

**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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**AGENDA FOR AUGUST 7, 2019 STATUS CONFERENCE**

The Court will hold a status conference in these cases on August 7, 2019, at 2:00pm in Ann Arbor, Michigan. The agenda will be as follows, although the Court may adjust the agenda prior to the conference if necessary:

**I. Briefing Schedule in *Marble* and *Brown***

The Court will soon decide plaintiffs' pending motion for leave to amend the master complaint and defendants' motions to dismiss in *Walters v. Flint*, 17-cv-10164, and *Sirls v. Michigan*, 17-cv-10342. Accordingly, the Court will set a briefing schedule for motions to amend the short-form complaints and motions to dismiss in *Marble v. Snyder*, 17-cv-12942, and *Brown v. Snyder*, 18-cv-10726.

## **II. Stays Pending Appeals of Qualified Immunity**

To the extent government defendants are actively appealing the denial of qualified immunity (meaning that the appellate mandate has yet to issue), unnecessary discovery is stayed with respect to that claim as pleaded against that defendant. The Court will clarify this process during the status conference.

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

The Court will explain how discovery will proceed now that the *Guertin* mandate has issued and additional defendants are scheduled to answer. Then, the parties shall update the Court on the bellwether selection process in the individual cases and the status of written discovery, Freedom of Information Act requests, and document-only subpoenas in all cases. The Court will also hear from the parties with respect to whether a shared subpoena status tracking mechanism is required, as suggested by the city defendants. (ECF No. 905.) And finally, the Court will update the parties on its discovery dispute protocol.

## **IV. *Burgess v. United States* Discovery Coordination Update**

On April 18, 2019, Judge Parker denied the government's motions to dismiss in *Burgess v. United States*. (Case No. 17-cv-11218, ECF No. 76.) The government filed a motion to certify Judge Parker's decision for

interlocutory appeal (ECF No. 79), and the plaintiffs' response is due on August 2, 2019. (ECF No. 82.)

**V. Other Discovery Coordination**

The parties should come prepared to update the Court with respect to how discovery is proceeding in other state and federal actions related to the Flint Water Cases. This includes the status of any cases filed in the Western District of Michigan.

**VI. Discussion of Appointment of Sub-Class Counsel**

**VII. 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 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 September 18, 2019.

Dated: July 31, 2019  
Ann Arbor, Michigan

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