

July 20, 2020

Via e-mail to ddowney@fisheldowney.com and sschoolcraft@fisheldowney.com

Daniel T. Downey
Stephanie Schoolcraft
Fishel, Downey, Albrecht & Riepenhoff LLP
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054
Re: *Hinners v. O'Shea, et al.* No. 1:19-cv-02868 (N.D. Ohio)

Dear Dan and Stephanie:

Thank you for Dan's July 17, early-morning response to my letter of the evening of July 16. It's apparent from the quick response, however, that you had not consulted your City-decisionmaker clients as requested, so we could verify *their* lack of interest—as reflected in the filed Rule 26(f) report—in immediate alternative-dispute resolution.

The factual record in this matter is unusually rich for this stage of the proceedings. First Amendment-retaliation and malicious-prosecution law are clearly established. The matter is ripe for resolution now. Our firm's clients are willing to make a demand in the context of a clearly defined, confidential-mediation process. Confidential mediation should take place without preconditions other than the presence of all parties who wish to obtain a release, including City decisionmakers representing the Huron City Council majority's thinking about the *Hinners* matter. We simply need to know if your clients are interested in that: *yes or no*.

If the answer is "no," the City is then embracing the resulting burden on the community and the fact that later resolution will be far more expensive.

Communications with in-house counsel, e.g., the law director, are permitted under Prof.Cond.R. 4.2. *See* ABA's Formal Op. 06-443. And blanket claims of representing all City employees are not permitted, as you must know from the multiple ethics opinions on the topic.

We look forward to learning the City leadership's response to our invitation to mediation without preconditions *after* you have spoken with your clients. In the meantime, please share with your clients *all* of our correspondence to and from you in this matter.

Best regards,



Subodh Chandra

Cc: Todd Schrader, Director of Law, City of Huron (via TSchrader@sseg-law.com,
lawdirector@huronohio.us)

Gary Ebert, Assistant Director of Law, City of Huron (via GEbert@sseg-law.com)