



TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: January 23, 2007
SUBJECT: Hooters v. Troy – Motion Hearing; Proposed Consent Judgment

The U.S. District Court has rescheduled the hearing on the City's Motion to Dismiss in the federal *Hooters of Troy v. Troy* case. Although previously scheduled for February 7, 2007, Judge Julian A. Cook will now hear the oral arguments on February 28, 2007. The Court did this on its own initiative and not at the request of any of the parties. The reason for the rescheduling is unknown.

The previous Council resolution postponed consideration of the proposed consent judgment in *Hooters of Troy v. Troy* until the Council meeting of February 26, 2007. However, since the hearing on the motion has been postponed, Council may wish to postpone this matter until after a decision is received on the City's pending motion to dismiss. Absent reconsideration of the motion, the item will automatically appear as an action item on the regular City Council agenda for February 26, 2007. At that time, a proposed resolution adjourning the matter until after the Court has issued his opinion in the matter will also be presented for Council consideration.

If you have any questions, please let us know.