

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In Re:* FLINT WATER CASES Case No. 16-10444

---

STATUS CONFERENCE  
BEFORE THE HONORABLE JUDITH E. LEVY  
UNITED STATES DISTRICT JUDGE  
and  
THE HONORABLE JOSEPH J. FARAH  
GENESEE COUNTY CIRCUIT COURT JUDGE  
Virtual Hearing Via Zoom - Wednesday, September 30, 2020

APPEARANCES IN ALPHABETICAL ORDER:

Charles E. Barbieri, Esq.  
Foster, Swift, Collins & Smith, P.C.  
313 South Washington Square  
Lansing, Michigan 48933

Esther Berezofsky, Esq.  
Berezofsky Law Group, LLC  
210 Lake Drive East, Suite 101  
Cherry Hill, New Jersey 08002

Frederick A. Berg, Esq.  
Butzel Long  
150 West Jefferson, Suite 100  
Detroit, Michigan 48226

Margaret A. Bettenhausen, Esq.  
Michigan Department of Attorney General  
525 West Ottawa Street, P.O. Box 30755  
Lansing, Michigan 48909

Jayson E. Blake, Esq.  
McAlpine PC  
3201 University Drive, Suite 100  
Auburn Hills, Michigan 48326

Peretz Bronstein, Esq.  
Bronstein, Gewirtz & Grossman LLC  
60 East 42nd Street, Suite 4600  
New York, New York 10165

1 APPEARANCES (Continued):

2 James M. Campbell, Esq.  
3 Campbell, Campbell, Edwards & Conroy  
4 One Constitution Plaza, Suite 300  
5 Boston, Massachusetts 02129-2025

6 Christopher B. Clare, Esq.  
7 Clark Hill, PLC  
8 601 Pennsylvania Avenue, N.W.,  
9 North Building, Suite 1000  
10 Washington, DC 20004

11 Jordan W. Connors, Esq.  
12 Susman Godfrey L.L.P.  
13 1201 Third Avenue, Suite 3800  
14 Seattle, Washington 98101

15 Donald Dawson, Jr., Esq.  
16 Fieger & Fieger  
17 19390 W. 10 Mile Road  
18 Southfield, Michigan 48075

19 Alaina Devine, Esq.  
20 Campbell Conroy & O'Neil PC  
21 1 Constitution Wharf, Suite 310  
22 Boston, Massachusetts 02129

23 Philip A. Erickson, Esq.  
24 Plunkett & Cooney  
25 325 East Grand River Avenue, Suite 250  
East Lansing, Michigan 48823

James A. Fajen, Esq.  
Fajen & Miller, PLLC  
3646 West Liberty Road  
Ann Arbor, Michigan 48103

Julie Goodwin, Esq.  
Loevy & Loevy  
311 N. Aberdeen  
3rd Floor  
Chicago, Illinois 6067

James F. Graves, Esq.  
Sinus Dramis Law Firm  
3380 Pine Tree Rd.  
Lansing, Michigan 48911

25

1 APPEARANCES (Continued):

2 Deborah E. Greenspan, Esq.  
3 Special Master  
4 Blank Rome, LLP  
5 1825 Eye Street, N.W.  
6 Washington, DC 20006

7 William Young Kim, Esq.  
8 City of Flint  
9 1101 South Saginaw Street, Third Floor  
10 Flint, Michigan 48502

11 Sheldon H. Klein, Esq.  
12 Butzel Long, P.C.  
13 Stoneridge West, 41000 Woodward Avenue  
14 Bloomfield Hills, Michigan 48304

15 Richard S. Kuhl, Esq.  
16 Michigan Department of Attorney General  
17 ENRA Division, P.O. Box 30755  
18 Lansing, Michigan 48909

19 Patrick J. Lanciotti, Esq.  
20 Napoli Shkolnik Law PLLC  
21 360 Lexington Avenue, 11th Floor  
22 New York, New York 10017

23 Theodore J. Leopold, Esq.  
24 Cohen Milstein Sellers and Toll PLLC  
25 2925 PGA Boulevard, Suite 200  
Palm Beach Gardens, Florida 33410

Cynthia M. Lindsey, Esq.  
Cynthia Lindsey & Associates  
8900 East Jefferson Avenue, Number 612  
Detroit, Michigan 48214

Christopher J. Marker, Esq.  
O'Neill, Wallace & Doyle P.C.  
300 Saint Andrews Road, Suite 302  
Saginaw, Michigan 48638

Wayne Brian Mason, Esq.  
Faegre Drinker Biddle & Reath LLP  
1717 Main Street, Suite 5400  
Dallas, Texas 75201

25

1 APPEARANCES (Continued):

2 T. Santino Mateo, Esq.  
3 Perkins Law Group, PLLC  
4 615 Griswold, Suite 400  
5 Detroit, Michigan 48226

6 Todd R. Mendel, Esq.  
7 Barris, Sott, Denn & Driker, PLLC  
8 333 West Fort Street, Suite 1200  
9 Detroit, Michigan 48226-3281

10 Paul F. Novak, Esq.  
11 Weitz & Luxenberg, P.C.  
12 Chrysler House  
13 719 Griswold Street, Suite 620  
14 Detroit, Michigan 48226

15 Joseph E. O'Neil, Esq.  
16 Campbell Conroy & O'Neil, P.C.  
17 1205 Westlakes Drive, Suite 330  
18 Berwyn, Pennsylvania 19312

19 Michael L. Pitt, Esq.  
20 Pitt, McGehee, Palmer & Rivers, PC  
21 117 West Fourth Street, Suite 200  
22 Royal Oak, Michigan 48067-3804

23 David M. Rogers, Esq.  
24 Campbell Conroy & O'Neil, P.C.  
25 1 Constitution Wharf, Suite 310  
Boston, Massachusetts 02129

Alexander S. Rusek, Esq.  
White Law PLLC  
2400 Science Parkway, Suite 201  
Okemos, Michigan 48864

Teresa Marie Russo, Esq.  
Marc J. Bern & Partners, LLP  
225 W Washington St  
Suite 2200  
Chicago, Illinois 60606

Herbert A. Sanders, Esq.  
The Sanders Law Firm PC  
615 Griswold Street, Suite 913  
Detroit, Michigan 48226

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES (Continued):

Darryl Keenan Segars, Esq.  
The Segars Law Firm  
615 Griswold Street, Suite 913  
Detroit, MI 48226

Hunter Shkolnik, Esq.  
Napoli Shkolnik Law PLLC  
1301 Avenue of the Americas, 10th Floor  
New York, New York 10019

Susan Elizabeth Smith, Esq.  
Beveridge & Diamond, PC  
1350 I Street N.W.  
Suite 700  
Washington, DC 20005

Corey M. Stern, Esq.  
Levy Konigsberg, LLP  
800 Third Avenue, Suite 11th Floor  
New York, New York 10022

Christopher A. Stritmatter, Esq.  
Simen, Figura & Parker  
5206 Gateway Centre, Suite 200  
Flint, Michigan 48507

Elizabeth C. Thomson, Esq.  
Hertz Schram PC  
1760 South Telegraph Road  
Suite 300  
Bloomfield Hills, Michigan 48302

Craig S. Thompson, Esq.  
Sullivan, Ward  
25800 Northwestern Highway, Suite 1000  
Southfield, Michigan 48075

Renner K. Walker, Esq.  
Levy Konigsberg, LLP  
800 Third Avenue, Suite 11th Floor  
New York, New York 10022

Valdemar L. Washington, Esq.  
718 Beach Street, P.O. Box 187  
Flint, Michigam 48501

1 APPEARANCES (Continued):

2 Timothy B. Walthall, Esq.  
3 United States Department of Justice  
4 Civil Division, Torts Branch  
5 Environmental Tort Litigation  
6 175 N Street, NE  
7 Washington, DC 20002

8 Jessica B. Weiner, Esq.  
9 Cohen Milstein Sellers and Toll PLLC  
10 1100 New York Avenue, NW, Suite 500  
11 Washington, DC 20005

12 Barry A. Wolf, Esq.  
13 Barry A. Wolf, Attorney at Law, PLLC  
14 503 South Saginaw Street, Suite 1410  
15 Flint, Michigan 48502

16 Edwar A. Zeineh, Esq.  
17 Law Office of Edwar A. Zeineh, PLLC  
18 2800 East Grand River Avenue, Suite B  
19 Lansing, Michigan 48912

20 ALSO PRESENT: Ron Fonger, MLive News  
21 Heather Glazer

22 REPORTED BY: Darlene K. May, CSR, RPR, CRR, RMR  
23 231 W. Lafayette Boulevard  
24 Detroit, Michigan 48226  
25 (313) 234-2605

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TABLE OF CONTENTS

<u>PROCEEDINGS:</u>	<u>PAGE:</u>
Court Opened	7
Roll Call by Reporter	8
Remarks by Judge Farah	8
Remarks by Judge Levy	9
Report by Ms. Greenspan	12
Court Reporter's Certificate	23

1                   Wednesday, September 30, 2020.

2                   2:06 p.m.

3   -- --- --

4                   THE CLERK OF THE COURT: The United States District  
5 Court for the Eastern District of Michigan is now in session.  
6 The Honorable Judith E. Levy presiding. Joined by the  
7 Honorable Joseph J. Farah of Genesee County Circuit Court.

8                   Calling the Flint water cases.

9                   THE COURT: Okay. Well, welcome. And what we'll do  
10 is first make sure we have on the record the name of all  
11 counsel who are appearing today. And we'll do that by having  
12 Darlene go through the list that she has. And so I just ask  
13 that you listen, don't respond, and then if you don't hear your  
14 name, let us know.

15                   (Roll call by reporter.)

16                   THE COURT: Great. Well, this is the date and time  
17 set for a monthly status conference in this case or these  
18 cases. And first of all, I want to welcome Judge Farah and  
19 thank you once again for being here with us and working on  
20 these cases together.

21                   And so I would just ask you, Judge Farah, whether you  
22 have anything that you want to bring to our attention at this  
23 time?

24                   JUDGE FARAH: Thank you, Judge Levy. Good being back  
25 with everybody. We apologize because we were to issue a



1 decision today on a motion for reconsideration of Judge  
2 Yuille's November 8th, 2019 order. We are on our second murder  
3 trial in our building in person, live, and Sam, my law clerk  
4 had to go assist with that and I've had to go briefly to assist  
5 Judge Newblatt on his cases so can he complete the murder  
6 trial. So we apologize, but we'll be back on it in the next  
7 few days. And even though it was due today, we'll try to have  
8 it out in the next week to 10 days.

9 That's all I have, Judge Levy.

10 THE COURT: Okay. And I just love how Judge Farah  
11 says that his orders are due on particular days. I give him a  
12 great deal of credit for that. So thank you very much.

13 And I also want to just welcome everybody and hope  
14 that you and your families are still staying healthy and  
15 productive as we sort of find our way through this pandemic.

16 So, I think our agenda today is relatively brief. And  
17 that is not representative of what's going on in this case  
18 because even though there are not a great many issues to be  
19 decided today, there is an enormous amount of work going on  
20 every day on this case and that's evident to me from the  
21 discovery schedules that I've seen and that I've entered and so  
22 on. So I just appreciate how productive all of you are  
23 remaining on this case.

24 And when Deborah Greenspan gives her report, I'll ask  
25 her to also say a couple of words about her work on the

1 settlement process that's underway with plaintiffs and the  
2 State of Michigan defendants. So that will come just in a  
3 couple of moments.

4           So the first issue on the agenda was -- well, to get  
5 this update from Judge Farah which we have now. I want to  
6 mention that I will enter a proposed amended scheduling order  
7 related to the selection of the four bellwether cases. And I'm  
8 really pleased to know that the list is now winnowed down to  
9 four plaintiffs who will go to trial. That trial date will be  
10 June 1st of 2021. And that's assuming that by June 1st of  
11 2021, we can have an in-person jury trial in the Ann Arbor  
12 court. And I -- there's just no reason to conjecture at this  
13 time.

14           But I will tell you that I'm encouraged that Judge  
15 Farah's court is soon to start its third jury trial. And he's  
16 going to send me a picture of what his courtroom looks like  
17 just to -- I've just had mine outfitted with plexiglass  
18 everywhere, but we didn't outfit the jury box because there was  
19 no way to get -- no one could get to their seats if there was  
20 plexiglass there. So I'm going to take a look at how he's  
21 doing it there and what we might do in that regard.

22           There are other options for us, too, which is  
23 potentially to hold the trial in Detroit if there's a larger  
24 courtroom on the first floor. From what I'm hearing from my  
25 colleagues around the country, having jury trials on the first

1 floor avoids people being in elevators together and it just  
2 decreases the contact that would -- the number of contacts with  
3 the environment and with other people.

4 So there's a lot of things to do between now and then  
5 and we'll keep track of where we stand with reconstituting the  
6 court in the Eastern District of Michigan in order to get them  
7 done.

8 But in the meantime, the revised bellwether discovery  
9 schedule looks very good. It's agreed upon by everyone and it  
10 is -- it has the kind of detail that we didn't start out with  
11 at the beginning and now have fleshed out and I appreciate it a  
12 great deal. The -- so that has been addressed.

13 We still have the issue outstanding of answers to the  
14 Walters and Sirls complaints by individual City of Flint  
15 defendants. And I think at this point it's worth getting those  
16 answers filed. And we discussed earlier today in a brief  
17 meeting in so-called in-chambers, that I would expect those  
18 answers to be filed 10 days from today.

19 MR. KLEIN: Your Honor, this is -- I didn't mean to  
20 interrupt.

21 THE COURT: No. Go ahead, Mr. Klein.

22 MR. KLEIN: Sheldon Klein. I was quickly reminded by  
23 my colleagues that 10 days is a Saturday.

24 THE COURT: Oh.

25 MR. KLEIN: And wondering if 14 days may be

1 acceptable?

2 THE COURT: Fourteen days would be ideal. So that  
3 would be October 14th. Okay. Great. So that is good.

4 And the next issue that is on the agenda we actually  
5 addressed last week during the discovery dispute resolution  
6 call, so we don't need to readdress it here.

7 And then -- well, here we are with a report from  
8 Deborah Greenspan who's serving the Court and the parties as a  
9 special master, appointed pursuant to the Rules of Civil  
10 Procedure. And Ms. Greenspan's appointment has a number of  
11 different responsibilities and they're sort of divided into  
12 litigation and settlement. And on the litigation side, Deborah  
13 has been providing the Court and the parties a census of all  
14 the cases that are pending. She also keeps track of time and  
15 expenses that the lawyers submit during the litigation. And  
16 then on the settlement side, she's not been involved in offers  
17 and counteroffers in terms of money and that sort of thing, but  
18 she has been involved with sorting out the structure that would  
19 be potentially submitted to the Court.

20 So, Ms. Greenspan, if you could report on both of  
21 those sets of duties.

22 MS. GREENSPAN: Thank you, Your Honor. Yes. I'm  
23 going to start with the settlement process. I think I reported  
24 at the last conference a little bit of information about  
25 something that's, you know, certainly been widely publicized,

1 that there's a proposed settlement between the state and the  
2 plain- --

3 THE COURT: Ms. Greenspan, can you stop for just a  
4 minute?

5 MS. GREENSPAN: Yes.

6 THE COURT: I have a message that Mr. Williams is  
7 having a hard time joining and I bet he's the 202-598-7450  
8 attendee.

