

**U.S. District Court
Eastern District of Michigan (Ann Arbor)
CIVIL DOCKET FOR CASE #: 5:16-cv-12875-JEL-MKM**

Davenport et al v. Lockwood, Andrews & Newnam, Inc. et al
****CASE CLOSED – ALL ENTRIES MUST BE MADE IN
16-10444.****

Assigned to: District Judge Judith E. Levy
Referred to: Magistrate Judge Mona K. Majzoub
Case in other court: U.S. Court of Appeals – Sixth Circuit,
17-01200
U.S. Court of Appeals – Sixth Circuit,
17-01200
Genesee County Circuit court,
16-107274-CZ

Date Filed: 08/05/2016
Date Terminated: 07/28/2017
Jury Demand: Both
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Cause: 28:1332 Diversity–Personal Injury

Plaintiff

Tiffany Davenport

represented by **David J. Shea**
Shea Aiello, PLLC
26100 American Drive
Second Floor
Southfield, MI 48034
248-354-0224
Email: david.shea@sadplaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emmy L Levens
Cohen Milstein Sellers and Toll PLLC
1100 New York Avenue, N W
Suite 500, West Tower
Washington, DC 20005
202-408-4600
Fax: 202-408-4699
Email: elevens@cohenmilstein.com
ATTORNEY TO BE NOTICED

Hunter Shkolnik
Napoli Shkolnik Law PLLC
1301 Avenue of the Americas
10th Floor
New York, NY 10019
212-397-1000
Fax: 646-843-7603
Email: hunter@napolilaw.com
ATTORNEY TO BE NOTICED

Jordan W. Connors
Susman Godfrey L.L.P.
1201 Third Ave.
Suite 3800
Seattle, WA 98101
206-516-3814
Fax: 206-516-3883
Email: jconnors@susmangodfrey.com
ATTORNEY TO BE NOTICED

Stephen E. Morrissey
Susman Godfrey L.L.P.
1201 Third Avenue

Suite 3800
Seattle, WA 98101
206-373-7380
Fax: 206-516-3883
Email: smorrissey@susmangodfrey.com
ATTORNEY TO BE NOTICED

Theodore J. Leopold
Cohen Milstein Sellers & Toll, PLLC
2925 PGA Boulevard
Suite 200
Palm Beach Gardens, FL 33410
561-515-1400
Fax: 561-515-1401
Email: tleopold@cohenmilstein.com
ATTORNEY TO BE NOTICED

Plaintiff

Merin Johnson

represented by **David J. Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emmy L Levens
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

Jordan W. Connors
(See above for address)
ATTORNEY TO BE NOTICED

Stephen E. Morrissey
(See above for address)
ATTORNEY TO BE NOTICED

Theodore J. Leopold
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Gregory miller

represented by **David J. Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emmy L Levens
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

Jordan W. Connors
(See above for address)
ATTORNEY TO BE NOTICED

Stephen E. Morrissey
(See above for address)
ATTORNEY TO BE NOTICED

Theodore J. Leopold
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Twylla Walker

represented by **David J. Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emmy L Levens
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

Jordan W. Connors
(See above for address)
ATTORNEY TO BE NOTICED

Stephen E. Morrissey
(See above for address)
ATTORNEY TO BE NOTICED

Theodore J. Leopold
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

B. W.

represented by **Emmy L Levens**
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

E. D.

represented by **Emmy L Levens**
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

M. N.

represented by **Emmy L Levens**
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

D. W.

represented by **Emmy L Levens**
(See above for address)
ATTORNEY TO BE NOTICED

Hunter Shkolnik
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Lockwood, Andrews & Newnam, Inc.

represented by **David C. Kent**
Faegre Drinker Biddle Reath LLP
1717 Main St.
Suite 5400
Dallas, TX 75201
469-356-2535
Fax: 469-357-0860
Email: david.kent@faegredrinker.com
ATTORNEY TO BE NOTICED

Philip A. Erickson
Plunkett & Cooney
325 E. Grand River Avenue
Suite 250
East Lansing, MI 48823
517-324-5608
Email: perickson@plunkettcooney.com
ATTORNEY TO BE NOTICED

Robert G. Kamenec
Plunkett & Cooney
38505 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304-5097
248-901-4000
Email: rkamenec@plunkettcooney.com
ATTORNEY TO BE NOTICED

Defendant

Lockwood, Andrews & Newnam, P.C.

