

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONDIGO, LLC, a Michigan limited liability
company, DOLORES MICHAELS aka
NICOLINA A. MICHAELS and
RENEE MICHAELS,

Plaintiffs,

v.

Civil No. 08-10432

Hon. John Feikens

Magistrate Judge Mark A. Randon

TOWNSHIP OF RICHMOND, MICHIGAN,
a Michigan municipal corporation, GORDON
FUERSTENAU, in his official and individual
capacities, THE FOUR TOWNSHIP CITIZENS'
COALITION, INC., a Michigan nonprofit
corporation, JARED SLANEC, KRISTYN SLANEC,
JOHN GIANNONE, SARA GIANNONE,
SALVATORE GIANNONE, NANCY GIANNONE,
BILLY TRAVIS, MARLENE TRAVIS, THOMAS
MACKLEY, PAULA MACKLEY, MICHAEL
SYLVESTRY, MICHAEL LOCK, KARLA SITEK,
ROBERT GRUCZ, DEVON SLANEC, ANNETTE
NORMAN, ANGELA M. JOBS, JOHN REY,
JUDITH REY, LINDA GERHARDT, WAYNE
WHITMAN, in his individual capacity, STEVEN
MAHONEY, in his individual capacity, TERESA
SEIDEL, in her individual capacity, MATTHEW
FLETCHER, in his individual capacity, and ANNE
HOKANSON, in her individual capacity, jointly and severally,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

I have before me, Magistrate Judge Steven D. Pepe's Report and Recommendation on the State Defendants' Motion to Dismiss or, Alternatively for Summary Judgment ("Report"). In his Report, Magistrate Judge Pepe recommends that I grant Defendants' Motion to Dismiss with

regard to all counts except the equal protection claim. The parties filed objections, responses, and a reply. Having considered the arguments submitted by the parties, I find that Magistrate Judge Pepe has thoroughly and correctly analyzed the issues and I agree with his recommendation. For these reasons, I OVERRULE the parties' objections, ADOPT Magistrate Judge Pepe's Report and DENY State Defendants' Motion to Dismiss with regard to the equal protection claim and GRANT Defendants' Motion to Dismiss with regard to all remaining counts.

IT IS SO ORDERED.

s/John Feikens

John Feikens

United States District Judge

Dated: August 14, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 14, 2009.

s/Carol Cohron

Deputy Clerk