

**U.S. District Court
Eastern District of Michigan (Ann Arbor)
CIVIL DOCKET FOR CASE #: 5:16-cv-11519-JCO-MKM**

Mays et al v. Flint, City of et al
Assigned to: District Judge John Corbett O'Meara
Referred to: Magistrate Judge Mona K. Majzoub
Case in other court: Genesee County Circuit Court,
16-106112-CZ
U.S. Court of Appeals – Sixth Circuit,
16-02484
U.S. Court of Appeals – Sixth Circuit,
16-02484

Date Filed: 04/27/2016
Date Terminated: 10/06/2016
Jury Demand: Defendant
Nature of Suit: 893 Environmental Matters
Jurisdiction: Federal Question

Cause: 33:1365 Environmental Matters

Plaintiff

Melissa Mays

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant

Eden Victoria Wells

Defendant

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Defendant

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Defendant

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Defendant**Daugherty Johnson**

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Date Filed	#	Docket Text
04/27/2016	<u>1</u>	NOTICE OF REMOVAL by Liane Shekter Smith, Patrick Cook, Michael Wurfel, Stephen Busch from Genesee County Circuit Court, case number 16-106112-CZ. Fee Required – Fee Not Paid. [Previously dismissed case: No] (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H– part 1, # <u>10</u> Exhibit H – part 2, # <u>11</u> Exhibit H – part 3, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J) (Barbieri, Charles) (Entered: 04/27/2016)
04/27/2016	<u>2</u>	Notice of Filing Fee Not Paid. Correction due by 5/4/2016 (DWor) (Entered: 04/27/2016)
04/27/2016		NOTICE of Error directed to: Charles E. Barbieri re <u>1</u> Notice of Removal,, Parties listed on the initiating document were omitted. [Bradley Wurfel] The filing attorney must use the docket event Addition of Parties to correct the error. [No Image Associated with this docket entry] (DWor) (Entered: 04/27/2016)
04/27/2016		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (DWor) (Entered: 04/27/2016)
04/27/2016		Addition of Parties to CM/ECF: Defendant Michael Wurfel. Reason: The party was not added to CM/ECF when e-filing <u>1</u> Notice of Removal,, (Barbieri, Charles) (Entered: 04/27/2016)
05/02/2016	<u>3</u>	NOTICE of Appearance by Michael J. Pattwell on behalf of Michael Wurfel. (Pattwell, Michael) Modified on 5/3/2016 (DWor). [APPEARANCE IS FOR BRADLEY WURFEL] (Entered: 05/02/2016)
05/03/2016		FILING FEE Received in the amount of \$400.00 by All Defendants – Receipt No. DET091622 [No Image Associated with this docket entry] (Huff, W.) (Entered: 05/03/2016)
05/04/2016	<u>4</u>	ATTORNEY APPEARANCE: Dennis K. Egan appearing on behalf of Stephen Busch w/ <i>Certificate of Service</i> (Egan, Dennis) (Entered: 05/04/2016)

05/04/2016	<u>5</u>	ATTORNEY APPEARANCE: Courtney B. Ciullo appearing on behalf of Stephen Busch w/ <i>Certificate of Service</i> (Ciullo, Courtney) (Entered: 05/04/2016)
05/04/2016	<u>6</u>	ATTORNEY APPEARANCE: Krista A. Jackson appearing on behalf of Stephen Busch w/ <i>Certificate of Service</i> (Jackson, Krista) (Entered: 05/04/2016)
05/04/2016	<u>7</u>	NOTICE of Appearance by Philip A. Grashoff, Jr on behalf of Stephen Busch. (Grashoff, Philip) (Entered: 05/04/2016)
05/04/2016	<u>8</u>	NOTICE of Appearance by Thaddeus E. Morgan on behalf of Liane Shekter Smith. (Morgan, Thaddeus) (Entered: 05/04/2016)
05/05/2016	<u>9</u>	NOTICE of Appearance by Christopher B. Clare on behalf of Bradley Wurfel. (Clare, Christopher) (Entered: 05/05/2016)
05/05/2016	<u>10</u>	NOTICE of Appearance by Allison M. Collins on behalf of Patrick Cook, Michael Prysby, Adam Rosenthal. (Collins, Allison) (Entered: 05/05/2016)
05/05/2016	<u>11</u>	MEMORANDUM re <u>1</u> Notice of Removal,, <i>Supplemental</i> by Stephen Busch, Patrick Cook, Liane Shekter Smith, Bradley Wurfel (Attachments: # <u>1</u> Index of Exhibits Index, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E) (Barbieri, Charles) (Entered: 05/05/2016)
05/09/2016	<u>12</u>	NOTICE of Appearance by Beth M. Rivers on behalf of All Plaintiffs. (Rivers, Beth) (Entered: 05/09/2016)
05/09/2016	<u>13</u>	NOTICE of Appearance by Michael L. Pitt on behalf of All Plaintiffs. (Pitt, Michael) (Entered: 05/09/2016)
05/09/2016	<u>14</u>	NOTICE of Appearance by Cary S. McGehee on behalf of All Plaintiffs. (McGehee, Cary) (Entered: 05/09/2016)
05/10/2016	<u>15</u>	NOTICE of Appearance by Julie H. Hurwitz on behalf of All Plaintiffs. (Hurwitz, Julie) (Entered: 05/10/2016)
05/10/2016	<u>16</u>	NOTICE of Appearance by William H. Goodman on behalf of All Plaintiffs. (Goodman, William) (Entered: 05/10/2016)
05/10/2016	<u>17</u>	NOTICE of Appearance by Kathryn Bruner James on behalf of All Plaintiffs. (James, Kathryn) (Entered: 05/10/2016)
05/11/2016	<u>18</u>	MOTION to Remand <i>and Attorney's Fees and Costs</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – EPA Emergency Admin Order, # <u>2</u> Exhibit 2 – McCarthy EPA Statement, # <u>3</u> Exhibit 3 – Creagh MI DEQ Statement) (Rivers, Beth) (Entered: 05/11/2016)
05/13/2016	<u>19</u>	ORDER of DISQUALIFICATION and REASSIGNING CASE from District Judge Terrence G. Berg in Flint to District Judge Sean F. Cox in Detroit. (SSch) (Entered: 05/13/2016)
05/13/2016	<u>20</u>	NOTICE of Appearance by William Young Kim on behalf of Howard Croft, Flint, City of, Michael Glasgow, Natasha Henderson, Daugherty Johnson. (Kim, William) (Entered: 05/13/2016)
05/16/2016	<u>21</u>	STIPULATION AND ORDER Extending Time for Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter–Smith, Bradley Wurfel, and Stephen Buschre to Respond re <u>18</u> MOTION to Remand and Attorney's Fees and Costs. (Response due by 6/10/2016) Signed by District Judge Sean F. Cox. (JMcC) (Entered: 05/16/2016)
05/17/2016	<u>22</u>	NOTICE of Appearance by Jay M. Berger on behalf of Bradley Wurfel. (Berger, Jay) (Entered: 05/17/2016)
05/17/2016	<u>23</u>	NOTICE by Stephen Busch, Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter Smith, Bradley Wurfel <i>of Companion Cases</i> (Barbieri, Charles) (Entered: 05/17/2016)
05/23/2016	<u>24</u>	ORDER REASSIGNING CASE from District Judge Sean F. Cox and Magistrate Judge David R. Grand in Detroit to District Judge John Corbett O'Meara and Magistrate Judge Mona K. Majzoub in Ann Arbor. (SSch) (Entered: 05/23/2016)

