

# **Exhibit 3**

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

*In Re* Flint Water Cases

No. 5:16-cv-10444-JEL-MKM

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUB

**[PROPOSED] ORDER**

Having read and considered Class Plaintiffs’ Motion for Certification of a Settlement Class, Final Approval of Class Settlement, and Appointment of Settlement Class Counsel, as well as any papers submitted to the Court in support of and in opposition to the Motion, and having considered arguments and evidence presented at the fairness hearing held regarding the proposed settlement, IT IS HEREBY ORDERED as follows:

1. The Amended Settlement Agreement (“Settlement Agreement”) (ECF No. 1394-2), including the plan of allocation contained therein, between Class Plaintiffs and Settling Defendants is finally approved under Federal Rule of Civil Procedure 23 as fair, reasonable, and adequate.
2. The following Settlement Class and Subclasses are certified under Federal Rule of Civil Procedure 23(a) and (b)(3):

**Settlement Class:** all persons or entities who are or could be claiming personal injury, property damage, business economic loss, unjust enrichment, breach of contract, or seeking any other type of damage or relief because at any time during the Exposure Period they: (1) were an Adult who owned or lived in a residence that received water from the Flint Water Treatment Plant

or were legally liable for the payment of such water; (2) owned or operated a business including income earning real property and any other businesses, that received water from the Flint Water Treatment Plant or were legally liable for the payment for such water; or (3) were an Adult during the Exposure Period and who ingested or came into contact with water received from the Flint Water Treatment Plant. Excluded from the Settlement Class are: (1) Defendants; (2) the judicial officers to whom this case is assigned in the Federal Court, Genesee County Circuit Court, and Court of Claims, their staff, and the members of their immediate families; (3) all Individual Plaintiffs; and (4) all persons who timely and validly elect to opt-out of the Settlement Class.

**Adult Exposure Subclass:** all persons who were Adults during the Exposure Period and who ingested or came into contact with water received from the Flint Water Treatment Plant at any time during the Exposure Period and who are claiming or could claim a resulting personal injury. All Adults listed on Exhibit 1 to the Settlement Agreement are excluded from this Subclass.

**Business Economic Loss Subclass:** all individuals or entities who owned or operated a business, including income earning real property and any other businesses, that received water from the Flint Water Treatment Plant at any time during the Exposure Period and who are claiming or could claim a resulting business economic loss. Excluded from the Business Economic Loss Subclass are all local, state, or federal government offices or entities and any individual or entity listed on Exhibit 1 to the Settlement Agreement.

**Property Damage Subclass:** all Adults or entities who owned or were the lessee of residential real property that received water from the Flint Water Treatment Plant, or were legally liable for the payment for such water, at any time during the Exposure Period. Excluded from the Property Damage Subclass are all local, state, or federal government entities which own real property and any individual or entity listed on Exhibit 1 to the Settlement Agreement.

3. The following individuals are appointed as Class Representatives for purposes of Settlement:

- a. Rhonda Kelso, Barbara and Darrell Davis, Tiantha Williams, and Michael Snyder, as personal representative of the Estate of John Snyder, as representatives of the Adult Exposure Subclass;
  - b. Elnora Carthan and David Munoz as representatives of the Property Damage Subclass;
  - c. 635 South Saginaw LLC; Frances Gilcreast; and Neil Helmkey as representatives of the Business Economic Loss Subclass.
4. The firms previously appointed as Interim Co-Lead Counsel, Cohen Milstein Sellers & Toll PLLC, and Pitt McGehee Palmer Bonanni & Rivers, PC, and the Executive Committee, are appointed as Settlement Class Counsel under **Federal Rule of Civil Procedure 23(g)** to represent the Settlement Class and Subclasses.
  5. Nothing in this Order should be construed as an abrogation of any immunity available to the State of Michigan or its officers, employees, or departments.

Dated: \_\_\_\_\_, 2021  
Ann Arbor, Michigan

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JUDITH E. LEVY  
United States District Judge