9 Leslie, can you try admitting that number?

10 THE CLERK OF THE COURT: Yes.

11 THE COURT: I'm sorry.

12 THE CLERK OF THE COURT: Okay. I changed the status  
13 so that person can speak.

14 THE COURT: Oh, there are two different 202 numbers.

15 I don't know if any of you had an opportunity to watch  
16 that debate yesterday, but I kept thinking, where's the mute  
17 button. But anyway.

18 Well, I don't know. They don't seem to be admitted.

19 Let's go off the record for a minute.

20 (Momentarily off the record.)

21 THE COURT: Let's go back on the record.

22 MR. WALTHALL: Your Honor?

23 THE COURT: Yes.

24 MR. WALTHALL: Your Honor, Tim Walthall -- Tim  
25 Walthall is on the record for the United States.

1 THE COURT: Terrific.

2 MR. WALTHALL: And I'm in communication with Mike  
3 Williams. We're trying to get him on as well.

4 THE COURT: Okay. And the only way you can get on a  
5 webinar is to be admitted by the host. So we just -- he's  
6 usually -- he was here a moment ago at one o'clock.

7 MR. WALTHALL: I know.

8 THE COURT: Okay. Well, I'm glad that you're here and  
9 you'll be able to communicate with him.

10 So let's turn back to Ms. Greenspan. I'm sorry.

11 MS. GREENSPAN: Okay. So I'm going to report a bit on  
12 the settlement process as Your Honor indicated. As everyone  
13 knows, there's a proposed settlement. The details of the  
14 settlement have not been provided because the actual settlement  
15 documents have not yet been filed with the Court. And as I  
16 think everybody knows from prior discussions and from reports  
17 in the media, that there's a process ongoing right now for the  
18 parties to complete the documentation of the settlement, to  
19 complete all the documents that need to be provided to the  
20 Court, so the Court's consideration, and that is an ongoing  
21 process. All of the parties are working on that process and  
22 it's coming along well.

23 We have, you know, some things to iron out, but I  
24 think that, you know, most of the documents are making their  
25 way to a final product. So I anticipate that there will be an

1 ability to submit something to the Court in a matter of weeks.  
2 I can't say specifically what the date might be. But what I do  
3 want to emphasize is that at that point when settlement  
4 documents are filed, this will be public, everyone will be able  
5 to see all of the settlement terms, all of the details of the  
6 settlement, and, of course, we'll have an opportunity to submit  
7 whatever comments or objections or anything else that they want  
8 to submit. There will be a schedule that the Court will set  
9 to -- for that process. And so once this gets filed, we then  
10 open up into a period of time where there's the Court's  
11 consideration of the settlement and those who are interested  
12 parties would have some opportunity -- would have an  
13 opportunity to review, to understand it, to evaluate it, to  
14 make their own determinations about it and to make comments if  
15 they believe that it's appropriate or necessary to do so.

16 And I mention that because I know that there's some --  
17 there's been some question about how are we going to find  
18 out -- for people in the community, how are we going to find  
19 out more about the settlement and the answer is, when it is  
20 filed with the Court, everything will be available for  
21 everybody to look at. And, again, I don't have a specific date  
22 but everybody is working hard to get these -- the necessary  
23 documents done for that filing.

24 Separately from that, you mentioned the census that,  
25 you know, as you know for quite some time I've been collecting

1 data from various law firms about the claims that the people  
2 that they represent, the people that they've been in contact  
3 with to try to understand how many people and what, you know,  
4 types of claims are actually out there. Some of them are  
5 filed, some of them are not filed. But they are all collected  
6 in this one database that we're maintaining. So at this point  
7 in time, I have records -- I have 26,205 individual records of  
8 retained people. That means people who have hired a lawyer.  
9 They have retained a lawyer. Some of those people are what  
10 we've been calling duplicates or disputed representations. So  
11 there's actually the net number is closer to 23 -- almost  
12 24,000 because of some duplicate representations that are in  
13 the process of being ironed out. That is an increase of 4,500  
14 from the April report that I filed with the Court. It's an  
15 increase of about 1,150 from the July time frame which is the  
16 last time I reported on some of these census numbers.

17           Of that total, 8,859 are identified as minors.  
18 Meaning that they're children, at least at the time of the  
19 water crisis. And that is an increase of 1,832 from our April  
20 report that was again filed. And it's an increase of 477 since  
21 July.

22           So we have about 23, 24,000 total. Close to 8,900 of  
23 those are children.

24           In addition to the retained individuals or people who  
25 have retained lawyers, I also have records for what we're



1 calling contacts. So these are people who have been in contact  
2 with lawyers. Lawyers have sort of identified them on lists,  
3 contact lists that they maintain, but they haven't signed a  
4 retainer agreement. I have 15,000 of those. That's a  
5 significant increase from our last written report which was,  
6 you know, basically a little over 11,000. So there's been a  
7 significant increase in the number of contacts.

8           So that's basically what we have. I -- when I file  
9 written reports, I usually provide -- or I always provide some  
10 more detail breakdowns of the nature of the claims and the --  
11 some of the data that has also been provided in connection with  
12 those claims. I won't go into that information here, but we'll  
13 file something in writing fairly soon so that everyone can take  
14 a look at the current numbers.

15           And I think as the Court knows, we have asked the  
16 parties or the plaintiffs' counsel to provide updates on a  
17 weekly basis right now. And that's what we've -- we've been  
18 getting these updates and so this is a bit of a moving target,  
19 the numbers will change on a weekly basis, but this is today's  
20 data for everyone's consideration.

21           That is all I have to report today. Thank you.

22           THE COURT: Good. Thank you very much. That's a lot  
23 of data to keep track of and it's very helpful to the process.

24           The only other thing that I have on the list of items  
25 to cover is to note that there are a couple of discovery

1 dispute resolution dates and times set aside in the month of  
2 October. One of them falls on a Thursday, which is Thursday,  
3 October 8th, instead of the usual Wednesdays. And other than  
4 that, I don't have anything further, which is a first.

5 So is there anything that I have missed from anyone's  
6 perspective?

7 MR. SHKOLNIK: Not from co-liaison, Your Honor.

8 THE COURT: Okay. Thank you.

9 MR. SHKOLNIK: This is Hunter Shkolnik speaking.

10 THE COURT: Okay.

11 MR. KUHL: Hi, Your Honor.

12 THE COURT: Yeah.

13 MR. KUHL: Richard Kuhl. I think Mr. Barbieri had  
14 raised something that need -- perhaps needs to be addressed on  
15 the record.

16 THE COURT: That's right. Mr. Barbieri had raised  
17 earlier when we had a meeting in chambers, is what we call it,  
18 just to sort of talk over what else -- what I might be missing.  
19 He had raised that there's a stay in place with respect to  
20 State of Michigan defendants, which includes MDEQ defendants  
21 and that's because they're pursuing the settlement process.  
22 And there's one case which is the Rogers case where arguably  
23 there would be a reply brief due on a motion.

24 And that -- there is no need to submit that at this  
25 point pursuant to the stay. I have the case number ...

1           No, I don't because I got --

2           MR. BARBIERI: Your Honor, I do, if it would help.  
3 It's the Gradine Rogers versus Governor Rick Snyder, case  
4 number 5:18-cv-10713.

5           THE COURT: Okay. And so in that case, the responsive  
6 briefing from MDEQ is not required.

7           MR. BARBIERI: That's true for the state defendants  
8 too.

9           THE COURT: Of course.

10          MR. BARBIERI: And I believe for Mr. Rosenthal's  
11 counsel as well.

12          THE COURT: Who is Mr. Rosenthal's client, again?

13          MR. BARBIERI: I believe James Fajen is on the  
14 conference call today, Your Honor.

15          THE COURT: Oh, okay.

16          MR. FAJEN: That's us, Your Honor.

17          THE COURT: Okay. Yes.

18          MR. SANDERS: Excuse me, Your Honor.

19          THE COURT: Yes. Hi, Mr. Sanders.

20          MR. SANDERS: Hi. Good afternoon. Forgive me if I  
21 missed it, but I believe on the agenda was an update on the  
22 fact sheet deadline for the second bellwether cases. I don't  
23 know that I heard anyone discuss that.

24          THE COURT: You're right. What happened there is it  
25 was discussed on September 23rd and so it just stayed on this

1 agenda even though we discussed it on the 23rd.

2 So -- and one of the issues there was release of  
3 underlying neuropsycholo- -- no. That was for the first round  
4 of bellwether. The fact sheets for the second bellwether we're  
5 still trying to get that resolved.

6 Who can summarize where we are with that? That was  
7 Mr. Shkolnik?

8 MR. SHKOLNIK: Your Honor, I think we are supposed to  
9 have a meet and confer with defense on this and we just haven't  
10 had it yet. And it is on the top of our agenda -- agendas for  
11 things to do going forward. And I think at the next conference  
12 we'll be able to report the outcome of the meet and confer and  
13 hopefully we can resolve that.

14 THE COURT: Good. Does that answer your question,  
15 Mr. Sanders?

16 MR. SANDERS: Absolutely. I just wanted to make sure  
17 there wasn't a deadline I wasn't aware of. I appreciate it.

18 THE COURT: No, not yet.

19 MR. SANDERS: All right.

20 THE COURT: Okay. And hopefully you will be aware of  
21 it. It won't happen that you're not aware.

22 MR. ERICKSON: Your Honor, Philip Erickson. Did you  
23 want to say anything about selection of lead cases for the  
24 statute of limitations motion?

25 THE COURT: Oh, yeah. Thank you. Yeah. We -- there

1 are many motions in some of the individual cases to dismiss  
2 adult defendants because they filed beyond the statute of  
3 limitations. So those have now, I think, been just about fully  
4 briefed. And so what I'm going to do, I was hoping that  
5 counsel could present a way for the Court to address one or two  
6 lead cases that would then guide us for resolution of all of  
7 the cases, but I think what I'm going to do is just pick  
8 them myself. But I did ask Mr. Shkolnik to let me know which  
9 of the cases in his responses did he attach an affidavit or a  
10 declaration from either the plaintiff or an expert about the  
11 plaintiff's knowledge of their injury.

12 So what I'll do is pick the cases. Once I've done --  
13 issued at least one decision, then we'll figure out how to  
14 apply it to the other cases.

