

Daniel J. Henry, Jr.

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March 23, 2001

Via Messenger

Ms. Karen A. Liwienski, Referee
Macomb County Friend of the Court
40 N. Main Street
Mt. Clemens, Michigan 48093

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MAR 23 2001

CARMELLA SABAUGH
MACOMB COUNTY CLERK

RE: Your letter of March 6, 2001
Case Number: 95-4609-DM

Dear Ms. Liwienski:

From the text of your letter (above referenced), I would guess that Ms. Morrison's reaction should be not to look a "gift-horse in the mouth." However, it cannot go unsaid that your letter demonstrates just how "arbitrary and capricious" Ms. Morrison's file has been handled by the Macomb County Friend of the Court and its chief judge (the trial judge in the case), Hon. Peter J. Macaroni.

Ms. Morrison first reported her work sustained back injury in January 4, 1999 (injured December 10, 1998), to the Macomb County Friend of the Court and then asked for immediate consideration due to "substantial change in economic circumstances," e.g. 100% work disability, which was documented by Dr. Barry Miller, M.D. Interim economic relief was refused to her; instead she was frequently threatened with incarceration, by Judge Macaroni, for nonpayment of child support, throughout 1999, and no hearing was ever scheduled from the date of its ordering, December 28, 1999, to the March 6, 2001 date of your letter.

Your letter suggests that this and other trial court matters were "stayed" in deference to Ms. Morrison's Supreme Court Application for Leave (1st filed in that Court, August 7, 2000). However, this ex parte conclusion by you, for it is not part of any prior Court record or correspondence in this case, does not explain why Ms. Morrison was granted no interim relief for over 24 months when FOC rules imply that upon receipt of notice of a "substantial change in economic circumstances," such interim relief is routinely granted, or the lack of an evidentiary hearing prior to her 1st Supreme Court Appeal, e.g. from December 28, 1999 to August 7, 2000. How does this denial of basic due process rights for Christine Morrison vis-a-vis other FOC payors' cases happen, other than through the wilful intentional acts of your agency and/or the Chief Judge's direction given to your agency?

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You can see, I am sure, as we couple your remisiveness on this issue to other hostile FOC actions taken against Ms. Morrison, e.g. like the "no record made Referee Toler hearing and no advance notice given to Ms. Morrison of the hearing of June 14, 1999 and recommendation to strip her 1999 summer parenting time," why Ms. Morrison is mistrustful of obtaining a "fair and impartial hearing" either before the FOC, or the Trial Court.

With all that said as an objection to conducting any more "hearing" in Macomb County, until we can get both the FOC and the trial judge disqualified in these matters for their past discriminatory acts and because of our future fears of partisanship, we would ask for a Macomb FOC evidentiary hearing before a neutral (non Macaroni designated) FOC referee with right of de novo hearing by an equally neutral Circuit Court of the issue raised in your March 6, 2001 letter:

Ms. Morrison's petition for evidentiary hearing that her child support should be abated and/or substantially reduced based on her 100% work related disability claim for the same.¹

Additionally, we would also ask that the same evidentiary hearing consider hearing testimony on the other issues never acted upon by the Trial Court if appropriate:

The Trial Court Order of December 28, 1999 provided:

- A. The court would rule on Defendant's Motion to set aside its Judgment of September 2, 1999 (under advisement by the Court now more than 18 months).

Also pending:

- B. Settlement of proposed Hearing Order of September 5, 2000 and taxation of costs and attorney fees (under advisement by the Court now more than 6 months).
- C. Conform Judgment of Annulment to transcribed settlement of parties of June 3, 1997, pending since October 12, 2000 (only 5 months, now and short in Macaroni standards)!

¹In issue taken directly from Court's Order of December 28, 1999.

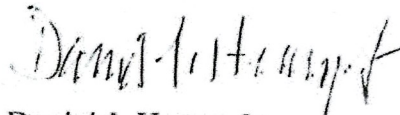
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Since you have the far of the Trial Judge for concomitant issues, maybe you can get the Court to concomitently bring closure to these issues while the FOC conducts this 2 plus year old hearing.

Very truly yours,



Daniel J. Henry, Jr.

cc: Mr. Douglas McKinney
Ms. Christine Morrison

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