

**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 APRIL
16, 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:

Discovery Issues

The Court discussed the submissions regarding preliminary discovery issues during an in-chambers meeting and on the record at the status conference. Interim Co-Lead Class Counsel, Individual Co-Liaison Counsel, and counsel for all defendants will exchange four total proposed documents-only third-party subpoenas on **April 23, 2018**, with plaintiffs' counsel sending two to defendants, and defendants sending two to plaintiffs' counsel. Each side will send responses to the

other, including proposed revisions or additions, on or before **April 30, 2018**. The parties will file the four proposed subpoenas on the docket of Case No. 16-cv-10444 by **May 7, 2018**, for the Court's review. If the parties cannot come to an agreement, they will file their objections along with the proposed subpoenas.

Costs of these proposed subpoenas will be split evenly, with Interim Co-Lead Class Counsel and Individual Co-Liaison Counsel paying half on one side, and defendants paying half on the other, and the parties on each side determining between themselves how to further apportion the costs of the subpoenas.

Counsel for the individual governmental defendants and the state of Michigan are to submit proposed orders indicating they have not waived their Fifth and Eleventh Amendment immunity defenses by participating in this limited preliminary discovery on or before **April 30, 2018**.

Time and Expense Orders

Interim Co-Lead Class Counsel and Individual Co-Liaison Counsel are to file their proposed time and expense orders on the docket of Case No. 16-cv-10444 by close of business on **April 18, 2018**. Defendants

may file briefs responding to the proposed time and expense orders, if they so choose, by **April 30, 2018**. The Court will issue a final time and expense order in due course, following review of the submissions and responses.

Motion to Reinstate in Atkins

The parties are to meet and confer regarding resolution of this motion and advise the Court of their agreed-upon course of action through a proposed order, to be submitted by **April 30, 2018**.

Pleading of Injuries in Short-Form Cases

Individual Co-Liaison Counsel are to meet and confer with other individual plaintiffs' counsel and defendants to remedy any pleading defects in filed short-form complaints. The revised *Alexander* short-form complaint should be filed by **April 30, 2018**.

Motion to Appoint Interim Lead Counsel in Boler

The Court will issue a separate order on the docket of *Boler v. Snyder*, Case No. 16-cv-10323, denying this motion, consolidating *Boler* with *Carthan v. Snyder*, Case No. 16-cv-10444, and granting leave for the *Boler* plaintiffs to file a motion to amend the Master Class Action Complaint in *Carthan*.

***Date of Next Status Conference and Motion to Dismiss
Hearing in Carthan***

Due to the unavailability of certain counsel, the motion to dismiss hearing in *Carthan* will be reset for a date and time when all counsel are available. Counsel in *Carthan* will confer and provide the Court with potential dates by **April 20, 2018**.

The next status conference will be held on the date previously reserved for the motion to dismiss hearing, **June 18, 2018**, at **2 P.M.**

IT IS SO ORDERED.

Dated: April 17, 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 April 17, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager