

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

**JEROME AND JENNIFER DUBRULLE,
EDWARD AND ELLEN KERFOOT,
NICOLE AND MATTHEW NORRIS,
CHADY AND MONA HAURANI,
MARCY TAYLER,
ABBY PAULSON,
ANDREW HASTINGS,
MARGUERITE AND ROBERT KAISER,
MOLLY McCLANAGHAN AND RYAN MORRIS,
PATRICK AND KELLY SHANLEY,
RHONDA FENDERSON,
SARAH FELDMAN,
JOSHUA AND DANIELLE TUCKER, and
JON MARKO,**

On behalf of all others similarly situated,

Plaintiffs,

v.

Case No. 21-014057-NZ
Hon. Annette J. Berry

**GREAT LAKES WATER AUTHORITY,
CITY OF DETROIT,
CITY OF GROSSE POINTE PARK,
CITY OF GROSSE POINTE,
CITY OF GROSSE POINTE FARMS,
CITY OF GROSSE POINTE WOODS,
CITY OF GROSSE POINTE SHORES,
CITY OF HARPER WOODS, and
NORTHEAST WAYNE COUNTY SEWER DISTRICT,**

Defendants.

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FIRST AMENDED CLASS ACTION COMPLAINT AND JURY DEMAND

Related civil actions between other parties arising out of the same transaction or occurrence alleged in the complaint has been previously filed in this court, where they were given case numbers 21-0008465-CZ, 21-008745-CZ, 21-009030 and assigned to Judge Annette J. Berry.

NOW COME Plaintiffs Jerome and Jennifer Dubrulle, Edward and Ellen Kerfoot, Nicole and Matthew Norris, Chady and Mona Haurani, Marcy Tayler, Abby Paulson, Andrew Hastings, Marguerite and Robert Kaiser, Molly McClanaghan and Ryan Morris, Patrick and Kelly Shanley, Rhonda Fenderson, Sarah Feldman, Joshua and Danielle Tucker, and Jon Marko, on behalf of all others similarly situated, (hereinafter “Plaintiffs”), by and through their attorneys at Dubin Law PLLC and Liddle Sheets Coulson P.C., and state in support of their Complaint against Defendants Great Lakes Water Authority (“GLWA” or “Regional Defendant”), City of Detroit, City of Grosse Pointe, City of Grosse Pointe Park, City of Grosse Pointe Woods, City of Grosse Pointe Farms, City of Grosse Pointe Shores, City of Harper Woods (collectively “Municipal Defendants”), and the Northeast Wayne County Sewer District (“NESDS”) as follows:

I. NATURE OF THE ACTION

1. On or about June 25-26, 2021, Plaintiffs’ homes and many hundreds of other private properties within the Detroit River Watershed in eastern Wayne County were unreasonably invaded and interfered with, resulting from the flooding and invasion of Plaintiffs’ properties by

sewage, pollutants, water, feces, dirt, debris, and noxious odors, thereby causing economic damages to Plaintiffs and the putative class members.

2. Plaintiffs bring this action on behalf of themselves and all other similarly situated persons or entities that filed a Notice of Claim relating to a Sewage System Disposal Event that occurred on June 25-26, 2021 in the Cities of Detroit, Grosse Pointe, Grosse Pointe Park, Grosse Pointe Woods, Grosse Pointe Farms, Grosse Pointe Shores, and Harper Woods.

3. The reason for not joining all potential class members as Plaintiffs is that they are so numerous as to make it impractical to bring them before the Court.

4. There are thousands of persons and/or entities that have been similarly affected by the widespread and catastrophic flooding that occurred on June 25-26, 2021, and the question to be determined is one of common and general interest to many persons constituting the class to which Plaintiffs belong and is so numerous as to make it impracticable to bring them all before the Court. For this reason, Plaintiffs initiate this class litigation on behalf of all others similarly situated pursuant to Mich. Ct. R. 3.501.

5. Issues and questions of law and fact common to the members of the Class predominate over questions affecting individual members and the claims of the Plaintiffs are typical of the claims of the Class.

6. The maintenance of this litigation as a Class Action will be superior to other methods of adjudication in promoting the convenient administration of justice.

7. Plaintiffs and the law firms of Dubin Law, PLLC and Liddle Sheets Coulson, P.C., will fairly and adequately assert and protect the interests of the Class.

8. Specifically, Plaintiffs' attorneys have served as certified class counsel for numerous similar Class Actions, wherein the plaintiffs alleged damages arising from governmental

construction, design, maintenance, operation, and/or repair of a sewer system which sewer system caused residential properties to be invaded by untreated sewage and/or stormwater.

II. PARTIES AND JURISDICTION

9. At all times relevant hereto, Plaintiffs Jerome and Jennifer Dubrulle have owned and/or resided at 1301 Bishop Road, in the City of Grosse Pointe Park, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

10. At all times relevant hereto, Plaintiffs Edward and Ellen Kerfoot have owned and/or resided at 660 Middlesex, in the City of Grosse Pointe Park, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

11. At all times relevant hereto, Plaintiffs Nicole and Matthew Norris have owned and/or resided at 711 Washington Road, in the City of Grosse Pointe, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

12. At all times relevant hereto, Plaintiffs Chady and Mona Haurani have owned and/or resided at 9 Lakeside Court, in the City of Grosse Pointe, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

13. At all times relevant hereto, Plaintiff Marcy Tayler has owned and/or resided at 290 McKinley Avenue, in the City of Grosse Pointe Farms, County of Wayne, State of Michigan, and Plaintiff is a citizen of the State of Michigan with her permanent domicile at the residential address stated above.

14. At all times relevant hereto, Plaintiff Abby Paulson has owned and/or resided at 435 Madison Street, in the City of Grosse Pointe Farms, County of Wayne, State of Michigan, and Plaintiff is a citizen of the State of Michigan with her permanent domicile at the residential address stated above.

15. At all times relevant hereto, Plaintiff Andrew Hastings has owned and/or resided at 215 Chalfonte Avenue, in the City of Grosse Pointe Farms, County of Wayne, State of Michigan, and Plaintiff is a citizen of the State of Michigan with his permanent domicile at the residential address stated above.

16. At all times relevant hereto, Plaintiffs Marguerite and Robert Kaiser have owned and/or resided at 20643 Maple Lane, in the City of Grosse Pointe Woods, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

17. At all times relevant hereto, Plaintiffs Molly McClanaghan and Ryan Morris have owned and/or resided at 2051 Stanhope Street, in the City of Grosse Pointe Woods, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

18. At all times relevant hereto, Plaintiffs Patrick and Kelly Shanley have owned and/or resided at 19833 Holiday Road, in the City of Grosse Pointe Woods, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

19. At all times relevant hereto, Plaintiff Rhonda Fenderson has owned and/or resided at 5018 Hillcrest, in the City of Detroit, County of Wayne, State of Michigan, and Plaintiff is a

citizen of the State of Michigan with her permanent domicile at the residential address stated above.

20. At all times relevant hereto, Plaintiff Sarah Feldman has owned and/or resided at 3815 Grayton Street, in the City of Detroit, County of Wayne, State of Michigan, and Plaintiff is a citizen of the State of Michigan with her permanent domicile at the residential address stated above.

21. At all times relevant hereto, Plaintiffs Joshua and Danielle Tucker have owned and/or resided at 20409 Lancaster Street, in the City of Harper Woods, County of Wayne, State of Michigan, and Plaintiffs are citizens of the State of Michigan with their permanent domicile at the residential address stated above.

22. At all times relevant hereto, Plaintiff Jon Marko has owned and/or resided at 535 Ballantyne Street, in the City of Grosse Pointe Shores, County of Wayne, State of Michigan, and Plaintiff is a citizen of the State of Michigan with his permanent domicile at the residential address stated above.

23. Defendant GLWA is an incorporated authority organized pursuant to Michigan Public Act 233 of 1935 by the City of Detroit and the Counties of Macomb, Oakland, and Wayne. Defendant GLWA maintains a business address located at 735 Randolph St., City of Detroit, County of Wayne, State of Michigan. Defendant GLWA operates a regional sewage disposal system that services communities in eight southeast Michigan counties, including the City of Detroit, the City of Grosse Pointe, the City of Grosse Pointe Park, the City of Grosse Pointe Woods, the City of Grosse Pointe Farms, the City of Grosse Pointe Shores, and the City of Harper Woods. The GLWA's regional sewage disposal system either receives sewer inflow from and/or directly or indirectly discharges into the other Municipal Defendants' sewer systems, and the

GLWA is responsible for the operation, maintenance, and repair of many of the instrumentalities that are connected to, discharge into or out of, and/or otherwise service the Municipal Defendants' sewer systems.

24. Defendant City of Detroit is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. Detroit Water and Sewerage Department ("DWSD") is a public utility owned by the City of Detroit, and is located in the City of Detroit, County of Wayne, State of Michigan. The City of Detroit and/or DWSD collectively own and/or control a municipal sewer system that includes the Connor Pumping Station ("CPS"), 12244 East Jefferson, Detroit and the Freud Sewage Pumping Station ("FSPS") 12300 Freud Ave., which are located in Wayne County, State of Michigan. The City of Detroit's sewer system either receives sewer inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

25. Defendant City of Grosse Pointe is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. The City of Grosse Pointe owns, operates, and/or maintains a municipal sewer system that services residences and entities located within its boundaries. The City of Grosse Pointe's sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

26. Defendant City of Grosse Pointe Park is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. The City of Grosse Pointe Park owns, operates, and/or maintains a municipal sewer system that services residences and entities located within its boundaries. The

City of Grosse Pointe Park's sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

27. Defendant City of Grosse Pointe Woods is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. The City of Grosse Pointe Woods owns, operates, and/or maintains a municipal sewer system that services residences and entities located within its boundaries. The City of Grosse Pointe Woods' sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

28. Defendant City of Grosse Pointe Farms is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. The City of Grosse Pointe Farms owns, operates, and/or maintains a municipal sewer system that services residences and entities located within its boundaries. The City of Grosse Pointe Farm's sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

29. Defendant City of Grosse Pointe Shores is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. The City of Grosse Pointe Shores owns, operates, and/or maintains a municipal sewer system that services residences and entities located within its boundaries. The City of Grosse Pointe Woods' sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

30. Defendant City of Harper Woods is a municipality incorporated pursuant to Chapter 117 of the Michigan Compiled Laws of the State of Michigan and is located in the County of Wayne, State of Michigan. The City of Harper Woods owns, operates, and/or maintains a municipal sewer system that services residences and entities located within its boundaries. The City of Harper Woods' sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

31. Defendant Northeast Wayne County Sewer District ("NESDS") is a drainage district controlled by the Southeast Macomb Sanitary District (SEMSD) pursuant to operating arrangements among the districts, city governments, and the Macomb County Public Works Commission (MCPWC). The NESDS' sewer system either receives inflow from and/or directly or indirectly discharges into the GLWA regional system and/or the other Municipal Defendants' sewer systems.

III. VENUE

32. Venue is proper in this Court pursuant to MCL 600.1615.

IV. FACTUAL ALLEGATIONS

DEFINITIONS

33. "Sewer System(s)" and/or "Sewage Disposal System" shall mean "all interceptor sewers, storm sewers, sanitary sewers, combined sanitary and storm sewers, sewage treatment plants, and all other plants, works, instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage and industrial wastes, and includes a storm water drain system under the jurisdiction and control of a governmental agency." MCL 691.1416. The "Sewer System(s)" include the Sanitary Sewer System, the Combined Sewer System, and the Drainage System.

34. “Sanitary Sewer System” shall mean the portion (if any) of the Sewer System designed to convey only sewage, and not storm water, from residences, commercial buildings, industrial plants and institutions for treatment at a Wastewater Treatment Facility.

35. “Combined Sewer System” or “CSS” shall mean the portion of the Sewer System designed to convey municipal sewage (i.e., domestic, commercial and industrial wastewaters) and storm water runoff through a single-pipe system to a treatment facility, a Combined Sewer Outfall, or Constructed SSO Outfall.

36. “Combined Sewer Overflow” or “CSO” shall mean any discharge from the Combined Sewer System at a point prior to the headworks of a Wastewater Treatment Facility.

37. “CSO Outfall” shall mean the outfall from which a CSO is discharged.

38. “Sanitary Sewer Overflow” or “SSO” shall mean any overflow, spill, diversion, or release of wastewater from or caused by a Sanitary Sewer System. This term shall include: (i) discharges to surface waters of the State or the United States from a Sanitary Sewer System and (ii) any release of wastewater from a Sanitary Sewer System to public or private property that does not reach waters of the United States or the State.

39. “Constructed SSO Outfall” shall mean any pipe, conduit, or other conveyance that has been constructed within the Sanitary Sewer System to purposefully convey sewage, or a combination of sewage and rainwater, to any Receiving Stream, either natural or manmade, or to any portion of the Drainage System.

40. “Drainage System” shall mean pipes, conduits, channels, storm water pump stations, canals, and other appurtenances designed and used for conveying only storm water runoff, surface water runoff, and other drainage water.

41. “Surcharge” shall mean when the supply of water to be carried is greater than the capacity of the pipes to carry the flow. The surface of the wastewater in manholes rises above the top of the sewer pipe, and the sewer pipe is under pressure or a head, rather than at atmospheric pressure.

42. “Hydraulic grade line” shall mean the locus of elevations to which the water would rise if open to atmospheric pressure along a pipe run.

JUNE 25-26, 2021 FLOOD

43. For days in advance, a significant rain event was forecast to hit the Metro Detroit area, and Defendants knew that significant wet weather was on the way.

44. Yet, on or about June 25-26, 2021, Plaintiffs’ basements and/or private properties were flooded and physically invaded by water and sewage when Defendants’ Sewage Disposal System surcharged, causing a widespread and catastrophic Sewage Disposal System Event impacting the properties of Plaintiffs and the putative class.

45. On or before June 25-26, 2021, Defendants improperly designed, constructed, operated, maintained, and/or repaired the portion of the Sewage Disposal System that they control and/or discharge into, causing significant economic damages to Plaintiffs and the putative class.

46. The numerous well-known defects in the Sewage Disposal System described below, individually and/or in conjunction with each other, increased the amount of flow entering the Sewage Disposal System, accelerated the flow rate, decreased the time of concentration, and increased the hydraulic grade line. This resulted in surcharging throughout the Sewage Disposal System and the flooding of the properties of Plaintiffs and thousands of members of the putative class.

47. When Defendants' Sewage Disposal System surcharged, sewer and stormwater water backflowed through the Sewage Disposal System, through private property lateral lines and into thousands of private properties, including the properties of Plaintiffs and the putative class.

48. On or about June 25-26, 2021, as a direct and proximate result of the Defendants' Sewage Disposal System defects, the Plaintiffs' homes and thousands of other private properties located in the Cities of Detroit, Grosse Pointe, Grosse Pointe Park, Grosse Pointe Woods, Grosse Pointe Farms, Grosse Pointe Shores, and Harper Woods were flooded with water, sewage and other noxious and destructive materials.

49. The flooding of Plaintiffs' homes and other private properties by the Sewage Disposal Systems controlled by Defendants have caused economic damages to Plaintiffs and the putative class members including but not limited to the following:

- A. Structural damage to real property;
- B. Destruction of personal property;
- C. The expenditure of a great amount of time, effort and money to sanitize, clean, replace, repair, and/or maintain real and private property, including due to the invasion of untreated water, bacteria, and other unsanitary conditions caused by the flooding;
- D. Diminution in the market value of private property; and
- E. Other economic losses, including, but not limited to, those based on the right of subrogation.

50. Plaintiffs have complied with the notice requirements of MCL 691.1416 et seq.

51. Plaintiffs' claims are not barred by Governmental Immunity pursuant to MCL 691.1416 et seq.

52. More than forty-five (45) days have elapsed since Plaintiffs provided notice to the Defendants regarding their claim of damage, and the Defendants have made no effort to satisfy Plaintiffs' claims.

53. Defendants are the appropriate governmental agencies in that they either owned, operated, and/or directly or indirectly discharged into the Sewage Disposal System which caused Plaintiffs' properties to be flooded through widespread sewage system disposal events.

54. On or before June 25-26, 2021, Defendants knew, or in the exercise of reasonable diligence should have known, of defects in their respective sewage disposal systems.

55. Defendants had the legal authority to repair, correct, or remedy the defects in the Sewage Disposal System for which they have a duty to control. Yet, despite having a reasonable amount of time to do so, Defendants failed to repair, correct, or remedy the defects.

56. On or about June 25-26, 2021, Plaintiffs and the putative class suffered from a Sewage Disposal System Event, as an overflow or backup of the Defendants' sewage disposal systems occurred, causing significant damages and destruction to the real and personal property of the Plaintiffs.

57. A substantial proximate cause of Plaintiffs' sewage disposal system event was not an obstruction in the service lead of the Plaintiffs.

58. A substantial proximate cause of Plaintiffs' sewage system disposal event was not a connection on the property of the Plaintiffs, including a sump system, building drain, service drain, gutter or downspout.

59. A substantial proximate cause of Plaintiffs' sewage system disposal event was not an act of war or an act of terrorism.

60. Plaintiffs' properties were flooded and/or physically invaded by the contents of a sewage disposal system into which the Defendants either owned, operated, or directly or indirectly discharged.

61. Sewers are surcharged when the supply of water to be carried is greater than the capacity of the pipes to carry the flow. The surface of the wastewater in manholes rises above the top of the sewer pipe, and the sewer is under pressure or a head, rather than at atmospheric pressure.

62. Sewer systems and stormwater conveyance systems, such as the Defendants', are designed with entrance openings to allow sewage to enter the system and exit openings or discharge points to allow the discharge of the sewage.

63. A properly designed, constructed, operated, maintained and/or repaired sewage disposal system, whether it is a combined or a separated system, will only allow as much sewage and stormwater to enter the system as can be discharged at the discharge point.

64. Defendants failed in their duty to design, construct, operate, maintain, and/or repair the portions of the Sewage Disposal System that they control and/or discharge in a reasonable manner so as to prevent more sewage and/or stormwater from entering the systems than could be discharged at the discharge point without causing the Sewage Disposal System Events alleged herein.

65. Defendants' failures to design, construct, operate, maintain and/or repair the Sewage Disposal System in a reasonable manner were a substantial proximate cause of the Sewage Disposal System Events that resulted in the widespread flooding of, and damages to, Plaintiffs' properties.

THE REGIONAL SEWAGE DISPOSAL SYSTEM

66. This case involves widespread and catastrophic flooding damages that occurred in and around the easternmost portion of the Detroit River Watershed, which is controlled by the GLWA regional system and its connected local sewer systems, drainage districts, and instrumentalities.

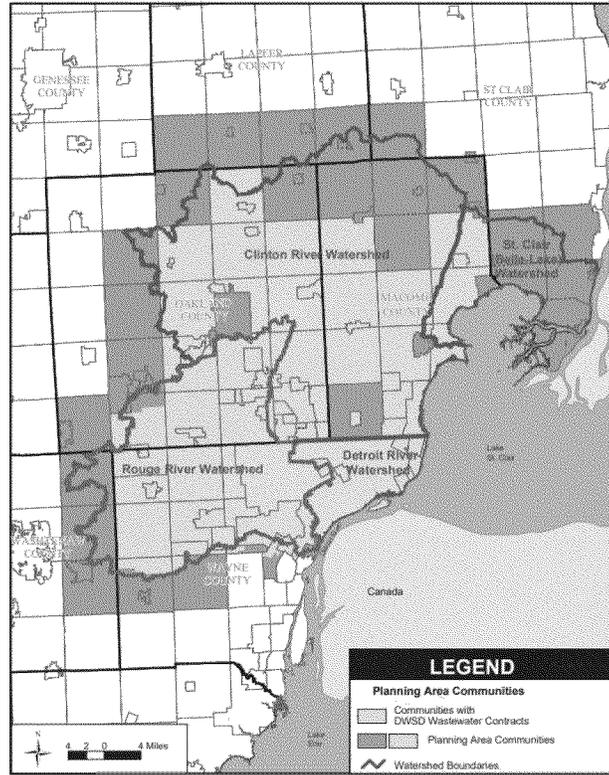
67. Defendant GLWA operates a regional sewage disposal system that services communities in eight southeast Michigan counties, including the City of Detroit, the City of Grosse Pointe, the City of Grosse Pointe Park, the City of Grosse Pointe Woods, the City of Grosse Pointe Farms, the City of Grosse Pointe Shores, and the City of Harper Woods (“Municipal Defendants”).

68. On January 1, 2016, the former Detroit Water and Sewerage Department (DWSD) was bifurcated into a regional supplier of water and wastewater services, the GLWA, and a new retail-focused DWSD. Under this agreement, GLWA is responsible for operating the regional system, including the pumping station and larger sewers. The DWSD/City of Detroit and the other Municipal Defendants are responsible for operating and maintaining the local sewers.

69. Similarly, the Municipal Defendants are responsible, either directly or through appointment of an authority, for the operation, maintenance, and/or repair of their respective local sewer systems.

70. Defendant City of Detroit controlled the construction, design, maintenance, and repair of the DWSD system, and the other Municipal Defendants controlled the construction, design, maintenance, and repair of their respective local sewer systems.

Figure 1: DWSD Wastewater Master Plan Planning Area



71. Defendant GLWA, per its agreement with the City of Detroit, operates and maintains the water and wastewater infrastructure located within the City of Detroit. The City of Detroit retains ownership of the water and wastewater system and its infrastructure and leases it to GLWA for an allocation of \$50 million per year over 40 years.

72. Defendant City of Detroit, through DWSD, is responsible for replacing and repairing the City of Detroit's water, sewer, and stormwater infrastructure. The City of Detroit retains the sole ownership interest in the properties, infrastructure, instrumentalities, and works operated by the GLWA that are located within the City of Detroit.

73. DWSD handles more than 230,000 residential, commercial, and industrial accounts within the City of Detroit and utilizes GLWA lease funding to maintain and repair the existing infrastructure, including by conducting repairs necessary to ensure that excess inflow and infiltration do not increase the amount of water intake into the GLWA system.

74. The regional Sewage Disposal System consists of numerous suburban sewer systems in the Grosse Pointe communities, Harper Woods, and numerous sewer systems located in the City of Detroit.

75. The primarily relevant suburban sewer systems involved in this case are, from north-to-south: (1) the Northeast Sewage Disposal System (NESDS), which consists of the cities of Harper Woods, Grosse Pointe Woods, and Grosse Pointe Shores; (2) the Grosse Pointe Farms sewer system; (3) the Grosse Pointe sewer system; and (4) Grosse Pointe Park sewer system. Each of these suburban sewer systems transport excess flow during wet weather in a generally southwesterly direction through the adjacent suburbs to the south or southwest and into the City of Detroit system, which is owned by the City of Detroit and operated by the GLWA.

76. The primarily relevant sewer systems located in the City of Detroit are: (1) the Conner Creek Sewer District; (2) the Fox Creek Sewer District; and (3) the East Jefferson Sewer District.

77. Unfortunately, this is hardly the first time that large scale Sewage Disposal System Events have devastated private properties in the eastside communities impacted on June 25-26, 2021.

78. Large scale Sewage Disposal System Events also occurred in this area on July 8 and August 16, 2016, leading to a study by DWSD, which worked in coordination with GLWA to conduct an investigation and report on the causes of those flooding events.

79. Through a 2017 report, DWSD and GLWA concluded that “the current level of service is unacceptable.” In response to the July 8, 2016 event, “DWSD leadership met with GLWA leadership to initiate focused efforts to determine the potential causes of these backups ... However, despite immediate actions which were taken, many residents of the Jefferson Chalmers

and Cornerstone Village neighborhoods experienced basement back-ups again on August 16, 2016. It became clear to all parties that further actions are needed to prevent future basement back-ups.”

80. The report concluded that “the frequency and severity of basement back-ups experienced on the east side of Detroit are not acceptable. Base level improvements are needed to restore and optimize existing facilities. Beyond that, additional improvements should be considered to raise the level of protection, particularly in light of potential climate change impacts. Alternatives in the categories of conveyance, peak flow reduction, and damage reduction are being examined.” The report accordingly recommended numerous improvements in the following categories in order to prevent future Sewage Disposal System Events from impacting private properties: (1) Base Level Improvements; (2) Conveyance Alternatives; (3) Peak Flow Reduction; and (4) Damage Reduction.

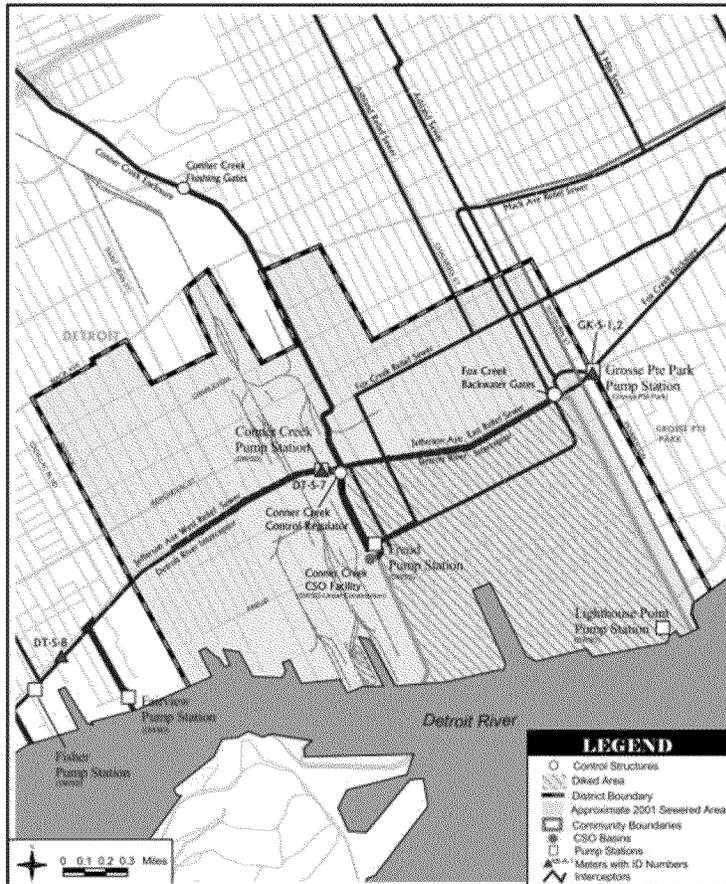
81. Sadly, Defendants GLWA and DWSD failed to take the necessary actions that they knew were needed to remedy known defects and prevent future Sewage Disposal System Events like the one that occurred on June 25-26, 2021.

82. The Sewage Disposal System Events that impacted Plaintiffs and the putative class arose from known construction, design, maintenance, operation, and/or repair defects within the Sewage Disposal Systems discussed below and were the substantial proximate cause of the flooding of their private properties on June 25-26, 2021.

THE EAST JEFFERSON SEWER DISTRICT DEFECTS

83. The East Jefferson Sewer District (EJSD) is located downstream of the Conner Creek and Fox Creek sewer districts located in the City of Detroit and receives flows from these and numerous other suburban sewer systems.

East Jefferson Sewer District



84. The Detroit River lies at the southern limit of the district and is the point of discharge for all CSOs flowing into the EJSD through the Detroit River Interceptor through the Fox Creek Enclosure, the Grosse Pointe Park Pump Station, and the Conner Creek Enclosure.

85. Several major trunk sewers and relief sewers transport combined flows from the Fox Creek District and the surrounding Grosse Pointe suburbs, primarily to the Jefferson Avenue East Relief Sewer, which is within the EJSD.

86. Both dry weather and excess combined flows are transported through the Detroit River Interceptor west along Jefferson Avenue from the easterly city limits of Grosse Pointe Park.

87. The East Jefferson Sewer District also receives both dry weather and combined flow from the Conner Creek Sewer District.

88. In other words, the East Jefferson Sewer District is the epicenter depository for all excess sanitary and stormwater flow from both the east/northeast (the Grosse Pointe communities and Harper Woods) and the north (flows traveling through the connected Detroit sewer districts).

89. The East Jefferson Sewer District contains three pump stations that are critical to passing excess flows during wet weather events and preventing surcharging in the EJSD and the surrounding sewer systems and districts.

90. The three pumping stations located within the EJSD are: (1) the Conner Creek Pumping Station located at 12244 East Jefferson Avenue; (2) the Freud Pumping Station located at 12300 Freud Street; and (3) the Lighthouse Point Pump station located at 14490 Riverside Drive. The Conner Creek and Freud Pumping Stations are by far the largest and most important for ensuring that excess wet water flows are passed safely, without causing surcharging.

