

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

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_ /

This Order Relates To:

ALL CASES

\_\_\_\_\_ /

**ORDER REGARDING MATTERS DISCUSSED AT THE  
DECEMBER 2, 2020 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint Water litigation on December 2, 2020. The Court now orders as follows:

**I. Motion for Preliminary Approval of Settlement**

The motion to approve settlement will be heard on **Monday, December 21 at 1:30pm**. The Court will issue a hearing notice and will be joined by Hon. Joseph J. Farah of Genesee County Circuit Court, and Hon. Christopher M. Murray of the Michigan Court of Claims.

**II. Motions to Dismiss on Statute of Limitations Grounds**

The Court heard oral argument on the LAN, LAD, and VNA Defendants' motions to dismiss certain short form complaints on statute of limitations grounds.

For the reasons set forth on the record, Plaintiffs in these cases are ordered to file a motion to amend and/or to submit a supplemental brief addressing the matters discussed on the record in the Status Conference no later than **Friday January 8, 2021**. Defendants LAN, LAD, and/or VNA, where applicable, are ordered to file a brief in response, no later than **Friday February 12, 2021**. Plaintiffs may reply by **Friday February 26, 2021**.

**III. LAN's Objections to Class Plaintiffs' Rule 30(b)(6) Deposition Notice and State of Michigan's Pending Motion for Protective Order in Genesee County Circuit Court**

The Court, together with Judge Joseph J. Farah of Genesee County Circuit Court, will jointly hear argument regarding this issue on **Wednesday December 16, 2020 at 2:00pm**. To the extent that any party who previously submitted a one-page summary of the dispute to the Court wishes to supplement their summaries in advance of this hearing, they must do so no later than Monday December 14, 2020 at

2:00 pm. Any supplemental summaries should be emailed to Leslie Calhoun at [leslie\\_calhoun@mied.uscourts.gov](mailto:leslie_calhoun@mied.uscourts.gov)

The parties are encouraged to meet and confer about these matters, and inform Leslie Calhoun if a resolution is reached.

#### **IV. VNA and Settling Defendants' Stipulation Regarding Stay**

Counsel for VNA and the Settling Defendants informed the Court that they will submit a stipulation resolving VNA's pending motion to amend/correct the order on the motion for stay. (No. 16-10444, ECF No. 1328.) VNA and the Settling Defendants are ordered to submit a stipulation to the Court via the Utilities function in CM/ECF no later than **Wednesday December 9, 2020**. VNA and the Settling Defendants indicated to Judge Farah of Genesee County Circuit Court that they would submit a similar stipulation in that court.

#### **V. Video Discovery Conferences**

As set forth above, the Court has reserved December 16, 2020 at 2:00 pm to hear VNA's Rule 30(b)(6) objection. If any other disputes arise that the parties would like heard on that date, counsel must email Leslie Calhoun at [leslie\\_calhoun@mied.uscourts.gov](mailto:leslie_calhoun@mied.uscourts.gov) no later than Thursday December 10, 2020 at 2:00 pm with a brief description of the proposed

agenda items. If the proposed item is accepted, it will be included on an agenda and issued in advance of the conference.

In addition to the December 16, 2020 date set forth above, the following dates are set for a video discovery conference as needed: **Wednesday January 6, 2021** at 2:00pm and **Wednesday January 27, 2021** at 2:00pm.

For all discovery conferences, the Court will provide video teleconference connection information and a pre-conference agenda in Case No. 16-cv-10444.

**VI. Matter related to *Walters et al. v. J.P. Morgan Chase & Co., et al*, No. 20-12726**

Louis P. Gabel, Counsel for Defendants J.P. Morgan Chase & Co., Stifel, Nicolaus & Company, Incorporated, Wells Fargo Bank, National Association appeared at the conference and the Court grants his request to file an appearance on docket 16-cv-10444 as an Interested Party for notification purposes only. Co-Liaison Counsel, Corey Stern, is ordered to notify Mr. Gabel of this decision.

**VII. Scheduling of Next Status Conference**

The next status conference will be held on **Wednesday January 13, 2021** at 2:00pm. Parties are to file proposed agenda items in Case No.

16-cv-10444 by December 30, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items in a single filing. The Court will issue an agenda by January 6, 2021.

IT IS SO ORDERED.

Dated: December 3, 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 December 3, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager