

**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 MARCH
12, 2019 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on March 12, 2018. The Court now orders as follows:

Non-Party Documents Only Subpoenas

The parties discussed modifying the non-party documents only subpoena process. Accordingly, counsel from the defendants' executive committee are ordered to confer with co-lead class counsel and co-liaison counsel for the individual plaintiffs to identify ways to make the process more efficient. The parties will file a joint report updating the Court on the outcome of this discussion by **March 26, 2019**.

Answers to the Complaint in Guertin and Carthan

As agreed during the status conference, defendant LAN is ordered to answer the operative complaints in *Carthan v. Snyder*, 16-cv-10444, and *Guertin v. Michigan*, 16-cv-12412. The answers must be filed by **April 26, 2019**.

Plaintiff Authorizations

Counsel for Veolia and LAN disagreed with co-lead class counsel as to whether a plaintiff puts his or her mental health history at issue by asserting garden variety emotional damages. In addition, they disagreed as to whether the named class plaintiffs have put other medical histories at issue, such as those involving HIV/AIDS and substance abuse. Accordingly, the Court orders Veolia and LAN to submit an opening brief by **March 29, 2019**, addressing these issues. Plaintiffs will have until **April 12, 2019**, to respond. No reply will be permitted without the Court's authorization. Oral argument, if necessary, will occur during the next scheduled status conference on **May 15, 2019**.

To the extent the government defendants want to be heard on this subject, they must coordinate with Veolia and LAN; only one defendant brief will be accepted. With regards to the process by which plaintiff

authorizations are handled more generally, this will be resolved during the in-chambers meeting to discuss the case management plan on March 18, 2019.

Proposed Addendum to the Confidentiality Order

The Court has received a proposed addendum to the existing confidentiality order. (Dkt. 299.) At the status conference, defendants, co-lead class counsel, and co-liaison counsel for the individual plaintiffs acknowledged receipt of a copy. The parties have until **March 15, 2019**, to object to the proposed addendum. If no objections are received, the Court will enter the addendum on the docket.

Liaison Appellate Counsel

On March 11, 2019, counsel for plaintiffs in *Guertin v. Michigan*, 16-cv-12412, filed a motion for the appointment of liaison appellate counsel. (Dkt. 786.) The Court will address this motion at the next scheduled status conference on **May 15, 2019**. No responses to the motion will be permitted.

Scheduling of Next Status Conference

The next status conference will be held on **May 15, 2019 at 2:00pm** in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case

No. 16-cv-10444 by **May 1, 2019**. 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 **May 8, 2019**.

IT IS SO ORDERED.

Dated: March 13, 2019
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 March 13, 2019.

s/Shawna Burns
SHAWNA BURNS
Case Manager