91. Defendant City of Detroit owns the Conner Creek Pumping Station located at 12244 East Jefferson Avenue and the Freud Pumping Station located at 12300 Freud Street, which it leases to GLWA for operations.

92. The Conner Creek and Freud Pumping Station work together to convey flow from Detroit's eastside, Grosse Pointe Park, Grosse Pointe Farms, Grosse Pointe, and the Northeast Sewage Disposal System (Harper Woods, Grosse Pointe Woods, and Grosse Pointe Shores).

93. The Conner Creek and Freud Pumping Stations are vital to pumping and discharging water out of the system, so as to prevent overcapacity and sewer/stormwater surcharges in and around the service area.

94. The Conner Creek Pumping Station receives both sanitary and storm flows from two 14-foot diameter sewers, the Jefferson Avenue East and West relief sewers. It contains eight storm pumps each rated at 492 cfs (318 mgd), two sanitary pumps each rated at 110 cfs (71.1 mgd), one sanitary pump rated at 75 cfs (48.5 mgd), and one sanitary pump rated at 40 cfs (26 mgd).

95. When the Conner Creek Pumping Station capacity is exceeded, storm water overflows into the Fox Creek and Ashland relief sewers and discharge into the Freud Pumping Station.

96. The Freud Pumping Station is primarily a storm pumping station. It has eight storm pumps each rated at 449 cfs (290.2 mgd), one sanitary pump rated at 35.1 cfs (22.7 mgd), and one sanitary pump rated at 20.1 cfs (13 mgd). The sanitary pumps at the Freud Pumping Station are not operated during wet weather.

97. The Conner Creek and Freud Pumping Stations are responsible for handling excess stormwater and preventing Sewage System Disposal Events from occurring at private properties serviced directly or indirectly by the pumping stations.

98. The construction, design, operation, and repair defects at the Conner Creek and Freud Pumping Stations are well-documented and have long been known by the GLWA and its predecessor, DWSD.

99. For example, during a prior Sewage Disposal System Event that occurred on July 8, 2016, only 6 of 16 pumps at both Conner Creek and Freud were operational during the storm event.

100. During a prior Sewage Disposal System Event that occurred on August 16, 2016, only 7 of 16 pumps at both pumping stations were operational.

101. Afterwards, DWSD's report concluded that "[t]he lack of available pumps significantly affected the number of basements experiencing back-ups and the depth of the back-up in those basements affected." The report concluded that "14 out of 16 pumps would likely have been required during these rain events."

102. While the GLWA long knew that significant upgrades to the Conner Creek and Freud Pumping Stations needed to occur to ensure that all pumping stations would be operational during wet weather conditions, which the GLWA estimated required an investment of approximately \$250 million, the GLWA failed to initiate such repairs, despite having many years and significant resources to do so.

103. The GLWA has publicly admitted that the Conner Creek Pumping Station is so deficiently designed, constructed, maintained, and repaired that an entirely new sanitary and storm pumping station would need to be designed and constructed in order to protect the property rights of many thousands of nearby eastside residents and entities. However, this was not done, and the GLWA egregiously failed to take reasonable steps to otherwise prevent the catastrophic Sewage Disposal System Event that occurred on June 25-26, 2021.

104. In addition to serious, known defects, on June 25-26, 2021, power outages at both the Conner Creek and Freud Pumping Stations caused further operational problems at both Pumping Stations, despite being entirely foreseeable and preventable.

105. The Conner Creek Pumping Station experienced a house power outage during the June 25-26, 2021 rain event, significantly delaying operation of all but two of its eight pumps.

106. Based on the GLWA's own public statements, only five of the eight Conner Creek Station pumps were operational at any point during the rain event on June 25-26, 2021.

107. On or before June 25-26, 2021, the GLWA also failed to have backup generators connected to five of the eight pumps at the Freud Pumping Station to prevent power failures, which is a basic duty of any wastewater disposal system. Consequently, on June 25-26, 2021 the Freud Station operated with only three of its eight pumps throughout the rain event.

108. While two of the eight pumps at the Freud Pumping Station were reportedly operational following several problems that delayed to their operation during the rain event, GLWA staff was unable to get the third pump operational between 9:25 p.m. and 2:21 a.m.—a catastrophic 5-hour delay.

109. Based on the GLWA's own statements and public reporting, five of the Freud Station's eight pumps were entirely inoperable throughout the rain event, with only three working pumps available to pass flows.

110. The GLWA knew well in advance of the anticipated rain event that there was a power outage impacting five of the eight pumps at the Freud Pumping Station, which is provided through the Ludden Substation. Yet, despite the advance notice, the GLWA failed to ensure backup power was in place by the time the rain predictably came.

111. In total, out of the Conner Creek and Freud Stations' sixteen pumps, only eight pumps were operating at any time or capacity on June 25-26, 2021.

112. Unbelievably, despite knowledge of the imminent danger posed by the power outage, and considering the many known defects within the system, no GLWA staff was deployed on-site at the Freud Station in advance of the June 25-26, 2021 wet weather conditions, which were forecast days in advance.

113. Staff at the Conner Creek Pump Station included only one operator, one electrician, and one maintenance technician during the June 25-26 rain event, and the bare bones staff was required to rush back and forth between the Conner Creek and Freud Stations during the rain event, leading to a whack-a-mole approach to operations at the pumping stations during the critical hours of the storm. These failures significantly worsened the known defects that already impacted the critical pumping stations.

114. In sum, many of the same defects that caused the 2016 Sewage Disposal System Events remained substantially unremedied five years later, with devastating consequences for Plaintiffs and the putative class, and additional known defects contributed to the catastrophic flooding incurred by Plaintiffs and the putative class.

115. In late-July 2021, GLWA CEO Sue McCormick submitted her resignation in the wake of the public backlash and following numerous detailed reports regarding the GLWA's numerous failures to prevent the widespread flooding.

116. The well-known design, construction, operation, maintenance, and repair defects within the East Jefferson Sewer District, including at the Conner Creek and Freud Pumping Stations, were a substantial proximate cause of the Sewage Disposal System Events that caused catastrophic property damages to Plaintiffs and the Putative Class.

117. The City of Detroit and GLWA knew, or in the exercise of reasonable diligence should have known, about the numerous design, construction, operation, maintenance, and repair defects in the sewage disposal system they owned, operated, maintained, and/or controlled.

118. As a result of the design, construction, operation, maintenance, and repair defects within the East Jefferson Sewer District, including at the Conner Creek and Freud Pumping Stations, Sewage Disposal System surcharged, sewer and stormwater water backflowed through

the Sewage Disposal System, through private property lateral lines and into thousands of private properties, including Plaintiffs and the putative class located in the Cities of Detroit, Grosse Pointe, Grosse Pointe Park, Grosse Pointe Woods, Grosse Pointe Farms, Grosse Pointe Shores, and Harper Woods.

MUNICIPAL DEFENDANTS' LOCAL SEWER DISPOSAL SYSTEMS DEFECTS

119. Infiltration is defined as the seepage of groundwater into a sewer system. Seepage frequently occurs through defective or cracked pipes, pipe joints, connections or manhole walls.

120. Sewers are not designed to transport large amounts of infiltration that sometimes occurs during a storm event.

121. Many of Municipal Defendants' sewers are over 50 years old.

122. As a sewer system ages, the risk of deterioration, blockages, and collapses becomes a major concern.

123. Older sewer systems such as the Municipal Defendants are susceptible to large increases in infiltration during rain events because of defects in the maintenance, operation, and design of the sewer system.

124. Due to defects in the maintenance, operation, and design of the Municipal Defendants' sewer systems, stormwater finds a way into the Municipal Defendants' sewer systems through numerous sources. Typical sources of infiltration (groundwater) are broken or separated pipe joints, cracked pipes and manholes, particularly brick manholes in older systems.

125. When significant amounts of stormwater enter the sewers, the sewers become overloaded, causing a condition known as surcharging.

126. On June 25-26, 2021, the aforementioned defects in the Municipal Defendants' sewer systems allowed excessive amounts of stormwater to infiltrate into the Municipal Defendants' sewer systems.

127. On June 25-26, 2021, infiltration overloaded the Municipal Defendants' sewers system and caused surcharged sewers and eventually caused the Sewage Disposal System Event to Plaintiffs and the putative class members.

128. The hydraulic capacity of the Municipal Defendants sewers was also reduced because the Municipal Defendants do not maintain an adequate preventative maintenance program.

129. As a result, the Municipal Defendants' failure to engage in adequate preventative maintenance of their sewer systems, debris was allowed to improperly collect within the Municipal Defendants' respective sewer systems.

130. On June 25-26, 2021, the accumulation of debris significantly reduced the hydraulic capacity of the Municipal Defendants' sewer systems.

131. On June 25-26, 2021, the accumulation of debris caused surcharged sewers and eventually caused the Sewage Disposal System Events to Plaintiffs and the putative class members.

132. As a result of the Municipal Defendants' failure to engage in adequate preventative maintenance of their sewer systems, the Municipal Defendants allowed defects to develop in their sewer systems.

133. As of June 25-26, 2021, the Municipal Defendants knew and/or should have known that defects in the operation, maintenance, and design of the Municipal Defendants' sewer systems were causing excessive amounts of inflow and infiltration to enter the system.

134. As of June 25-26, 2021, the Municipal Defendants knew and/or should have known that defects in the operation, maintenance, and design of the Municipal Defendants' sewer system were causing the accumulation of an excessive amount of debris within each of the Municipal Defendants' sewer system.

