

**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

_____/

**ORDER REGARDING MATTERS DISCUSSED AT THE
FEBRUARY 20, 2018 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on February 20, 2018. The Court now orders as follows:

Briefing on Leo A. Daly's Motion to Dismiss for Lack of Personal Jurisdiction

Individual liaison counsel may file a response to this motion (Case No. 16-cv-10444, Dkt. 278), in addition to the response already filed by interim co-lead class counsel, on or before **March 13, 2018**, and Leo A. Daly may file a combined reply to all responses to its motion on or before **April 3, 2018**. Oral argument on this motion is set for **April 16, 2018 at 2:00 P.M.**

Adoption of Short-Form Complaint in Individual Non-Class Action Cases

The Court reminds all counsel representing parties in pending individual non-class action lawsuits that the deadline for adopting the short-form complaint is today, **February 22, 2018**. Instructions on how to obtain the short-form complaint are available in the order establishing procedures and timelines regarding the master and short-form complaint. (Case No. 16-cv-10444, Dkt. 347.) Counsel are to file the short-form complaint as an amended complaint on the dockets of their respective pending cases.

Adoption of Short-Form Complaint in Cases Asserting Legionella Claims

Counsel in cases asserting *legionella* claims are directed to adopt the short-form complaint in their cases. Counsel in *Marble v. Snyder* are to advise the Court by e-mail by **close of business on February 23, 2018** whether they believe that case should proceed on a separate track from other individual cases adopting the short-form complaint.

Briefing Regarding Issues Between Interim Co-Lead Class Counsel and Individual Liaison Counsel

Following the conference held in chambers, interim co-lead class counsel may file a brief regarding issues with individual liaison counsel

on or before **March 6, 2018**. Individual liaison counsel may respond on or before **March 20, 2018**. The briefs are to be filed in Case No. 16-cv-10444.

Time and Expense Order Briefing

Interim co-lead class counsel and individual liaison counsel are directed to jointly file the proposed time and expense order or orders in Case No. 16-cv-10444, along with briefing not to exceed ten pages setting forth any points of disagreement with regard to the proposed order or orders. This briefing is due on or before **March 6, 2018**. Defendants may file responses, if any, on or before **March 13, 2018**, also not to exceed ten pages per brief.

Briefing on a Preliminary Discovery Plan

At the status conference, the Court discussed the possibility of a plan regulating discovery to take place prior to a decision on the pending motions to dismiss in *Carthan v. Snyder*, Case No. 16-cv-10444, or forthcoming motions to dismiss in the individual cases.

Interim co-lead class counsel, individual liaison counsel, and defendants are to file briefing regarding a proposed preliminary discovery plan on or before March 22, 2018. Each party may file its own

brief, or join together in briefing. Interim co-lead class counsel should initiate a meet and confer with defendants and individual liaison counsel prior to this filing to determine whether any agreement can be reached as to appropriate preliminary discovery, or whether the parties can narrow the areas of disagreement.

Public Website Containing Important Documents

The Court has created a public website containing important documents relating to these cases. The website is available at: <https://www.mied.uscourts.gov/index.cfm?pageFunction=CasesOfInterest>.

Filing of MDEQ Defendants' Certifications Regarding Production of Documents on Case No. 16-cv-10444

On January 26, 2018, the individual MDEQ defendants provided the Court with certifications regarding whether they independently produced documents responsive to consolidated class plaintiffs' first discovery requests. Only defendants Bradley Wurfel and Daniel Wyant filed their responses on the docket. (Case No. 16-cv-10444, Dkt. 350.) The other MDEQ defendants e-mailed their certifications to the Court. Those defendants are directed to file their certifications on the docket in

Case No. 16-cv-10444 on or before **February 28, 2018**. No other action is required on the part of those defendants.

Scheduling of Next Status Conference

The next status conference will be held on **April 5, 2018, at 11:00 A.M.** in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by **March 22, 2018**. 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 **March 29, 2018**.

IT IS SO ORDERED.

Dated: February 22, 2018
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 February 22, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager