

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW**

ANN ARBOR CHARTER TOWNSHIP,
a Michigan municipal corporation,

Case No. 23-001234-CE
Hon. Timothy P. Connors

Plaintiff,

v.

WSG PROPERTIES, LLC, a Michigan
limited liability company, AMC-WSG, LLC,
a Michigan limited liability company, AMC-
MID MICHIGAN MATERIALS LLC, a
Michigan limited liability company,

Defendants.

BODMAN PLC

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STIPULATED ORDER REGARDING TEMPORARY DREDGING OPERATIONS

At a session of said Court, held in the
City of Ann Arbor, County of Washtenaw, State of Michigan
On 7/3/24

PRESENT: Hon. Timothy P. Connors

This matter comes before the Court upon the stipulation of the parties to (1) implement a trial period during which Defendants may engage in dredging operations as specifically described below (the “Dredging Trial Period”), (2) partially reimburse Plaintiff for attorney fees, and (3)

extend the administrative stay so the parties may continue settlement discussions. Per the stipulation of the parties:

IT IS ORDERED that, for settlement purposes only, Defendants may conduct on a temporary basis a dragline dredging operation in Pond 1, as defined in the Court's October 20, 2023 Stipulated Clarification to Order Granting Preliminary Injunction ("Preliminary Injunction"), using a Skagit 747 dredge. The Dredging Trial Period will begin on or about August 1, 2024 and conclude on or about September 14, 2024, at which point Defendants shall remove the dredging equipment from their property. The parties recognize and agree that the exact start date for commencement of dragline dredging is subject to weather and equipment availability, and could be up to fifteen (15) days earlier or later than the August 1, 2024 start date specified in this Order. If Defendants request to modify the start date by up to fifteen days before or after August 1, 2024, the parties agree to submit an amended order confirming such modified start date and corresponding end date, 45 days after the modified start date. The parties further agree that neither this Order nor the Dredging Trial Period creates any right for Defendants to continue dredging after expiration of the Dredging Trial Period. The parties further agree that this Order is without prejudice to: (i) Plaintiff's rights and authority to review and approve or deny a more permanent change in site operations and to review and approve or deny any future applications for a renewed or new conditional use permit under Plaintiff's ordinances; or (ii) Defendants' rights, if any, to make modifications to site operations as allowed by the current CUP.

IT IS FURTHER ORDERED that Defendants shall install two sound meters on their property prior to start of the Dredging Trial Period. One meter shall be installed near the southern boundary of Defendants' property in the vicinity of the neighboring single family home, and the other near the northern boundary, adjacent to Joy Road. Defendants shall use the meters to

continuously measure the decibel levels from their operations during all hours of operation for 7 days prior to and for the full duration of the Dredging Trial Period. Defendants shall provide Plaintiff with decibel level measurements from both sound meters on a daily basis.

IT IS FURTHER ORDERED that Defendants shall pay Plaintiff the amount of \$25,000.00 as a partial reimbursement of attorney fees. Said payment shall not operate as a release or satisfaction of any of Plaintiff's claims, except as to the specific amount paid.

IT IS FURTHER ORDERED that the current administrative stay is extended until October 31, 2024. If any party wishes to end the stay prior to its expiration, it may do so by providing 3 days' written notice to the other parties, after which the party wishing to end the stay may submit an order to the Court lifting the stay. Defendants shall answer or otherwise respond to the Complaint within 7 days after the end of the stay.

IT IS FURTHER ORDERED that, except as expressly modified by this Order, the Preliminary Injunction remains binding and enforceable and Defendants shall continue to comply with the terms and conditions of the CUP, Development Agreement (both as defined in the Preliminary Injunction), and Plaintiff's Zoning Ordinances.

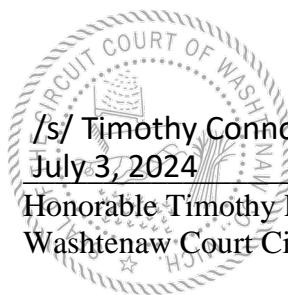
This is not a final order and does not resolve the last pending claim or otherwise close the case.

IT IS SO ORDERED.

Dated: _____

Approved as to Form and Content:

/s/ Nathan D. Dupes
Nathan D. Dupes (P75454)
Attorney for Plaintiff
ndupes@bodmanlaw.com



/s/ Timothy Connors
July 3, 2024
Honorable Timothy P. Connors
Washtenaw County Circuit Court Judge

/s/ Andrew W. Clark with consent
Andrew W. Clark (P79165)
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