135. Prior to June 25-26, 2021, the Municipal Defendants knew or should have known that the failure to engage in an adequate preventative maintenance protocol would cause a Sewage Disposal System Event.

136. The Municipal Defendants had sufficient time prior to June 25-26, 2021 to have implemented proper preventative maintenance procedures and corrective measures (i.e., sewer lining, manhole rehabilitation, replacement of manhole covers) to address the sources of inflow and the hydraulic limitations caused by the buildup of debris arising from the lack of a preventative maintenance program, but they failed to do so.

137. On June 25-26, 2021, the amount of inflow and infiltration captured by the Municipal Defendants' sewer systems exceeded the peak capacity of the sewer system. The peak capacity was also reduced as a result of the accumulation of debris in the sewer systems. This increased the hydraulic grade line within the Sewage Disposal Systems thereby resulting in surcharging throughout the Sewage Disposal Systems. When the Sewage Disposal Systems became surcharged, sewer water back flowed through the Sewage Disposal Systems, through the private property lateral lines and then into private property causing the Plaintiffs and the putative class members to suffer economic damage.

CITY OF DETROIT LOCAL SEWER DISPOSAL SYSTEM DEFECTS

138. The City of Detroit owns and operates a Combined Sewer System throughout the City of Detroit.

139. "Combined sewers are not considered good modern practice."

140. The City of Detroit's Combined Sewers are designed to collect wastewater flow from the homes and other private property located within the City of Detroit and transport that flow to the interceptors.

141. The City of Detroit's Combined Sewer System was designed and constructed to capture stormwater via a network of stormwater inlets (i.e., catchbasins, manholes).

142. These stormwater inlets capture stormwater and redirect an unregulated amount of stormwater flow into the City of Detroit's Combined Sewer System.

143. The peak flow capacity of the stormwater inlets is greater than the peak flow capacity of the City of Detroit Combined Sewer System.

144. The City of Detroit does not maintain a sufficient number of regulators to restrict the amount of flow that is captured by the stormwater inlets to ensure that the peak capacity of the City of Detroit's Combined Sewer System is not exceeded.

145. The City of Detroit's Combined Sewer System should have been designed with sufficient capacity to accommodate stormwater that is captured by the stormwater inlets.

146. The City of Detroit's stormwater inlets should have been designed to capture flow that exceeded the capacity of its combined sewer system.

147. The City of Detroit does not maintain a combined sewer overflow to address the excessive inflow that exceeds the capacity of the City of Detroit's Combined Sewer System that is captured by its stormwater inlets.

148. The City of Detroit knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Detroit's stormwater inlets exceeded the capacity of the Combined Sewer System.

149. The City of Detroit's Combined Sewer System does not maintain a CSO. Without a CSO, when the Sewage Disposal System becomes surcharged, sewer water back flowed through the Sewage Disposal System, through the private property lateral lines and then into private property properties causing economic damages.

150. The City of Detroit should have regulated the stormwater flows into the Combined Sewer System and/or installed relief sewers to handle the excess flow that was captured by the stormwater inlets in order to prevent the stormwater from exceeding the capacity of its Combined Sewer System.

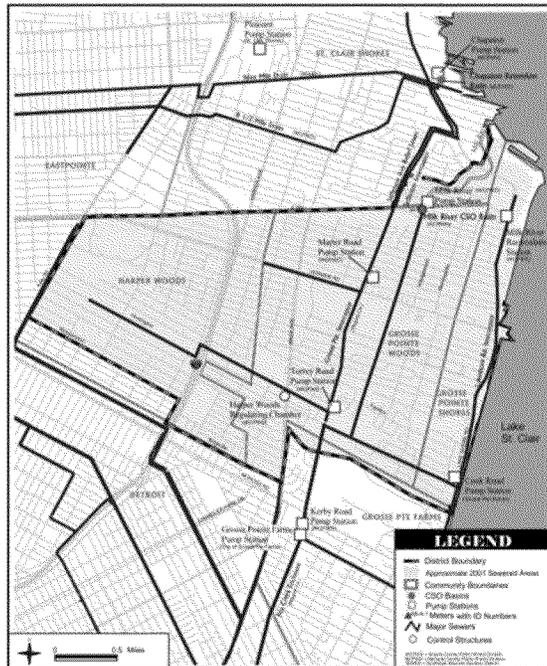
151. On June 25-26, 2021, the amount of stormwater flow captured by the City of Detroit's stormwater inlets exceeded the peak capacity of the Combined Sewer System. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiff's home and other private property located within the City of Detroit causing economic damages to Plaintiffs and the putative class members.

NORTHEAST SEWAGE DISPOSAL SYSTEM (NESDS) DEFECTS

152. The NESDS, formerly known as the Northeast Wayne County Sewer District (NEWCSD), consists of the communities of Harper Woods, Grosse Pointe Woods, and Grosse Pointe Shores. The district covers and services all of these communities, with the exception of a small portion of Harper Woods between Roscommon Street and the Detroit boundary.

153. The Milk River Intercounty Drain Drainage District (MRIDDD), formerly known as the Milk River Drainage District is located in the NESDS. This district was formed by Harper Woods and Grosse Pointe Woods, communities discharging into the Milk River.

Northeast Wayne County Sewer District



154. Defendants Harper Woods, Grosse Pointe Woods, and Grosse Pointe Shores, through the NESDS, have an agreement to discharge sanitary and stormwater flows into the GLWA system.

155. The NESDS has a contract peak discharge of 82.1 mgd (127 cfs) to the GLWA system. This agreement includes any flow received from it by the upstream Southeast Macomb Sanitary District (SEMSD).

156. The Grosse Pointe Woods and Harper Woods sewer systems discharge to the Grosse Pointe Interceptor (GPI) through the Milk River System. The Milk River System discharges to the Milk River Pumping Station, which contains three pumps rated as 5,000 gpm (7.2 mgd, 11 cfs). During wet weather, the pumping station discharges flow in excess of 22 cfs to the 18.5 MG Milk River Retention Basin.

157. The entire flow (sanitary and storm flow) from the NESDS is transported into the Fox Creek Enclosure via the Kerby Road Pumping Station. The flow from the Fox Creek Enclosure is then transported into the Detroit/GLWA system via the East Jefferson Relief Sewer, which drains into the Conner Creek Pumping Station.

158. The Kerby Road Pumping Station is the major discharge point for the NESDS. The Kerby Road Pumping Station contains five pumps each rated at 14,200 gpm (2.4 mgd, 31 cfs).

159. The NESDS knew, or should have known in the exercise of reasonable diligence, that the stormwater captured by the NESDS' sewers exceeded the pumping capacity of the Kerby Road Pumping Station.

160. The NESDS should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the Sewer System in order to prevent the Kerby Road Pumping Station capacity from being exceeded.

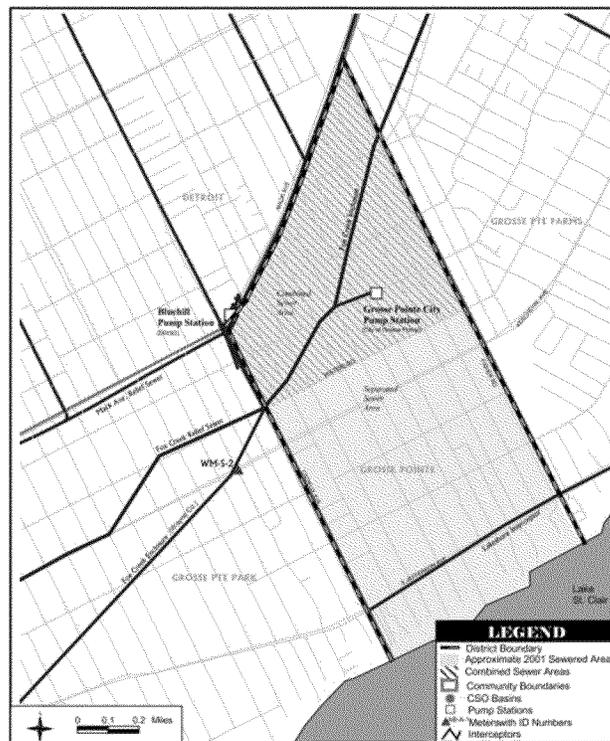
161. During the June 25-26, 2021 Sewage System Disposal Event, the Fox Creek Enclosure surcharged. The NESDS nonetheless attempted to discharge flow into the Fox Creek Enclosure while the system was overwhelmed, substantially causing the flooding of certain Plaintiffs and putative class members' properties.

162. The NESDS does not maintain a CSO to discharge into when the Fox Creek Enclosure is surcharged, in order to prevent and/or limit the discharge flow into the Fox Creek Enclosure from the Kerby Road Pumping Station.

163. On June 25-26, 2021, the amount of stormwater flow captured by the NESDS Sewer System exceeded the peak capacity of the Kerby Road Pumping Station. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the NESDS causing economic damages to Plaintiffs and the putative class members.

GROSSE POINTE SEWER DISPOSAL SYSTEM DEFECTS

City of Grosse Pointe



164. Defendant City of Grosse Pointe operates and maintains a local sewer system that discharges excess combined flows to the DWSD/GLWA system, which feeds to the Conner Creek Pumping Station and to the Freud Pumping Station.

165. The Grosse Pointe sewer service area is approximately 691 acres.

166. The agreements between Detroit and Grosse Pointe for sewage flow and treatment were established in 1938 and 1940. The agreements were amended in 1941.

167. Based on the agreements, GLWA receives and treats flow from Grosse Pointe, which enters the Detroit system through the Fox Creek Enclosure.

168. Grosse Pointe sewers are allowed a peak flow of 124 mgd (192 cfs) for discharge into the Detroit system.

169. The sewers in Grosse Pointe were mostly constructed prior to 1965, with a large portion constructed between 1930 and 1950.

170. There are approximately 244,000 feet of sewers ranging in size from six-inch diameter to 63-inch by 98-inch arch pipe. The smaller sewers (less than 18-inch diameter) are mostly vitrified clay pipe, while the larger sewers are predominantly reinforced concrete pipe.

171. Grosse Pointe's sewer system is about 70 percent separated and 30 percent combined. The area north of Waterloo (one block north of Kercheval) has combined sewers. However, the sanitary and storm sewers discharge into a common interceptor, which creates a combined sanitary/storm flow as it discharges into the GLWA system.

172. The combined sanitary and storm flows from this area enter the Grosse Pointe Neff Road Pumping Station via this interceptor and are pumped into the Fox Creek Enclosure.

173. The area south of Waterloo has separated sewers with storm sewers discharging into Lake St. Clair through twelve storm outfalls. Sanitary sewers flow to the north and discharge into the main interceptor taking flows to the Grosse Pointe Neff Road Pumping Station.

174. The Grosse Pointe Neff Road Pumping Station contains two small sanitary pumps and four large storm pumps with a total discharge capacity of 294 cfs. The Neff Road Pumping Station discharges flows into the Fox Creek Enclosure, which flows into the Detroit/GLWA system via the City of Grosse Pointe Park's system.

175. The City of Grosse Pointe knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Grosse Pointe's sewers exceeded the pumping capacity of Grosse Pointe Neff Road Pumping Station.

176. The City of Grosse Pointe should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the Sewer System in order to prevent the Grosse Pointe Neff Road Pumping Station capacity from being exceeded.

177. During the June 25-26, 2021 Sewage System Disposal Event, the Fox Creek Enclosure surcharged. The City of Grosse Pointe nonetheless attempted to discharge flow into the Fox Creek Enclosure while the system was overwhelmed, substantially causing the flooding of certain Plaintiffs and putative class members' properties.

178. The City of Grosse Pointe does not maintain a CSO to discharge into when the Fox Creek Enclosure is surcharged, in order to prevent and/or limit flow into the Fox Creek Enclosure from the Grosse Pointe Neff Road Pumping Station.

179. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe's Sewer System exceeded the peak capacity of the Grosse Pointe Neff Road Pumping Station. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe, causing economic damages to Plaintiffs and the putative class members.

180. The City of Grosse Pointe owns and operates a Combined Sewer System in the City of Grosse Pointe.

181. The City of Grosse Pointe's Combined Sewers are designed to collect wastewater flow from the homes and other private property located within the City of Grosse Pointe and transport that flow to the interceptors.

182. The City of Grosse Pointe's Combined Sewer System was designed and constructed to capture stormwater via a network of stormwater inlets (i.e., catchbasins, manholes).

183. These stormwater inlets capture stormwater and redirect an unregulated amount of stormwater flow into the City of Grosse Pointe's Sewer System.

184. The peak flow capacity of the stormwater inlets is greater than the peak flow capacity of the City of Grosse Pointe Sewer System.

185. The City of Grosse Pointe does not maintain a sufficient number of regulators to restrict the amount of flow that is captured by the stormwater inlets to ensure that the peak capacity of the City of Grosse Pointe's Sewer System is not exceeded.

186. The City of Grosse Pointe's Sewer System should have been designed with sufficient capacity to accommodate stormwater that is captured by the stormwater inlets.

187. The City of Grosse Pointe's stormwater inlets should have been designed to capture flow that exceeded the capacity of its sewer system.

188. The City of Grosse Pointe does not maintain a combined sewer overflow to discharge into in order to address the excessive inflow that exceeds the capacity of the City of Grosse Pointe's Sewer System.

189. The City of Grosse Pointe knew or, in the exercise of reasonable diligence should have known that the stormwater captured by the City of Grosse Pointe's stormwater inlets exceeded the capacity of the Sewer System and the Grosse Pointe Neff Road Pump Station.

190. The City of Grosse Pointe's Sewer System does not maintain a CSO. Without a CSO, when the Sewage Disposal System becomes surcharged, sewer water back flowed through the Sewage Disposal System, through the private property lateral lines and then into private property properties causing economic damages.

191. The City of Grosse Pointe should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the stormwater inlets in order to prevent the stormwater from exceeding the capacity of its Sewer System.

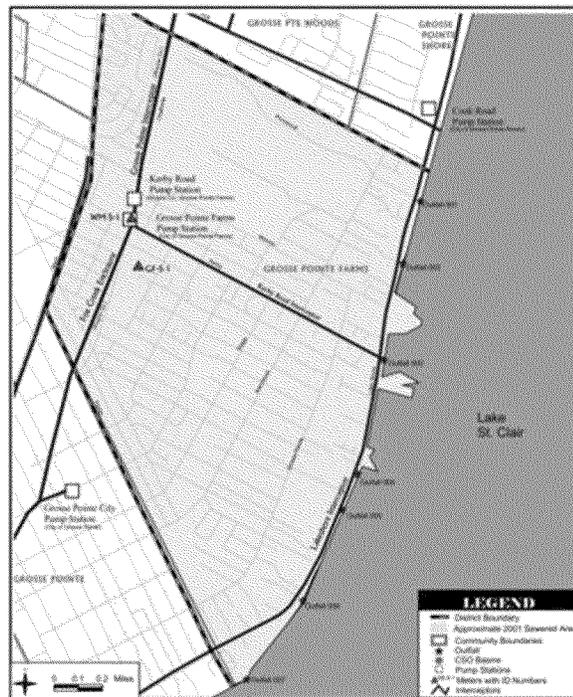
192. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe's stormwater inlets exceeded the peak capacity of the Sewer System. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral

lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe causing economic damages to Plaintiffs and the putative class members.

GROSSE POINTE FARMS SEWER DISPOSAL SYSTEM DEFECTS

193. Defendant Grosse Pointe Farms operates and maintains a local sewer system that discharges excess combined flows to the DWSD/GLWA system through the Grosse Pointe Farms Pump Station.

City of Grosse Pointe Farms



194. The agreement between DWSD/GLWA and Grosse Pointe Farms to discharge flow into the DWSD/GLWA system was reached in 1938 and amended in 1941. The agreement provides for the transport and treatment of all flows entering the GLWA system through the Fox Creek Enclosure.

195. The peak flow allowed for discharge from Grosse Pointe Farms sewers into the GLWA system is 358 mgd (554 cfs), which is equivalent to the Grosse Pointe Farms Pumping Station's capacity.

196. The Grosse Pointe Farms sewers system was constructed as a combined system divided into two distinct areas, the Lake Area and the Fox Creek Area.

197. The Lake Area drains to an interceptor in Lake Shore Drive. An interceptor at Kerby Road conveys wastewater from the Lake Shore interceptor to the Grosse Pointe Farms Pump Station.

198. The Fox Creek Area discharges all combined flows to the Grosse Pointe Farms Pump Station.

199. The Grosse Pointe Farms Pumping Station is located at 305 Chalfonte, immediately adjacent to the Kerby Road Pumping Station. It contains eight pumps and has a capacity of 554 cfs. The pumps vary in size from two gpm sanitary pumps to two large 75,000 gpm storm pumps. Flow from the wet well is pumped into the Fox Creek Enclosure.

200. The Grosse Pointe Farms Pumping Station has known design defects that were a substantial proximate cause of surcharging during the June 25-26, 2021 rain event in that the flow delivered by City of Grosse Pointe Farms' sewers exceeds the capacity of the Grosse Pointe Farms Pumping Station.

201. The City of Grosse Pointe Farms knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Grosse Pointe Farms' sewers exceeded the pumping capacity of Grosse Pointe Farms Pumping Station.

202. The City of Grosse Pointe Farms should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the Sewer System in order to prevent the Grosse Pointe Farms Pumping Station capacity from being exceeded.

203. During the June 25-26, 2021 Sewage System Disposal Event, the Fox Creek Enclosure surcharged. The City of Grosse Pointe Farms nonetheless attempted to discharge flow into the Fox Creek Enclosure while the system was overwhelmed, substantially causing the flooding of certain Plaintiffs and putative class members' properties.

204. The City of Grosse Pointe Farms does not maintain a CSO to discharge into when the Fox Creek Enclosure is surcharged, in order to prevent and/or limit the ability of the Grosse Pointe Farms Pump Station to discharge flow into the Fox Creek Enclosure.

205. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Farms' Sewer System exceeded the peak capacity of the Grosse Pointe Farms Pumping Station. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Farms causing economic damages to Plaintiffs and the putative class members.

206. The City of Grosse Pointe Farms owns and operates a Combined Sewer System in the City of Grosse Pointe Farms.

207. The City of Grosse Pointe Farms' Combined Sewers are designed to collect wastewater flow from the homes and other private property located within the City of Grosse Pointe Farms and transport that flow to the interceptors.

208. The City of Grosse Pointe Farms' Combined Sewer System was designed and constructed to capture stormwater via a network of stormwater inlets (i.e., catchbasins, manholes).

209. These stormwater inlets capture stormwater and redirect an unregulated amount of stormwater flow into the City of Grosse Pointe Farms' Combined Sewer System.

210. The peak flow capacity of the stormwater inlets is greater than the peak flow capacity of the City of Grosse Pointe Farms Combined Sewer System.

211. The City of Grosse Pointe Farms does not maintain a sufficient number of regulators to restrict the amount of flow that is captured by the stormwater inlets to ensure that the peak capacity of the City of Grosse Pointe Farms' Sewer System is not exceeded.

