

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARDEN PENINSULA FOUNDATION,
et al.,
Plaintiffs,

Case No.: 2:15-cv-8

v.

HONORABLE PAUL L. MALONEY

HERITAGE GARDEN WIND
FARM I, LLC et al.,
Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Timothy P. Greeley in this action (ECF No. 146). The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that Defendants' motion for summary judgment on violation of the Endangered Species Act (Count II) (ECF No. 138) is **GRANTED with prejudice**. The Court declines to exercise supplemental jurisdiction over Plaintiffs' state-law claims: Michigan Environmental Protection Act (Count IV), nuisance (Count V), public nuisance (Count VI), and negligence (Count VII), and those claims are **DISMISSED without prejudice**.

Dated: July 28, 2017

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge