

# **EXHIBIT F**

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

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In re FLINT WATER CASES

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

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

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**DECLARATION OF REED COLFAX  
IN SUPPORT OF CLASS PLAINTIFFS' MOTION FOR CERTIFICATION  
OF A SETTLEMENT CLASS**

I, Reed Colfax, 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 partner at Relman Colfax PLLC, and was appointed by the Court as Interim Subclass Settlement Counsel for the Older Children's Injury (ages 7-17) subclass. **Dkt. No. 929**. Pursuant to this appointment, I have been an active participant in the settlement negotiation process.

2. Throughout the settlement negotiations, I advocated on behalf of potential older minor claimants in order to ensure that the negotiation process, claims procedure, and allocation would be fair and in the best interest of potential older children claimants.

3. After my appointment in August 2019, I familiarized myself with the factual and legal issues relevant to a children's subclass and the nature and extent of its members' injuries. I reviewed the pleadings and orders filed in this case and extensive materials regarding the injuries children have suffered from exposure to the Flint water. This review included research regarding the most accurate and comprehensive ways to measure harm and the manifestations of injury. I had regular contact with several leading experts in the area of the effects of lead exposure as well as residents of the affected communities, including my client, the putative subclass representative, regarding the real-world impact of the Flint Water Crisis.

4. Armed with knowledge about the effects, harms, and injuries exposure to the Flint water caused older children, I played an active role in settlement discussions among counsel for the putative class Plaintiffs, other putative subclasses, and the settling Defendants. These were arm's-length negotiations that occurred under the supervision of Court-appointed Special Master Deborah Greenspan. In addition to multiple conferences facilitated by Special Master Greenspan, I participated in numerous meetings and telephone conferences with other Subclass counsel, with putative class counsel, and with counsel for the State.

5. In my role as interim subclass counsel for the Children's Injury subclass, I advocated throughout the process on behalf of older children 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 best be allocated between the various proposed subclasses. While the settlement agreement reached between the parties does not contemplate certification of a subclass of older children for settlement purposes, the agreement expressly includes both minors and their parents and provides relief for minor claimants, regardless of whether they would ultimately be part of a discrete subclass.

6. I helped develop the 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 establish the appropriate category for each minor claimant based on the claimant's injuries and set the corresponding award amount to which the claimant is entitled. I played a significant role ensuring that the most accurate and comprehensive measures of harm were included in the settlement grid and valued properly. I advocated for criteria that experts in the field identified as the best means for assessing injury for older children and those criteria are now effectively included in the settlement grid.

7. Additionally, I reviewed and had input on the process for distribution of settlements funds to older children.

8. As finalized and agreed to by all participants, the grid and settlement processes provide an objective means for ascertaining the appropriate award amount to each minor claimant, ensuring that each minor claimant will be treated fairly.

9. 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. From my perspective, the agreement provides appropriate guidelines for monetary awards such that all older children participating in the settlement will be on equal footing when filing their claims with class members and other children, and will provide much-needed relief far sooner than would be the case if this matter were litigated through trial.

10. Based on my experience litigating class actions and multiple plaintiff cases, I believe that this settlement is in the best interest of older children 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: Santa Fe, New Mexico  
November 16, 2020

*Reed Colfax*  
Reed Colfax