## **Keego Harbor officials** win adult film decision

Rego Harbor has won a first round victory in its battle to prevent an adult film theater from opening.

U.S. District Judge Charles Joiner-ruled Tuesday that the Keego Theater Co, failed to prove that a preliminary or permanent injunction should be issued to stop the city from interfering with the showing of X-rated films. His decision paved the way for the city to act against X-rated films. Attorneys for the theater company said adult only films would not be shown pending the results of an appeal to a higher court.

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City officials were jubilant and the attorneys for the theater company ex-

attorneys for the measur company.

The Keego Harbor Theater Co. attorneys had sought the injunction in federal court on the belief that the city would use a 1978 zoning ordinance to prevent the showing of X-rated films. They claimed that such action would be a violation of the civil rights of the theater company owners and that the city exceeded its authority with such an ordinance.

dinance.

Judge Joiner, however, ruled that the
"city ordinance did not infringe on the
"first amendment rights of the theater
"company owners and that the city
"could treat the matter of the theater
"clocation as a zoning matter to be regu-lated by zoning ordinances.
"I thought we had a good case," said

Keego City Attorney Thomas Dillon. Dillon said as far as he knew this was the first time that a municipality has won an initial court case against an adult theater under similar circum-

aguit theater unuer similar circumstances.

Theater attorney Carl Rubin, said, "It's interesting. The judge created new law. It's not over yet." Rubin said he would try to expedite an appeal to the U.S. Sixth Court of Appeals in Cincipantia.

the U.S. Sixth Court of Appeals in Cincinnatti.

According to Rubin, who says he and partner Stephen Taylor have tried X-rated movie cases across the country. This is the first case I know of that has been decided in this way. If Ilies in the face of all the previous case law.

Rubin said he doesn't expect his clients, who have chosen to remain anonymous, to open the advertised "Keego Cinema and Love Boutique" pending the appeal.

"They (owners) went to court because they didn't want to risk criminal or civil Hitgadino over a violation of the ordinance." Rubin said. "I doft assume their position will change I have no reason to believe they will open with adult movies until there is a favorable decision."

CITING A LANDMARK case involving Detroit, Judge Joiner ruled that establishment of an adult theater "will cause greater harm to Keego Harbor and its clitzens than to the plantiffs."

In that case (Young vs. American

Mini-Theaters), the Supreme Court said a municipality could use zoning laws to exist the location of adult theaters to certarch the location of adult theaters to certarch the location of adult theaters to the concentration.

Keep Barbor Mayor Ray Attwater was on hand for the decision.

"I'm very pleased. We did a lot of praying. The good Lord was behind us. I'm the pleased we did a lot of praying. The good Lord was behind us. I'm the city already has a high number of businesses restricted to adults only. He didded that the city already has a high number of businesses, hars and taxens, catering only to adults.

"In this case, the market area is an area much larger than the city of Keeg Harbor in the city already harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that Keego Harbor has prevented the plaintiff from locating in the record that

Theater attorneys maintained that nee there is nowhere in the city that

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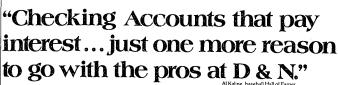
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