

**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

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**ORDER REGARDING MATTERS DISCUSSED AT THE  
AUGUST 7, 2019 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on August 7, 2019. The Court now orders as follows:

**I. Answers in the Individual Cases**

On August 2, 2019, the Court issued a ruling in *Walters v. Flint*, 17-cv-10164, and *Sirls v. Michigan*, 17-cv-10342, granting in part and denying in part defendants' motions to dismiss. With the exception of *Marble v. Snyder*, 17-cv-12942, and *Brown v. Snyder*, 18-cv-10726, discussed below, this ruling applies to all individual Flint Water Cases. Unless dismissed or pursuing an interlocutory appeal, defendants have until **September 3, 2019**, to file an answer in *Walters* and *Sirls*. They

then have until **October 3, 2019**, to answer the remaining individual complaints. When answering the remaining individual complaints, defendants may reference their *Walters/Sirls* answers and then alert the Court to any differences that may exist.

## **II. Briefing Schedule in *Marble* and *Brown***

In light of the Court's ruling in *Walters* and *Sirls*, counsel for plaintiffs in *Marble* and *Brown* shall file an amended short-form complaint by **August 19, 2019**. Defendants have until **September 19, 2019**, to answer, file a motion to dismiss, or some other responsive pleading. To the extent that defendants file a motion to dismiss, they should limit their briefing to any claims or arguments not fully addressed by the Court in *Walters* and *Sirls*. The timing and format of responses and replies will be in accordance with Local Rule 7.1.

## **III. *In re* Flint Water Cases Discovery Update**

The Court announced the following procedure for addressing all future discovery related issues: The Court will reserve time every two weeks to hear discovery disputes. The parties to a dispute must first meet and confer in an attempt to resolve their differences; only if the parties fail to reach an agreement should they then contact the Court to schedule the hearing. At least forty-eight hours before the hearing, the parties

shall simultaneously submit a description of the issue, not to exceed one page in length, single spaced, and this shall be accompanied by the disputed discovery request. The Court will then hold the hearing. If the Court cannot resolve the dispute during that time, it may grant leave for the parties to file a relevant motion.

#### **IV. Appointment of Sub-Class Settlement Counsel**

On July 31, 2019, the Court denied Co-Lead Class Counsel's motion to appoint subclass settlement counsel. (No. 16-cv-10444, ECF No. 912.) Co-Lead Class Counsel will refile a revised motion as soon as practically possible. The Court expects this submission no later than **August 15, 2019**.

#### **V. Scheduling of Next Status Conference**

The next status conference will be held on **September 25, 2019 at 2:00pm** in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by **September 11, 2019**. Individual liaison counsel shall 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 **September 18, 2019**.

IT IS SO ORDERED.

Dated: August 12, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge