

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

JEFFREY EISENBERG,
individually and as representative of a Class
of similarly-situated persons and entities,

Plaintiff,

Honorable David M. Cohen

v.

Case 2023-200422-CZ

GEORGE W. KUHN DRAINAGE DISTRICT,
a component unit of Oakland County with a separate
legal existence, and CITY OF ROYAL OAK,
MICHIGAN, a municipal corporation.

Defendants.

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**ORDER REGARDING GEORGE W. KUHN DRAINAGE DISTRICT'S MOTION FOR
SUMMARY DISPOSITION PURSUANT TO MCR 2.116(C)(7) AND MCR 2.116(C)(8)**

This matter having come before the Court on George W. Kuhn Drainage District's ("Drainage District") Motion for Summary Disposition Pursuant to MCR 2.116(C)(7) and MCR 2.116(C)(8) ("Motion"), the Court having heard oral argument on January 24, 2024, and being otherwise advised, the Court orders as follows:

IT IS HEREBY ORDERED that the Drainage District's Motion as to Count I of Plaintiff's Class Action Complaint and Jury Demand ("Assumpsit – Money Had and Received Unreasonable Rates and Charges Drainage District Only") based on MCR 2.116(C)(8), is GRANTED for the reasons stated on the record, and Count I of Plaintiff's Class Action Complaint and Jury Demand is dismissed.

IT IS FURTHER ORDERED that the Drainage District's Motion as to Count II of Plaintiff's Class Action Complaint and Jury Demand ("Unjust Enrichment Unreasonable Rates Drainage District Only") based on MCR 2.116(C)(8), is DENIED for the reasons stated on the record.

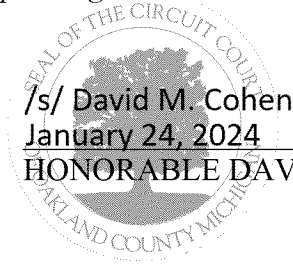
IT IS FURTHER ORDERED that the Drainage District's Motion as to Count I and Count II of Plaintiff's Class Action Complaint and Jury Demand based on the MCR 2.116(C)(7) grounds set forth in the Drainage District's Motion (Res Judicata - Claim Preclusion, Collateral Estoppel - Issue Preclusion, and Release), are DENIED for the reasons stated on the record.

IT IS FURTHER ORDERED that the Drainage District has until and including February 23, 2024 (30 days after January 24, 2024) to file an answer to Plaintiff's Class Action Complaint and Jury Demand.

IT IS FURTHER ORDERED that a scheduling conference is set for March 14, 2024 at 9:00 a.m. via Zoom, to address scheduling, including without limitation, a scheduling order and class certification deadlines, including motion, response, and reply deadlines.

IT IS SO ORDERED.

This order does not resolve the last pending claim and does not close this case.



/s/ David M. Cohen

January 24, 2024

HONORABLE DAVID M. COHEN

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Dated: 1/24/2024

Approved as to form only:

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DICKINSON WRIGHT PLLC

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