

**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

_____ /

AGENDA FOR APRIL 16, 2018 STATUS CONFERENCE

The Court will hold a status conference in these cases on April 16, 2018 at 2:00 P.M. in Ann Arbor, Michigan. The agenda will be as follows, although the Court may adjust the agenda prior to the conference, if necessary:

A. Administrative Issues

Common Benefit and Time and Expense Order Update

The Court requests an update from interim co-lead class counsel and co-liaison counsel on the status of any common benefit and time and expense proposed order. The Court will also discuss the appointment of a certified public accountant to administer and account

for time and expense submissions and any common benefit fund created for this litigation. The Court will also afford individual co-liaison counsel the time they have requested to update the Court on outreach efforts to other individual counsel.

Legionella Individual Liaison Counsel

The Court will discuss with all individual counsel whether there is a need to appoint an individual liaison counsel specifically for cases asserting *legionella* claims.

Motion to Appoint Interim Lead Counsel in Boler/Consolidation of Boler

The Court has reviewed the motion to appoint interim lead counsel in *Boler v. Earley*, Case No. 16-cv-10323, Dkt. 75, as well as the responses of the remaining defendants in that case and interim co-lead class counsel in *Carthan v. Snyder*, Case No. 16-cv-10444. The Court will discuss this motion, as well as the consolidation of *Boler* with *Carthan*.

Motion to Reinstate in Atkins

The Court has reviewed the motion to reinstate certain dismissed defendants in *Atkins v. Snyder*, Case No. 17-cv-13724, Dkt. 16. Counsel for plaintiffs should be prepared to discuss whether they can show good

cause for failing to file their proof of service of process until the motion to reinstate was filed. Counsel for the dismissed defendants should be prepared to discuss whether they will stipulate to receive or accept service of plaintiffs' amended complaint, as any dismissal under Mich. Ct. R. 2.102(E) is without prejudice, and Fed. R. Civ. P. 41(a)(1)(A)(i) would permit plaintiffs to dismiss and refile this complaint and subsequently serve all dismissed defendants.

Motion for Replacement of Co-Liaison Counsel for Individual Cases

The Court will discuss the motion for replacement of co-liaison counsel for individual cases. (Case No. 16-cv-10444, Dkt. 404.)

Pleading of Injuries in Alexander

In their submissions of proposed agenda items, several defendants referred to what they termed "abuse" and "misuse" of the short-form complaint procedures in *Alexander v. City of Flint*, Case No. 16-cv-13421. The Court has reviewed the short-form complaint filed in *Alexander*, and sees no such willful action. Plaintiffs should be prepared to discuss whether the injuries alleged are clearly attributed to the individual plaintiffs in a manner sufficient to give notice to the

defendants of which plaintiffs are alleging which injuries. Defendants may respond.

Coordination with State-Court Litigation

The Court will discuss coordination with related Flint water litigation currently pending in Michigan state courts. Judge Richard B. Yuille of the 7th Judicial Circuit Court in Genesee County will be in attendance at the status conference.

B. Discovery Issues

The Court has reviewed the submissions of the parties regarding preliminary discovery. (Case No. 16-cv-10444, Dkts. 424 through 431.) The Court will discuss the issues set forth in those submissions with the parties.

C. Adjournment of Motion Hearing in *Carthan v. Snyder*

The hearing on the dispositive motions currently pending in *Carthan v. Snyder* will be adjourned to **Monday, June 18, 2018 at 10:00 A.M.**

Dated: April 9, 2018
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 April 9, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager