

**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 12, 2018 STATUS CONFERENCE**

The Court will hold a status conference in these cases on September 12, 2018 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:

**A. Administrative Issues**

***Special Master***

Deborah Greenspan has been appointed Special Master. She will attend the status conference and be available to meet with counsel.

***Hearings in Walters v. Flint and Sirls v. Michigan***

Hearings on the pending motions to dismiss in *Walters v. Flint*, 5:17-cv-10164, and *Sirls v. State of Michigan*, 5:17-cv-10342, are

scheduled for September 26, 2018. The Court will set forth an approach to the hearings in light of the Court's previous decisions in *Guertin v. Michigan*, 5:16-cv-12412, and *Carthan v Snyder*, 5:16-cv-10444.

***Delaying Motion to Dismiss Hearing in Marble v. Snyder***

Oral argument on the pending motions to dismiss is set for October 30, 2018. In light of the recent stipulated order, the Court will adjourn the oral argument in *Marble* until after an opinion and order has been issued in *Walters* and *Sirls*.

***Remaining Individual Short Form Complaints***

The Court will set a schedule for defendants to respond to the individual short form complaints after opinions have been issued in the pending motions to dismiss in *Walters* and *Sirls*.

***Stay of Proceedings in Carthan v. Snyder***

Several parties have appealed the Court's August 1, 2018 Opinion and Order in *Carthan* (Dkt. 546.) The Court will discuss the prospective motions to stay proceedings pending that appeal.

***Motion to Certify Monell Issue for Interlocutory Appeal***

The City of Flint filed a motion to amend in part the Court's August 1, 2018, Opinion and Order, requesting that the Court certify the issue of

*Monell* liability for interlocutory appeal (Dkt. 565.) Oral argument on this motion will be heard during the status conference.

***Motion to Amend the Class Action Complaint***

The Court will discuss putative class plaintiffs' expressed intent to file a motion to amend their consolidated complaint as a result of the Court's decision in *Carthan*.

***(Boler) Motion to Amend in Carthan***

The Court will hear oral argument on the motion to amend the complaint in *Carthan*. (Dkt. 485.)

**B. Discovery Issues**

***Description of Non-Party Materials***

Following the June 18, 2018 status conference, the Court directed defendants to file descriptions of the non-party materials that they are seeking in preliminary discovery on the docket of Case No. 16-cv-10444 (Dkt. 506.) Defendants requested authorizations for the release of medical, education, insurance, and employment records, among other items. (Dkt. 536.) Class plaintiffs have objected to the authorizations. (Dkt. 539.) The Court will hear argument on these objections during the status conference.

## **Coordination of Discovery in Federal and State Proceedings**

Certain parties have informed the Court of their objections to a recent order submitted in the Flint Water cases in Genesee County Circuit Court that permitted further discovery to proceed. The parties should be prepared to update the Court on the issue and how it may impact these proceedings.

### **C. Scheduling of Next Status Conference**

The next status conference will be held on November 7, 2018 at 2:00pm in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by October 24, 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 October 31, 2018.

Dated: September 11, 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 September 11, 2018.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager