

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Huron Advertising Co., Inc.
d/b/a Huron Sign Co.,

Plaintiffs,

No. 03-74905
Hon. John Feikens

v.

City of Southgate,

Defendant.

ORDER

On June 25, 2004, this Court issued an Amended Opinion and Order Dismissing Plaintiffs' Complaint, ("Amended Opinion), in the above matter. The Amended Opinion contained the following statement: "Since the Plaintiff has prevailed in this case by a route that may not have been completely contemplated by Plaintiff, it nonetheless is in a real sense the prevailing party and therefore, it has a right to tax costs." (Amended Opinion, June 24, 2004.) Subsequently, Plaintiffs filed a Motion for Attorney Fees on July 9, 2004, and Defendant filed a Motion for Attorney Fees on July 30, 2004.

After further consideration, I have determined that neither party is the "prevailing party" in the above action. Therefore, I now vacate the above quoted portion of the Amended Opinion, and DENY both Plaintiffs' and Defendant's Motion for Attorney Fees.

IT IS SO ORDERED.

John Feikens
United States District Judge

Date: _____