

STATE OF MICHIGAN
IN THE 46TH CIRCUIT COURT FOR THE COUNTY OF OTSEGO

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY and
MICHIGAN DEPARTMENT OF
NATURAL RESOURCES, et al.,

Plaintiffs,

-v-

Otsego County Circuit Court
Case # 09-12933-CE (M)

GOLDEN LOTUS, Incorporated,

Defendant,

and

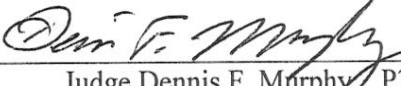
MICHIGAN COUNCIL OF TROUT UNLIMITED,
a Michigan non-profit Corporation, and
PIGEON RIVER COUNTRY ASSOCIATION,
a Michigan non-profit Corporation,

Intervening Plaintiffs,

**ORDER DENYING GOLDEN LOTUS' MOTION FOR RECONSIDERATION OF THE
COURT'S OPINION AND ORDER OF JULY 22, 2011**

The Defendant Golden Lotus' Motion For Reconsideration, per MCR 2.119, is considered and denied for the following independent reasons: (1) There were no errors, palpable or otherwise, of fact or law in the Opinion and Order of July 22, 2011. (2) The Court's analysis was based on the text of the Interim Order, as stipulated and presented to the Court by the parties. (3) The Court based its decision on the plain language of that Interim Order. (4) If Defendant Golden Lotus silently or subjectively believed it was agreeing to either a two phase dam removal order or to a partial dam removal order, then that belief

could have been plainly expressed in the Interim Order. (5) The plain language of the Interim Order requires removal of the dam, not removal of selected component parts of the dam. (6) Neither new law nor new facts have been cited in support of Defendant's motion. Accordingly, it is ordered that Defendant's Motion For Reconsideration is denied.

 8/26/11
Judge Dennis F. Murphy P31907
46th Circuit Court – Osage County

cc: All Attorneys of Record

STATE OF MICHIGAN
IN THE 46TH CIRCUIT COURT FOR THE COUNTY OF OTSEGO

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY and
MICHIGAN DEPARTMENT OF
NATURAL RESOURCES, et al.,

Plaintiffs,

-v-

Otsego Circuit Court
Case # 09-12933-CE (M)

GOLDEN LOTUS, Incorporated,

Defendant,

and

MICHIGAN COUNCIL OF TROUT UNLIMITED,
a Michigan non-profit Corporation, and
PIGEON RIVER COUNTRY ASSOCIATION,
a Michigan non-profit Corporation,

Intervening Plaintiffs,

PROOF OF SERVICE

I certify that copies of the Order Denying Golden Lotus' Motion For Reconsideration of the Court's Opinion and Order of July 22, 2011, were mailed to the parties and/or their attorneys by first class mail this date.

Date mailed: 8/26/11

Kay M. Pagel
Kay M. Pagel, Judicial Secretary