

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: January 8, 2015

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. Since the last attorney's report, Owens-Brockway has filed a Motion to Consolidate the two Applications for Leave to Appeal that are presently before the Michigan Supreme Court. I filed a response asserting that the consolidation should not occur, as the application relating to the revocation of the industrial facilities exemption certificate is really moot. That is, the tax appeal of Owens-Brockway's personal property, which was settled in 2012, moots the Michigan Supreme Court's review of the proceeding before the State Tax Commission.

I am hoping that the Supreme Court denies the Motion to Consolidate and then denies the application as it relates to the revocation of the industrial facilities exemption certificate.

The motion did give me an opportunity to again state to the Supreme Court that a review of this entire record (both appeals) should lead the court to conclude that Owens-Brockway never intended to honor any remedy provision should it close the plant, as it did, during the term of the contract.

2. Rockafellow v City of Charlotte. I will be attending Mr. Rockafellow's deposition on January 12, 2015, and will report the outcome to the City Manager.

TMH:ddy