06/01/2016	<u>25</u>	NOTICE of Appearance by Deborah A. LaBelle on behalf of All Plaintiffs. (LaBelle, Deborah) (Entered: 06/01/2016)
06/08/2016	<u>26</u>	NOTICE of Appearance by Frederick A. Berg on behalf of Flint, City of. (Berg, Frederick) (Entered: 06/08/2016)
06/08/2016	<u>27</u>	NOTICE of Appearance by Sheldon H. Klein on behalf of Flint, City of. (Klein, Sheldon) (Entered: 06/08/2016)
06/09/2016	<u>28</u>	MOTION for Leave to File Excess Pages by Stephen Busch, Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter Smith, Bradley Wurfel. (Barbieri, Charles) (Entered: 06/09/2016)
06/09/2016		TEXT-ONLY ORDER Granting <u>28</u> MOTION for Leave to File Excess Pages. Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 06/09/2016)
06/10/2016	<u>29</u>	RESPONSE to <u>18</u> MOTION to Remand <i>and Attorney's Fees and Costs</i> filed by Stephen Busch, Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter Smith, Bradley Wurfel. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q) (Barbieri, Charles) (Entered: 06/10/2016)
06/17/2016	<u>30</u>	STIPULATION AND ORDER Extending Time to File a Reply Brief in Support of <u>18</u> MOTION to Remand <i>and Attorney's Fees and Costs</i> ; <i>Reply Brief due by 7/8/2016</i> , Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 06/17/2016)
06/23/2016	<u>31</u>	STIPULATION AND ORDER Extending Time for Defendants Wyant, Smith, Rosenthal, Busch, Cook, Prysby, and Wurfel to Answer Complaint; Responsive Pleading due by 7/25/2016, Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 06/23/2016)
06/24/2016		NOTICE of Error directed to: Charles E. Barbieri re 32 Supplemental Brief,. Docket entry was made on the wrong case. Document was stricken and must be refiled correctly. [No Image Associated with this docket entry] (Ahmed, N) (Entered: 06/24/2016)
06/24/2016	<u>33</u>	EXHIBIT <i>Q Supplement</i> re <u>29</u> Response to Motion,, <u>18</u> MOTION to Remand <i>and Attorney's Fees and Costs</i> by Patrick Cook, Michael Prysby, Adam Rosenthal (Attachments: # <u>1</u> Exhibit Q Supplement) (Barbieri, Charles) (Entered: 06/24/2016)
07/06/2016	<u>34</u>	Ex Parte MOTION for Leave to File Excess Pages <i>in the Filing of Plaintiffs Reply to MDEQ Defendants Response to Plaintiffs Motion for Remand and Attorneys Fees and Costs</i> by All Plaintiffs. (Hurwitz, Julie) (Entered: 07/06/2016)
07/06/2016		TEXT-ONLY ORDER Granting <u>34</u> Ex Parte MOTION for Leave to File Excess Pages. Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 07/06/2016)
07/08/2016	<u>35</u>	REPLY to Response re <u>18</u> MOTION to Remand <i>and Attorney's Fees and Costs</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Rivers, Beth) (Entered: 07/08/2016)
07/20/2016	<u>36</u>	MOTION for Leave to File Excess Pages by Bradley Wurfel. (Clare, Christopher) (Entered: 07/20/2016)
07/21/2016	<u>37</u>	ORDER granting in part <u>36</u> Motion for Leave to File Excess Pages. Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 07/21/2016)
07/22/2016	<u>38</u>	Ex Parte MOTION for Leave to File Excess Pages by Patrick Cook, Michael Prysby, Adam Rosenthal. (Barbieri, Charles) (Entered: 07/22/2016)
07/25/2016		TEXT-ONLY ORDER Granting <u>38</u> Ex Parte MOTION for Leave to File Excess Pages filed by Michael Prysby, Adam Rosenthal, Patrick Cook. Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 07/25/2016)
07/25/2016	<u>39</u>	MOTION to Dismiss by Bradley Wurfel. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F) (Clare, Christopher) (Entered: 07/25/2016)

07/25/2016	<u>40</u>	Joint MOTION to Dismiss <i>and Brief in Support of MDEQ Employee Defendants Under Fed. R. Civ. P. 12(B)(6)</i> by Patrick Cook, Michael Prysby, Adam Rosenthal. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L) (Barbieri, Charles) (Entered: 07/25/2016)
08/15/2016	<u>41</u>	STIPULATION AND ORDER Extending Time until August 26, 2016, for City of Flint Defendants to Respond to Complaint, Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 08/15/2016)
08/15/2016	<u>42</u>	Ex Parte MOTION for Extension of Time to File Response/Reply as to <u>40</u> Joint MOTION to Dismiss <i>and Brief in Support of MDEQ Employee Defendants Under Fed. R. Civ. P. 12(B)(6)</i> , <u>39</u> MOTION to Dismiss by All Plaintiffs. (Pitt, Michael) (Entered: 08/15/2016)
08/17/2016		TEXT-ONLY ORDER Granting in Part <u>42</u> Ex Parte MOTION for Extension of Time to File Response as to <u>40</u> Joint MOTION to Dismiss, <u>39</u> MOTION to Dismiss; Response due by 9/16/2016, Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 08/17/2016)
08/19/2016	<u>43</u>	MOTION Hold Summary Disposition Briefing in Abeyance Pending Resolution of Motion to Remand re <u>40</u> Joint MOTION to Dismiss <i>and Brief in Support of MDEQ Employee Defendants Under Fed. R. Civ. P. 12(B)(6)</i> , <u>39</u> MOTION to Dismiss , <u>18</u> MOTION to Remand <i>and Attorney's Fees and Costs</i> by All Plaintiffs. (LaBelle, Deborah) (Entered: 08/19/2016)
08/19/2016	<u>44</u>	ORDER Requiring Response to <u>43</u> Motion., Response due by 9/2/2016 Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 08/19/2016)
08/26/2016	<u>45</u>	NOTICE of Appearance by Reed E. Eriksson on behalf of Howard Croft, Flint, City of, Michael Glasgow, Natasha Henderson, Daugherty Johnson. (Eriksson, Reed) (Entered: 08/26/2016)
08/26/2016	<u>46</u>	Joint MOTION to Dismiss by Howard Croft, Flint, City of, Michael Glasgow, Natasha Henderson, Daugherty Johnson. (Attachments: # <u>1</u> Index of Exhibits Table of Exhibits, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E) (Eriksson, Reed) (Entered: 08/26/2016)
08/31/2016	<u>47</u>	STIPULATION AND ORDER Extending Time to Respond to <u>46</u> Joint MOTION to Dismiss; Response due by 9/23/2016, Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 08/31/2016)
09/01/2016	<u>48</u>	RESPONSE to <u>43</u> MOTION Hold Summary Disposition Briefing in Abeyance Pending Resolution of Motion to Remand re <u>40</u> Joint MOTION to Dismiss <i>and Brief in Support of MDEQ Employee Defendants Under Fed. R. Civ. P. 12(B)(6)</i> , <u>39</u> MOTION to Dismiss , filed by Stephen Busch, Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter Smith, Bradley Wurfel. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Cases Re Argument II, # <u>3</u> Exhibit B – Cases Re Argument III, # <u>4</u> Exhibit C – Addtl Cases Re Argument III, # <u>5</u> Exhibit D – Addtl Cases Re Argument III) (Barbieri, Charles) (Entered: 09/01/2016)
09/13/2016	<u>49</u>	ORDER granting <u>43</u> Motion to Hold Briefing in Abeyance. Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 09/13/2016)
10/06/2016	<u>50</u>	OPINION AND ORDER REMANDING CASE to Genesee County Circuit Court. Signed by District Judge John Corbett O'Meara. (DPer) (Entered: 10/06/2016)
10/06/2016	<u>51</u>	NOTICE remanding case to *GENESEE COUNTY CIRCUIT COURT*. (DPer) (Entered: 10/06/2016)
10/19/2016	<u>52</u>	NOTICE OF APPEAL by Liane Shekter Smith, Patrick Cook, Adam Rosenthal, Michael Prysby, Bradley Wurfel, Stephen Busch re <u>50</u> Order Remanding Case. Fee Status: No Fee Paid. (Barbieri, Charles) (Entered: 10/19/2016)
10/19/2016	<u>53</u>	Joint MOTION to Stay <i>Remand Order Pending Appeal</i> by Stephen Busch, Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter Smith, Bradley Wurfel. (Attachments: # <u>1</u> Exhibit 1 – Dalton v Walgreen Co.) (Barbieri, Charles) (Entered: 10/19/2016)

