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LOUISVILLE / METRO
COUNCIL COURT

COMMONWEALTH OF KENTUCKY
LOUISVILLE/METRO GOVERNMENT
JEFFERSON COUNTY

IN THE MATTER OF THE REMOVAL CHARGES AGAINST DISTRICT TWENTY-ONE COUNCILMAN DAN JOHNSON

ORDER SCHEDULING CHARGING COMMITTEE'S MOTION FOR SUMMARY DISPOSITION

This matter having come before the Council Court on the Charging Committee's Motion for Summary Disposition, the Respondent having not filed a response to same within the allowable time, and the Chair of the Council Court having considered the same, the Chair of the Council Court finds:

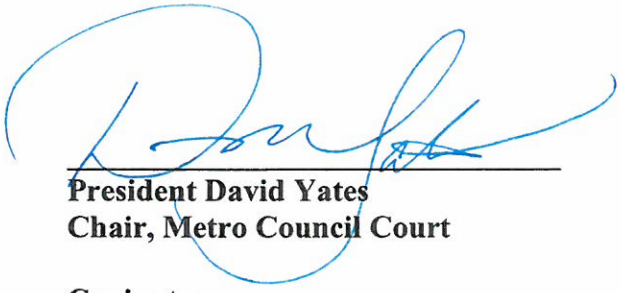
Respondent's Motion is for a summary determination of this matter without hearing. According to the Louisville Metro Council Hearing Rules and Procedures adopted July 14, 2011 (the "Removal Rules"), Motions to Dismiss are matters to be heard by the entire Council Court. Removal Rule 4. Additionally, since the Motion to Dismiss filed by Respondent requests the Council Court to dispose of this case in a summary fashion, Removal Rule 7 sets the date of the removal as that of the Removal Hearing, November 1, 2017.

However, the Court has grave concerns with the Charging Committee's Motion. KRS § 67C.143(2) clearly entitles the Respondent to a "full public hearing." The Charging Committee cannot circumvent this statutory right of the Respondent unless the Respondent makes an informed waiver of this right.

Wherefore, IT IS HEREBY ORDERED and ADJUDGED:

The Charging Committee's Motion for Summary Disposition shall be considered November 1, 2017, at 1:00 p.m. and considered by the entire Council Court pursuant to Rules 4 and 7, subject to the understanding that if Respondent does not waive his rights under KRS § 67C.143(2), the Motion is improper as a matter of law.

IT SO ORDERED.



President David Yates
Chair, Metro Council Court

10/25/2017
DATE

Copies to:
Chair Pro Tem, Bill Hollander
Members, Council Court
Matthew Golden, Assistant Jefferson County Attorney
Sarah Martin, Assistant Jefferson County Attorney
Jamie McKiernan, Assistant Jefferson County Attorney
Annale Renneker, Assistant Jefferson County Attorney
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Thomas McAdam, Counsel for Respondent Dan Johnson