

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

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

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This Order Relates To:

ALL CASES

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**ORDER REGARDING MATTERS DISCUSSED AT THE MAY 20,  
2020 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint Water litigation on May 20, 2020. The Court now orders as follows:

**I. *In re* Flint Water Cases Discovery Coordination**

The parties are still negotiating the reallocation of deposition timing with the addition of the United States as a Defendant in the Flint Water Cases and will report to the Court once an agreement has been reached.

**II. Individual *Legionella* Cases**

The Court will hold a discovery conference call on Wednesday, June 3, 2020 at 2:00pm to discuss how to proceed with *legionella* discovery in

state and federal cases. The parties may submit a combined document outlining their agreement, and if an agreement cannot be reached, then their positions by Monday, June 1, 2020 at 2:00pm. Counsel for McLaren will take the lead in preparing and submitting this document.

In the Court's order following the April 15, 2020 Status Conference, it set forth a briefing schedule for any remaining *legionella* cases following its ruling in *Marble v. Snyder*, 17-cv-12942 and *Brown v. Snyder*, 18-cv-10726. (ECF No. 1104.) Several Defendants sought clarification on how to respond to these cases, and the Court now orders as follows:

Plaintiffs in any remaining *legionella* cases have until June 3, 2020 to amend their complaint, utilizing the Short Form Complaints and adopting the operative Master Complaint. *See Walters*, 17-cv-10164 (ECF No. 185-2.) Defendants will have until June 17, 2020, to answer, file a motion to dismiss, or file a responsive pleading in these cases. To the extent that Defendants file a motion to dismiss, they should limit their briefing to any claims or arguments not fully addressed by the Court in *Marble*, *Brown*, *Walters v. Flint*, 17-cv-10164, and *Sirls v. Michigan*, 17-cv-10342.

### **III. Motion to Amend the Third Amended Case Management Order**

Interim Co-Liaison Counsels' unopposed motion to amend the Third Amended Case Management Order deadlines for the bellwether trial schedule is granted. (ECF No. 1143.) January 25, 2021 is the initial bellwether trial date, starting at 8:30am.

### **IV. Video Telephonic Discovery Conferences**

The following dates are set for discovery conferences: June 3, 2020 at 2:00pm and June 17, 2020 at 2:00pm. The Court will provide Zoom connection information in the pre-conference agendas that will be entered in Case No. 16-cv-10444.

### **V. Scheduling of Next Status Conference**

The Court will hold a video status conference in these cases using Zoom on **Wednesday, June 24, 2020 at 3:00pm**. Parties are to file proposed agenda items in Case No. 16-cv-10444 by June 10, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by June 17, 2020.

IT IS SO ORDERED.

Dated: May 21, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY

United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 21, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager