

**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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This Order Relates To:

ALL CASES

\_\_\_\_\_ /

**ORDER REGARDING MATTERS DISCUSSED AT THE  
FEBRUARY 6, 2019 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on February 6, 2018. The Court now orders as follows:

**Case Management Order**

On **March 12, 2019 at 9:30am** in Ann Arbor, Michigan, the Court will hold a meeting in chambers to finalize the proposed Case Management Order. (Case No. 16-cv-10444; Dkt. 719.) For the plaintiffs, the Court anticipates that Interim Individual Co-liaison Counsel and Interim Co-Lead Class Counsel will attend, in addition to Jordan W. Connors. Attorneys from defendants' Executive Committee are expected to attend as well. The above counsel shall notify the Court regarding who

will be in attendance no later than close of business on **March 8, 2019**, in a single, joint email.

### **Request for Authorizations**

As agreed to in chambers, to facilitate the process by which plaintiffs provide medical and other types of authorizations, the Court orders the following: to further safeguard the handling of data, the parties will submit a proposed addendum to the current confidentiality order (Case No. 16-cv-10444; Dkt. 299) by **February 21, 2019**; Interim Co-Lead Class Counsel will provide defendants with authorizations for the named plaintiffs in *Carthan v. Snyder*, 16-cv-10444, by **February 28, 2019**; and, by **March 12, 2019**, the parties will meet and confer to agree upon a timeframe by which the exchange of authorizations will be completed, and to identify a third-party vendor to collect the information authorized. The parties will update the Court on their progress at the next status conference set forth below.

### **Motions to Stay Discovery**

The Court heard argument on the state and MDEQ defendants' motions to stay discovery. The Court notes that discovery has not yet been ordered from the defendants seeking the stays, and so their motions

are premature. In particular, the meeting scheduled for March 12, 2019, to develop the Case Management Order is not discovery; it is the plan by which discovery will eventually be conducted. Therefore, although the Court takes the motions under advisement, there is no need to rule on them at this time. Before any discovery from a defendant who is asserting an immunity defense is permitted, the Court will rule on the motions in a written opinion and order.

### **Motion to Strike / Motion for Sanctions**

Counsel for the state defendants and defendant Jeffrey Wright agreed in chambers to withdraw their respective motions for sanctions (Case No. 17-10164; Dkt. 195) and to strike allegations (Case No. 16-cv-10444; Dkt 737). The Court notes that defendant Jeffrey Wright has already done so, and expects the state defendants to do the same. To the extent that the substance of the motions is not already addressed in other materials, counsel for the state defendants and defendant Jeffrey Wright are permitted to file supplemental briefs relating to the pending motions to amend and dismiss in *Carthan v. Snyder*, 16-cv-10444, and *Walters v. Flint*, 17-cv-10164, to be no longer than ten pages.

### **Motion to Amend in Guertin**

Counsel for the plaintiffs in *Guertin v. Michigan*, 16-cv-12412 indicated that they would withdraw the currently pending motion to amend (Dkt. 161.) They are ordered to do so by **Friday February 8, 2019**.

### **Scheduling of Next Status Conference**

The Court will begin to hold status conferences every four to six weeks, as requested by the parties. With this in mind, the next status conference will now be held on **March 12, 2019 at 2:00pm** in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by **February 26, 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 **March 5, 2019**.

IT IS SO ORDERED.

Dated: February 7, 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 February 7, 2019.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager