

EXHIBIT E

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

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL-
MKM (consolidated)

Hon. Judith E. Levy
Mag. Mona K. Majzoub

**DECLARATION OF LARRY E. COBEN
IN SUPPORT OF CLASS PLAINTIFFS' MOTION FOR CERTIFICATION
OF A SETTLEMENT CLASS**

I, Larry E. Coben, make this declaration pursuant to 28 U.S.C. § 1746. I hereby declare under penalty of perjury that the following is true and correct:

1. I am a shareholder of the law firm Anapol Weiss, where my practice focuses on actions for personal injury. I was appointed by the Court as Interim Subclass Settlement Counsel for a Children's Injury Subclass, and specifically to advocate on behalf of young children. Dkt. No. 929. Pursuant to this appointment, I have been an active participant in the settlement negotiation process.

2. The settlement agreement reached between the parties does not contemplate certification of a separate Children's Injury subclass for settlement purposes. However, the agreement includes both minors and their parents and provides relief for minor claimants. Throughout the settlement process, I advocated on behalf of young minor claimants, regardless of whether they would ultimately be

part of a discrete subclass, in order to ensure that the negotiation process, claims procedure, and allocation was fair and in minor claimants' best interests.

3. After my appointment in August of 2019, I familiarized myself with the factual and legal issues relevant to a Children's Injury subclass (newborn to age 6) and the nature and extent of its young members' injuries by speaking with the subclass representative, as well as by reviewing the pleadings and orders filed in this case. I further reviewed a host of literature and met/talked with experts in fields of neuropsychology, medicine and education. I was involved in numerous in-person and telephonic meetings with other counsel and counsel for the State of Michigan, as well as other subclass counsel to resolve and accommodate the respective interests of all parties and class members. My involvement further included the development of draft injury criteria and compensable impairment and compensation grids, and then discussing and revising these documents. I initiated and then participated in numerous meetings with other subclass counsel to address the perplexing issues of defining and then evaluating the injuries suffered by children exposed to lead poisoning in the Flint water supply.

4. I have played an active role in settlement discussions between putative Class Plaintiffs and the State of Michigan, City of Flint, and individual governmental defendants (together, "Settling Defendants"). These were arm's-length negotiations that occurred under the supervision of Court-appointed Special Master Deborah

Greenspan and Court-appointed mediators the Honorable Pamela Harwood and Senator Carl Levin.

5. In my role as Interim Subclass Counsel for the Children's Injury subclass I vigorously advocated on behalf of young minors injured by lead-contaminated water in the City of Flint, and negotiated on their behalf with respect to how an aggregate settlement amount paid by the Settling Defendants would be allocated between the various proposed subclasses.

6. I also helped develop the Flint Water Cases Qualified Settlement Fund Categories, Monetary Awards, and Required Proofs Grid that will be used in the claims administration process to determine the amounts of any given monetary award to a minor claimant. This grid uses objective criteria to assess which category a minor claimant is in based on the claimant's injuries and indicates the corresponding award amount to which they are entitled. By providing an objective means for ascertaining the appropriate award amount to each minor claimant, the grid ensures that each minor claimant will be treated fairly.


7. I have independently determined that the settlement agreement reached between putative Class and Individual Plaintiffs and the Settling Defendants is fair and in the best interests of the minors participating in the settlement. The agreement is the product of months of vigorous negotiation between the parties before three different Court-appointed neutrals; provides clear guidelines for monetary awards

such that all minors participating in the settlement will be on equal footing when filing their claims; and will provide much-needed relief far sooner than would be the case if this matter were litigated through trial.

8. This settlement is further in the best interest of minors participating in the settlement because it avoids the costs and inherent risks associated with continued litigation, as well as the further delays that would be caused by any appeal.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: [Scottsdale, Arizona. October 16, 2020



Larry E. Coben