

# Court Denies State's Motion to Dismiss in Edenville Dam Case, Paving Way for 2026 Trial

Southfield, Michigan – In a significant development for victims of the 2020 Edenville Dam failure, the Michigan Court of Claims has denied the Department of Environment, Great Lakes, and Energy's (EGLE) motion to dismiss in the case of David Krieger et al. v. Department of Environment, Great Lakes, and Energy (Case No. 20-000094-MM). This decision, signed by Judge James R. Redford clears the path for a trial as to liability, anticipated to begin in January of 2026. The plaintiffs, represented by Sommers Schwartz, P.C., allege that EGLE's oversight and regulatory failures contributed to the catastrophic collapse of the Edenville Dam in May 2020, which led to widespread flooding and property damage across Midland and Gladwin counties. The lawsuit claims inverse condemnation, asserting that the state's actions effectively deprived property owners of the use and value of their land without just compensation.

EGLE sought to dismiss the case, arguing that the plaintiffs failed to produce evidence that supported their case, and that no trial was therefore necessary. However, Judge Redford found that the plaintiffs had produced sufficient evidence that, if accepted, would establish a claim of inverse condemnation. As a result, the case will proceed to trial.

"The Court reviewed over 2,500 pages of evidence, including several expert witness reports and scientific studies/reports. The State can no longer claim there is insufficient evidence to establish they were a cause of the Edenville Dam failure," said Jason J. Thompson, senior shareholder at Sommers Schwartz and co-lead class counsel for the plaintiffs. He described upcoming events, saying, "The trial of this case will reveal just how bad their key people messed up, essentially doing nothing to defuse a ticking time bomb sitting right in front of them."

The Edenville Dam failure displaced thousands of residents, destroyed homes and businesses, and caused extensive environmental damage. Investigations revealed that EGLE had been aware of the dam's deficiencies but failed to take adequate action to prevent the collapse.

Michigan Court of Claims

David Krieger et al. v. Department of Environment, Great Lakes, and Energy

20-000094-MM

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Sommers Schwartz, P.C.

3011 W. Grand Blvd. Suite 460D

Detroit, MI 48202

(248) 355-0300

<https://www.sommerspc.com/>

Press Contact : Media Contact

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