

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

In Re Flint Water Cases

No. 5:16-cv-10444-JEL-MKM

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUB

[PROPOSED] ORDER

Having read and considered the Motion to Establish Settlement Claims Procedures and Allocation and for Preliminary Approval of Class Settlement Components filed by Co-Liaison Counsel for Individual Plaintiffs and Interim Co-Lead Class Counsel (collectively, “Plaintiffs”), as well as any papers submitted to the Court in support of and in opposition to the Motion, IT IS HEREBY ORDERED as follows:

1. The Settlement Agreement between Plaintiffs and Settling Defendants is preliminarily approved under **Federal Rule of Civil Procedure 23** as within the range of possible final approval.
2. The Settlement Allocation and plan of distribution are preliminarily approved.
3. The firms currently serving as Interim Co-Lead Counsel, Cohen Milstein Sellers & Toll PLLC, and Pitt McGehee Palmer Bonanni & Rivers, PC, and the Executive Committee, are appointed as Class Counsel under **Federal**

Rule of Civil Procedure 23(g) to represent the Settlement Class and Subclasses.

4. The following Settlement Class and Subclasses are conditionally certified under **Federal Rule of Civil Procedure 23(a)** and (b)(3):

Settlement Class: all persons or entities who are or could be claiming personal injury, property damage, business economic loss, unjust enrichment, breach of contract, or seeking any other type of damage or relief because at any time during the Exposure Period they: (1) were an Adult who owned or lived in a residence that received water from the Flint Water Treatment Plant or were legally liable for the payment of such water; (2) owned or operated a business including income earning real property and any other businesses, that received water from the Flint Water Treatment Plant or were legally liable for the payment for such water; or (3) were an Adult during the Exposure Period and who ingested or came into contact with water received from the Flint Water Treatment Plant. Excluded from the Settlement Class are: (1) Defendants; (2) the judicial officers to whom this case is assigned in the Federal Court, Genesee County Circuit Court, and Court of Claims, their staff, and the members of their immediate families; (3) all Individual Plaintiffs; and (4) all persons who timely and validly elect to opt-out of the Settlement Class.

Adult Exposure Subclass: all persons who were Adults during the Exposure Period and who ingested or came into contact with water received from the Flint Water Treatment Plant at any time during the Exposure Period and who are claiming or could claim a resulting personal injury. All Adults listed on Exhibit 1 to the Settlement Agreement are excluded from this Subclass.

Business Economic Loss Subclass: all individuals or entities who owned or operated a business, including income earning real property and any other businesses, that received water from the Flint Water Treatment Plant at any time during the Exposure Period and who are claiming or could claim a resulting business economic loss. Excluded from the Business Economic Loss Subclass are all local, state, or federal government offices or entities and any individual or entity listed on Exhibit 1 to the Settlement Agreement.

Property Damage Subclass: all Adults or entities who owned or were the lessee of residential real property that received water from the Flint Water

Treatment Plant, or were legally liable for the payment for such water, at any time during the Exposure Period. Excluded from the Property Damage Subclass are all local, state, or federal government entities which own real property and any individual or entity listed on Exhibit 1 to the Settlement Agreement.

5. The following individuals are appointed as Class Representatives for purposes of Settlement:
 - a. Rhonda Kelso, Barbara and Darrell Davis, Tiantha Williams, and Michael Snyder, as personal representative of the Estate of John Snyder, as representatives of the Adult Exposure Subclass;
 - b. Elnora Carthan and David Munoz as representatives of the Property Damage Subclass;
 - c. 635 South Saginaw LLC; Frances Gilcreast; and Neil Helmkey as representatives of the Business Economic Loss Subclass.
6. The plan of notice presented in the Declaration of Cameron Azari in Support of Plaintiffs' Motion is approved. The form of notice attached as Exhibit K, Attachment 2, and the Registration and Claim Forms in the form attached as Exhibits 2 and 5 to the Settlement Agreement are approved. The Notice, Registration Form, and Claim Form shall be disseminated to the Settlement Class in accordance with the plan of notice and the Settlement Agreement.
7. Epiq Class Action & Claims Solutions, Inc. shall serve as the Notice Administrator.
8. ARCHER Systems, LLC shall serve as the Claims Administrator and QSF Administrator.
9. Deborah Greenspan shall serve as the Special Master.

10. ARCHER Systems, LLC and MASSIVE shall serve as the Lien Resolution Administrator.
11. Forge Consulting, LLC shall serve as the Settlement Planning Administrator.
12. The procedures set forth in Plaintiffs’ Memorandum for handling claims by Minors and Legally Incapacitated or Incompetent Individuals are approved.
13. Plaintiffs shall pay the cost of implementing the plan of notice from the Settlement Fund in an amount not to exceed \$500,000.
14. The Fairness Hearing is set for _____, 2021, 45 days after the Motion for final approval is filed, and the following schedule is set:

Event	Deadline	Date¹
Settlement Website	Updated following this Order.	
Motion for Fees and Expenses	Filed within 30 days of this Order.	
Notice Mailed	Within 30 days of this Order.	
Deadline for Registration Form	Must be postmarked or submitted electronically within 60 days of this Order.	

¹ Any deadline that falls on a weekend or holiday based on the interval will be automatically pushed to the following business day.

Deadline to Request Exclusion from Settlement	Must be postmarked or submitted electronically within 60 days of this Order.	
Deadline for Objections to Settlement and Class Member Notice of Intent to Appear at Fairness Hearing	Must be filed within 30 days of Notice issuing/ within 60 days of this Order.	
Motion for Final Approval	Filed within 120 days of this Order.	
Fairness Hearing	_____, 2021	
Deadline for Claim Form	Must be postmarked or submitted electronically within 150 days of the deadline for Registration.	

15. Nothing in this Order should be construed as an abrogation of any immunity available to the State of Michigan or its officers, employees, or departments.

Dated: November 17, 2020
Ann Arbor, Michigan

JUDITH E. LEVY
United States District Judge