

EXHIBIT G

**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 SETH R. LESSER
IN SUPPORT OF CLASS PLAINTIFFS' MOTION FOR CERTIFICATION OF A
SETTLEMENT CLASS**

I, Seth R. Lesser, 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 member of the Bar of this Court and am a partner in the law firm of Klafter Olsen & Lesser LLP. I was appointed by the Court as Interim Subclass Settlement Counsel for a Future Manifesting Injury Subclass. **Dkt. No. 929**. Pursuant to this appointment, I was an active participant in the settlement negotiation process, both in terms of the deliberations of the Subclass Settlement Counsel, among themselves, and with all the parties to the negotiations that led to the proposed settlement.

2. Inasmuch as no specific "subclass" for individuals with future manifesting injuries is within the settlement agreement reached between the parties, throughout the negotiating process I advocated on behalf of future claimants, both

minors as well as adults, and reviewed the various proposals with an eye to addressing such later-manifesting injuries. This included not only the monetary compensation proposals and allocation, but also considerations for programmatic relief, as well as the procedures directed to ensuring fair dissemination of notice of the settlement and appropriate claims procedures.

3. After my appointment in August of 2019, I spoke with the potential subclass representative, and thereupon reviewed a package of scientific, medical, epidemiological and other materials provided to the Subclass Settlement Counsel by the Plaintiffs' Steering Committee ("PSC") which also included materials relevant to the history of the litigation of this and the other parallel cases. I then went beyond those materials by obtaining yet other materials relating to the relevant medical concerns and spoke with several leading experts in the field so as to be able to evaluate the nature of future manifesting injuries, as well as what could be done to ameliorate the risks and to address such injuries should they manifest. I also spoke to individuals with knowledge as to the programs that exist and that might continue hereafter to exist that provide services to Flint residents, including adults and children, to evaluate, on a going forward basis, what evaluative and ameliorative programs existed and would continue to exist. In addition, I spoke to Lead Counsel, individual members of the PSC, and, after proposals were formulated vis-à-vis allocation, with Liaison Counsel and the Special Master regarding these matters as

well as related issues regarding funding or insurance to ensure maximum potential payments for future-arising (i.e., manifesting) injuries and claims.

4. In addition, I also took a leading role from October 2019 into February 2020 in organizing the Subclass Settlement Counsel through email communications, telephone conferences, and an in-person meeting in late January at which we developed a proposed plan of allocation. Thereafter, I continued to play a leading role among the Subclass Settlement Counsel in taking that proposal to Lead Counsel, Liaison Counsel, the Special Master, and the State's counsel, and being involved in conferences between these groups and individuals concerning the proposed allocation, as well as related issues concerning a settlement injury "grid" and how, in a settlement agreement, the various subclasses would be best handled. There was substantial back and forth between the Subclass Counsel, including myself, and the State and Liaison Counsel as to the structure of any settlement, the allocated amounts, and the nature of any claims process. These considerations are all necessarily intertwined with representing those individuals who may have first-time or exacerbated future manifesting injuries and my input was informed by the work described in paragraphs 3 and 4.

5. Accordingly, before and during the settlement meeting arranged by the Special Master on February 12 in Ann Arbor, I vigorously advocated on behalf of future claimants 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. At the February 12 meeting, after day long in person negotiations, agreement was reached as to allocations of settlement amounts, but the negotiations also touched upon and raised further relevant matters as to notice, approval procedures, and the settlement grid.

6. Subsequently, over the next several months, I was one of the primary Subclass Counsel to remain involved in the negotiation of what became, in the proposed settlement, 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 claimants, which also apply to future minor claimants. 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 claimants will be treated fairly.

7. In light of the work that I undertook; the materials I reviewed; the consultations I had with attorneys, doctors, experts, and counsel for the parties to the settlement agreement; and my own independent evaluation of the law and the settlement agreement itself, I am of the opinion that the settlement agreement

reached between putative Class and Individual Plaintiffs and the Settling Defendants is fair and in the best interests of future claimants, specifically minors, who may participate in the settlement. The agreement is the product of months of vigorous negotiation between the parties, provides clear guidelines for monetary awards such that all future minor claimants 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 future claimants, including most materially 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 under the laws of the United States of America that the foregoing is true to the best of my knowledge, information and belief.

Dated: November 10, 2020
Rye Brook, New York



Seth R. Lesser