2021/03/6-reasons-that-michigans-covid-19-numbers-are-surging.html>

Ford Field prepares to vaccinate 6,000 a day at mass COVID-19 vaccination clinic

DETROIT – Ford Field is set to vaccinate 6,000 people a day, as it becomes a major hub in the state in effort to vaccinate at least 70-percent of state's population.

Source: *M-Live* **Date:** 03-20-2021 **Link:** <https://www.mlive.com/public-interest/2021/03/ford-field-prepares-to-vaccinate-6000-a-day-at-mass-covid-19-vaccination-clinic.html>

As coronavirus cases rise again, Kent County health director urges people to keep guard up

KENT COUNTY, MI – As coronavirus cases head up again, Kent County Health Director Adam London is urging people to keep their guard up until more of the population is vaccinated.

Source: *M-Live* **Date:** 03-20-2021 **Link:** <https://www.mlive.com/news/grand-rapids/2021/03/as-coronavirus-cases-rise-again-kent-county-health-director-urges-people-to-keep-guard-up.html>

Michigan reports highest one-day increase of coronavirus cases in 10 weeks

Michigan reported 3,730 new coronavirus cases and 15 new deaths Friday, March 19 – the highest one-day addition of new cases in 10 weeks

Source: *M-Live* **Date:** 03-20-2021 **Link:** <https://www.mlive.com/public-interest/2021/03/michigan-reports-highest-one-day-increase-of-coronavirus-cases-in-10-weeks.html>

Michigan restaurant owner to remain in jail on charge of violating COVID-19 orders

HOLLAND, MI – Using very stern language, a judge ordered a West Michigan restaurant owner accused of violating multiple court orders to remain in jail, likely for several days, until it's apparent she doesn't intend to reopen her business.

Source: M-Live **Date:** 03-20-2021 **Link:** <https://www.mlive.com/news/grand-rapids/2021/03/michigan-restaurant-owner-to-remain-in-jail-on-charge-of-violating-covid-19-orders.html>

Jailed Michigan restaurant owner 'drawing the line' against unfair state orders, backers say

HOLLAND, MI – As the owner of Marlena's Bistro & Pizzeria spent the day in jail Friday, supporters from around West Michigan blamed the heavy hand of government for trying to force her to follow unfair coronavirus guidelines.

Source: M-Live **Date:** 03-20-2021 **Link:** <https://www.mlive.com/news/grand-rapids/2021/03/jailed-michigan-restaurant-owner-drawing-the-line-against-unfair-state-orders-backers-say.html>

Michigan orders teen athlete testing

LANSING, Mich. (AP) — Michigan on Friday eased outdoor stadium capacity restrictions before baseball's opening day but ordered weekly rapid testing of teen athletes amid a climbing coronavirus case rate that ranks fourth nationally over the past week.

Source: Associated Press **Date:** 03-20-2021 **Link:** <https://www.ironmountaindailynews.com/news/local-news/2021/03/michigan-orders-teen-athlete-testing/>

Can Michigan's electric grid handle future of electric vehicles? Yes — to a point*

Do we have enough electricity to power the coming flood of electric vehicles?

Source: Detroit Free Press **Date:** 03-20-2021 **Link:** <https://www.freep.com/restricted/?return=https%3A%2F%2Fwww.freep.com%2Fstory%2Fmoney%2Fcars%2Fmark-phelan%2F2021%2F03%2F20%2Felectricity-power-electric-vehicles-michigan%2F4757718001%2F>

New auto insurers flocking to Michigan after no-fault overhaul*

There has been a surge in interest from auto insurance companies looking to enter Michigan since passage nearly two years ago of a controversial overhaul of the no-fault system aimed at lowering rates and loosening the state's unconventional mandates.

Source: Detroit Free Press **Date:** 03-20-2021 **Link:** <https://www.freep.com/restricted/?return=https%3A%2F%2Fwww.freep.com%2Fstory%2Fmoney%2Fbusiness%2F2021%2F03%2F20%2Fauto-insurers-flocking-michigan-nofault-overhaul%2F4715789001%2F>

General Motors beefs up lobbying ranks as Congress looks to spend on electrification

Washington — General Motors Co. bulked up its lobbying ranks over the last week, adding 24 lobbyists from five new firms to bend policymakers' ears about taxes, electric and self-driving vehicles, trade, environmental policy, safety, infrastructure, cybersecurity and more, according to filings reviewed by The Detroit News.

Source: Detroit News **Date:** 03-20-2021 **Link:** <https://www.detroitnews.com/story/business/autos/general-motors/2021/03/19/general-motors-beefs-up-lobbying-ranks-congress-looks-spend-evs/4764808001/>

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Advocacy/Opinion

Dearborn mayor's statue haunted me. His legacy still haunts Dearborn | Opinion*

Erasing physical reminders of the past is hard. But trying to scrub the bitter, segregationist reputation of Orville Hubbard from Dearborn's brand is proving even harder.

Source: Detroit Free Press **Date:** 03-20-2021 **Link:** <https://www.freep.com/restricted/?>

[return=https%3A%2F%2Fwww.freep.com%2Fstory%2Fopinion%2Fcontributors%2F2021%2F03%2F19%2Fdearborn-hubbard-legacy-police-targeting-blacks%2F466257001%2F](https://www.freep.com/story/opinion/contributors/2021/03/19/dearborn-hubbard-legacy-police-targeting-blacks/466257001/)

Opinion: What we've learned after a year of education during COVID-19*

Hard to believe, but the COVID pandemic has now been with us a year. As you'll recall, our schools were closed and morphed overnight as they began to offer remote instruction.

Source: Detroit News **Date:** 03-20-2021 **Link:** <https://www.detroitnews.com/restricted/?return=https%3A%2F%2Fwww.detroitnews.com%2Fstory%2Fopinion%2F2021%2F03%2F20%2Fopinion-what-weve-learned-after-year-education-during-covid-19%2F4767342001%2F>

Press Releases

Ottawa County health officials continue to urge COVID-19 prevention as case counts and positivity rate are increasing

Health officials with the Ottawa County Department of Public Health (OCDPH) are seeing an increase in case counts and test positivity within Ottawa County. The uptick is also being seen regionally and at the [state](#) and [national](#) levels. Through March, the average number of new Ottawa County cases reported each day has increased from a low of about 33 to well over 55, including the 94 cases reported on March 16. The county's positivity rate has increased from 2.9 to 5.9 percent over the last two weeks. Case rates among those aged 10-19 years are the third highest in Ottawa County and may be trending up.

Source: Ottawa County **Date:** 03-20-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/

Ten-months post flood, Gov. Whitmer celebrates M-30 temporary bridge opening in Tobacco Township

March 19, 2020 -- Ten months following a devastating 500-year flood event paired with infrastructure failures, [Gov. Gretchen Whitmer celebrated the opening of a temporary bridge structure](#) replacing the former M-30 causeway bridge that was washed away.

Source: Department of Transportation **Date:** 03-20-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/mdot.1616185386.pdf

Governor Whitmer Secures Bipartisan Support to Give Michiganders More Time to File Individual State Income Tax Returns

LANSING, Mich. – State of Michigan individual income tax annual returns are now due on May 17, 2021, according to the Michigan Department of Treasury.

Source: Department of Treasury **Date:** 03-20-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/treas.1616183984.pdf

Owner of Rescue Unit Towing Arraigned on Multiple Felony Charges for Alleged Towing Scheme

LANSING – Michigan Attorney General Dana Nessel announced today that the owner of Rescue Unit Towing was arraigned on multiple felony charges after allegedly selling cars for which he fraudulently obtained titles.

Source: Attorney General Dana Nessel **Date:** 03-20-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/agdn6.1616183942.pdf

Upton issues statement on federal moratorium on Medicare payment cuts during pandemic

WASHINGTON, D.C. – U.S. Rep. Fred Upton (R-St. Joseph) issued the following statement today after he voted for and the U.S. House of Representatives passed legislation to extend a moratorium on Medicare payment cuts – that would otherwise expire at the end of March – to healthcare professionals as a result of ongoing economic hardship presented by the COVID-19 pandemic. It passed by a bipartisan vote of 246 to 175 and will now be considered in the U.S. Senate.

Source: U.S. Rep. Fred Upton **Date:** 03-20-2021 **Link:**
http://mirsnews.com/pdfs/Press_Releases/frup.1616183893.pdf

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Delays in aid continue for unemployed workers one year into the pandemic*

As many as 2 million unemployed workers could experience delays in getting extended jobless benefits, despite lawmakers' efforts to complete the \$1.9 trillion stimulus package before the benefits ran out.

Source: *The Washington Post* **Date:** 03-23-2021 **Link:** <https://www.washingtonpost.com/business/2021/03/22/unemployment-insurance-delays-stimulus/>

Michigan's Congressional delegation touring Ford Field COVID-19 vaccine site*

Member of Michigan's congressional delegation will tour Ford Field before it opens up as a mass vaccination site Wednesday.

