

**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

_____ /

AGENDA FOR JUNE 24, 2020 STATUS CONFERENCE

The Court will hold a video status conference in these cases on Wednesday, June 24, 2020, at 3:00pm EST¹ in Ann Arbor, Michigan. The conference will be held on Zoom as a Webinar. If you plan to speak on the record, send an email to the Court's law clerk (Abigail_DeHart@mied.uscourts.gov) by 5:00pm on Tuesday, June 23, 2020. Given the Webinar format, a timely email is required to be permitted to speak on the record and no exceptions can be made. The Court will not confirm receipt of emails from parties.

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¹ Please note the conference begins at 3:00pm instead of 2:00pm.

Please see ECF No. 1167 for information to access the hearing. Anyone can attend and listen to the conference through Zoom, but only those who have indicated they will speak on the record will be admitted as a Zoom Webinar panelist. The agenda will be as follows, although the Court may adjust the agenda prior to the conference if necessary:

I. *In re* Flint Water Cases Discovery Coordination

The parties should be prepared to update the Court on how discovery is proceeding in other state and federal actions related to the Flint Water Cases. Judge Joseph J. Farah from Genesee County Circuit Court will attend the status conference to assist in this process.

The VNA Defendants request to discuss the status of home inspections and IMEs for bellwether plaintiffs in light of delays caused by COVID-19. The VNA Defendants also wish to discuss an issue with the list of plaintiffs provided for the Second Bellwether Pool selection.

The Court will discuss a method for handling party death notices and substitutions under Federal Rule of Procedure 25(a).

The following dates are set for a telephonic discovery conference as needed: July 8, 2020 at 3:00pm and July 15, 2020 at 2:00pm.

II. *Waid v. Snyder*, Case No. 16-cv-10444

In *Waid v. Snyder*, Case No. 16-cv-10444, the Sixth Circuit affirmed the Court's denial of motions to dismiss with respect to every Defendant except Andy Dillon whose case was remanded for reconsideration. In light of Dillon's dismissal in *Brown v. Snyder*, Case No. 18-cv-10726, and *Marble v. Snyder*, Case No. 17-cv-12942, the Court requests supplemental briefing from the parties. Counsel for Dillon may file a memorandum by July 15, 2020 on whether Dillon should be dismissed in *Waid* for the reasons he was dismissed in *Brown* and *Marble*. Plaintiffs in *Waid* should file a response by July 29, 2020, and Interim Co-Liaison Counsel may file a response as well in light of their position during the oral argument at the Sixth Circuit on *Walters* and *Sirls*. All briefs must confirm with Local Rule 7.1.

City of Flint Defendants request 21 days from when the appellate mandate was issued in *Waid* to file an answer. (ECF No. 1164.) This request is granted.

III. Report from the Special Master

The Special Master will provide an update on her work since the last status conference.

IV. Scheduling of Next Status Conference

The next status conference will be held on **Wednesday, July 29, 2020** at 2:00pm on Zoom. Parties are to file proposed agenda items in Case No. 16-cv-10444 by July 15, 2020. 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 July 22, 2020.

Dated: June 17, 2020
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 June 17, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager