STATE OF MICHIGAN

COURT OF CLAIMS

DAVID KRIEGER, et al.,

Plaintiffs,

v

Case Nos. 20-000094-MM; 20-000102-MM; 20-000103-MM; 20-000111-MM; 20-000112-MZ; 20-000116-MM; 20-000118-MM; 20-000121-MM; 20-000140-MM; 20-000151-MM; 20-000156-MM; 20-000230-MM; 20-000232-MZ; 20-000233-MM; 20-000235-MM; 20-000236-MM; 20-000237-MM; 20-000239-MM; 20-000240-MZ; 20-000241-MM; 20-000245-MM; 20-000246-MM; 20-000257-MM; 20-000260-MM; 20-000262-MM; 23-000073-MM; 23-000074-MZ; 23-000076-MM

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY, et al.,

Hon. James Robert Redford

Defendants.

_____/

AMENDED NOTICE OF TRIAL AND PRETRIAL ORDER

IT IS HEREBY ORDERED:

1. A **final pretrial Zoom conference** shall be held on **Monday, January 5, 2026, at 10:00 a.m.** The trial attorneys and persons with settlement authority must be on the conference.
2. **Trial** will begin on **Monday, January 12, 2026, at 8:30 a.m.**, and continue until its conclusion, at the Michigan Court of Appeals courtroom located at 350 Ottawa, NW, Grand Rapids, Michigan.
3. Thirty days (30) before trial, i.e., no later than **12:00 noon on Friday, December 12, 2025**, the parties must jointly prepare and file with the Court a Final Pretrial Statement providing the following:

    a) **Plaintiffs' Theory:** Statement of claim or claims, including legal theories.
    b) **Defendants' Theory:** Statement of claim or claims, including legal theories.
    c) **Uncontested Facts:** A stipulation of all uncontested facts (including admissions).
    d) **Contested Facts:** A statement of the contested facts.

e) **Relevant Law:** A list of the elements for each cause of action (with citation to authority).

f) **Witnesses:** The names of all witnesses (including experts) intended to be called at trial, and whether the witness will testify in-person or by other means.

g) **Depositions:** A list of all depositions to be used at trial.

4. All **Exhibits** will be provided to the Court 30 days before trial in the manner indicated below:

a) The parties will meet and confer to prepare and assemble a joint Exhibit Book which contains all exhibits which will be offered at trial.

b) Each exhibit and each page of each exhibit will be identified; for example: Plaintiffs' Exhibit 1, Page 1 of 10; Plaintiffs' Exhibit 1, Page 2 of 10, etc.

c) The parties shall generate and place in the Exhibit Book a joint Exhibit Chart that appears similar to the following:

Plaintiff's Exhibit List					
Exhibit No.	**Description**	**Witness to be Offered Through**	**Date Offered**	**Date Admitted or Rejected**	**Other**
1	Contract between parties	Jane Smith	by stipulation	by stipulation	
2	Expert's Chart of Damages	John Jones	by stipulation	by stipulation	

d) Section 1 of the Exhibit Book shall be plaintiffs' stipulated exhibits; Section 2 of the Exhibit Book shall be defendants' stipulated exhibits; Section 3 of the Exhibit Book shall be plaintiffs' contested exhibits; and Section 4 of the Exhibit Book shall be defendants' contested exhibits.

e) Absent conditions of a truly exceptional nature and not able to have been anticipated before trial, if a party offers an exhibit at trial that is not in an Exhibit Book as described in (d) above, the exhibit shall not be admitted or allowed for any use at trial, including cross-examination and impeachment.

f) The Exhibit Book shall be prepared in both a physical book as well as a digital version (thumb drive, etc.). The parties shall provide the Court with five copies of the Exhibit Book: four each for the judge and the judge's staff, and one each for the Court of Claims Clerk's Office; as well as five digital versions.

5. Any pretrial, nondispositive motions must be filed no later than **Friday, November 21, 2025, at 4:30 p.m**. All response(s), if any, to such motions must be filed no later than **Monday, December 1, 2025, at 4:30 p.m**. Oral argument(s) will be heard on such motions on **Friday, December 5, 2025,** beginning at 8:30 a.m. and continuing until all motions have been argued. Oral arguments will take place at the Michigan Court of Appeals courtroom located at 350 Ottawa, NW, Grand Rapids, Michigan. Counsel presenting arguments are to appear in-person unless they have sought and received the Court's approval to appear by Zoom. All others may appear either in-person or via Zoom. Counsel must notify the Court at least three days before argument as to whether s/he intends to appear in-person or via Zoom. The hearing will be livestreamed.

6. It is the parties' duty to notify the Court of any settlement by noon on the last business day before trial.

7. An adjournment or recess will not be granted because a witness or evidence is not ready or present. Any witness who is not present and ready to testify will be deemed waived.
8. Trial briefs shall be filed seven days before trial, on or before **12:00 noon on January 5, 2026**.
9. Following a bench trial, the Court will require the parties to submit proposed findings of fact and conclusions of law.
10. Parties are encouraged to seek mediation in this matter.

Date: August 11, 2025

James Robert Redford,
Judge, Court of Claims