

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

REVERE DOCK, LLC,  
ERICKSON'S INC., and  
NEWCORP, INC.,

Case No.: 2:22-cv-10619  
Hon.

Plaintiffs,

**JURY TRIAL DEMANDED**

v.

DETROIT BULK STORAGE,  
INC.,

Defendant.

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**COMPLAINT**

Plaintiffs, Revere Dock, LLC (“Revere”), Erickson’s Inc. (“Erickson’s”), and Newcorp, Inc. (“Newcorp”) (collectively, “Plaintiffs”), by and through their attorneys, Butzel Long, a professional corporation, state as follows:

**PRELIMINARY STATEMENT**

1. This case arises out of the November 26, 2019 collapse (the “Collapse”) of the riverbank and a dock on the Detroit River located at 5851 West Jefferson Avenue, Detroit, Michigan (the “Property”). The Collapse was caused by the wrongful conduct of Defendant, Detroit Bulk Storage, Inc. (“DBS”), which conducted its business at the Property at the time in question pursuant to a lease between DBS and Revere, the owner of the Property.

2. The Property included a commercial dock. The Collapse occurred because DBS improperly loaded and stored on the Property thousands of tons of materials such as sand, gravel and/or crushed stone (collectively, “Aggregate”). The Collapse resulted in the Aggregate, as well as the asphalt pad and other surface materials on which the Aggregate was placed (collectively, the “Released Materials”), sinking into the earth and pushing the earthen material through the seawall of the dock and into the Detroit River. The Property has been in heavy industrial use for over a century, and DBS knew or should have known that the earthen material under the Aggregate pile contained hazardous substances.

3. Plaintiffs have incurred significant costs as a result of the Collapse. Accordingly, they bring this lawsuit: (i) as to claims brought under state and federal environmental statutes, to recover or obtain contribution toward response costs; (ii) as to the remaining claims, to obtain an award of damages; and (iii) as to all claims, to obtain additional relief, such as interest and attorney’s fees, as appropriate under the various Counts.

### **PARTIES**

4. Revere is a Michigan limited liability company with its principal place of business in North Muskegon, Michigan.

5. Erickson’s is a Michigan corporation with its principal place of business in North Muskegon, Michigan.

6. Newcorp is a Michigan corporation with its principal place of business in North Muskegon, Michigan.

7. Revere and Erickson's are subsidiaries of Newcorp.

8. DBS is a Michigan corporation with its principal place of business in Wayne County, Michigan.

9. On information and belief, DBS is a transporter and provider of dry bulk material, including aggregate, by truck and navigable water, including along the Detroit River.

### **JURISDICTION AND VENUE**

10. Subject matter jurisdiction is proper with respect to Counts VII and VIII, brought under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et. seq.*, pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 9613(b), and with respect to the remaining claims pursuant to 28 U.S.C. § 1367.

11. Subject matter jurisdiction is also proper pursuant to 28 U.S.C. § 1333, because an integral part of DBS's use of the Property involved maritime activity, that is, the unloading of Aggregate and other materials from ships in navigable waters. For clarity, Plaintiffs invoke jurisdiction under 28 U.S.C. § 1333 only if and to the extent jurisdiction does not exist on the grounds set forth in ¶ 10.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to the claims occurred within this District and the Defendant has its principal place of business in this District. Venue is also proper pursuant to 42 U.S.C. § 9613(b) because the release or damages occurred in this District, and because this is the District in which the Defendant resides, may be found, and has its principal office.

13. Personal jurisdiction over the Defendant is proper because the Defendant has its principal place of business in Michigan and availed itself of the privilege of doing business within this State.

### **FACTUAL BACKGROUND**

#### **The Property**

14. The Property is located at 5851 West Jefferson Avenue, Detroit, Michigan on the south side of West Jefferson Avenue between South Cavalry Street and Junction Street. The Property is located on the Detroit River and includes a commercial dock.

15. Revere is the owner of the Property.

16. DBS was a lessee of the Property.

17. The Property was utilized for industrial purposes from at least 1908 until the mid-1980's. A portion of the Property was developed in the early 1900's

for the Michigan Copper and Brass Company, which later became the Revere Copper and Brass Company.

18. Revere Copper and Brass vacated the Property in 1985, and the Property reverted to the City of Detroit in November 1986. All of the former buildings associated with the Property were demolished between 1985 and 1986.

19. Revere purchased the Property in 2015 from the City of Detroit.

20. In connection with its purchase of the Property, Revere caused a Phase I Environmental Site Assessment to be conducted in accordance with the ASTM Practice 1527-13 standard and the Federal All Appropriate Inquiry Rule under 40 CFR 312, and Revere caused to be completed and disclosed a Baseline Environmental Assessment (BEA) in accordance with Part 201 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (NREPA).

21. The BEA identified the Property as a “facility” as defined under Part 201 of NREPA, indicating that the Property was impacted with hazardous substances in excess of applicable Part 201 criteria including, but not limited to arsenic, cadmium, chromium, copper, lead, mercury, selenium, silver, zinc, tetrachloroethylene, benzene, ethylbenzene, xylene, naphthalene and phenanthrene.

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