

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMCASCO INSURANCE COMPANY and)	
EMPLOYERS MUTUAL CASUALTY)	
COMPANY,)	
)	Case No. 25-cv-01081
Plaintiffs,)	
)	Hon. Paul L. Maloney
v.)	
)	
PENINSULA TOWNSHIP et al.)	
)	
Defendants.)	

JOINT MOTION TO STAY

NOW COME Plaintiffs, EMCASCO Insurance Company and Employers Mutual Casualty Company (together, “EMC”), and Defendants, Peninsula Township (the “Township”) and Protect The Peninsula, Inc. (“PTP”), by and through their respective undersigned counsel, and file this Joint Motion to Stay stating as follows:

1. This is an insurance coverage action stemming from an underlying lawsuit styled, *Wineries of the Old Mission Peninsula (WOMP) Assoc., a Michigan Nonprofit Corporation et al. v. Peninsula Township*, Case No. 1:20-cv-01008, filed in the U.S. District Court for the Western District of Michigan in October 2020 (the “Underlying Lawsuit”)
2. The Underlying Lawsuit and resulting Judgment are currently on appeal to the U.S. Court of Appeals for the Sixth Circuit.
3. EMC, the Township, and PTP jointly move to stay this coverage action until after resolution of the pending appeal in the Underlying Lawsuit.

4. A stay of this coverage action is appropriate and warranted as the pending appeal raises the possibility that the legal landscape could significantly change between now and resolution of the underlying appeal, which could impact which issues are central to this coverage action, what discovery is needed to address those issues, and which witnesses or parties have relevant information for those specific topics. Staying this action pending resolution of the underlying appeal likely avoids inefficient, and potentially irrelevant, use of resources in discovery until after the Sixth Circuit has decided the appeal, and will simplify and potentially narrow issues in question in this case.

5. Moreover, this action is in the early stages of discovery and trial is not scheduled for another 18-months in November 2027. *See* ECF No. 21. A stay of this coverage action will not unduly prejudice any party or present any “tactical disadvantage” to the Wineries.

6. In fact, staying this case will benefit all parties by clarifying and potentially narrowing the coverage issues and damages at issues in this coverage case, encourage potential settlement after damages and liability have been reviewed by the Sixth Circuit, and promote judicial economy and efficiency in the discovery process and litigation preparation

7. On May 11, 2026, counsel for the Township conferred with counsel for the Wineries on the relief sought in this Motion. A concurrence could not be reached.

WHEREFORE, Plaintiffs, EMCASCO Insurance Company and Employers Mutual Casualty Company and Defendants, Peninsula Township and Protect The Peninsula, Inc., respectfully request that this Court stay this coverage action pending appeal of the

Judgement in the Underlying Lawsuit and for any other relief that this Court deems just.

Dated: May 27, 2026.

TRAUB LIEBERMAN STRAUS &
SHREWSBERRY

MILLER JOHNSON

/s/ Jason M. Taylor

/s/ D. Andrew Portinga (w/ permission)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was electronically filed with the clerk of the court and served on all counsel of record via the court's CM/ECF filing system and by electronic mail on May 27, 2026.

/s/Marlene Mondragon