212. The City of Grosse Pointe Farms' Sewer System should have been designed with sufficient capacity to accommodate stormwater that is captured by the stormwater inlets.

213. The City of Grosse Pointe Farms' stormwater inlets should have been designed to capture flow that did exceeds the capacity of its sewer system.

214. The City of Grosse Pointe Farms does not maintain a combined sewer overflow to discharge into in order to address inflow that exceeds the capacity of the City of Grosse Pointe Farms' Sewer System.

215. The City of Grosse Pointe Farms knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Grosse Pointe Farms' stormwater inlets exceeded the capacity of the Combined Sewer System and the Grosse Pointe Farms Pump Station.

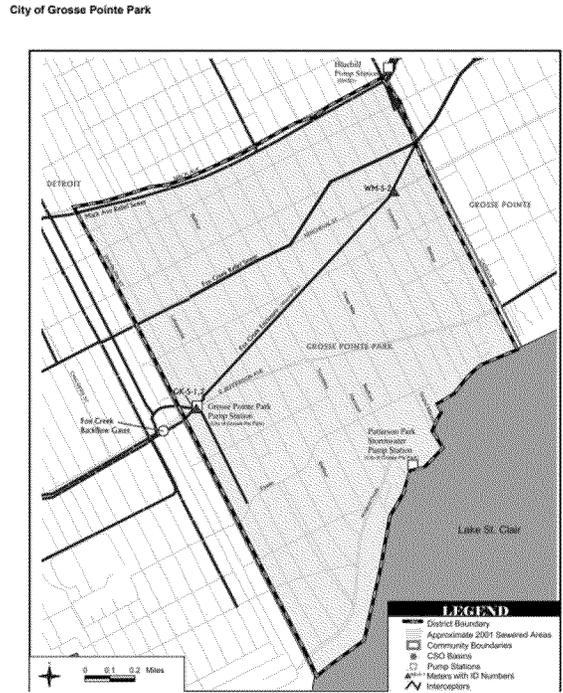
216. The City of Grosse Pointe Farms' Combined Sewer System does not maintain a CSO. Without a CSO, when the Sewage Disposal System becomes surcharged, sewer water back flowed through the Sewage Disposal System, through the private property lateral lines and then into private property properties causing economic damages.

217. The City of Grosse Pointe Farms should have regulated the stormwater flows into the Combined Sewer System and/or installed relief sewers to handle the excess flow that was captured by the stormwater inlets in order to prevent the stormwater from exceeding the capacity of its Combined Sewer System.

218. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Farms' stormwater inlets exceeded the peak capacity of the Sewer System. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Farms causing economic damages to Plaintiffs and the putative class members.

GROSSE POINTE PARK SEWER SYSTEM DEFECTS

219. Defendant Grosse Pointe Park operates and maintains a local sewer system that directly discharges excess combined flows into the DWSD/GLWA system, which feeds to the Conner Creek Pumping Station and to the Freud Pumping Station.



220. Defendant Grosse Pointe Park entered into an agreement with DWSD/GLWA in 1938, which provides for the acceptance of sewage flow by the GLWA. The agreement provides for the transportation and treatment of combined sewage flows up to 54 mgd (84 cfs) through the Detroit River Interceptor.

221. The Grosse Pointe Park sewers were constructed as a combined system, and the entire system drains to the Grosse Pointe Park Pumping Station on Jefferson and Maryland Avenue. More recently, the Grosse Pointe Park system has been partially separated, but separation of the system remains incomplete.

222. Although the Fox Creek Enclosure passes through the City of Grosse Pointe, it is not part of the City's sewer system. The city sewers cross under the Fox Creek Enclosure by means of inverted siphons.

223. When some of the Grosse Pointe Park sewer system was separated, the City constructed the Patterson Park Storm Water Pumping Station in 2000. The Patterson Park Storm Water Pumping Station has seven pumps. One storm pump is rated at 1.44 mgd (0.93 cfs). Two storm pumps are rated at 32.40 mgd (21 cfs), and the remaining four storm pumps are each rated at 86.40 mgd (55.8 cfs).

224. The Grosse Pointe Park Pumping Station collects wastewater flows and transports them to the GLWA system. The Grosse Pointe Park Pumping Station has eight pumps. Three sanitary pumps are each rated at 2 mgd (3 cfs). Three storm pumps are each rated at 23 mgd (35.5 cfs) and the remaining two storm pumps are each rated at 97.2 mgd (150 cfs).

225. The three sanitary pumps and the three smaller storm pumps discharge into the Detroit River Interceptor. The two larger storm pumps were sealed shut in 2000. The closing of these two larger storm pumps has resulted in decreased outflow capacity because the City of Grosse Pointe Park failed to separate its entire system. These defects have been attributed as a cause of prior Sewage Disposal System Events.

226. The City of Grosse Pointe Park knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Grosse Pointe Park's sewers exceeded the pumping capacity of Grosse Pointe Park Pumping Station.

227. The City of Grosse Pointe Park should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the Sewer System in order to prevent the Grosse Pointe Park Pumping Station capacity from being exceeded.

228. During the June 25-26, 2021 Sewage System Disposal Event, the Detroit River Interceptor surcharged. The City of Grosse Pointe Park nonetheless attempted to discharge flow into the Detroit River Interceptor while the system was overwhelmed, substantially causing the flooding of certain Plaintiffs and putative class members' properties.

229. The City of Grosse Pointe Park does not maintain a CSO to discharge into when the Detroit River Interceptor is surcharged, in order to prevent and/or limit the ability of the Grosse Pointe Park Pumping Station to discharge flow into the Detroit River Interceptor.

230. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Park's Sewer System exceeded the peak capacity of the Grosse Pointe Park Pumping Station. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Park causing economic damages to Plaintiffs and the putative class members.

231. The City of Grosse Pointe Park owns and operates a Combined Sewer System in the City of Grosse Pointe Park.

232. The City of Grosse Pointe Park's Combined Sewers are designed to collect wastewater flow from the homes and other private property located within the City of Grosse Pointe Park and transport that flow to the interceptors.

233. The City of Grosse Pointe Park's Combined Sewer System was designed and constructed to capture stormwater via a network of stormwater inlets (i.e., catchbasins, manholes).

234. These stormwater inlets capture stormwater and redirect an unregulated amount of stormwater flow into the City of Grosse Pointe Park's Sewer System.

235. The peak flow capacity of the stormwater inlets is greater than the peak flow capacity of the City of Grosse Pointe Park Sewer System.

236. The City of Grosse Pointe Park does not maintain a sufficient number of regulators to restrict the amount of flow that is captured by the stormwater inlets to ensure that the peak capacity of the City of Grosse Pointe Park's Sewer System is not exceeded.

237. The City of Grosse Pointe Park's Sewer System should have been designed with sufficient capacity to accommodate stormwater that is captured by the stormwater inlets.

238. The City of Grosse Pointe Park's stormwater inlets should have been designed to capture flow that exceeded the capacity of its sewer system.

239. The City of Grosse Pointe Park does not maintain a combined sewer overflow to discharge in order to address the excessive inflow that exceeds the capacity of the City of Grosse Pointe Park's Sewer System.

240. The City of Grosse Pointe Park knew or should have known in the exercise of reasonable diligence that the stormwater captured by the City of Grosse Pointe Park's stormwater inlets exceeded the capacity of the Sewer System and the Grosse Pointe Park Farms Pump Station.

241. The City of Grosse Pointe Park's Sewer System does not maintain a CSO. Without a CSO, when the Sewage Disposal System becomes surcharged, sewer water back flowed through the Sewage Disposal System, through the private property lateral lines and then into private property properties causing economic damages.

242. The City of Grosse Pointe Park should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the

stormwater inlets in order to prevent the stormwater from exceeding the capacity of its Sewer System.

243. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Park's stormwater inlets exceeded the peak capacity of the Sewer System. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Park causing economic damages to Plaintiffs and the putative class members.

GROSSE POINTE SHORES SEWER DISPOSAL SYSTEM DEFECTS

244. Grosse Pointe Shores is the oldest community in the NESD and has both combined and separated sewers. Most of Grosse Pointe Shores' sewers were constructed between 1949 and 1975, with the largest proportion constructed in the 1950s.

245. The Cook Road Pumping Station, operated by Grosse Pointe Shores, has two sanitary and two storm pumps that direct flow collected Grosse Pointe Shores' sewer system to the GPI.

246. The City of Grosse Pointe Shores knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Grosse Pointe Shores' sewers exceeded the pumping capacity of Cook Road Pumping Station.

247. The City of Grosse Pointe Shores should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the Sewer System in order to prevent the Cook Road Pumping Station capacity from being exceeded.

248. During the June 25-26, 2021 Sewage System Disposal Event, the GPI surcharged. The City of Grosse Pointe Shores nonetheless attempted to discharge flow into the GPI while the system was overwhelmed, substantially causing the flooding of certain Plaintiffs and putative class members' properties.

249. The City of Grosse Pointe Shores does not maintain a CSO to discharge into when the GPI is surcharged, in order to prevent and/or limit the ability of the Cook Road Pumping Station to discharge flow into the GPI.

250. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Shores' Sewer System exceeded the peak capacity of the Cook Road Pumping Station. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Shores causing economic damages to Plaintiffs and putative class members.

251. The City of Grosse Pointe Shores owns and operates a Combined Sewer System in the City of Grosse Pointe Shores.

252. The City of Grosse Pointe Shores' Combined Sewers are designed to collect wastewater flow from the homes and other private property located within the City of Grosse Pointe Shores and transport that flow to the interceptors.

