

*Not To Be Published:*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

DOCTOR JOHN'S, INC., an Iowa  
Corporation,

Plaintiff,

vs.

CITY OF SIOUX CITY, IOWA, and  
PAUL ECKERT, in his official capacity  
as City Manager,

Defendants.

No. C 03-4121-MWB

**ORDER REGARDING SANCTIONS  
FOR THE CITY'S DESTRUCTION  
OF RELEVANT RECORDS**

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By order dated May 1, 2007 (docket no. 213), the court dismissed this case in its entirety, with prejudice, upon the parties' settlement and Stipulation Of Dismissal (docket no. 211). However, the court stated in the order dismissing the case that it would retain jurisdiction over the question of whether or not sanctions should be imposed upon the City for destruction, during the pendency of litigation, of relevant records, which consisted of recordings of closed sessions of the City Council concerning the ordinances challenged in this case. *See, e.g., Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384 (1990); *Perkins v. General Motors Corp.*, 965 F.2d 597 (8th Cir. 1992). Thereafter, on May 2, 2007, the court held a conference with counsel for the parties, with a court reporter present, to discuss the remaining sanctions question. On May 3, 2007, the court also received a letter from counsel for the City clarifying changes made to the City's policy regarding retention