

Local 4 News to Air “Washed Away in Edenville” as Attorney Jason Thompson Moves Forward with Litigation to Recover Compensation for the Affected Communities

Detroit, Michigan – The ongoing search for accountability and justice in the aftermath of the 2020 Edenville Dam collapse will be in the spotlight as Detroit’s Local 4 News airs “Washed Away in Edenville” on Thursday, Nov. 13, at 5:30 p.m. The special broadcast comes at a critical juncture in the litigation, as the Michigan Court of Claims recently issued a detailed opinion allowing plaintiffs’ central expert witness to testify in the landmark case, David Krieger, et al. v. Michigan Department of Environment, Great Lakes, and Energy, et al. (Case Nos. 20-000094-MM and related matters).

The May 19, 2020, failure of the Edenville Dam, followed by the overtopping of the Sanford Dam, led to catastrophic flooding across Midland, Saginaw, Arenac, Gladwin, and Losco counties. Nearly 11,000 residents were forced to evacuate, and more than 2,500 homes and buildings were damaged or destroyed. Damages have been estimated at over \$1 billion, according to court filings.

Sommers Schwartz, based in Detroit, represents plaintiffs in the consolidated litigation pending before Hon. James Robert Redford in the Michigan Court of Claims. The lawsuits allege that state agencies, including the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the Michigan Department of Natural Resources (DNR), engaged in actions and omissions that substantially contributed to the dam’s failure, resulting in devastating losses for thousands of Michiganders.

Central to the plaintiffs’ case is the testimony of William Sturtevant, a professional engineer and accomplished dam safety expert. In a recent opinion and order, Judge Redford denied the state’s motion to bar Sturtevant’s testimony, finding that his report and qualifications meet Michigan’s standards for expert evidence. The court’s analysis relied on the Michigan Rules of Evidence and key legal precedents, including the U.S. Supreme Court’s *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, which guides the admissibility of scientific and technical expert testimony. In his order, Judge Redford stated, “Sturtevant’s opinions easily satisfy this standard. Defendants acknowledge, and the Court agrees, that Sturtevant is qualified as an expert in dam safety and regulation whose testimony in this area is based on methods and procedures that are well-recognized in his field.” The court emphasized that the role of the judge at this stage is to act as a gatekeeper, ensuring that expert opinions presented at trial are both relevant and reliable, but not to weigh competing evidence before trial.

The opinion further noted that Sturtevant’s declaration spans 22 pages and addresses technical

questions central to the case, including the extent of state knowledge about the dam's hazardous condition and the regulatory actions taken leading up to the disaster. Plaintiffs allege, as detailed in court documents, that state regulators "willfully and with reckless disregard" ignored escalating risks, compounding the danger to the public and ultimately contributing to the dam's collapse.

The court rejected the state's arguments that the expert report's form was insufficient, writing, "Simply put, the fact that plaintiffs submit Sturtevant's expert report in the form of a declaration does not support exclusion of Sturtevant's testimony at trial or another sanction under MCR 2.313."

As the litigation advances, residents and legal observers await further developments. Sommers Schwartz attorney Jason Thompson, a lead trial attorney for the plaintiffs, urged community members to contact their representatives in the Michigan Senate and House of Representatives. "The people of these communities deserve meaningful compensation for the disruption and loss they have endured," Thompson said. "The legal process is a critical avenue for ensuring those responsible are held to account, and that the people impacted by this disaster can rebuild their lives."

Thursday's "Washed Away in Edenville" feature on Local 4 News is expected to provide a comprehensive look at the disaster and its aftermath, including community stories, investigative reporting, and a summary of the ongoing litigation. The segment comes as the case gains significant momentum, with the court's recent Daubert ruling ensuring that a key component of the plaintiffs' evidence will be heard at trial.

The consolidated litigation represents one of the largest and most complex inverse condemnation actions in Michigan history. Plaintiffs seek compensation under a cause of action that, according to court records, provides a remedy for property owners when government actions substantially diminish property value without a formal exercise of eminent domain powers.

The Edenville Dam litigation has broader implications for the state's infrastructure policies and regulatory oversight. As the court noted, the reliability and credibility of expert testimony will ultimately be determined by the court, following a full presentation of the facts and evidence at trial which will be live-streamed on YouTube for the public to view.

Local 4 News' "Washed Away in Edenville" will air Thursday, Nov. 13, at 5:30 p.m., providing the public with timely updates on the disaster, its enduring impact on Michigan families, and the ongoing pursuit of justice. Viewers are encouraged to tune in to learn more about the legal and human dimensions of this unprecedented event.

Court documents and filings remain available for public review as the litigation continues. Sommers Schwartz remains committed to advocating for affected residents and ensuring that their voices are heard throughout the legal process.

CASE INFORMATION

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

Case No. 20-000094-MM and related consolidated cases.

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