Source: *Oakland Press* **Date:** 03-23-2021 **Link:** https://www.theoaklandpress.com/news/michigans-congressional-delegation-touring-ford-field-covid-19-vaccine-site/article_525e1320-8b0d-11eb-8a16-9b4dacdf1276.html

Wolverine Watchmen member charged with illegal weapon modification*

A Clarkston member of the Wolverine Watchmen has been arraigned after an illegally modified firearm was found in his home Monday, March 22, according to Attorney General Dana Nessel's office.

Source: *Oakland Press* **Date:** 03-23-2021 **Link:** https://www.theoaklandpress.com/news/local/wolverine-watchmen-member-charged-with-illegal-weapon-modification/article_05d35be8-8b56-11eb-a76c-dfa4de52ca40.html

Militia member from Michigan arrested after gun with silencer found in home, AG says

Although he's not been linked to the Gov. Gretchen Whitmer kidnap plot, a Michigan man with militia connections is facing felony gun charges after an altered firearm with a silencer was discovered in his home, Attorney General Dana Nessel's office says.

Source: *M-Live* **Date:** 03-23-2021 **Link:** <https://www.mlive.com/public-interest/2021/03/militia-member-from-michigan-arrested-after-gun-with-silencer-found-in-home-ag-says.html>

Republicans blame 'political bullying' in jailing of Michigan restaurant owner

HOLLAND, MI – With the shuttered Marlena's Bistro & Pizzeria as backdrop, state Republican lawmakers on Monday, March 22, blamed partisan politics for the jailing of Holland restaurant owner Marlena Pavlos-Hackney.

Source: M-Live **Date:** 03-23-2021 **Link:** <https://www.mlive.com/news/grand-rapids/2021/03/republicans-blame-political-bullying-in-jailing-of-michigan-restaurant-owner.html>

Whitmer defends easing Michigan COVID-19 restrictions after Fauci criticism

Gov. Gretchen Whitmer on Monday defended her recent loosening of the state's COVID-19 restrictions after Dr. Anthony Fauci was critical of her actions in a television appearance on CNN last week.

Source: M-Live **Date:** 03-23-2021 **Link:** <https://www.mlive.com/public-interest/2021/03/whitmer-defends-easing-michigan-covid-19-restrictions-after-fauci-criticism.html>

Payne: Looking at a post-pandemic Macomb has been our focus*

One year ago, not many of us had ever heard of the cloud-based video program Zoom. If you had a face mask, it probably meant you either worked in healthcare or had one laying around from painting or installing insulation.

Source: Macomb Daily **Date:** 03-23-2021 **Link:** https://www.macombdaily.com/opinion/payne-looking-at-a-post-pandemic-macomb-has-been-our-focus/article_8d6f8568-7ea9-11eb-ae0b-3bc023db0049.html

Michigan to settle suit over child mental health care; Whitmer earmarks \$91M for fixes*

LANSING — The Michigan Department of Health and Human Services has agreed to settle a 2018 lawsuit filed by families who say their children were not provided adequate treatment for significant mental health issues.

Source: Lansing State Journal **Date:** 03-23-2021 **Link:** <https://www.lansingstatejournal.com/get-access/?return=https%3A%2F%2Fwww.lansingstatejournal.com%2Fstory%2Fnews%2F2021%2F03%2F22%2Fmichigan-settle-lawsuit-child-mental-health-care%2F4740340001%2F>

Attorney General: Man with ties to Wolverine Watchmen charged with weapons violations

A 22-year-old Clarkston man, and member of the Michigan group accused of having ties to the thwarted kidnapping plot against Gov. Gretchen Whitmer, was arraigned Monday in Oakland County on two felony weapons charges.

Source: Detroit Free Press **Date:** 03-23-2021 **Link:** <https://www.freep.com/story/news/local/michigan/2021/03/22/whitmer-kidnap-wolverine-watchmen-weapons-felonies/6957183002/>

Senator calls on NHTSA to investigate GM steering sensor

Detroit — A Democratic senator is asking the National Highway Traffic Safety Administration why it decided against opening an investigation into an allegedly defective steering sensor on thousands of General Motors Co. vehicles.

Source: Detroit News **Date:** 03-23-2021 **Link:** <https://www.detroitnews.com/story/business/autos/general-motors/2021/03/22/senator-calls-nhtsa-investigate-gm-steering-sensor/4802145001/>

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Advocacy/Opinion

Watch redistricting process carefully*

With the 2020 census done and data wizards crunching numbers as we speak, the time is almost near for the decennial redrawing of congressional and legislative districts that can determine which political party maintains control of state and federal government.

Source: Iron Mountain Daily News **Date:** 03-23-2021 **Link:** <https://www.mininggazette.com/opinion/editorial/2021/03/watch-redistricting-process-carefully/>

Bipartisan legislation would lower prescription drug cost | Opinion

Far too many of our families, friends and neighbors lay awake at night stressing about the cost of their medications. They toss and turn, wondering what will happen if they skip a week's worth of the pills the doctor prescribed to protect their health so they can pay this month's rent.

Source: Detroit Free Press **Date:** 03-23-2021 **Link:** <https://www.freep.com/story/opinion/contributors/2021/03/22/michigan-legislation-prescription-drug-cost-medicaid/4768039001/>

Opinion: Let's plan ahead, prepare for possibility of next pandemic*

We've all learned a few things about disaster preparedness (or lack thereof) over the past year.

Source: Detroit News **Date:** 03-23-2021 **Link:** <https://www.detroitnews.com/restricted/?return=https%3A%2F%2Fwww.detroitnews.com%2Fstory%2Fopinion%2F2021%2F03%2F23%2Fopinion-lets-plan-ahead-prepare-possibility-next-pandemic%2F4802789001%2F>

Editorial: Washtenaw prosecutor must enforce all the laws*

Prosecutors have a duty to enforce and uphold the law, but some, like Washtenaw County's Eli Savit, are effectively writing their own by refusing to enforce laws on the books as part of a personal political agenda.

Source: Detroit News **Date:** 03-23-2021 **Link:** <https://www.detroitnews.com/restricted/?return=https%3A%2F%2Fwww.detroitnews.com%2Fstory%2Fopinion%2Feditorials%2F2021%2F03%2F23%2Feditorial-washtenaw-prosecutor-must-enforce-all-laws%2F4799699001%2F>

Press Releases

Sowerby on the Passing of Clinton Township Police Chief Fred Posavetz

CLINTON TOWNSHIP, Mich., March. 22, 2021 — Clinton Township Police Chief Fred Posavetz passed away from complications arising from COVID-19 earlier today. In response, **Rep. Bill Sowerby** (D-Clinton Twp.) issued the following statement:

Source: Rep. Bill Sowerby (D-Clinton Township) **Date:** 03-23-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/bs.1616447334.pdf

Member of the Wolverine Watchmen Faces Felony Weapons Charges

LANSING— A known member of the Wolverine Watchmen and Clarkston resident was arraigned on two felony weapons charges today, announced Michigan Attorney General Dana Nessel.

Source: Attorney General Dana Nessel **Date:** 03-23-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/agdn.1616446126.pdf

City expands eligibility to anyone living or working in Detroit whose job requires them to report to their work site; anyone 16+ with disabilities or underlying medical conditions now eligible

The City of Detroit has significantly expanded vaccine eligibility once more to include anyone ages 18 or older living or working in Detroit whose job requires them to report to their regular work site, Mayor Mike Duggan announced today. Previously only certain categories of workers reporting to a job site, such as teachers, postal workers, food handlers and manufacturing employees, were eligible. Now eligibility has been extended to all onsite employees provided they live or work in the city, such as bank branch staff and other officer workers.

Source: City of Detroit **Date:** 03-23-2021 **Link:** http://mirsnews.com/pdfs/Press_Releases/cod.1616441856.pdf

City of Flint Sued After Failing to Respond to FOIA Request

MIDLAND, Mich. — The Mackinac Center Legal Foundation [filed a lawsuit](#) against Flint as the city failed to respond to a Freedom of Information Act request.

Source: Mackinac Center for Public Policy **Date:** 03-23-2021 **Link:**
http://mirsnews.com/pdfs/Press_Releases/mc.1616441813.pdf

The Administrative Rules were filed

DETROIT (March 22, 2021) — Sen. **Stephanie Chang** (D-Detroit) today released the following statement on water affordability and extending the moratorium on shutoffs for [World Water Day, a United Nations annual celebration](#) of what water means to people, its true value, and how we can better protect this vital resource:

Source: Sen. Stephanie Chang (D-Detroit) **Date:** 03-23-2021 **Link:**
http://mirsnews.com/pdfs/Press_Releases/sc.1616441717.pdf


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