

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

WILLIAM HOWARD, et al,  
Plaintiffs,

Case No.: 25-cv-10926  
Hon. Mark A. Goldsmith

v.

UBP BAY CITY, LLC, et al  
Defendants

**MOTION**

**\*\* CLASS ACTION \*\***

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**MOTION TO ADVANCE PROCEEDINGS  
AND FOR STATUS CONFERENCE**

NOW COME Plaintiffs, by counsel, and move this Court to advance proceedings in this case and convene a status conference. This class action challenges Defendants' invocation of tolling and related practices concerning the Independence Bridge in Bay City, Michigan. No action has occurred on this case since July 2025 when Judge Ludington recused himself. There is procedural about how the Court wishes to deal with 1.) jurisdictional discovery (**ECF No. 12**) and 2.) pending motions to dismiss (**ECF Nos. 20 and 21**) and the motion to hold such in abeyance (**ECF No. 22**). Judicial intervention is needed to set a schedule and move the case forward are appropriate and necessary. Concurrence to the relief sought was presented to opposing counsel and it is not opposed by Defendants' counsel. LR 7.1(a).

**ISSUE(S) PRESENTED**

Whether this Court should advance proceedings  
and convene a status conference for this case?

Answer:  
Yes

**MOST CONTROLLING AUTHORITY**

FRCP 1

*Landis v. North American Co.*, 299 US 248 (1936).

## BRIEF IN SUPPORT

Plaintiffs commenced this putative class action in Bay County Circuit Court on March 4, 2025. The case was removed on April 1, 2025, invoking jurisdiction under the Class Action Fairness Act (CAFA), 28 U.S.C. §§ 1332(d), 1453(b). Plaintiffs filed a motion for limited early discovery to challenge jurisdiction (**ECF No. 12**), while Defendants filed motions to dismiss (**ECF Nos. 20 and 21**) . Plaintiffs also filed an emergency motion seeking to hold dispositive motions in abeyance pending the jurisdictional determination. **ECF No. 22**. On July 8, 2025, Judge Ludington recused due to his personal use of the very bridge at issue. **ECF No. 26**. The matter has since been reassigned. No further actions have occurred.

## ARGUMENT

The Federal Rules of Civil Procedure and this Court's inherent case-management authority support advancing this matter to ensure the "just, speedy, and inexpensive determination" of this action. FRCP 1; *Landis v. North American Co.*, 299 US 248, 254-255 (1936).

Plaintiffs and the putative class continue to press their claims and arguments, including that this Court lacks jurisdiction. This case concerns public infrastructure and economic access in Bay County. The importance of clarity and timely adjudication weighs in favor of advancing proceedings.

Jurisdictional questions under CAFA also remain unresolved. Defendants' dispositive motions remain pending without a clear path forward. Judicial economy favors addressing all these issues promptly.

**RELIEF REQUESTED**

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Schedule a status conference at the earliest practicable date;
2. Establish a case management schedule for jurisdictional discovery, briefing on CAFA issues, and resolution of pending motions; and
3. Grant such other relief as the Court deems just and proper

Date: September 16, 2025

RESPECTFULLY SUBMITTED:

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## **CERTIFICATE OF SERVICE**

I, the undersigned attorney of record, hereby certify that on the date stated below, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel or parties of record.

Date: September 16, 2025

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

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