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.
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COURT'S ORDER ON ITS OWN INITIATIVE STRIKING EXHIBIT 1 TO DEFENDANTS' PROPOSED FINDINGS OF FACT AND CLOSING BRIEF FILED February 19, 2026

The Court is in receipt of Defendants' Findings of Fact and Closing Brief filed on February 19, 2026. This filing was authorized by the Court's Order Directing Closing Arguments dated January 29, 2026; however, Exhibit 1 filed therewith was not. In fact, the January 29 order explicitly recognizes that proofs closed on January 26, 2026, at the conclusion of an 11-day trial.

Accordingly, the Court:

1. STRIKES Exhibit 1, filed February 19, 2026, from the record.

2. STRIKES the following passage of defendants' submission, filed February 19, 2026, beginning at p. 3 and continuing to p.4:

> As Plaintiffs' attorney put it to a reporter shortly after the trial ended: "[T]he bench hearing was to prove that the Michigan Department of Environment, Great Lakes and Energy acted negligently with respect to dams, causing devastation." (Ex 1) Plaintiffs' problem, of course, is that Defendants did not own the dam.

3. Further, the Court will not consider any sentence, phrase, or other reference to this exhibit, whether through a citation or otherwise, in Defendants' Findings of Fact and Closing Brief. The Court will read defendants' submission as if the sentence, phrase, citation or other reference, if any exist, was not there.

This order does not strike any other arguments or sections of Defendants' Proposed Findings of Fact and Closing Brief.

This is not a final order and does not close the case.

IT IS SO ORDERED.

Date: February 20, 2026

James Robert Redford
Judge, Court of Claims