

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 16-1684/17-1144

16-1684BEATRICE BOLER; EDWIN ANDERSON;
ALLINA ANDERSON; EPCO SALES, LLC,
Plaintiffs - Appellants,

v.

DARNELL EARLEY; GERALD AMBROSE;
DAYNE WALLING; CITY OF FLINT; STATE
OF MICHIGAN; MICHIGAN DEPARTMENT
OF ENVIRONMENTAL QUALITY; MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES;
RICHARD DALE SNYDER,
Defendants - Appellees.**17-1144**MELISSA MAYS; MICHAEL MAYS;
JACQUELINE PEMBERTON; KEITH JOHN
PEMBERTON; ELNORA CARTHAN; RHONDA KELSO,
Plaintiffs - Appellants,

v.

RICK SNYDER; STATE OF MICHIGAN; DANIEL
WYANT; LIANE SHEKTER SMITH; ADAM ROSENTHAL;
STEPHEN BUSCH; PATRICK COOK; MICHAEL PRYSBY;
BRADLEY WURFEL; DARNELL EARLEY; GERALD
AMBROSE; DAYNE WALLING; HOWARD CROFT;
MICHAEL GLASGOW; DAUGHERTY JOHNSON;
CITY OF FLINT; NICK LYON; ANDY DILLON;
EDWARD KURTZ; JEFF WRIGHT,
Defendants - Appellees.

Before: COLE, Chief Judge; STRANCH and DONALD, Circuit Judges.

JUDGMENTOn Appeal from the United States District Court
for the Eastern District of Michigan at Ann Arbor.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, it is ORDERED that the district court's dismissals of the Plaintiffs' § 1983 claims as precluded by the Safe Drinking Water Act is REVERSED. IT IS FURTHER ORDERED that the dismissals of the Plaintiffs' claims against the State of Michigan in Mays, and against the State of Michigan, the Michigan Department of Environmental Quality, the Michigan Department of Health and Human Services, and Governor Snyder in Boler are AFFIRMED. The cases are REMANDED for further proceedings consistent with the opinion of this court.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

FILED
Jul 28, 2017
DEBORAH S. HUNT, Clerk