

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANCES GILCREAST, *et al.*,

Plaintiffs,

Case No. 16-11173

v.

Hon. John Corbett O'Meara

LOCKWOOD, ANDREWS &
NEWNAM, P.C., *et al.*,

Defendants.

**ORDER GRANTING MOTION
TO AMEND JUDGMENT**

Before the court is Veolia North America, LLC's motion to alter or amend the judgment pursuant to Federal Rules of Civil Procedure 59(e) and 60. The court dismissed this action on February 7, 2017, finding that it lacked subject matter jurisdiction. Specifically, the court determined that this case – as well as several similar cases involving the Flint water crisis – fell within the local controversy exception to the Class Action Fairness Act ("CAFA"). In one of those cases, Davenport v. Lockwood, Andrews & Newnam, P.C., Case No. 16-12875, Docket No. 31, the Sixth Circuit held that the local controversy exception was inapplicable. Consistent with Davenport, the court finds that the local controversy exception to the CAFA is likewise inapplicable here. Because the basis upon

which the court dismissed this action no longer applies, the court will grant Veolia's motion to amend the judgment and reopen the case.

Accordingly, IT IS HEREBY ORDERED that Veolia's motion to amend the judgment (Docket No. 124) is GRANTED and the judgment is VACATED.

s/John Corbett O'Meara
United States District Judge

Date: May 3, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 3, 2017, using the ECF system.

s/William Barkholz
Case Manager