

STATE OF MICHIGAN
IN THE BERRIEN COUNTY TRIAL COURT - CIVIL DIVISION
5th JUDICIAL DISTRICT

JACK'S EXCAVATING AND
TRUCKING, LLC and JACK HESS,

File No. 11 C 06466 GC

Plaintiffs,

-VS-

CITY OF WATERVLIET, WATERVLIET FIRE
DEPARTMENT, and TOWNSHIP OF WATERVLIET,

Defendants.

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Watervliet and Watervliet Fire
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DEC 14 2011

ORDER REGARDING MOTIONS FOR SUMMARY DISPOSITION OF DEFENDANTS
CITY OF WATERVLIET, WATERVLIET FIRE DEPARTMENT,
AND TOWNSHIP OF WATERVLIET

STRAUB, SEAMAN & ALLEN, P.C.

Dec. 9. 2011 11:42AM Berrien County CIVIL FILE RM No. 9999 11 2

**ORDER REGARDING MOTIONS FOR SUMMARY DISPOSITION OF DEFENDANTS
CITY OF WATERVLIET, WATERVLIET FIRE DEPARTMENT,
AND TOWNSHIP OF WATERVLIET**

At a session of said court held on the ____ of
October, 2011 at the Courthouse, City of St.
Joseph, County of Berrien, State of Michigan.

PRESENT: HONORABLE JOHN E. DEWANE, TRIAL COURT JUDGE

The Court having had the benefit of the Motions and Briefs for Summary Disposition filed by Defendants, CITY OF WATERVLIET, WATERVLIET FIRE DEPARTMENT, and TOWNSHIP OF WATERVLIET; and the Court having had the benefit of the Plaintiffs' response to said Motions and Brief in Opposition to Defendants' request for summary disposition; and the Court having heard oral argument from all parties; and the Court being fully advised in the premises;

IT IS ORDERED that Plaintiffs' claims against the Watervliet Fire Department shall be and are hereby DISMISSED for the reason that the Watervliet Fire Department is not a properly formed municipal entity.

IT IS FURTHER ORDERED that the Defendants City of Watervliet's and Township of Watervliet's Motions for Summary Disposition as to Plaintiffs' claims of negligence are GRANTED.

IT IS FURTHER ORDERED that Plaintiffs shall have fourteen (14) days from October 2, 2011 to amend their pleadings to allege breach of implied contract by Defendants City of Watervliet and Township of Watervliet.


IT IS FURTHER ORDERED that the Court's oral opinion shall be incorporated into

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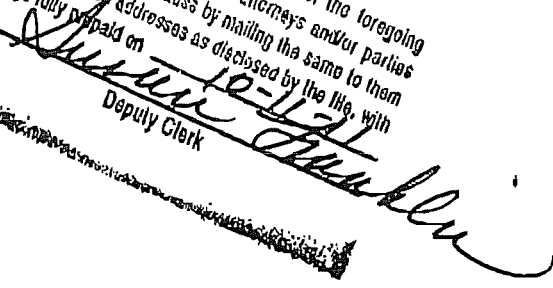
this Order.

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Honorable John E. Dewane
Trial Court Judge

Examined, Countersigned & Entered

Deputy Clerk

PROOF OF SERVICE
The undersigned certifies that a copy of the foregoing document was served upon the attorneys and/or parties of record to the above cause by mailing the same to them at their respective addresses as disclosed by the file, with postage fully prepaid on

Deputy Clerk