

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

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This Order Relates To:

ALL INDIVIDUAL NON-CLASS-
ACTION CASES

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**AMENDED ORDER ESTABLISHING
PROCEDURES AND TIMELINES REGARDING
MASTER AND SHORT-FORM COMPLAINTS**

In the Court's November 17, 2017 Order Regarding Issues Discussed at the November 15, 2017 Status Conference (Docket # 114), the Court granted the Motion for Leave to File a Master Amended Complaint filed by Liaison Counsel for Plaintiffs. On December 15, 2017, Plaintiffs filed their Original Master Complaint for Individual Plaintiffs. (Docket # 115) On December 22, 2017, Plaintiffs filed their Master Short-Form Complaint and Jury Demand. (Docket # 116) Following the filing of objections by some Defendants to the form of the Master Short-Form complaint, the Court directed the parties to meet

and confer regarding the procedures and timing of the filing of the operative Short-Form Complaints by individual, non-class action, plaintiffs and motion practice regarding same. The Court now orders as follows:

1. All current and future individual non-class-action plaintiffs shall utilize the Master Short-Form Complaint found in Case No. 17-cv-10164 at Docket #116. An electronic copy of this Short-Form Complaint form may be obtained from Liaison Counsel for the Individual Cases by contacting either Hunter Shkolnik (fwccomplaint@napolilaw.com) or Corey Stern (fwccomplaint@levylaw.com). The Court's direction to use the Master Short-Form Complaint does not reflect any judgment concerning the legal sufficiency or viability of any claims asserted in it.
2. All current individual non-class-action plaintiffs shall amend their complaint by filing a short-form complaint which adopts by reference specific portions of the Original Master Complaint. These short form complaints become the operative complaint.

3. Current individual non-class-action plaintiffs MUST file their short-form complaints within 30 days of the entry of this Order.
4. Future individual non-class-action plaintiffs who do not utilize the Master and Short-Form Complaints referenced above shall be notified by the Court to do so and MUST file their amended, short-form complaints within 60 days of being so notified. The time for responding to complaints filed by future individual non-class-action plaintiffs who do not utilize the Master and Short-Form Complaints shall not begin to run until the amended, short-form complaints referenced in this paragraph have been filed and served.
5. Any current or future individual plaintiff who does not utilize the Master and Short-Form complaints referenced above by the time periods set forth in paragraphs 3 and 4 may be served with a notice of this failure by any Defendant which shall be filed with the Clerk of the Court and served on all counsel of record. Any individual plaintiff who does not comply with the requirements of this Order within 14 days of receiving this

- notice shall have their complaint dismissed without prejudice by the Clerk of the Court.
6. Liaison Counsel for Plaintiffs shall promptly file and designate an amended complaint in the form described in paragraph 2 in Docket Nos. 17-cv-10164 (*Walters*) and 17-cv-10342 (*Sirls*) which shall incorporate all counts of the Original Master Complaint and which will be the operative complaints against which all defendants shall have an opportunity to file motions to dismiss. These shall be referred to as the *Walters* and *Sirls* short-form complaints. The deadlines for responding to the *Walters* and *Sirls* short-form complaint are set forth below.
 7. Plaintiffs may include multiple plaintiffs in a single short-form complaint, but the information required by the Master Short-Form Complaint shall be provided with respect to each Plaintiff.
 8. Defendants may file motions to dismiss addressing the *Walters* and *Sirls* short-form complaints to be filed by Liaison Counsel pursuant to paragraph 6. Briefing for all other short-form complaints will be deferred until any motions to dismiss filed

against the *Walters* and *Sirls* short-form complaint are resolved. Following resolution of these initial motions, Defendants may file further motions to dismiss addressing any other short-form complaints as discussed further below.

9. Nothing herein precludes any Defendant from filing any other form of responsive pleading allowed by the Federal Rules of Civil Procedure, including an Answer.
10. Defendants shall have until Monday, April 30, 2018 to file any motions to dismiss in response to the *Walters* and *Sirls* short-form complaints to be filed by Liaison Counsel in response to paragraph 6.
11. Plaintiffs' Liaison Counsel shall file their response briefs to this first round of motions to dismiss within 30 days or by Wednesday, May 30, 2018.
12. Defendants shall file any reply briefs to the response briefs in this first round of motions to dismiss within 30 days or by Friday, June 29, 2018.
13. Any Defendant who files a motion to dismiss pursuant to paragraph 10 of this order shall not be required to answer or

respond to any other short-form complaint until after resolution of the motion to dismiss addressing the initial short-form complaint, and until further Order of the Court. For this reason, no dates are established at this time for further motion practice which may be necessary in the future; such dates may be established by the Court following resolution of the first round of motions to the extent necessary.

14. Any Defendant who files a motion to dismiss addressing any count in a short-form complaint shall not be required to file an Answer until after the Court rules on the motion to dismiss.
15. Any Defendant who has not been served with process as of the date of this Order is not subject to the terms of this Order until and unless proper service of process has been made. Each plaintiff filing a short form complaint must serve, or have already served (or obtained waiver of service from), each defendant against whom they are asserting claims. Once service of process has been made, then that defendant shall respond to the complaint within 30 days or by the date specified

in this Order, whichever date is later.

IT IS SO ORDERED.

Dated: January 23, 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 January 23, 2018.

s/Shawna C. Burns
SHAWNA C. BURNS
Case Manager