

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: November 9, 2016

The following is my report to the City Council on several issues in which our office has been engaged since the last Council meeting:

1. Rockafellow v City of Charlotte, et al. Oral argument in the Michigan Court of Appeals occurred this past Tuesday, November 8, 2016. It is fair to say that it was a very divided panel as one of the judges seemed to respond very positively to the arguments being made by Rockafellow, and one of the other judges appeared very favorable as it relates to our arguments. Panels of the Court of Appeals are comprised of three judges, and in this case, it was very difficult to determine what the position was with the third judge. In certain circumstances, the Court of Appeals makes it clear what it is going to rule. In this case it did not, and I would anticipate a decision 6-10 weeks from now.

2. CNI Plastics. I have received CNI's response to our discovery in this case and have sent it off to our expert witness. I have also requested that there be an inspection by our expert witness and me of the plant and the equipment. I am hoping that occurs prior to the end of the year.

3. License Agreement. Elsewhere in the packet, you will see a License Agreement that I drafted which provides for the public display of a sculpture at 200 South Cochrane Street.

TMH:ddy