

**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 SEPTEMBER 25, 2019 STATUS CONFERENCE

The Court will hold a status conference in these cases on September 25, 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. Deposition Scheduling

The parties should be prepared to discuss how to resolve ongoing issues with deposition scheduling in the Flint Water Cases. The Court will consider whether and how to amend the two prior Discovery Coordination Protocol Orders relating to depositions. (ECF Nos. 566, 675.)

II. *In re* Flint Water Cases Discovery

The Court will update the parties on its discovery dispute protocol. The Court will also hear from parties about whether to allow Legionella Plaintiffs to serve their own non-party subpoenas without requiring Interim Lead Counsel, Co-Liaison Counsel, and/or any Defendants to join as a signatory, as suggested by the Plaintiffs Co-Liaison Counsel. (ECF No. 946.)

III. Motion to Strike Class Allegations

VNA and MDEQ Defendants have requested a hearing on the Motion to Strike the Proposed Classes. (ECF No. 914.) The Court will discuss the scheduling of this motion but will not hear oral argument at this status conference.

IV. Master and Short Form Complaint

During the status conference the Court will address the following issues raised by the parties relating to the Master and Short Form Complaints:

- (1) Whether Liane Shekter-Smith's name should be removed from the Amended Short Form Complaint.
- (2) Whether answers or responsive motions must be filed in other cases with Short Form Complaints alleging legionella-related

injuries before this Court reaches a decision in *Marble v. Snyder*, 17-cv-12942 and *Brown v. Snyder*, 18-cv-10726.

(3) How cases *Rogers v. Snyder*, 18-cv-10713 and *Bacon v. Snyder*, 18-cv-10348 should proceed under the Master and Short Form Complaint process.

(4) Whether Defendants need to respond to Short Form Complaints that incorporate certain causes of action from the Master Long Form Complaint (*Walters v. Flint*, 17-cv-10164, ECF No. 115) that are no longer alleged in the Amended Master Complaint. (*Walters v. Flint*, 17-cv-10164, ECF No. 185-2.)

V. Non-Parties at Fault Filings

VNA Defendants have proposed implementing a Short Form Answer method for Notices of Non-Parties at Fault in the filings for individual cases. (ECF No. 944.) The Court will consider this proposal, hear any further suggestions or oppositions, and reach a decision on the record.

VI. 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.

VII. Report from the Special Master

The Special Master will provide a report based upon the Second Interim Report of the Special Master Regarding Data Compilation Based on Responses to the Amended Order Regarding Collection of Data (ECF No. 949) and any other outstanding matters she has been addressing since the last status conference.

VIII. Scheduling of Next Status Conference

The next status conference will be held on November 6, 2019 at 2:00pm in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by October 23, 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 October 30, 2019.

IT IS SO ORDERED.

Dated: September 18, 2019
Ann Arbor, Michigan

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