

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In re* Flint Water Cases

Judith E. Levy  
United States District Judge

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**ORDER GRANTING IN PART THE *WAID* MOTION FOR CONSOLIDATION OF THE CLASS ACTIONS, APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL, AND APPOINTMENT OF LIAISON COUNSEL FOR THE INDIVIDUAL ACTIONS [CASE NO. 16-cv-10444, DKT. 136], DENYING THE *GUERTIN* MOTION TO CONSOLIDATE CASES [CASE NO. 16-cv-12412, DKT. 165], HOLDING IN ABEYANCE BRIEFING IN ALL NON-CLASS ACTION FLINT WATER CASES, AND SETTING DATES**

On July 26, 2017, the Court held a status conference regarding all pending Flint Water litigation before the Court.

**A. Motions to Consolidate**

At that hearing, the Court discussed pending motions to consolidate in *Waid v. Snyder*, Case No. 16-cv-10444, Dkt. 136, and *Guertin v. State of Michigan*, Case No. 16-cv-12412, Dkt. 165. For the reasons set forth on the record, the *Waid* motion is granted in part, and the *Guertin* motion is denied.

The *Waid* motion is granted as to Case Nos. 16-cv-10444, 16-cv-10796, 16-cv-11173, 16-cv-11247, 16-cv-12875, 16-cv-14498, 17-cv-

10343, 17-cv-10360, and 17-cv-10799. The motion is held in abeyance regarding Case No. 17-cv-10996, in which a motion to remand to Michigan state court is pending. Once that motion to remand is decided, and if the Court retains jurisdiction over that case, an order will be issued consolidating that case with Case No. 16-cv-10444.

Newly-appointed interim co-lead counsel are ordered to file a master class action complaint in Case No. 16-cv-10444 on or before **September 29, 2017**. Defendants are ordered to file answers or responsive motions on or before **December 1, 2017**.

Pursuant to the grant of the motion to consolidate, Theodore Leopold of Cohen Milstein Sellers & Toll PLLC and Michael Pitt of Pitt McGehee Palmer & Rivers PC, are appointed interim co-lead counsel for the combined class, Corey Stern of Levey Konigsberg LLP and Hunter Shkolnik of Napoli Shkolnik PLLC are appointed as liaison counsel for all individual personal injury and property damage cases pending before the Court. Further, the Court orders the creation of an Executive Committee for the combined class action, whose membership will be recommended to the Court by interim co-lead counsel no later than **September 29, 2017**.

The above-named counsel will meet and confer with other plaintiffs' counsel and defense counsel regarding the specific duties of the co-lead counsel and liaison counsel so that a proposed statement of duties for these positions can be filed with the Court by **September 29, 2017**. Also by this same date, co-lead counsel will confer with all named defendants and file either a joint statement regarding agreed-upon preliminary discovery or separate statements addressing whether preliminary discovery is appropriate at this juncture in the combined class action, and statements regarding the appointment of a Special Master under Fed. R. Civ. P. 53 in Case No. 16-cv-10444.

### **B. Motion for Master Individual Complaint**

Liaison counsel informed the Court during the status conference that they wish to file a motion permitting the filing of a master complaint in all individual personal injury and property damage cases pending in this Court. Liaison counsel are directed to file a motion to permit the filing of the master complaint in all individual cases within ten days of this order. The motion should be filed in Case No. 17-cv-10164, the earliest-filed active individual Flint Water case in which the liaison counsel have appeared.

Defendants are ordered to respond within fourteen days of the filing of the motion. All other plaintiffs' counsel in individual personal injury and property damage cases may also file responses to the motion within fourteen days. All dispositive motion briefing in all individual cases is held in abeyance pending a determination of the motion to file a master complaint.

### **C. Master Case Number**

The Court will not establish a master case number at this time because all of the pending Flint Water cases are not consolidated.

### **D. Order of Consolidation**

For the reasons set forth above, it is hereby ordered that:

Case Nos. 16-cv-10796, 16-cv-11173, 16-cv-11247, 16-cv-12875, 16-cv-14498, 17-cv-10343, 17-cv-10360, and 17-cv-10799 are consolidated with Case No. 16-cv-10444 for all purposes, including trial;

All subsequent papers filed after the date of this order regarding those cases shall be entered in Case No. 16-cv-10444; and

Case Nos. 16-cv-10796, 16-cv-11173, 16-cv-11247, 16-cv-12875, 16-cv-14498, 17-cv-10343, 17-cv-10360, and 17-cv-10799 are closed in light of the consolidation order.

It is further ordered that all pending dispositive motions in Case No. 16-cv-10444 (Dkts. 122, 124, 125, 131, 132, 135) are denied without prejudice.

IT IS SO ORDERED.

Dated: July 27, 2017  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 27, 2017.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager