

February 6, 2019

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In Re* FLINT WATER CASES Case No. 16-10444

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STATUS CONFERENCE

BEFORE THE HONORABLE JUDITH E. LEVY  
UNITED STATES DISTRICT JUDGE

FEBRUARY 6, 2019

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*(Continued on next page)*

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P R O C E E D I N G S

THE CLERK: Calling the Flint Water Cases.

THE COURT: All right. Well, welcome and please be seated.

I apologize for getting started a little bit late today. We always have a meeting in chambers at one o'clock prior to the beginning of these two o'clock status conferences. And we did start that on time. But it -- as you can imagine with a good handful of lawyers with an opportunity to speak, it didn't get wrapped up quite as quickly as I had hoped that it would. So thank you for your patience.

Now, I mentioned at our last status conference that we were going to try a new way of having appearances on the record, but we've just decided against that. So we'll -- for this conference, I'll still take everyone's appearance. And hopefully by the next one, your appearance will be registered when you check in with Jeseca.

So if I can start -- there are some new people here and that's one of the reasons I want to make sure that I know who's here and we'll start in the front row.

MS. CHRISTOPHERSON: Gladys Christopherson with Washington Legal.

THE COURT: Okay.

MR. WASHINGTON: Val Washington with Washington Legal on behalf of Anderson Lee and local counsel for the Gulla

1 plaintiffs.

2 THE COURT: Okay. Thank you.

3 MR. MORGAN: Scott Morgan on behalf of Guertin.

4 THE COURT: Oh, thank you, Mr. Morgan.

5 MR. SAWIN: John Sawin for the Guertin plaintiffs.

6 MR. HART: Good afternoon, Your Honor. David Hart on  
7 behalf of the Guertin plaintiffs.

8 THE COURT: Okay. Thank you.

9 MS. CARO: Louise Caro, Napoli Shkolnik on behalf of  
10 plaintiffs.

11 MS. BEREZOFSKY: Esther Berezofsky, Berezofsky Law  
12 Group on behalf of the class plaintiffs and the Gulla  
13 plaintiffs.

14 MR. GESKE: Paul Geske, McGuire Law, on behalf of the  
15 Guertin plaintiffs.

16 MR. STAMATOPOULOS: Craig Stamatopoulos on behalf of  
17 the class plaintiffs.

18 MS. BINGMAN: Good afternoon, Your Honor. Teresa  
19 Bingman on behalf of the class plaintiffs and the Marble  
20 family.

21 THE COURT: Okay. Thank you.

22 MR. GOODMAN: Bill Goodman appearing on behalf of the  
23 same clients as Ms. Bingman.

24 THE COURT: Sure. Thank you, Mr. Goodman.

25 SPECIAL MASTER GREENSPAN: Deborah Greenspan, Special

1 Master.

2 THE COURT: Thank you Ms. Greenspan.

3 MR. STERN: Your Honor, Corey Stern on behalf of the  
4 individual plaintiffs as liaison counsel.

5 MR. PITT: Good afternoon. Michael Pitt co-lead on  
6 class.

7 MR. LEOPOLD: Good afternoon, Your Honor. Ted  
8 Leopold co-lead on behalf of the class.

9 THE COURT: Thank you.

10 MR. SEGARS: Darryl Segars on behalf of the Alexander  
11 plaintiffs.

12 THE COURT: Okay. Thank you.

13 MS. BETTENHAUSEN: Margaret Bettenhausen on behalf of  
14 state defendants.

15 MR. GAMBILL: Nathan Gambill also on behalf of state  
16 defendants.

17 MR. KIM: William Kim on behalf of the City of Flint  
18 and former Mayor Dayne Walling.

19 MR. KLEIN: Sheldon Klein on behalf of the city.

20 MR. BERG: Rick Berg on behalf of the City of Flint.

21 MR. BRONSTEIN: Peretz Bronstein, class plaintiffs.

22 THE COURT: Okay. Thank you.

23 MR. BLAKE: Good afternoon. Jayson Blake, liaison  
24 counsel for the state court class action.

25 MR. LANCIOTTI: Patrick Lanciotti for the individual

1 plaintiffs.

2 MS. FLETCHER: Good afternoon, Your Honor. Shayla  
3 Fletcher on behalf of the Alexander plaintiffs.

4 MR. SANDERS: Good afternoon, Your Honor. Herb  
5 Sanders on behalf of the Alexander plaintiffs.

6 THE COURT: Thank you.

7 MR. MASON: Wayne Mason, Your Honor, on behalf of the  
8 LAN defendants.

9 MR. GALVIN: Good afternoon, Your Honor. Joseph  
10 Galvin on behalf of Jeff Wright, the Genesee County Drain  
11 Commissioner.

12 MR. CAMPBELL: Good afternoon, Your Honor. James  
13 Campbell. I represent the three VNA defendants.

14 MR. GRUNERT: Good afternoon, Your Honor. John  
15 Grunert. I represent the three VNA defendants as well.

16 MR. GRASHOFF: Phil Grashoff, Your Honor,  
17 representing Steven Busch.

18 THE COURT: Thank you.

19 MR. MORGAN: Thaddeus Morgan for Liane Shekter Smith.

20 MR. PATTWELL: Mike Pattwell on behalf of Dan Wyant  
21 and Brad Wurfel.

22 MR. THOMPSON: Craig Thompson on behalf of defendant  
23 Rowe Professional.

24 MR. FAJEN: James Fajen on behalf of Adam Rosenthal.

25 MR. WILDER: Marvin Wilder on behalf of Savage, Gist,

1 and Kirkland plaintiffs.

2 MR. MACDONALD: Good afternoon, Your Honor. Brian  
3 MacDonald on behalf of McLaren.

4 THE COURT: Oh, thank you.

5 MR. WEGLARZ: Your Honor, Todd Weglarz on behalf of  
6 individual plaintiffs Odie Brown and Gradine Rogers.

7 MS. SHEA: Ashley Shea on behalf of the class  
8 plaintiffs.

9 MR. WILSON: Ken Wilson appearing on behalf of  
10 Darnell Earley.

11 THE COURT: Thank you.

12 MR. PERKINS: Good afternoon, Your Honor. May it  
13 please this honorable Court, my name is Todd Russell Perkins  
14 also appearing on behalf of Darnell Earley.

15 MR. BARBIERI: Charles Barbieri for Patrick Cook and  
16 Michael Prysby.

17 MR. CAFFERTY: Michael Cafferty on behalf of Nancy  
18 Peeler.

19 MR. KUHL: Richard Kuhl for the state defendants.

20 MR. KRAUSE: Kurt Krause for Robert Scott.

21 MR. WOLF: Barry Wolf for Gerald Ambrose.

22 MR. MARKER: Good afternoon, your Honor. Christopher  
23 Marker here for Michael Glasgow.

24 MR. MEYERS: Good afternoon, Your Honor. David  
25 Meyers on behalf of Daugherty Johnson.

1 MR. CUMMINS: Your Honor, good afternoon. Richard  
2 Cummins on behalf of Ed Kurtz.

3 THE COURT: All right. Thank you.

4 MR. JENSEN: Good afternoon, Your Honor. Larry  
5 Jensen on behalf of Hurley defendants, Ann Newell, and Norbert  
6 Birchmeir.

7 MR. DE GISI: Good afternoon, Your Honor. Carmen Di  
8 Gisi for Marc Bern and Partners on behalf of various  
9 plaintiffs in various actions.

10 THE COURT: Okay.

11 MR. WALKER: Good afternoon, Your Honor. Renner  
12 Walker on behalf of the individual plaintiffs.

13 MR. GILLIAM: Good afternoon, Your Honor. John  
14 Gilliam on behalf of Jeffrey Wright.

15 MR. NOVAK: Paul Novak on behalf of class plaintiffs.

16 MR. ERICKSON: Philip Erickson co-counsel for the LAN  
17 defendants.

18 MR. MARTINEZ: Cirilo Martinez with the class lawyer.

19 THE COURT: All right. Well, thank you, all, very  
20 much especially in light of the weather today. I appreciate  
21 that you have all made it here and are safe. And I assume  
22 that everyone was safe who tried to get here.

23 So I set forth an agenda. And the first thing on the  
24 agenda was to look at the status of the Guertin case versus  
25 State of Michigan. And the Court received a mandate that was

1 more limited than at first I understood it to be because there  
2 are at least two petitions for rehearing en banc pending with  
3 the Sixth Circuit.

4 So I am interested though in hearing -- it looks like  
5 Mr. Hart is going to speak about it about --

6 Oh, I've just received a note that we need -- is  
7 there a telephone appearance to be made? Okay. We have one  
8 person who's on the phone -- can you hear us -- who could not  
9 make it here due to -- oh, he's muted. Okay. Well, we'll get  
10 his appearance and make sure that it's on the record. Yeah,  
11 we'll get it later. We'll make sure it's on the record.  
12 Okay.

13 So go ahead, Mr. Hart. What the issue is is that in  
14 2017 after I issued a dispositive -- a decision on the  
15 multitude of motions to dismiss your complaint, you filed a  
16 motion to amend. And in light of the fact that at least one  
17 mandate has been issued from the Court of Appeals and sooner  
18 or later there will be others issued, I wanted to know whether  
19 that motion to amend and the proposed amended complaint is  
20 something that you're still seeking to have entered.

21 MR. HART: Well, Your Honor, I think ultimately we  
22 will seek to amend our complaint one way or another. However,  
23 because of that motion being filed in June 2017 at a time, a  
24 snapshot in time and a lot has transpired in this case and the  
25 various cases and particularly in our case, the Guertin case,

1 certainly any motion to amend that we would seek Your Honor's  
2 ruling upon would be somewhat different than the one that is  
3 docketed presently.

4 THE COURT: Okay. Then what I'm interested in  
5 knowing is whether you want to voluntarily withdraw that  
6 motion or whether you want it there as a placeholder for some  
7 reason and if so what would the reason be.

8 MR. HART: Yeah, I don't know that a placeholder is  
9 necessary. I think our motion will be considered certainly  
10 timely as though we had filed it because of the intervening  
11 stay anyway.

12 THE COURT: Right.

13 MR. HART: So if it cleans the docket up, we're  
14 pleased to withdraw it for the time being. So long as it's  
15 understood that it's quite possible and likely that we will  
16 seek to amend our complaint once the appellate process at  
17 least on the pleadings stage of the case is complete.

18 THE COURT: Okay. And I think it would be helpful  
19 for docket management. The Sixth Circuit looks at what I'm  
20 doing, as does Congress. I submit a report every six months  
21 about any motion that's been pending for more than six months.  
22 And so if not other than the appearance that I'm doing my job,  
23 it would be -- I think it would be helpful for that reason.

24 The other thing I'd be interested in is what that  
25 motion -- I've got it here. I've got the proposed amended



1 complaint in front of me here. And one of the things that it  
2 does is it seeks to convert your individual case to a class  
3 case.

4 Is that something you still anticipate doing in the  
5 future?

6 MR. HART: I think it's sort of premature to answer  
7 that in a way that would be something that could be relied  
8 upon.

9 THE COURT: Okay.

10 MR. HART: And Your Honor, I think we would say that  
11 once we know what the various courts of appeal and many of the  
12 defendants have said they intend to ask for the ruling if it  
13 stays as it is currently to go to the Supreme Court. And so  
14 after we have rulings at all those levels, it will be the time  
15 for us to really evaluate exactly how we wish to amend the  
16 complaint.

17 THE COURT: Okay. And the standard for stay for  
18 something pending certiorari at the U.S. Supreme Court is very  
19 different from the standard for a stay at the Court of  
20 Appeals. So I think we'll be in a different position in terms  
21 of managing the case once the Sixth Circuit mandate has issued  
22 on your case.

23 Certiorari: We would say let's cross that bridge  
24 when we come to it.

25 THE COURT: Okay. So would I.

1           So what I'll anticipate is that by the end of the  
2 week you'll voluntarily dismiss your current motion to amend  
3 because it's not the motion that you would be filing anyway.

4           MR. HART: Yes, that's true, Judge. And I would say  
5 that we think because of the current context of the case,  
6 perhaps there should be some consideration of how the various  
7 appeals should be coordinated. And we've spoken to liaison  
8 counsel and class counsel on that topic and would be  
9 interested in, well, perhaps Your Honor's thought on that  
10 topic.

11           THE COURT: I don't know what you mean by that. What  
12 angle of the appeal would I have any authority over?

13           MR. HART: Well, our appeal -- and we're the  
14 appellees.

15           THE COURT: Yes.

16           MR. HART: Is but one of other appeals that are  
17 pending now and perhaps many appeals that will occur in this  
18 case. And we think that because of the -- obviously those  
19 rulings are going to bind everything that goes on in this big  
20 case.

21           THE COURT: Yes.

22           MR. HART: Perhaps there should be a discussion about  
23 coordination of how those appeals are prosecuted, at least on  
24 the plaintiffs' side.

25           THE COURT: But does that require any action from me?

1 MR. HART: It might.

2 THE COURT: Okay.

3 MR. HART: For instance, Your Honor could appoint  
4 liaison appellate counsel, as an example.

5 THE COURT: So the Court of Appeals wouldn't appoint  
6 liaison appellate counsel. I would.

7 MR. HART: Perhaps, yes.

8 THE COURT: Okay. Well, I'm very open to that. I'd  
9 like to see this process expedited. And I'd like that at all  
10 levels. My own work as well as all of your work as well as  
11 that of the Court of Appeals. So anything that I can do to  
12 assist in that, I want to do. So I would suggest that you  
13 present a proposal for that.

14 MR. HART: Perfect. Thank you.

15 THE COURT: And if it has any impact on the  
16 defendants, I suggest that you consult with them, circulate it  
17 with the defendants. If you think there's something they have  
18 an authority to weigh in on, let them know. But if you don't,  
19 then you would proceed otherwise.

20 MR. HART: Thank you, your Honor.

21 THE COURT: Okay. I'm not sure I understand -- I'm  
22 looking forward to what that might look like.

23 MR. HART: Perfect.

24 THE COURT: Because what my effort is to avoid this  
25 evil word, "piecemeal" litigation where things are just going

1 in all different directions at the same time and it becomes  
2 impossible to manage and to -- so to the extent your effort  
3 can assist in avoiding that I'd appreciate it.

4 MR. HART: Thank you, your Honor.

5 THE COURT: Sure. The next thing on the agenda for  
6 today is to discuss the case management order that was  
7 submitted. And there's also a motion -- the motions for stay  
8 of discovery. And we had some significant amount of time that  
9 was spent upstairs discussing the motions to stay as well as  
10 the case management order.

11 And I guess what I can offer now is if any of the  
12 defendants want to provide a brief argument that's not in your  
13 briefs, I would welcome that. Or if there's one or two things  
14 you want to say from your briefs, now would be the time to do  
15 it. Mr. Gambill.

16 MR. GAMBILL: Yes. Thank you, your Honor. I just --  
17 based on from what I understand of the discussion beforehand  
18 was that the Court was interested in the case of the  
19 Crawford-El case I believe is what it's called.

20 THE COURT: Yes.

21 MR. GAMBILL: And I just wanted to address the  
22 Court's attention to the language that we cite on -- this is  
23 page ID 20072. And it's docket number 716. To emphasize that  
24 Crawford-El discusses limited discovery in the context of a  
25 summary judgment motion.

1 THE COURT: I know it does.

2 MR. GAMBILL: But in the context of a motion to  
3 dismiss it confirms the fact that the Court has to decide the  
4 qualified immunity issue before discovery when it's raised as  
5 a threshold issue. And that's the citation that we -- that  
6 I'm drawing the Court's attention to.

7 THE COURT: Okay. And I absolutely agree with you  
8 that Crawford-El, what the Supreme Court was looking at was  
9 the motion to dismiss had already been adjudicated and there  
10 was going to be a motion for summary judgment on qualified  
11 immunity. And so the Court was trying to figure out what kind  
12 of discovery should the defendants who are arguing for  
13 qualified immunity be subjected to during that time period.

14 What I find instructive about the case is that it  
15 sets forth the general approach that the trial court is to  
16 take under circumstances where defendants are arguing for  
17 qualified immunity.

18 And even though in our case it's at the motion to  
19 dismiss stage so it's a legal question and not factual --  
20 there's no factual dispute that has to be flushed out at this  
21 point.

22 But the court in Crawford-El says that -- it  
23 discusses discovery as that officials should not be subjected  
24 to unnecessary and burdensome discovery or trial proceedings  
25 in the context of seeking immunity. And that's probably the

1 most helpful thing for me in fashioning what should happen  
2 here.

3 So I'm looking at that case combined with the Fifth  
4 Circuit's 1987 decision in Boulos v Wilson, B-O-U-L-O-S v  
5 Wilson in 1987. And that case is also a qualified immunity  
6 case. And it looks at avoiding discovery that's or  
7 prohibiting discovery unless it's unavoidable. And that's  
8 really the key here for me or overly broad.

9 And it talks about defendant seeking immunity should  
10 be exempt from avoidable burdensome pretrial matters. And  
11 that's what I intend to protect the defendants in this case  
12 from.

13 But what we have here -- and I think the VNA  
14 defendants' brief was concise and to the point on this. They  
15 and LAN have filed notices of nonparty fault in this case. So  
16 even if all of the defendants seeking immunity are ultimately  
17 dismissed by the en banc review, should that happen.

18 Let's say that happens, they have been identified as  
19 nonparties at fault. And there is information -- we won't  
20 call it discovery. There's third party nonparty information  
21 that is unavoidable that they would need to provide so that  
22 the private defendants and plaintiffs can litigate their case.

23 So what I intend to do -- and I apologize if I wasn't  
24 clear the last time -- is not open all discovery. The briefs  
25 talked in terms that I was prepared to order depositions and

1 all manner of interrogatories. And that's not what my  
2 intention is.

3 My intention is to narrowly thread a needle that  
4 avoids unduly burdensome requests for defendants seeking  
5 immunity, that avoids anything that can't be -- that can be  
6 avoided.

7 So I imagine that there are document requests that  
8 could go out to all of the defendants about policies and  
9 procedures as a matter of course in their offices. How do you  
10 review incoming lead and copper tests? How do you -- what is  
11 the process for this and that? Things of that nature I think  
12 probably can be answered.

13 And so within the framework that Crawford-El talks  
14 about, not subjecting anyone to unnecessary and burdensome  
15 discovery, and the other cases that talk about unavoidable  
16 document requests and so on can be permitted in a circumstance  
17 like this.

18 MR. GAMBILL: So just very briefly, Your Honor.

19 THE COURT: Sure.

20 MR. GAMBILL: Because I know that we're trying to  
21 keep to the agenda. Just a couple of quick points.

22 First, I would direct the Court to page 598 of the  
23 Crawford-El opinion, which is section 4.

24 THE COURT: That's the part I was just reading.

25 MR. GAMBILL: No, I believe you were reading from

1 footnote 14, if I'm not mistaken.

