

**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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**AGENDA FOR OCTOBER 25, 2017 STATUS CONFERENCE**

Following the submissions of the parties on October 11, 2017 regarding proposed agenda items, the Court has established the following agenda for the status conference to be held on October 25, 2017.

**A. Consolidated Class Action**

***Caption***

The consolidated class action was filed using the *In re* Flint Water Cases caption applicable to all lawsuits relating to the contamination of Flint's water supply, rather than a caption specific to that particular case. Plaintiffs will be directed to refile an amended master class action complaint with a case-specific caption on a date to be set at the conference.

***Agenda Items***

- 1) The appropriateness and scope of preliminary discovery.

- 2) Discussion and, if necessary, oral argument regarding the motions filed by various defendants to quash subpoenas or for protective orders. (Case No. 16-cv-10444, Dkts. 202, 204.)
- 3) Requests for general protective, ESI, and preservation orders, insurance disclosures, fact sheets, and authorizations for the release of certain records by plaintiffs.
- 4) The proposed order outlining the duties of co-lead counsel and individual liaison counsel, as well as the structure of the executive committee and appointment of liaison counsel for the *Mason* state court class action.
- 5) The briefing schedule and procedure for dispositive motions filed in response to the consolidated class action complaint.
- 6) Whether to appoint liaison counsel for defendants.

## **B. Individual Cases**

### ***Agenda Items***

- 1) Oral argument on the motion for leave to file a master individual complaint. (Case No. 17-cv-10164, Dkt. 82.)
- 2) Expired summonses in Case Nos. 17-cv-11392 and 17-cv-11481 as to the Veolia defendants, Liane Shekter-Smith, Adam

Rosenthal, Stephen Busch, Patrick Cook, Michael Prysby, and Edward Kurtz.

### **C. All Cases**

#### ***Agenda Items***

- 1) Whether to prioritize hearing on motions regarding certain issues, including:
  - a. Defendant Leo A. Daly's motions to dismiss for lack of personal jurisdiction;
  - b. The governmental defendants' motions to dismiss based on 11<sup>th</sup> Amendment and statutory immunity; and
  - c. Substantive claims that have not yet been the subject of an opinion from the Court.
- 2) Discussion and, if necessary, oral argument regarding the motions to stay proceedings in *Guertin v. State of Michigan*, Case No. 16-cv-12412.
- 3) Whether and on what schedule to hold regular status conferences.
- 4) Transcript ordering protocol.

The Court may also supplement this agenda before the date of the status conference. All parties will be notified of additional agenda items either by a filing on the docket prior to the conference, or notice on the record at the conference. If time does not permit the entire agenda to be addressed, the conference will be continued at a date to be set when all parties can be present.

Dated: October 20, 2017  
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 October 20, 2017.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager