

**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

_____ /

AGENDA FOR AUGUST 26, 2020 STATUS CONFERENCE

The Court will hold a video status conference in these cases on Wednesday, August 26, 2020, at 2:00pm EST in Ann Arbor, Michigan. The Court will enter a separate notice containing information to access the video conference. 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.

Counsel for *Lee v. Flint*, 17-cv-11726 requests time to discuss service of pleadings in the Genesee County Circuit Court litigation.

Counsel for *Brown v. Snyder*, 18-cv-10726 and *Rogers v. Snyder*, 18-cv-10713, wishes to discuss whether they can serve record subpoenas directly, instead of service through Interim Co-Liaison Counsel. Counsel also has a related pending motion to conduct discovery filed in *In Re Flint Water Litigation* in Genesee County Circuit Court, Case No. 17-108646-NO. Both courts will hear these matters and issue a joint decision.

The following dates are set for a video discovery conference as needed: September 2, 2020 at 2:00pm and September 23, 2020 at 2:00pm.

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

The Court will set forth deadlines and procedures for Defendants filing answers to the Fifth Amended Class Action Complaint.

III. Individual Cases

MDEQ Defendants and City Defendants request the Court to set forth a timeline for their answers in *Walters* and *Sirls*, and for their answers or responsive pleadings in the remaining individual cases.

The Court and parties will discuss a timeline and procedure for addressing the motions to dismiss on statute of limitations grounds filed in many individual Flint Water Cases. Parties should be prepared to discuss ideas for the coordinated adjudication of these motions.

IV. Bellwether Cases

VNA Defendants request to discuss the selection process for first bellwether trial group, including the September 11, 2020 date when the Court will inform the parties of how many bellwether plaintiffs' cases will be tried. VNA Defendants also wish to discuss timing and coordination of bellwether plaintiff expert depositions.

The City Defendants request to discuss whether the dispositive motion deadline in the first bellwether group should be adjusted. The MDEQ Defendants also ask that the Court consider its proposed schedule for participation in the bellwether cases.

V. Report from the Special Master

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

VI. Scheduling of Next Status Conference

The next status conference will be held on **Wednesday, September 30, 2020** at 2:00pm. Parties are to file proposed agenda items in Case No. 16-cv-10444 by September 16, 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 September 23, 2020.

Dated: August 20, 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 August 20, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager