

CMS ENERGY CORP
Form 8-K
June 28, 2006

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of Earliest Event Reported):

June 27, 2006

CMS Energy Corporation

(Exact name of registrant as specified in its charter)

Michigan

(State or other jurisdiction
of incorporation)

001-09513

(Commission
File Number)

38-2726431

(I.R.S. Employer
Identification No.)

One Energy Plaza, Jackson, Michigan

(Address of principal executive offices)

49201

(Zip Code)

Registrant's telephone number, including area code:

517-788-0550

Not Applicable

Former name or former address, if changed since last report

Consumers Energy Company

(Exact name of registrant as specified in its charter)

Michigan

001-05611

38-0442310

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(State or other jurisdiction
of incorporation)

(Commission
File Number)

(I.R.S. Employer
Identification No.)

One Energy Plaza, Jackson, Michigan

49201

(Address of principal executive offices)

(Zip Code)

Registrant's telephone number, including area code:

517-788-0550

n/a

Former name or former address, if changed since last report

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Top of the Form

Item 8.01 Other Events.

Employee Retirement Income Security Act Class Action

On March 1, 2006, CMS Energy Corporation ("CMS Energy") and Consumers Energy Company ("Consumers") filed a Form 8-K, announcing that they had reached an agreement to settle two consolidated lawsuits filed in 2002 in the United States District Court for the Eastern District of Michigan as putative class actions on behalf of participants and beneficiaries of CMS Energy's Employees' Savings Plan who participated in the Plan between August 3, 2000 and December 27, 2004, subject to court approval. CMS Energy, Consumers, CMS Marketing, Services and Trading Company (now known as CMS Energy Resource Management Company) and certain officers and directors were defendants in the lawsuits. The hearing on final approval of the settlement was held on June 15, 2006 before the Honorable George Caram Steeh. On June 27, 2006, the judge entered the Order and Final Judgment, which is attached hereto as Exhibit 99.1, approving the proposed settlement with minor modifications.

Item 9.01 Financial Statements and Exhibits.

(c) Exhibits.

99.1 Order and Final Judgment, dated June 27, 2006

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Top of the Form

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

CMS Energy Corporation

June 28, 2006

By: *Thomas J. Webb*

Name: Thomas J. Webb

Title: Executive Vice President and Chief Financial Officer

Consumers Energy Company

June 28, 2006

By: *Thomas J. Webb*

Name: Thomas J. Webb

Title: Executive Vice President and Chief Financial Officer

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Top of the Form

Exhibit Index

Exhibit No.	Description
99.1	Order and Final Judgment, dated June 27, 2006