

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: November 20, 2014

---

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. Owens-Brockway. As noted previously, I will be meeting with the City Council in closed session on November 24, 2014, to discuss the status of the appeal between Owens-Brockway and the City of Charlotte. Since my last memo, the time period for filing a Motion for Reconsideration with the Court of Appeals has expired and no motion was filed. Owens-Brockway has until December 2 to file its appeal with the Michigan Supreme Court.

2. Rockafellow v City of Charlotte. I have been monitoring this case and reviewing documents that have been provided to me by Thomas Meagher and counsel for the plaintiff. I will be in attendance at a discovery hearing held on November 20, 2014, and will report the outcome of that proceeding to the Council. There are presently depositions scheduled for November 24 of the City Manager, Amy Gilson and Michele King, but it is hoped that those depositions will not proceed. I do have a conflict which I will raise with the trial court at the hearing on November 20, should the trial court conclude that the defendants' depositions can be taken before the plaintiff's deposition.

3. Contract Review. Elsewhere in your packet are contracts relating to the airport fuel farm project and the SDWA compliance study. I have reviewed those contracts and rendered my opinion that they are enforceable upon due execution by the parties.

TMH:ddy