



## **FLTF Files Motion to Dismiss**

On August 31, Four Lakes Task Force (FLTF) filed a motion seeking to be dismissed from the class-action lawsuit, *Woods v. Midland County*, that has been brought against multiple parties including FLTF, Boyce Hydro, Lee Mueller, and EGLE. The motion is scheduled for a hearing on October 28, 2020.

FLTF continues to maintain that lawsuits against the Task Force are without merit and including FLTF in any class action lawsuit is misguided. FLTF is a nonprofit organization representing the property owners of the four lakes. We act on behalf of the communities, the government and the Special Assessment District. Suing FLTF is equivalent to suing those who have suffered this loss.

### **Questions and Answers**

#### **What does the *Woods v. Midland County* lawsuit allege?**

The plaintiffs are attempting to fault FLTF for setting a “normal” legal lake level and maintaining that level, but in May 2019, the Midland County Circuit Court signed off on the establishment of that level. This means the level set by the court was in the best interests of the public—including in the best interests of public safety, the local economy and the natural resources impacted by that decision.

#### **Why was FLTF named in the *Woods v. Midland County* lawsuit?**

Unfortunately, the plaintiffs filed this suit before the facts were fully vetted by the investigation that is now underway.

The plaintiffs state that FLTF owned and controlled Edenville Dam at the time of the dam failure, but this is not true. While FLTF was in the process of acquiring the dams as required by Part 307, FLTF had not completed the acquisition and closing was not expected until January 2022. FLTF had not even made a scheduled first installment payment on the dams and thus did not have any control over the operations of the Edenville Dam.

#### **Why did FLTF file a motion to get dismissed from the suit?**

FLTF was working on behalf of the counties toward a sustainable solution for the community before the dam failures and flood occurred, and FLTF continues to work toward a solution now. Our actions have been the opposite of “deliberative indifference,” as the lawsuit states. For almost two years leading up to this unfortunate event, FLTF was proactively pursuing a long-term solution for the lakes and dams, and it will continue to do so.

#### **What is the process to get the lawsuit dismissed (i.e. who’s involved in the hearing, what are the next steps, how long does it take)?**

This motion to dismiss the lawsuit tests the “legal sufficiency” of their claims—whether the law even allows the plaintiffs to sue on these claims based on the facts as the plaintiffs allege them. The court must accept their version of the facts at this point. The plaintiffs should respond to our motion 21 days after filing (on or before September 21). We will get a chance to “reply” 14 days later (on or before October 5).



**How many other class action lawsuits name FLTF?**

Only one other lawsuit that is currently pending names FLTF. Another (i.e. a third) earlier lawsuit did name FLTF, but the plaintiffs in that suit saw the wisdom of our points—that they were suing the victims of this tragedy—and they dismissed FLTF from the suit. FLTF intends on filing a similar motion to be dismissed from the other pending suit.

**Do donations go towards the costs of dealing with lawsuits?**

No. Private donations are not used to pay legal fees for any class action lawsuit.

**How do these ongoing lawsuits impact plans moving forward?**

FLTF is dedicated to helping the community rebuild, and that is our first priority. We have made it clear both to the Court and to the Plaintiffs that naming FLTF in these suits merely distracts from those efforts. If the Plaintiffs truly want to see the community rebuilt—as they say they do in their filings in these cases—then they should partner with FLTF rather than dragging our homeowners into this proceeding while those homeowners are struggling to recover from this disaster.

**Why hasn't FLTF sued Boyce Hydro?**

As the delegated authority of the counties and representative of the lake property owners, we do not believe it is in the best interest of the community to allocate efforts and funds to file a lawsuit against Boyce Hydro. The FLTF mission is to bring the lakes back and money directed towards suing Boyce would not contribute to the mission.

**If property owners should not sue FLTF and suing Boyce Hydro is a lost cause, how can property owners attain a sense of justice?**

We believe that restoring the dams and bringing back the lakes is the ultimate form of justice in this situation. The communities should expect lakes and it is our right to have them restored.