

**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 STATUS CONFERENCE AND
DISCOVERY CONFERENCE PROTOCOL**

In March 2022, the Court temporarily suspended its monthly status and twice-monthly discovery conferences in the Flint Water Cases, and instead held conferences on an as-needed basis, because of the then-ongoing Bellwether I trial.

The Court will re-convene its monthly status conferences, typically during the last week of each month. The Court will also re-convene its practice of setting aside twice-monthly dates and times for adjudicating discovery disputes.

Status Conferences: Counsel should resume the long-standing Flint water litigation status conference topic submission protocol.

Proposed agenda items must be filed on the docket in 16-10444 at least two weeks before the conference is scheduled to occur. The Court will issue an agenda several days in advance of each conference. The agenda will include the topics that the Court will address at the conference.

The Court will set forth the dates for upcoming status conferences, as well as topic submission deadlines in an Order that follows each monthly status conference. These hearings and conferences will be held by video teleconference unless otherwise ordered.

Discovery Disputes: The following protocol supplements the Discovery Dispute Protocol set forth in the Fifth Amended Case Management Order (ECF No. 1255, PageID.39351–39353).

In the event of a discovery dispute, the parties must first meet and confer. In order to satisfy this meet and confer requirement, counsel to the dispute must make a reasonable and timely effort to either speak directly with opposing counsel or email opposing counsel and provide them with a reasonable opportunity to respond.

If there is an impasse, the parties may contact the Court. Counsel may e-mail the Court's law clerk (Leslie Calhoun), with a copy to all relevant counsel, and:

(1) set forth that a meet and confer has occurred and that there is an impasse; and

(2) set forth two to three sentences indicating of the nature of the dispute or topic.

The dispute must be submitted at least one week before the discovery dispute hearing date at 2:00 pm in order to be considered for resolution at the next available status conference. The Court will set forth its availability for these conferences, as well as submission deadlines, in an Order that follows each monthly status conference.

The Court will issue a notice of hearing and agenda if it determines that an on-the-record adjudication is appropriate.¹ The notice and agenda will include whether the Court will accept 2-page maximum single spaced

¹ If the Court determines that an on-the-record adjudication is not necessary, the Court will communicate its determination to the parties.

written submissions² from the parties in advance of the hearing. The parties should not submit or file items on the docket unless otherwise ordered. If the dispute is resolved or the parties otherwise stipulate to withdraw their request for adjudication, counsel must contact the Court with a copy to relevant counsel as early as possible before the scheduled hearing. Counsel may seek leave of Court to file the letters on the docket at the relevant hearing.

IT IS SO ORDERED.

Dated: February 2, 2023
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 February 2, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

² The disputed discovery request may be attached to the 2-page summary. However, counsel must seek leave from the Court before appending any other attachments to their summaries.