represented by **David C. Kent**
(See above for address)
ATTORNEY TO BE NOTICED

Philip A. Erickson
(See above for address)
ATTORNEY TO BE NOTICED

Robert G. Kamenec
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Leo A. Daly Company

represented by **David C. Kent**
(See above for address)
ATTORNEY TO BE NOTICED

Philip A. Erickson
(See above for address)
ATTORNEY TO BE NOTICED

Robert G. Kamenec
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Veolia North America, Inc.

represented by **Cheryl A. Bush**
Bush, Seyferth PLLC
100 W. Big Beaver Road
Suite 400
Troy, MI 48084
248-822-7800
Fax: 248-822-7001
Email: bush@bsplaw.com
ATTORNEY TO BE NOTICED

Defendant

Veolia North America, LLC

represented by **Cheryl A. Bush**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Veolia Water North America
Operating Services, LLC**

represented by **Michael R. Williams**
Bush Seyferth PLLC
151 S. Rose St.
Suite 707
Kalamazoo, MI 49007
248-822-7804
Fax: 248-822-7804
Email: williams@bsplaw.com
ATTORNEY TO BE NOTICED

Cheryl A. Bush
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Veolia Environnement, S.A.

Date Filed	#	Docket Text
08/05/2016	<u>1</u>	NOTICE OF REMOVAL by Veolia Water North America Operating Services, LLC from Genesee County Circuit Court, case number 2016-107274-CZ. Receipt No: 0645-5814303 - Fee: $ 400 [Previously dismissed case: No] [Possible companion case(s): None] (Bush, Cheryl) (Entered: 08/05/2016)
08/08/2016	<u>2</u>	AMENDED <u>1</u> Notice of Removal, by Veolia Water North America Operating Services, LLC (Bush, Cheryl) (Entered: 08/08/2016)
08/11/2016	<u>3</u>	NOTICE of Appearance by Emmy L Levens - NOT SWORN on behalf of All Plaintiffs. (Levens - NOT SWORN, Emmy) (Entered: 08/11/2016)
08/11/2016	<u>4</u>	NOTICE of Appearance by Theodore J. Leopold on behalf of All Plaintiffs. (Leopold, Theodore) (Entered: 08/11/2016)
08/11/2016	<u>5</u>	NOTICE of Appearance by Michael R. Williams on behalf of Veolia Water North America Operating Services, LLC. (Williams, Michael) (Entered: 08/11/2016)
08/15/2016	<u>6</u>	NOTICE of Appearance by David C. Kent on behalf of Leo A. Daly Company, Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C.. (Kent, David) (Entered: 08/15/2016)
08/15/2016	<u>7</u>	MOTION to Dismiss , or in the Alternative, Motion for More Definite Statement by Veolia Water North America Operating Services, LLC. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 - Unpublished Authorities) (Bush, Cheryl) (Entered: 08/15/2016)

