

# **EXHIBIT I**

**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 DENNIS C. REICH  
IN SUPPORT OF CLASS PLAINTIFFS' MOTION FOR CERTIFICATION  
OF A SETTLEMENT CLASS**

I, Dennis C. Reich, 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 founding partner at Reich & Binstock, LLP, and was appointed by the Court as Interim Subclass Settlement Counsel for a Business Economic Loss (“Business Loss”) Subclass. **Dkt. No. 929**. Pursuant to this appointment, I have been an active participant in the settlement negotiation process.

2. After my appointment in August 2019, I familiarized myself with the factual and legal issues relevant to the Business Loss subclass and the nature and extent of its members’ injuries by speaking with the subclass representative, as well as by reviewing the pleadings and orders filed in this case. I also participated in multiple in person and telephonic meetings with Subclass Settlement Counsel and

Special Master Greenspan regarding the economic impact that the Flint water crisis had on commercial properties and business owners. I consulted with an urban policy expert and economist who analyzed the impact of the lead contamination on the revenues and profits of businesses located in the geographical area encompassing Flint and Genesee County, Michigan. I had also traveled to Flint shortly before being officially appointed as Subclass Settlement Counsel in the case and had an opportunity to observe and talk to some resident about the state of the local economy before and after the water crisis.

3. 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.

4. In my role as Interim Subclass Counsel for the Business Loss Subclass I vigorously advocated on behalf of Flint businesses that suffered economic losses due to the 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.

5. I provided input on and reviewed 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 business loss claimant. The grid clearly sets forth the requirements for a business to be eligible for a monetary award and the proof it must submit in support of a claim so as to ensure a fair administration of claims.

6. Under the agreement, damages for business loss are measured by loss of net profits year of year as reflected in a business' tax filing, which will provide for an award commensurate with economic losses, subject to a cap of \$5,000. The cap on losses allows for broad compensation across the business loss subclass.

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 Business Loss claimants 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 Flint businesses 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 Flint businesses 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: Houston, Texas  
October 1, 2020



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Dennis C. Reich