

Goodman & Hurwitz, P.C.
1394 East Jefferson
Detroit, Michigan 48207
(313) 567-6170

August 8, 2008

BY E-MAIL AND REGULAR MAIL

Kelly G. Keenan, Esq.
Legal Counsel to the Governor
111 S. Capitol Ave,
Lansing, MI 48909

Re; Petition and Charges against the
Honorable Kwame M. Kilpatrick

Dear Mr. Keenan,

I write in response to Ms. McPhail's recent letters dated August 7, 2008 and August 8, 2008. In the first letter, she asserts that she was not served with a copy of the Petitioner's motion and brief, filed with your office by Mr. Whitaker on August 6, 2008. This representation is simply not so.

In the second letter, she alleges that I told the media that the Governor had scheduled a hearing and “intends to remove the mayor.” I certainly made the first statement, having received the notice of hearing. I certainly did not make the second statement because it would have been untrue. The assertion by Ms. McPhail, that I made this statement, is again false.

With regard to her first letter, I attach a copy of the Affidavit of John T. Kulesz, which clearly states that on August 6, *before noon*, he delivered a copy of the motion and brief to Ms. McPhail’s office, with her receptionist. It would thus appear that either a) the receptionist failed to do her job; b) Ms. McPhail, forgot that it was given to her, or perhaps never noticed it in her office; or c) that Ms. McPhail simply forgot that she had indeed received the motion and brief.

I suggest that we can cure these problems, in the future simply by serving one another with papers, as I have consistently done. Since they are immediately published on your website, these papers are publicly accessible anyway.

With regard to the assertions made in her second letter, it should be unnecessary to deny that I have ever presumed to state the Governor’s intentions. However, I wish to reiterate that the statement that Ms. McPhail attributes to me is false, was never reported in the media and I doubt was ever reported to Ms. McPhail, because it was never made. Perhaps this confusion explains her suggestion of imagined “*ex parte*” contact that never occurred.

As Ms. McPhail’s request, that she be allowed to call Council members as witnesses, I would ask that I and my clients be advised as to the purpose(s) for calling members as witnesses, the areas in which they will be questioned and why the calling of

these witnesses is pertinent to the Mayor's defense in this matter. Once we are so advised, we can address the propriety and lawfulness of this request. I would also advise you as I already have Ms. McPhail - as soon as she indicated her intention to act as counsel for the Mayor - that I plan to call *her* as a witness in this matter.

Finally, I need some guidance as to the mechanism that will be used to compel the testimony of witnesses for the September 3, 2008 hearings. How will we have access to subpoenas?

I again thank you and the Governor for your patience and attention.

Respectfully,

/S/

William Goodman
Special Counsel, Detroit City Council

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bgoodman@goodmanhurwitz.com

cc: David Whitaker, Esq., Sharon McPhail, Esq.; James Thomas, Esq.

AFFIDAVIT OF ATTORNEY JOHN T. KULESZ (P69348)

STATE OF MICHIGAN)
WAYNE COUNTY)

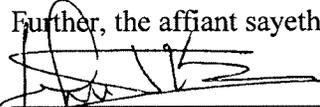
1. I am an attorney in good standing in the State of Michigan, licensed on May 25, 2006, P#69348.
2. I am currently employed at Goodman & Hurwitz, PC, 1394 E. Jefferson, Ave., Detroit, Michigan 48207.
3. On August 06, 2008, at approximately 11:35, I personally delivered a copy of Petitioner Detroit City Council's *Motion for Hearing on the Merits in the Matter of the Request for Removal of Kwame M. Kilpatrick and Brief in Support* to James Thomas, Attorney for Kwame Kilpatrick at Plunkett & Cooney, 535 Griswold St., Suite 2632, Detroit, Michigan. I delivered the Motion and Brief to Mr. Thomas' receptionist.
4. On August 06, 2008, at approximately 11:45 a.m., I personally delivered a copy of Petitioner Detroit City Council's *Motion for Hearing on the Merits in the Matter of the Request for Removal of Kwame M. Kilpatrick and Brief in Support* upon the Office of the Mayor at the Coleman A. Young Municipal Center, 2 Woodward Ave., 11th floor, Detroit, Michigan 48226, for the specific purpose of serving Sharon McPhail at her office.
5. When I entered the Office of the Mayor, I approached the receptionist's desk where the receptionist and another woman were seated. I asked to speak with Ms. McPhail, explaining to the receptionist that I was there to serve the Motion and Brief upon Ms. McPhail.
6. I delivered the motion to the receptionist, who told me that she would immediately give it to Ms. McPhail. Before the receptionist left the reception area, I asked if I should wait for Ms. McPhail. The receptionist stated that was not necessary. The receptionist then entered the offices through the security door to deliver the papers to Ms. McPhail, and I left.

Subscribed to and Sworn before me
On this 8 day of August, 2008

Kara A. Sullivan
Notary Public, State of MI, Oakland County

My Commission Expires: 7/6/2012
Acting in: Wayne County

Further, the affiant sayeth not.


John T. Kulesz
Goodman & Hurwitz, PC
1394 E. Jefferson, Ave.
Detroit, MI 48207

KARA A. SULLIVAN
Notary Public, State of Michigan
County of Oakland
My Commission Expires Jul. 6, 2012
Acting in the County of Wayne