

From: Tom Dorough, Executive Director, Mirabella at ASU

Mirabella supports live music in Tempe. It has never attempted to shut Shady Park down. It did not do so before the litigation was filed; it has not asked Shady Park to do so in the litigation. And the Court's preliminary injunction allows Shady Park to continue to hold its outdoor concerts seven days a week.

[Judge Astrowsky's ruling \[wrightoncomm.com\]](http://wrightoncomm.com) is not about live music in Tempe; it's about the specific public and private nuisance caused by Shady Park's excessive noise. The Court carefully considered evidence from people of all ages who live and work on University Avenue, including hotel management who receive numerous complaints about Shady Park's excessive noise every single weekend and students who can't "think, study, and work" during Shady Park concerts, in addition to residents at Mirabella who simply want to sleep at night and enjoy their homes as every person does. After careful consideration of more than twenty witnesses and more than one hundred exhibits, the Court simply ordered Shady Park to make reasonable changes to the way they operate their outdoor concerts. Rather than comply with these changes, Shady Park has voluntarily chosen to cancel its concerts.

It should be noted that Shady Park is entirely surrounded by apartments and hotels because the City of Tempe has pursued a strategy priority of growth in downtown Tempe. Vice Mayor Keating himself has said that attracting people to Tempe requires "more of a city atmosphere" and more density in the downtown urban core. Downtown residents are entitled to the same protection from excessive noise that any other Tempe citizen is. Judge Astrowsky's ruling makes this abundantly clear.

We encourage the Tempe City Council members or anyone else interested in this issue to review the evidence provided to Judge Astrowsky during the 5-day hearing.