

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

Shepler's Inc. d/b/a Shepler's Mackinac Island  
Ferry Service, and Mackinac Island Ferry  
Company d/b/a Arnold Transit Company,

Plaintiffs/Counter-Defendants,

-against-

City of Mackinac Island,

Defendant/Counterclaim- Plaintiff.

Case No.: 2:25-cv-00036

Hon. Robert J. Jonker

Mag. Maarten Vermaat

**PLAINTIFFS/COUNTER-DEFENDANTS' MOTION TO DISMISS  
DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIM**

Plaintiffs/Counter-Defendants Shepler's Inc. and Mackinac Island Ferry Company (the "Ferry Companies") move for an Order pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) dismissing with prejudice each and every Count of Defendant/Counter-Plaintiff the City of Mackinac Island's (the "City") Counterclaim in the above-captioned action (ECF No. 7), along with such other and further relief as the Court deems just and proper.

Pursuant to Local Rule 7.1(d), there was a teleconference between the Ferry Companies' undersigned attorney and counsel for the City on May 19, 2025, in which counsel explained the nature of this motion. No concurrence was reached.

**WHEREFORE**, the Ferry Companies respectfully request that this Court, (1) grant this motion in its entirety, (2) dismiss each and every Count of the City's Counterclaim with prejudice, (3) enter judgment for the Ferry Companies, and (4) grant such other and further relief as this Court deems just and proper.

Dated: May 19, 2025

Respectfully submitted,

/s/ Mark J. Magyar

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- and -

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*Attorneys for Plaintiffs/Counter-Defendants  
Shepler's Inc. and Mackinac Island Ferry  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION TO DISMISS** was served on May 19, 2025, on all counsel of record via the ECF filing system.

/s/ Mark J. Magyar

Mark J. Magyar