

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

ATTORNEY GENERAL FOR THE STATE
OF MICHIGAN ex rel. MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENT,

Case No. 88-34734-CE
Hon. Timothy P. Connors

Plaintiff,

And

THE CITY OF ANN ARBOR,
Intervenor,

And

WASHTENAW COUNTY,
Intervenor,

And

WASHTENAW COUNTY HEALTH
DEPARTMENT,
Intervenor,

And

WASHTENAW COUNTY HEALTH OFFICER,
JIMENA LOVELUCK,
Intervenor,

And

THE HURON RIVER WATERSHED COUNCIL,
Intervenor,

And

SCIO TOWNSHIP,
Intervenor,

V.

GELMAN SCIENCES, INC., a Michigan
Corporation,
Defendant.

**REPLY OF INTERENORS CITY OF
ANN ARBOR AND SCIO TOWNSHIP
TO CORRECT MISSTATEMENTS
IN BRIEFS FILED BY THE BY STATE
AND GELMAN RELATED TO
MOTION FOR STAY OF ORDER**

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**REPLY OF INTERVENORS CITY OF ANN ARBOR AND SCIO TOWNSHIP
TO CORRECT MISSTATEMENTS IN BRIEFS FILED BY THE STATE
AND GELMAN RELATED TO MOTION FOR STAY OF ORDER**

Intervenors City of Ann Arbor and Scio Township, by their undersigned attorneys, feel compelled to reply to statements made in the Response Brief filed by the State on February 1,

2021, and in the Reply Brief filed by Gelman on February 3, 2021. The Washtenaw County Intervenors and Intervenor Huron River Watershed Council concur.

Both briefs make incorrect statements, without basis, that the reason or primary reason the governing bodies of the Intervenors rejected the negotiated and proposed Fourth Amended Consent Judgment was that it did not include aquifer restoration. (State Response Brief p. 2; Gelman Reply Brief p. 4) The record of the reasons for rejection are clear that was not the reason—or even a reason. These misstatements are misleading and even offensive.

The reasons for rejection are not relevant to the Court’s decision on the pending Motion for Stay, and the City and Scio Township are confident the Court understands the Intervenors are working diligently to provide the Court with comprehensive legal and scientific support for the various modifications of response activities the Intervenors seek—which do not include aquifer restoration. Therefore, in the context of this Motion, the City and Scio Township will not burden the record with documentation of the several reasons for the rejections, which did not include the absence of aquifer restoration.

The City and Scio Township request this Court to ignore those misrepresentations.

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Dated: February 3, 2021

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Dated: February 3, 2021

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Dated: February 3, 2021

PROOF OF SERVICE

I hereby certify that on February 3, 2021, I electronically filed the foregoing document with the Clerk of the Court using the MiFile System which will send notice of such filing to the following: all registered parties, and I hereby certify that I have mailed by US Mail the document to the following non-MiFile participants: None.

/s/ Dawn M. Bagozzi
Legal Assistant
Ann Arbor City Attorney's Office