

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NEXUS GAS TRANSMISSION, LLC,

Plaintiff,

v.

0.4 ACRES ± PERMANENT
EASEMENT and 0.8 ACRES ±
TEMPORARY EASEMENT OF
LAND IN AUGUSTA TOWNSHIP,
WASHTENAW COUNTY,
MICHIGAN, *et al.*,

Case No. 4:17-cv-13220
Hon. Matthew F. Leitman

Defendants.

/

**JUDGMENT REGARDING DEFENDANTS
GLENN AND CAROL LADENBERGER ONLY**

This matter came before the Court on the stipulation of Plaintiff NEXUS Gas Transmission, LLC (“NEXUS”) and Defendants Glenn and Carol Ladenberger to the entry of judgment against the Ladenberger Defendants.

The Court, having reviewed the parties’ stipulation and their agreement regarding the entry of judgment, and otherwise having been fully advised in the premises, will enter a judgment in the manner requested by the parties.

NEXUS filed a motion for partial summary judgment and for preliminary injunction. The motion was brought on for hearing on Wednesday, October 18, 2017. At the hearing, Defendants Glenn and Carol Ladenberger explained that

they were not willing to grant NEXUS an easement across their property unless the Court determined that NEXUS had a legal right to condemn that easement. However, Mr. and Mrs. Ladenberger agreed that if the Court determined that NEXUS had a legal right to condemn an easement across their property, then they were would accept the Court's judgment and would accept \$29,250 as just compensation for the easement. At the hearing, they signed a form of easement and agreed that the Court could release that signed easement to NEXUS if the Court determined that NEXUS had a legal right to condemn the easement.

By Order filed on October 23, 2017 the Court granted Plaintiff's Motion for Partial Summary Judgment and Preliminary Injunction as to Defendants Glenn and Carol Ladenberger only and determined that NEXUS had a substantive right to condemn an easement across Mr. and Mrs. Ladenberger's property. After issuing its Order, the Court released the signed easement to NEXUS. The parties, in stipulating to the entry of the JUDGMENT, agree that NEXUS has recorded the easement and paid to Mr. and Mrs. Ladenberger the \$29,250 which the parties agreed was just compensation. Accordingly, all of the issues in this case have been resolved.

THEREFORE, IT IS HEREBY ORDERED that there is no just reason for delay and final judgment is entered in favor of Plaintiff and against Defendants Glenn and Carol Ladenberger confirming that NEXUS has a substantive right to condemn an easement across Mr. and Mrs. Ladenberger's property and that NEXUS has paid to Mr. and Mrs. Ladenberger the just compensation of \$29,250 for that easement.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 21, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 21, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764