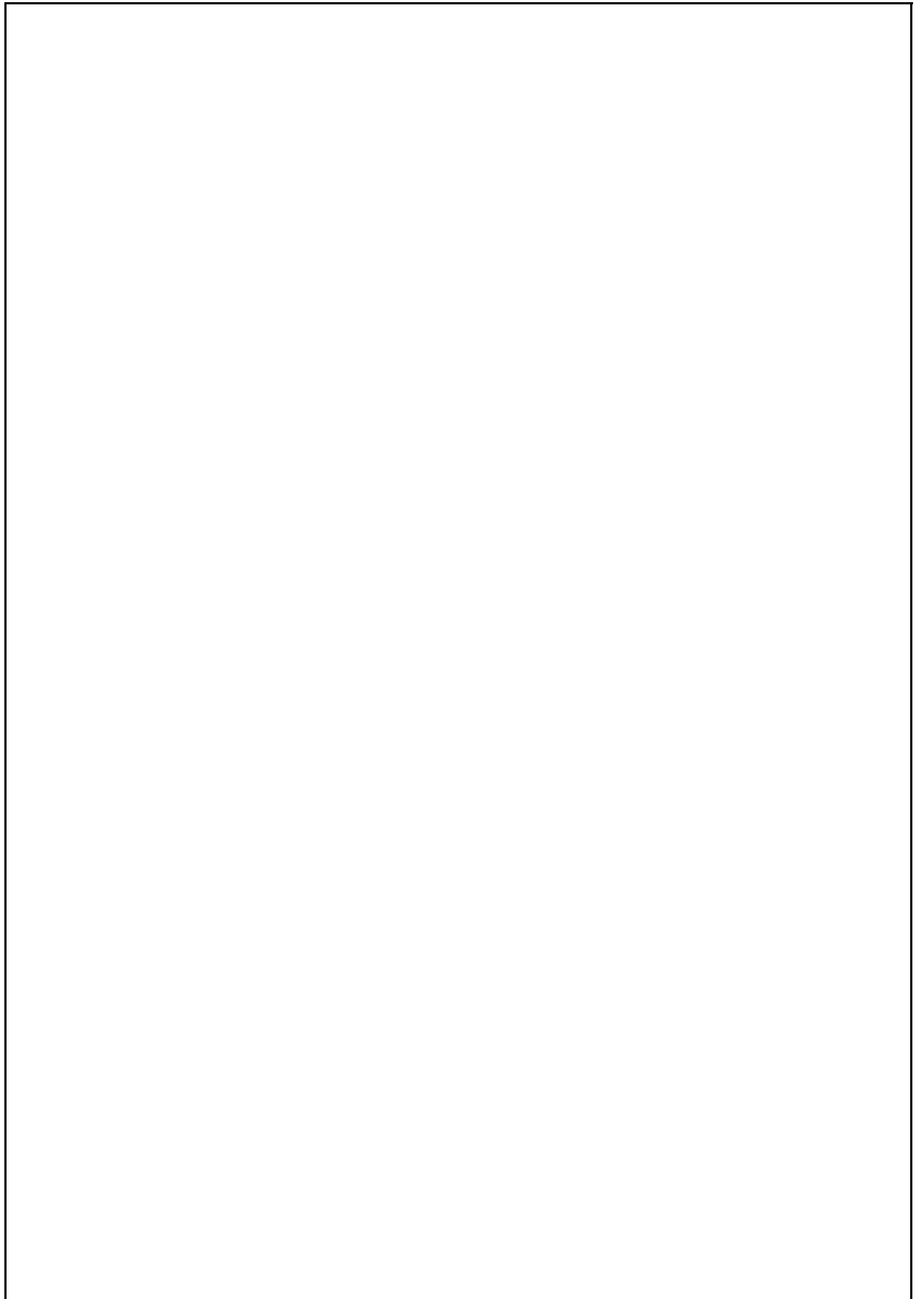
15 And it may be that we do that work at the Court and it  
16 may be that I ask the parties to sort out who filed after X  
17 date or whatever is applicable in light of the decision.

18 So thank you, Mr. Erickson.

19 All right. I think that's it. So I appreciate all of  
20 the work that everyone's doing and I just ask you to still stay  
21 away from that virus and do the best you can to remain  
22 productive and good in light of that. So thank you all very  
23 much and we'll be adjourned.

24 (At 2:31 p.m., matter concluded.)

25 - - -



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Darlene K. May, Official Court Reporter for the United States District Court, Eastern District of Michigan, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability, from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

October 3, 2020  
Date

/s/ Darlene K. May  
Darlene K. May, CSR, RPR, CRR, RMR  
Federal Official Court Reporter  
Michigan License No. 6479