08/17/2016		NOTICE of Error directed to: Cheryl A. Bush re <u>1</u> Notice of Removal. Parties listed on the initiating document were omitted. The filing attorney must use the docket event Addition of Parties to add the minor plaintiffs. [No Image Associated with this docket entry] (LHos) (Entered: 08/17/2016)
08/17/2016		Addition of Parties to CM/ECF: Plaintiffs B. W., E. D., M. N., D. W.. Reason: The party was not added to CM/ECF (Bush, Cheryl) (Entered: 08/17/2016)
08/17/2016	<u>8</u>	ORDER REASSIGNING CASE from District Judge Gerald E. Rosen and Magistrate Judge R. Steven Whalen in Detroit to District Judge John Corbett O'Meara and Magistrate Judge Mona K. Majzoub in Ann Arbor. (SSch) (Entered: 08/17/2016)
09/01/2016	<u>9</u>	STIPULATION to Extend Time for Response Brief to Veolia Water North America Operating Services, LLC's Motion to Dismiss by All Plaintiffs (Levens – NOT SWORN, Emmy) (Entered: 09/01/2016)
09/01/2016	<u>10</u>	ORDER Granting <u>9</u> Stipulation for Extension of Time to Respond to <u>7</u> MOTION to Dismiss; Response due by 9/30/2016, Reply due by 10/21/2016, Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 09/01/2016)
09/06/2016	<u>11</u>	MOTION to Remand by All Plaintiffs. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Complaint, # <u>3</u> Exhibit B – Unpublished Cases) (Levens – NOT SWORN, Emmy) (Entered: 09/06/2016)
09/20/2016	<u>12</u>	RESPONSE to <u>11</u> MOTION to Remand filed by Veolia Water North America Operating Services, LLC. (Bush, Cheryl) (Entered: 09/20/2016)
09/20/2016	<u>13</u>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by Veolia Water North America Operating Services, LLC identifying Corporate Parent Veolia Environnement S.A. for Veolia Water North America Operating Services, LLC. (Bush, Cheryl) (Entered: 09/20/2016)
09/21/2016	<u>14</u>	STIPULATION Extending Time to Appear for Defendants by Leo A. Daly Company, Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C. (Erickson, Philip) (Entered: 09/21/2016)
09/21/2016	<u>15</u>	NOTICE of Appearance by Philip A. Erickson on behalf of Leo A. Daly Company, Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C.. (Erickson, Philip) (Entered: 09/21/2016)
09/22/2016	<u>16</u>	ORDER re <u>14</u> Stipulation filed by Leo A. Daly Company, Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C., for Extension of Time to File Responsive Pleading; Response due by 10/5/2016, Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 09/22/2016)
09/27/2016	<u>17</u>	REPLY to Response re <u>11</u> MOTION to Remand filed by All Plaintiffs. (Levens – NOT SWORN, Emmy) (Entered: 09/27/2016)
09/29/2016	<u>18</u>	NOTICE of Appearance by Hunter Shkolnik on behalf of All Plaintiffs. (Shkolnik, Hunter) (Entered: 09/29/2016)
09/30/2016	<u>19</u>	ATTORNEY APPEARANCE: Robert G. Kamenec appearing on behalf of Leo A. Daly Company, Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C. (Kamenec, Robert) (Entered: 09/30/2016)
09/30/2016	<u>20</u>	RESPONSE to <u>7</u> MOTION to Dismiss , or in the Alternative, Motion for More Definite Statement filed by All Plaintiffs. (Attachments: # <u>1</u> A – Unpublished Cases) (Levens – NOT SWORN, Emmy) (Entered: 09/30/2016)
10/05/2016	<u>21</u>	MOTION to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Cause of Action by Lockwood, Andrews & Newnam, Inc., Lockwood, Andrews & Newnam, P.C.. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Unpublished Cases) (Kamenec, Robert) (Entered: 10/05/2016)
10/05/2016	<u>22</u>	MOTION to Dismiss Plaintiffs' Class Action Complaint for Lack of Personal Jurisdiction by Leo A. Daly Company. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Unpublished Cases, # <u>3</u> Exhibit B – Affidavit of Edward Benes) (Kamenec, Robert) (Entered: 10/05/2016)

10/18/2016	<u>23</u>	REPLY to Response re <u>7</u> MOTION to Dismiss , <i>or in the Alternative, Motion for More Definite Statement</i> filed by Veolia Water North America Operating Services, LLC. (Attachments: # <u>1</u> Index of Exhibits Index, # <u>2</u> Exhibit Exhibit 1) (Bush, Cheryl) (Entered: 10/18/2016)
10/26/2016	<u>24</u>	RESPONSE to <u>21</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction and Failure to State a Cause of Action</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Unpublished Cases) (Levens – NOT SWORN, Emmy) (Entered: 10/26/2016)
10/26/2016	<u>25</u>	RESPONSE to <u>22</u> MOTION to Dismiss <i>Plaintiffs' Class Action Complaint for Lack of Personal Jurisdiction</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Declaration of Jordan Connors, # <u>2</u> Index of Exhibits, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10) (Levens – NOT SWORN, Emmy) (Entered: 10/26/2016)
10/28/2016	<u>26</u>	NOTICE of Appearance by Stephen E. Morrissey on behalf of Tiffany Davenport, Merin Johnson, Twylla Walker, Gregory miller. (Morrissey, Stephen) (Entered: 10/28/2016)
10/28/2016	<u>27</u>	NOTICE of Appearance by Jordan W. Connors on behalf of Tiffany Davenport, Merin Johnson, Twylla Walker, Gregory miller. (Connors, Jordan) (Entered: 10/28/2016)
11/01/2016	<u>28</u>	OPINION AND ORDER granting <u>11</u> Motion to remand case to Genesee County Circuit Court. Signed by District Judge John Corbett O'Meara. (DPer) (Entered: 11/01/2016)
11/01/2016	<u>29</u>	NOTICE remanding case to Genesee County Cirucit Court. (DPer) (Entered: 11/01/2016)
02/27/2017	<u>30</u>	ORDER from U.S. Court of Appeals – Sixth Circuit [Appeal Case Number 16–103] (Ahmed, N) (Entered: 02/28/2017)
04/25/2017	<u>31</u>	OPINION and JUDGMENT from U.S. Court of Appeals – Sixth Circuit re <u>30</u> Appeal Order/Opinion/Judgment [Appeal Case Number 17–1200] (Ahmed, N) (Entered: 04/27/2017)
05/17/2017	<u>32</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to <u>31</u> Appeal Order/Opinion/Judgment, <u>30</u> Appeal Order/Opinion/Judgment [Appeal Case Number 17–1200] (Ahmed, N) (Entered: 05/18/2017)
05/25/2017	<u>33</u>	MOTION for Leave to File <i>Amended Rule 12(b)(1), 12(b)(2) and 12(b)(6) Motion to Dismiss Plaintiffs' Class Action Complaint for Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, and Failure to State a Cause of Action</i> by Leo A. Daly Company. (Attachments: # <u>1</u> Exhibit A – Proposed Amended Motion) (Kamenec, Robert) (Entered: 05/25/2017)
05/30/2017	<u>34</u>	ORDER REASSIGNING CASE from District Judge John Corbett O'Meara to District Judge Judith E. Levy. (SSch) (Entered: 05/30/2017)
06/05/2017	<u>35</u>	MOTION to Dismiss <i>or, in the Alternative, Motion for More Definite Statement</i> by Veolia North America, Inc., Veolia North America, LLC. (Attachments: # <u>1</u> Exhibit 1) (Bush, Cheryl) (Entered: 06/05/2017)
06/08/2017	<u>36</u>	ORDER Regarding Status Conference in All Flint Water Cases: (In–Person Status Conference set for 7/26/2017 at 1:00 PM in Courtroom 1 before District Judge Judith E. Levy) – Signed by District Judge Judith E. Levy. (FMos) (Entered: 06/08/2017)
06/08/2017	<u>37</u>	RESPONSE to <u>33</u> MOTION for Leave to File <i>Amended Rule 12(b)(1), 12(b)(2) and 12(b)(6) Motion to Dismiss Plaintiffs' Class Action Complaint for Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, and Failure to State a Cause of Action</i> filed by All Plaintiffs. (Levens, Emmy) (Entered: 06/08/2017)
06/09/2017	<u>38</u>	NOTICE by All Plaintiffs <i>Notice of Motion to Consolidate</i> (Attachments: # <u>1</u> Exhibit 1) (Levens, Emmy) (Entered: 06/09/2017)
06/15/2017	<u>39</u>	REPLY to Response re <u>33</u> MOTION for Leave to File <i>Amended Rule 12(b)(1), 12(b)(2) and 12(b)(6) Motion to Dismiss Plaintiffs' Class Action Complaint for Lack of Subject Matter Jurisdiction, Lack of Personal Jurisdiction, and Failure to State a</i>

		<i>Cause of Action</i> filed by Leo A. Daly Company. (Erickson, Philip) (Entered: 06/15/2017)
06/26/2017	<u>40</u>	STIPULATION <i>FOR ENTRY OF ORDER REGARDING EXTENSION OF DEADLINES FOR RESPONDING TO PENDING MOTIONS TO DISMISS OR OTHERWISE ANSWERING THE COMPLAINT</i> by All Plaintiffs (Shkolnik, Hunter) (Entered: 06/26/2017)
06/27/2017		TEXT-ONLY ORDER Granting <u>40</u> Stipulation Regarding Extension of Deadlines for Responding to Pending Motions or Otherwise Answering the Complaint. (Response due by 8/2/2017) Signed by District Judge Judith E. Levy. (SBur) (Entered: 06/27/2017)
07/26/2017		Minute Entry for proceedings before District Judge Judith E. Levy: Status Conference held on 7/26/2017. (Court Reporter: Jeseca Eddington) (SBur) (Entered: 07/26/2017)
07/27/2017	<u>41</u>	ORDER consolidating cases. (See order for details.) Signed by District Judge Judith E. Levy. (DPer) (Entered: 07/28/2017)
07/28/2017	<u>42</u>	Notice to Parties Regarding Consolidated Case: Order of consolidation entered on *07/27/17*. Designated lead case number is *16-10444*. (DPer) (Entered: 07/28/2017)