10/19/2016	<u>54</u>	Certificate of Service re <u>52</u> Notice of Appeal. (DAll) (Entered: 10/19/2016)
10/24/2016		Appeal Fee received for <u>52</u> Notice of Appeal filed by Liane Shekter Smith, Bradley Wurfel, Stephen Busch, Michael Prysby, Adam Rosenthal, Patrick Cook in the amount of \$ \$505.00 – Receipt No. DET097290. (Huff, W.) (Entered: 10/24/2016)
11/02/2016	<u>55</u>	RESPONSE to <u>53</u> Joint MOTION to Stay <i>Remand Order Pending Appeal</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 – Notice of Remand) (Rivers, Beth) (Entered: 11/02/2016)
11/03/2016	<u>56</u>	ATTORNEY APPEARANCE: Richard S. Kuhl appearing on behalf of State of Michigan <i>Interested Non-Party</i> (Kuhl, Richard) (Entered: 11/03/2016)
11/09/2016	<u>57</u>	REPLY to Response re <u>53</u> Joint MOTION to Stay <i>Remand Order Pending Appeal</i> filed by Stephen Busch, Patrick Cook, Michael Prysby, Adam Rosenthal, Liane Shekter Smith, Bradley Wurfel. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 – Bauman v Twp of Tittabawassee, # <u>3</u> Exhibit 2 – 6th Circuit Briefing Schedule) (Barbieri, Charles) (Entered: 11/09/2016)
01/13/2017	<u>58</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re <u>52</u> Notice of Appeal filed by Liane Shekter Smith, Bradley Wurfel, Stephen Busch, Michael Prysby, Adam Rosenthal, Patrick Cook [Appeal Case Number 16–2484] (Ahmed, N) (Entered: 01/13/2017)
01/23/2017	<u>59</u>	ORDER denying <u>53</u> Motion to Stay. Signed by District Judge John Corbett O'Meara. (WBar) (Entered: 01/23/2017)
07/13/2017	<u>60</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re <u>52</u> Notice of Appeal filed by Liane Shekter Smith, Bradley Wurfel, Stephen Busch, Michael Prysby, Adam Rosenthal, Patrick Cook [Appeal Case Number 16–2484] (Ahmed, N) (Entered: 07/13/2017)
09/11/2017	<u>61</u>	OPINION and JUDGMENT from U.S. Court of Appeals – Sixth Circuit re <u>52</u> Notice of Appeal filed by Liane Shekter Smith, Bradley Wurfel, Stephen Busch, Michael Prysby, Adam Rosenthal, Patrick Cook [Appeal Case Number 16–2484] (Ahmed, N) (Entered: 09/11/2017)
11/27/2017	<u>62</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to <u>61</u> Appeal Order/Opinion/Judgment [Appeal Case Number 16–2484] (Krause, S) (Entered: 11/27/2017)
02/20/2018	<u>63</u>	LETTER from the US Supreme Court that a petition for writ of certiorari was filed on 2/13/18. [Supreme Court Case Number: 17–1144] [Court of Appeals Case Number: 16–2484] (DWor) (Entered: 02/21/2018)
04/17/2018	<u>64</u>	LETTER from the US Supreme Court denying the petition for writ of certiorari [Supreme Court Case Number: 17–1144] [Court of Appeals Case Number: 16–2484] (SKra) (Entered: 04/17/2018)