253. The City of Grosse Pointe Shores' Combined Sewer System was designed and constructed to capture stormwater via a network of stormwater inlets (i.e., catchbasins, manholes).

254. These stormwater inlets capture stormwater and redirect an unregulated amount of stormwater flow into the City of Grosse Pointe Shores' Sewer System.

255. The peak flow capacity of the stormwater inlets is greater than the peak flow capacity of the City of Grosse Pointe Shores Sewer System.

256. The City of Grosse Pointe Shores does not maintain a sufficient number of regulators to restrict the amount of flow that is captured by the stormwater inlets to ensure that the peak capacity of the City of Grosse Pointe Shores' Sewer System is not exceeded.

257. The City of Grosse Pointe Shores' Sewer System should have been designed with sufficient capacity to accommodate stormwater that is captured by the stormwater inlets.

258. The City of Grosse Pointe Shores' stormwater inlets should have been designed to capture flow that exceeded the capacity of its sewer system.

259. The City of Grosse Pointe Shores does not maintain a combined sewer overflow to discharge into in order to address the excessive inflow that exceeds the capacity of the City of Grosse Pointe Shores' Sewer System.

260. The City of Grosse Pointe Shores knew or should have known in the exercise of reasonable diligence that the stormwater captured by the City of Grosse Pointe Shores' stormwater inlets exceeded the capacity of the Sewer System and/or the Pumping Station.

261. The City of Grosse Pointe Shores' Sewer System does not maintain a CSO. Without a CSO, when the Sewage Disposal System becomes surcharged, sewer water back flowed through the Sewage Disposal System, through the private property lateral lines and then into private property properties causing economic damages.

262. The City of Grosse Pointe Shores should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the stormwater inlets in order to prevent the stormwater from exceeding the capacity of its Sewer System.

263. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Shores' stormwater inlets exceeded the peak capacity of the Sewer System. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Shores causing economic damages to Plaintiffs and the putative class members.

GROSSE POINTE WOODS SEWER DISPOSAL SYSTEM DEFECTS

264. Grosse Pointe Woods has combined sewers, and most of the Grosse Pointe Woods system was constructed before 1929.

265. The Torrey Road Pumping Station, operated by Grosse Pointe Woods, pumps sanitary flows from Grosse Pointe Woods to the Milk River Retention Basin. It has two pumps rated at 2,600 gpm (3.7 mgd, 5.7 cfs) and one pump rated at 20,000 gpm (28 mgd, 43.9 cfs).

266. The City of Grosse Pointe Woods knew or should have known in the exercise of reasonable diligence based its ownership, operation, and maintenance of the sewer system that the stormwater captured by the City of Grosse Pointe Woods' sewers exceeded the pumping capacity of Torrey Road Pumping Station.

267. The City of Grosse Pointe Woods should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the Sewer System in order to prevent the Torrey Road Pumping Station capacity from being exceeded.

268. During the June 25-26, 2021 Sewage System Disposal Event, the Milk River Retention Basin was overwhelmed. The City of Grosse Pointe Woods nonetheless attempted to

discharge flow into the Milk River Retention Basin while the system was overwhelmed, substantially causing the flooding of certain Plaintiffs and putative class members' properties.

269. The City of Grosse Pointe Woods does not maintain a CSO to discharge into when the Milk River Retention Basin is surcharged, in order to prevent and/or limit the ability of the Torrey Road Pumping Station to discharge flow into the Milk River Retention Basin.

270. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Woods' Sewer System exceeded the peak capacity of the Torrey Road Pumping Station. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Woods causing economic damages to Plaintiffs and the putative class members.

271. The City of Grosse Pointe Woods owns and operates a Combined Sewer System in the City of Grosse Pointe Woods.

272. The City of Grosse Pointe Woods' Combined Sewers are designed to collect wastewater flow from the homes and other private property located within the City of Grosse Pointe Woods and transport that flow to the interceptors.

273. The City of Grosse Pointe Woods' Combined Sewer System was designed and constructed to capture stormwater via a network of stormwater inlets (i.e., catchbasins, manholes).

274. These stormwater inlets capture stormwater and redirect an unregulated amount of stormwater flow into the City of Grosse Pointe Woods' Sewer System.

275. The peak flow capacity of the stormwater inlets is greater than the peak flow capacity of the City of Grosse Pointe Woods Sewer System.

276. The City of Grosse Pointe Woods does not maintain a sufficient number of regulators to restrict the amount of flow that is captured by the stormwater inlets to ensure that the peak capacity of the City of Grosse Pointe Woods' Sewer System is not exceeded.

277. The City of Grosse Pointe Woods' Sewer System should have been designed with sufficient capacity to accommodate stormwater that is captured by the stormwater inlets.

278. The City of Grosse Pointe Woods' stormwater inlets should have been designed to capture flow that exceeded the capacity of its sewer system.

279. The City of Grosse Pointe Woods does not maintain a combined sewer overflow to discharge into in order to prevent excessive inflow that exceeds the capacity of the City of Grosse Pointe Woods' Sewer System.

280. The City of Grosse Pointe Woods knew or should have known in the exercise of reasonable diligence that the stormwater captured by the City of Grosse Pointe Woods' stormwater inlets exceeded the capacity of the Sewer System and/or the pumping station.

281. The City of Grosse Pointe Woods' Sewer System does not maintain a CSO. Without a CSO, when the Sewage Disposal System becomes surcharged, sewer water back flowed through the Sewage Disposal System, through the private property lateral lines and then into private property properties causing economic damages.

282. The City of Grosse Pointe Woods should have regulated the stormwater flows into the Sewer System and/or installed relief sewers to handle the excess flow that was captured by the stormwater inlets in order to prevent the stormwater from exceeding the capacity of its Sewer System.

283. On June 25-26, 2021, the amount of stormwater flow captured by the City of Grosse Pointe Woods' stormwater inlets exceeded the peak capacity of the Sewer System. This increased the hydraulic grade line within the Sewage Disposal System thereby resulting in surcharging throughout the Sewage Disposal System. When the Sewage Disposal System became surcharged, sewer water back flowed through the Sewage Disposal System through private property lateral lines and then into Plaintiffs' home and other private property located within the City of Grosse Pointe Woods causing economic damages to Plaintiffs and the putative class members.

COUNT I

CLAIM FOR A SEWAGE DISPOSAL SYSTEM EVENT PURSUANT TO MCL 691.1416 ET SEQ.

284. The allegations contained in all paragraphs above are realleged and incorporated as if referenced herein.

285. The aforementioned defects in the Defendants' Sewage Disposal System were a substantial proximate cause of the flooding and damage of Plaintiffs' properties by sewage, water, feces, dirt, debris, and noxious odors that occurred on July 8, 2016 and/or August 15-16, 2016.

286. Plaintiffs suffered from a Sewage Disposal System Event.

287. Plaintiffs' properties were flooded and/or physically invaded by the contents of a sewage disposal system owned or operated by the Defendants.

288. Defendants are appropriate governmental agencies and at the time of the June 25-26, 2021 sewage disposal system event, the Defendants owned or operated and directly or indirectly discharged into the portion of the Sewage Disposal System that allegedly caused damages or physical injury.

289. On or about June 25-26, 2021, Defendants owned or operated and directly or indirectly discharged into the Sewage Disposal System that services the property of the Plaintiffs.

290. As described in detail above, the Sewage Disposal System that serviced Plaintiffs' properties had construction, design, maintenance, operation and/or repair defects which the Defendants knew, or in the exercise of reasonable diligence, should have known about.

291. The Defendants had the legal authority to repair, correct or remedy the defect.

292. Defendants failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect, which defect was a substantial proximate cause of the flooding and damage of Plaintiffs' properties by sewage, water, feces, dirt, debris, and noxious odors.

WHEREFORE, Plaintiffs respectfully requests that this Honorable Court:

A. Declare the Defendants liable to Plaintiffs in an amount in excess of \$25,000.00 for causing water, dirt, debris and other unknown materials to enter and settle upon Plaintiffs' properties;

B. Order the Defendants liable to Plaintiffs for an award of exemplary damages;

C. Award Plaintiffs all costs and attorney fees which resulted from the initiation of this litigation;

D. Award Plaintiffs such other relief as this Court deems just and equitable under the circumstances.

Dated: October 18, 2021

Respectfully submitted,

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By: /s/ David R. Dubin

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**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

**JEROME AND JENNIFER DUBRULLE,
EDWARD AND ELLEN KERFOOT,
NICOLE AND MATTHEW NORRIS,
CHADY AND MONA HAURANI,
MARCY TAYLER,
ABBY PAULSON,
ANDREW HASTINGS,
MARGUERITE AND ROBERT KAISER,
MOLLY McCLANAGHAN AND RYAN MORRIS,
PATRICK AND KELLY SHANLEY,
RHONDA FENDERSON,
SARAH FELDMAN,
JOSHUA AND DANIELLE TUCKER, and
JON MARKO,**

On behalf of all others similarly situated,

Plaintiffs,

v.

Case No. 21-014057-NZ
Hon. Annette J. Berry

**GREAT LAKES WATER AUTHORITY,
CITY OF DETROIT,
CITY OF GROSSE POINTE PARK,
CITY OF GROSSE POINTE,
CITY OF GROSSE POINTE FARMS,
CITY OF GROSSE POINTE WOODS,
CITY OF GROSSE POINTE SHORES,
CITY OF HARPER WOODS, and
NORTHEAST WAYNE COUNTY SEWER DISTRICT,**

Defendants.

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Attorneys for Plaintiffs

JURY DEMAND

NOW COME the Plaintiffs in the above-entitled action and demand a trial by jury.

Dated: October 18, 2021

Respectfully submitted,

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