2 THE COURT: Okay. What do you want me to read?

3 MR. GAMBILL: I want you to read on page 598 where  
4 the court in the middle of that large paragraph indicates that  
5 --

6 THE COURT: Second, if the defendant does plead the  
7 immunity defense, the district court should resolve that  
8 threshold question before permitting discovery?

9 MR. GAMBILL: Yes. That's exactly it. Thank you,  
10 your Honor.

11 So and the other point I wish to make was just that  
12 -- oh, to also direct the Court to the Kennedy opinion which  
13 is a Sixth Circuit opinion which makes very clear that at the  
14 first stage when qualified immunity is raised as a threshold  
15 issue on the pleadings, that district courts are obligated to  
16 stay discovery until it's resolved.

17 And so we do not read Crawford-El to give the Court  
18 discretion before ruling on the qualified immunity puts you at  
19 the pleading stage to allow discovery. So I just wanted to  
20 make clear our position on that.

21 THE COURT: Well, and here's what I plan to do.  
22 Because what's going on is the state and the MDEQ and the city  
23 defendants, the public -- the government defendants are  
24 opposing discovery until the issue of qualified immunity has  
25 been addressed. But what we have is the Carthan case. And so



1 you're opposing it until -- well, we have Guertin. Let's  
2 start with them.

3 You're opposing it there even though there's an  
4 answer by the civil engineering firms. And you're a third  
5 party to their case even if you're not a defendant. But  
6 you're opposing it there. Then so you're saying in no cases  
7 can there be discovery. Then we're going to have Walters and  
8 Sirls and that won't be done for another six or seven months  
9 after that and you'll be opposing it in all cases because  
10 you're asserting.

11 And then we're going to have Marble. And then we're  
12 going to have everyone else's case. And the cases will get no  
13 where and that won't serve your clients. Because memories  
14 fade, people move, documents get destroyed, floods, fires, all  
15 manner of catastrophes happen in the world.

16 MR. GAMBILL: And based on the Court's comments, I  
17 think it's worthwhile to clarify what our position is.

18 THE COURT: Okay.

19 MR. GAMBILL: We're not suggesting that there should  
20 be -- that we don't have to participate in nonparty discovery,  
21 that if our clients get completely dismissed out of all of  
22 these, we're not suggesting that the Court -- that we can rely  
23 on qualified immunity to not participate in nonparty  
24 discovery. That's not what we're suggesting.

25 But there's a big difference from our perspective

1 between party discovery and nonparty discovery. That's a very  
2 meaningful --

3 THE COURT: Oh, I think there's a very meaningful  
4 difference. But if we can, first of all, just get an agreed  
5 upon case management order. So that's not discovery at all.  
6 And you're not waiving any immunity, Eleventh Amendment or  
7 qualified immunity, by participating or sitting in chambers if  
8 you're ordered to under protest to just work out what the  
9 process will be when there's a mandate.

10 Because what I won't allow to happen in this case is  
11 for a mandate to issue. I don't know how long it takes for  
12 the Sixth Circuit to consider whether to hear something en  
13 banc generally. Probably another three months or so.

14 Do you know, Mr. Gambill?

15 MR. GAMBILL: I don't, Your Honor, no.

16 THE COURT: Okay. But let's say it's three months  
17 for them to just decide, another two months for a hearing, and  
18 another four months for a decision. So we're talking eight or  
19 nine or ten months.

20 But the minute that mandate issues, I expect  
21 everybody here to have interrogatories in the cloud that are  
22 being dropped on everyone. Because then we're going to move  
23 the case. We are going to have a trial. We're going to get a  
24 resolution for both sides.

25 Too many of these defendants have their lives upended

1 by charges. Too many of the plaintiffs have so much  
2 uncertainty and a desperate cry for a resolution that I see  
3 and hear. So we're going to have a case management order in  
4 place so that the minute a mandate issues, discovery's  
5 underway.

6 So that's not discovery, just negotiating it. So  
7 what we'll do is I'll set in approximately a month a work  
8 session in chambers and we will go through the current  
9 proposed case management order that's in six different colors  
10 for who agrees to what and we'll get it into one color.

11 And then what I'll do is consider what limited  
12 discovery can be obtained or limited document production can  
13 be obtained from those who are asserting qualified immunity.  
14 You'll have every opportunity to protest that.

15 I think you've implied in your briefing that you can  
16 also appeal it, that that would be an interlocutory appeal. I  
17 don't know about the answer to that.

18 MR. GAMBILL: I think that the case law is fairly  
19 clear.

20 THE COURT: Okay.

21 MR. GAMBILL: In some regards, yes. And so that all  
22 sounds reasonable, Your Honor. But just for the purposes of  
23 the record, we do wish to preserve our objection to that  
24 process.

25 THE COURT: Okay. That is noted. And I will say

1 also that the case that Judge Borman handled where he said I'm  
2 not going to rule on the qualified immunity until discovery is  
3 done. Is it Brighton Schools? Well, that's not what I'm  
4 doing. I'm not -- and the Sixth Circuit was clear in its  
5 remand on that case.

6 But what I do want to look at down the road once we  
7 have a case management order that would govern this is whether  
8 there is some initial exchange that's beyond what has already  
9 taken place that can take place. Skousen v Brighton High  
10 School.

11 I'm not -- I have ruled already on the qualified  
12 immunity in Guertin. I ruled in Carthan. I saw fit to  
13 backtrack my ruling and pull it back. But I'm not refusing to  
14 rule so that I can subject defendants to discovery. That's  
15 not what's happening here. I'm following the rules as best I  
16 can.

17 Mr. Kuhl disagrees with some of that I think because  
18 I made up one rule. But other than making up that rule about  
19 how we were going to address the motion to amend and the  
20 motion to dismiss at one time, I'm doing my best to follow the  
21 rules.

22 So you will preserve your objection. But and you're  
23 not -- and Mr. Barbieri would also like to make his --

24 MR. BARBIERI: Your Honor I wish to share --

25 THE COURT: Say who you are for the record.

1 MR. BARBIERI: Yes. Charles Barbieri for MDEQ  
2 defendants. I speak on behalf of them in terms of the motion  
3 concurring in the stay request that was made by the state  
4 defendants. We take the same position. I have one question.  
5 And then -- well, actually two questions.

6 MR. GAMBILL: I have nothing further, Your Honor.

7 THE COURT: Okay. Thank you, Mr. Gambill.

8 MR. BARBIERI: May I assume from the exchange that  
9 we've had, you will put this in an order, Your Honor?

10 THE COURT: Yes.

11 MR. BARBIERI: Okay.

12 THE COURT: But I can put it in an order. What I'm  
13 trying to do is move these cases. And if I can turn my  
14 attention to the motion to amend in Carthan and the motion to  
15 -- and the dismissal effort, that's really what I want to turn  
16 my attention to. So I won't get it into a written order until  
17 after that's done.

18 MR. BARBIERI: Your Honor, I would respectfully  
19 request that we have a ruling on it.

20 THE COURT: Okay.

21 MR. BARBIERI: And number two, may I assume that  
22 you've not made any determinations as to Fifth Amendment of  
23 rights in terms of any future discovery requests that may  
24 occur?

25 THE COURT: I have made a decision, which is that

1 Fifth Amendment rights will be carefully protected. And I  
2 will adjudicate that protection understanding what's at stake.  
3 And so once we get to that -- I don't think we're at that  
4 point where anyone is going to be compelled or subpoenaed to  
5 testify in any way.

6 And I know document production can implicate Fifth  
7 Amendment rights. But I will adjudicate that myself with an  
8 eye to protecting everyone's constitutional rights.

9 But here the problem, Mr. Barbieri, is that to reduce  
10 this to writing, really the decision that I'm making right now  
11 is just to work on the case management order. So it's really  
12 not granting or denying the motion. And I don't see a reason  
13 to issue a reasoned decision on the fact that we're going to  
14 negotiate a case management order that doesn't compel anyone  
15 to do anything.

16 What I'd like to -- so what I'll do is I'll issue a  
17 ruling on these motions at the point that any kind of request  
18 would go forward. I'll do it then so that you have that to  
19 appeal.

20 Do you think you have a right to appeal just meeting  
21 to negotiate a case management order that would be triggered  
22 in large part by an answer in a 26(f) conference?

23 MR. BARBIERI: Well, Your Honor, you're asking an  
24 incremental question that how far does the camel's head get  
25 into the tent.

1           Quite frankly, I think Mr. Gambill's recitation of  
2 the law was correct. I don't think you have any discretion to  
3 even do some of these step by steps that you would like with  
4 what you view as being unavoidable.

5           THE COURT: But this is not discovery. Just having  
6 the case management order is not ordering discovery. That's  
7 what Crawford-El and all of the other cases that you've cited  
8 talk about is actually -- the burdens of producing documents  
9 and testimony and all of that.

10           MR. BARBIERI: I don't read it as narrowly as Your  
11 Honor because I look at immunity as protecting against the  
12 very acts of being involved in anything remotely involving  
13 discovery.

14           THE COURT: Okay.

15           MR. BARBIERI: So I respect what I've heard, Your  
16 Honor. But I wish it to be I guess on the record of  
17 indicating I believe we're entitled to a ruling.

18           THE COURT: Okay. No, you'll certainly get a ruling.

19           MR. BARBIERI: Thank you.

20           THE COURT: Okay. Mr. Grunert.

21           MR. GRUNERT: Your Honor, John Grunert representing  
22 the three Veolia North America defendants.

23           In light of the limited relief, if you will, that you  
24 are contemplating, I'm going to be very brief. But especially  
25 having listened to comments that were just made by the

1 discretion you have or don't have, the fact is that the Flint  
2 water cases are many, many different cases.

3 And in some of those cases, government defendants who  
4 are claiming immunity are not parties. And in those cases  
5 there is no reason why the parties, plaintiff or defendant,  
6 cannot take as far ranging nonparty discovery as they choose.

7 THE COURT: That is true. And I'm assuming that's  
8 not a part of this motion to stay because they can't move to  
9 stay something they're not a part of.

10 MR. GRUNERT: Well, but they have -- their motions  
11 have said that they can't be subjected to discovery in any of  
12 the cases in the Flint Water Cases. And to the extent that  
13 they are not defendants in cases, obviously they can't be  
14 forced to respond to request for admission or to  
15 interrogatories, but they can be served with document  
16 subpoenas and they can be served with testimonial subpoenas.

17 And that right is not subject to any of the language  
18 that they have read to you from cases in which they're a  
19 party. That's the only point I wanted to make, Your Honor.

20 THE COURT: Okay.

21 MR. GRUNERT: Thank you.

22 THE COURT: I agree with that point. Okay.

23 Okay. On the general point that Mr. Barbieri and I  
24 think others are making about subject matter jurisdiction and  
25 whether I even have jurisdiction at all over at least the



1 Carthan matter at this point, I think you -- everybody has  
2 read the November 9th order.

3 And to be perfectly clear about what I was trying to  
4 achieve there is that I had a motion to amend the consolidated  
5 class action following an adverse decision. As I read the  
6 law, following an adverse decision, the party must move to set  
7 aside that decision or judgment and then go from there.

8 Otherwise there is confusion about what remains the  
9 state of the case from the earlier decision and then there's a  
10 new complaint that contains some of the original counts. And  
11 so I think that the rule makes sense or the law makes sense on  
12 that, that that's why you need to move to set that aside.

13 But setting that aside, my job here is to manage one  
14 piece of complicated litigation. And in determining how to do  
15 that, I believe that I have discretion even if the plaintiffs  
16 had not filed the motion that I interpreted as a motion to set  
17 aside that decision. I think I have the authority to set  
18 aside my own decision anyway in furtherance of case management  
19 purposes and avoiding piecemeal litigation and moving the  
20 litigation forward for the benefit of all the parties.

21 So regardless of whether that motion sought to set  
22 aside the August 1st Carthan decision, which it didn't  
23 explicitly, I interpreted it that way, but I would have done  
24 it even if I had not interpreted the motion in that manner.  
25 Because I think I have apparent authority to manage my own

1 docket and specifically when faced with litigation of this  
2 complexity.

3 So I just wanted to be clear because there have been  
4 assertions that I'm lacking authority to do anything at this  
5 point.

6 So next on the agenda was the motion to strike and  
7 for sanctions. And I think we had a fruitful discussion on  
8 that in chambers. And I don't know that we would benefit from  
9 any repetition of that.

10 Mr. Galvin, Mr. Kuhl, is there anything you think you  
11 need to put on the record?

12 MR. GALVIN: Nothing except the answer to this  
13 question, Your Honor.

14 THE COURT: Okay.

15 MR. KUHL: No, Your Honor. Thank you.

16 THE COURT: Thank you, both, very much. Okay. We've  
17 addressed number five is the issue of whether Mr. Kurtz is in  
18 the Walters case, but I think that's been addressed. So we  
19 don't need to address that.

20 So Deborah Greenspan is the special master who's been  
21 appointed in this case. And I asked her to provide a report  
22 to counsel on the census order that she has been working on.  
23 So can you use the microphone at the podium?

24 MS. GREENSPAN: Yes.

25 THE COURT: Good.

1 MS. GREENSPAN: As long as it's flexible I can use  
2 the microphone. Thank you, your Honor.

3 I think as everybody should know, the Court issued an  
4 amended order that required the plaintiffs' counsel to provide  
5 certain data. The order is really to collect certain claims  
6 data so that we can get a better understanding of what claims  
7 are actually have surfaced in this litigation. Not all of the  
8 claims have actually been filed. And in some cases claims are  
9 involved in multi plaintiff actions.

10 And so this effort was intended to collect  
11 information to understand better how many actual parties there  
12 are or what I would call injured parties or allegedly injured  
13 parties in this litigation.

14 So the plaintiffs' counsel were asked -- were  
15 required by the order to submit claim data by December 28th,  
16 2018. And I had received claim data and I'm going to report  
17 now on really where we are in this process and what we have  
18 received to date.

19 I'm going to preface this by saying I think that the  
20 law firms worked very hard pulling together this data. We  
21 asked for a lot of detailed information about individual  
22 claimants and that I think in some cases the counsel were not  
23 able to get all of the data completed by the December 28th  
24 date.

25 I know that they had to go back to their individual

1 clients for further information. I know that they had to  
2 basically conform their data or translate their data into a  
3 format that meant our data collection template. So I'm  
4 calling this an interim progress report. We are still working  
5 with counsel to collect additional information and to clarify  
6 some information.

7 So having said that, I will give a few pieces of  
8 information here that we have compiled to date. First I  
9 received data from nine law firms. And I'm happy to list the  
10 firms if Your Honor would like me to do so.

11 THE COURT: Sure.

12 SPECIAL MASTER GREENSPAN: I received data from the  
13 Berezofsky firm, from the Cuker firm, the Goodman Hurwitz  
14 firm, the Levy Konigsberg firm, Marc Bern firm, the Napoli  
15 firm, the Pitt firm, the Sanders firm, and the Sawin,  
16 S-A-W-I-N, firm. Those are the firms that submitted data by  
17 December 28th. And I haven't received any data from any other  
18 firm since that time.

19 THE COURT: And let me just pause now and ask if  
20 there are any plaintiffs' counsel who did not comply with the  
21 Court's order to submit this data.

22 MR. WEGLARZ: Good afternoon, Your Honor. Todd  
23 Weglarz for Brown and Rogers.

24 We recently received our login info just last month  
25 in January. We did recently submit the claims info for the

1 two file plaintiffs. I represent some putative members. And  
2 we're inputting that as we speak. We'll have the rest of it  
3 probably in the next week.

4 THE COURT: Okay. Is there anyone else who -- Mr.  
5 Washington.

6 MR. WASHINGTON: Yes, Judge. We don't know --

7 THE COURT: Say your name.

8 MR. WASHINGTON: Val Washington on behalf of Anderson  
9 Lee and local counsel for Gulla.

10 We have provided -- we have prepared this information  
11 in state court. We have this information collected but it has  
12 not been submitted. I don't know anything about a login. So  
13 I may be confessing my ignorance in open court but I'm doing  
14 it because I want the information to be transmitted and  
15 collected because we've gotten the information from our people  
16 to the extent we can get it. We just now need to get it in  
17 the right place.

18 THE COURT: Okay. Well, Ms. Greenspan can provide it  
19 to you.

20 MR. WASHINGTON: Okay.

21 THE COURT: I think it was in the -- the order  
22 described how you would obtain it. But we'll cut that short  
23 and after this conference you'll discuss it.

24 MR. WASHINGTON: I will. Thank you.

25 SPECIAL MASTER GREENSPAN: Let me just clarify for

1 anybody else who doesn't have that information. We had  
2 circulated a request that any law firm send me an e-mail with  
3 -- with the name of the person who we should be contacting at  
4 the firm. And once I received that e-mail I sent the login  
5 information and we set up a secured site.

6 MR. WASHINGTON: Okay.

7 SPECIAL MASTER GREENSPAN: So once I know who to  
8 communicate with, I will provide the login details and the --  
9 and we'll have the secure site set up so that you can upload  
10 the information into the site.

11 MR. WASHINGTON: Is it kind of an Excel format.

12 SPECIAL MASTER GREENSPAN: It is in an Excel format.  
13 So if there's anybody who needs to submit data, if they were  
14 to send me an e-mail, I will circulate all the instructions.

15 THE COURT: Okay. Is there anyone here from the  
16 Fieger firm?

17 MR. WEGLARZ: Yes, your Honor.

18 THE COURT: Okay. Mr. Weglarz. Okay. Of course.  
19 So I'm trying to think of any other firms that may not have  
20 submitted their data. Mr. Stern.

21 MR. STERN: I think that off the top of my head, Your  
22 Honor, in terms of the individual cases, I don't know the name  
23 of the case, but there's -- I think the attorney 's last name  
24 is Diallo. I can find for Ms. Greenspan the name of the  
25 actual case.

1 THE COURT: Okay.

2 MR. STERN: And then off the top of my head, the  
3 Boler case. I'm not sure if based on the status of the appeal  
4 or the fact that it's been consolidated anything needs to be  
5 done by them. But I don't think this was related to any  
6 appeals. I think it's for everyone. And those may only be a  
7 few individuals. But there was no mention of that.

8 And off the top of my head that's it. I'm not sure  
9 if Guertin is applicable based on, you know, where they stand.  
10 But there are no other cases that I can think of besides those  
11 three where there may be claim information that needs to be  
12 presented.

13 THE COURT: Mr. Hart, have you submitted your  
14 information?

15 MR. HART: Yes, we did. And the law firm's, Mr.  
16 Sawin was mentioned.

17 THE COURT: Okay. Got it. Got it. Yes.

18 MR. WILDER: Your Honor, Marvin Wilder. I'm here for  
19 Lillian Diallo which was one of the firms that was mentioned.

20 THE COURT: Oh, good.

21 MR. WILDER: I will make sure that the special master  
22 receive the e-mail so that that information can be passed on.

23 THE COURT: Okay. Thank you.

24 SPECIAL MASTER GREENSPAN: Okay. I'd like to give  
25 just a few pieces of information from the preliminary -- the

1 initial results from the data that we have collected so far.

2 Ask the law firms to identify individual injured  
3 parties. The combined data provided a total of 26,664 injured  
4 parties. So that's how many we have collected to date.

5 We have also looked at the data to determine whether  
6 these are unique parties. We found 3,021 that looked like  
7 they might be duplicates. They are based on a name and date  
8 of birth. But we are confirming working with the law firms to  
9 confirm whether, in fact, they are duplicate entries. In some  
10 cases it appears to be a duplication within a law firm's  
11 commission. In other cases it appears to be a duplication  
12 with another law firm.

13 And so we're in the process of identifying those and  
14 confirming and working out whether, in fact, they are  
15 duplicate entries.

16 We have -- in some cases information was omitted or  
17 missing. I explained earlier I think people had to have to go  
18 back to clients. Some of the data has to still be collected.  
19 It is not surprising that with this volume of data that  
20 there's some information that couldn't be provided in this  
21 first submission.

22 But one of the important pieces of information that  
23 we don't have is we are missing dates of birth for 5,135  
24 individuals. And that's important because we are looking at  
25 the ages of these different injured parties.



1           And then just briefly, I will go over a couple of  
2 other summary results. There are out of the 26,000 total  
3 injured parties, it appears that close to 24,000 are asserting  
4 a personal injury or wrongful death in the aggregate.

5           And in addition, we have a variety of different types  
6 of assertions of a type of injury. And I believe that some of  
7 this data is quite preliminary and will need to be actually  
8 checked because it looks like people might have written down  
9 something without -- that needs a little bit more definition.

10           But some of the categories where we've seen is  
11 exposure to E. Coli and other bacteria, lead exposure, hair  
12 loss, skin rash, irritation, the legionella conditions,  
13 infectious diseases. We've seen all of those mentioned in the  
14 data. And I'm not going to give those numbers because I think  
15 that they all require some follow-up clarification.

16           Out of the injured parties that we've identified,  
17 7,903 are under the age of 18 as of 2014, the end of 2014.

18           And I think one more relevant piece of information.  
19 It appears that we have information in the data that indicates  
20 that about 6,400 individuals say that their water has been  
21 tested. And we have information in the data that says that  
22 about 4,000 individuals have had their blood lead level  
23 tested. About 2,600 of those are under the age of 18.

24           Those are the preliminary results and I'm going to  
25 stress preliminary one more time.

1           THE COURT: Thank you, very much. And I appreciate  
2 the effort that went in both from Ms. Greenspan obviously but  
3 also the plaintiffs to get all of this volume of information  
4 to her in a format that could be used.

5           And just doing a very rough math calculation, it  
6 looks like about 28 percent of residents in Flint have  
7 contacted a lawyer or are represented by counsel at this  
8 point. So it gives us just a sense of where things stand with  
9 respect to the types of injuries and the numbers of people  
10 currently who are working with a lawyer.

11           So what we agreed upon in chambers is that Ms.  
12 Greenspan will e-mail her preliminary report to the various  
13 sort of executive committee of defense lawyers and the  
14 appointed plaintiffs' counsel.

15           And over the course of a week, they will let her know  
16 about whether there's any objection to that report being filed  
17 on the docket as an interim preliminary report. She will also  
18 provide to them a breakdown or they will within that same  
19 timeframe let Ms. Greenspan know whether there will be any  
20 benefit to counsel knowing the breakdown of what firm, how  
21 many cases each firm has. I don't know what the benefit would  
22 be myself, but I'll leave that to all of you.

23           And then she'll inform me. And based on that, I'll  
24 make a decision about whether to file the interim -- whether  
25 she should file her report on the docket. So thank you.

1 SPECIAL MASTER GREENSPAN: Thank you.

2 THE COURT: I want to go back -- Mr. Stern, can you  
3 just place on the record the information about Mr. Kurtz?

4 MR. STERN: Your Honor, Corey Stern.

5 THE COURT: Yes.

6 MR. STERN: In the filing of the proposed amended  
7 master long-form complaint, it was liaison counsel's intention  
8 not to include Mr. Kurtz as a defendant.

9 In the city's response to the motion addressed in I  
10 believe it's footnote 1 to their motion, it references meet  
11 and confer that we had wherein we expressed that to them. And  
12 we're now just putting on the record for the Court's  
13 information that it's not our intention to pursue him as a  
14 defendant.

15 THE COURT: Okay. Thank you. And the next item on  
16 the agenda was any update that would be beneficial regarding  
17 nonparty subpoenas. Mr. Grunert I think has been in charge of  
18 that. But if there's no update, we don't need to have an  
19 update.

20 There was a telephonic status conference or hearing  
21 regarding a Genesee County Health Department subpoena where  
22 the health department had not been responsive in a timely  
23 manner to the subpoena that was sent out. And counsel for the  
24 health department was present for that and agreed subsequent  
25 to or during the hearing to expedite their response.

1           So is there anything further on any of the other  
2 nonparty subpoenas?

3           MR. GRUNERT: May I just speak from here, Your Honor?

4           THE COURT: Yeah. As long as you just speak loudly.

5           MR. GRUNERT: I will. And I will introduce myself.  
6 John Grunert for the VNA defendant. One update on the Genesee  
7 County Health Department subpoena is that yesterday when I was  
8 out here, I received an e-mail indicating that the Genesee  
9 County Health Department has now shipped to us and presumably  
10 will be shipped to other parties four more boxes of lead  
11 related documents. Not legionella. Nothing else.

12           It's basically the same type of documents that they  
13 made a partial production of before. So that has happened and  
14 there's going to be I don't know how many thousands of  
15 additional pages but many thousands of pages.

16           THE COURT: Okay.

17           MR. GRUNERT: The only other -- really two items.  
18 Number one, there has been an issue about payment of invoices.  
19 The special master is taking that matter in hand. So that is  
20 not an issue that you need to consider. It is simply  
21 something that has caused some additional delay but it's going  
22 to be cured now.

23           And number three is that Mr. Leopold and I have  
24 talked about the need for us to sit down obviously with the  
25 input and involvement of others but to try to tweak the

1 nonparty document subpoena process so as to eliminate some  
2 inefficiencies that have becomes apparent as experience has  
3 been cumulated.

4 THE COURT: Okay.

5 MR. GRUNERT: And unfortunately we haven't done that  
6 yet because we've had other things on our mind. But we are  
7 going to do it and hopefully that will be something that we  
8 can do either before or in conjunction with the CMO meeting.  
9 That's all I have to report.

10 THE COURT: Okay. Thank you. Well, I would just  
11 remind the parties that if there are obstacles, I would have  
12 no way of knowing about it unless you bring it to my  
13 attention.

14 And the practice guidelines that I've set up on the  
15 Eastern District's website require that you contact chambers,  
16 that we try tow get it resolved in either an in person or  
17 telephonic conference and that it can be reduced to a motion  
18 to compel or whatever if it can't be resolved. So I just want  
19 to remind everybody that that process is available.

20 So the next issue was the motion practice in non lead  
21 cases. I think there was just a question raised about that.  
22 And I just want to clarify that the order in which things are  
23 happening is that I'm addressing the motion to amend with the  
24 responses that I'm interpreting -- as also as motions to  
25 dismiss any parts of it that would be granted or permitted.

1 So that will be the first thing that I'm doing.

2 I'll turn after that to the Walters and Sirls similar  
3 motion to amend. And then to Marble after that. And then  
4 when Marble is done, we'll get to any of the short form  
5 motions that aren't in some way already addressed.

6 Mr. Goodman.

7 MR. GOODMAN: Your Honor, if I may speak from here.  
8 William Goodman on behalf of the Marble plaintiffs.

9 Just so I understand the scheduling of that, our  
10 motion to amend will be filed subsequent to the Court's ruling  
11 on the Sirls and Walters motion as I understand.

12 THE COURT: Yes. That's a little bit complicated  
13 because the Sirls and Walters will impact the master long-form  
14 complaint for your short form. But are you saying then you  
15 have a separate amendment to your short form?

16 MR. GOODMAN: Correct.

17 THE COURT: Yeah. We will need -- so once I've  
18 finished with the Carthan and I've turned to Walters and  
19 Sirls, I think it does make sense to make sure there's a  
20 scheduled to understand what your amendment would be so that  
21 we know what's different about your case, which is a  
22 legionella case. So that will be the first time that we  
23 addressed those issues in the same way. You've added McLaren  
24 as a defendant, so.

25 Mr. Stern, does that make sense?

1 MR. STERN: I think --

2 THE COURT: As liaison --

3 MR. STERN: I think it does, Your Honor. I think the  
4 point is that there's some defendants that are included in the  
5 Marble complaint that don't exist as part of the process that  
6 we're all going through to try to determine what counts stay  
7 and what counts don't.

8 And it would be imperative for Mr. Goodman and his  
9 team to be able to have the opportunity to raise the issues as  
10 to the defendants that don't exist.

11 THE COURT: Okay.

12 MR. GOODMAN: So in terms of just scheduling, we'll  
13 wait for guidance from the Court?

14 THE COURT: Yes.

15 MR. GOODMAN: Thank you.

16 THE COURT: And you've drawn it to our attention so  
17 we'll put it on the list somewhere to make sure we address it.

18 MR. GOODMAN: Thank you.

19 THE COURT: Thank you. Well, the next thing --  
20 there's something that I left off the agenda, which is just  
21 that I continue to attempt to coordinate with the state court  
22 litigation. Mr. Blake I think is here and he's doing his best  
23 to assist with that as well as others who are in both state  
24 and federal court.

25 So I think we'll just put a regular item on the

1 agenda to get some kind of report either from me or from  
2 counsel about any issues that have arisen in coordinating  
3 between federal and state court.

4 The other thing is the last item on the agenda  
5 discusses the next status conference on May 15th. And what  
6 I'll do is have one sooner than that. It's become apparent to  
7 me that if we wait three or three and a half months, there is  
8 a very long list of things that have come up the and things  
9 are beginning to come up between the conferences. And so  
10 perhaps that way more can get done on the record and be  
11 handled in an efficient way.

12 So I'll set -- the next thing that I'll set is a  
13 session to work in chambers on the case management order,  
14 which I don't view as discovery. I just view it as a case  
15 management order. Then we'll also have another status  
16 conference of this nature. And we'll set a schedule for  
17 letting us know what you think should be discussed at it.

18 So is there anything further? Mr. Washington.

19 MR. WASHINGTON: Judge, Val Washington on behalf of  
20 the lead plaintiff only. I was just talking with Mr. Goodman.  
21 Mr. Lee only has a legionella claim.

22 THE COURT: Oh, okay.

23 MR. WASHINGTON: And I also have Ms. Bellvain Fuller  
24 who has in addition to other things a legionella complaint.  
25 So may I dovetail or tag along with Mr. Goodman in terms of



1 filing any amendments at a later point, Judge?

2 THE COURT: Yeah, you can. Because I think what we  
3 were doing was taking Marble sort of as a prototype.

4 MR. WASHINGTON: Okay.

5 THE COURT: And trying to get a set of motions on  
6 that so we know what goes forward and what doesn't.

7 MR. WASHINGTON: Okay.

8 THE COURT: And so I think it would make sense to see  
9 how that turns out.

10 MR. WASHINGTON: Okay.

11 MR. GOODMAN: Just to clarify for both --

12 THE COURT: Mr. Goodman on behalf of --

13 MR. GOODMAN: William Goodman on behalf of the Marble  
14 plaintiffs. I apologize.

15 In order to clarify for the Court and for Washington,  
16 our case is, in essence, purely a legionella case; however, we  
17 have individual claims that are derived from that for  
18 intentional infliction of emotional distress. But they are --  
19 they follow the legionella infliction.

20 THE COURT: Okay. Thank you. Well, thank you, all.  
21 Be very careful on the roads.

22 (Proceedings Concluded)

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February 6, 2019

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CERTIFICATE OF OFFICIAL COURT REPORTER

I, Jeseca C. Eddington, Federal Official Court Reporter, do hereby certify the foregoing 49 pages are a true and correct transcript of the above entitled proceedings.

/s/ JESECA C. EDDINGTON  
Jeseca C. Eddington, RDR, RMR, CRR, FCRR

2/19/2019  
Date