

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

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_ /

This Order Relates To:

ALL CASES

\_\_\_\_\_ /

**OPINION AND ORDER DISMISSING CERTAIN DEFENDANTS**

On December 15, 2019, the Court ordered Plaintiffs in individual Flint Water Cases to show cause in writing by January 8, 2020 why certain Defendants should not be dismissed. These Defendants were: Jeff

Wright,<sup>1</sup> Daniel Wyant,<sup>2</sup> Dayne Walling,<sup>3</sup> Nick Lyon,<sup>4</sup> Edward Kurtz,<sup>5</sup> Liane Shekter Smith,<sup>6</sup> Nancy Peeler,<sup>7</sup> Robert Scott,<sup>8</sup> and Eden Wells.<sup>9</sup>

Co-liaison Counsel for the Plaintiffs responded on January 8, 2020, arguing that Shekter Smith should not be dismissed in several of these cases. (*Carthan*, No. 16-cv-10444, ECF No. 1035.) The Court will decide the issues raised by Co-Liaison Counsel at a later date. Because Plaintiffs have not otherwise responded to the Court's order to show cause, if the following individuals are named as Defendants in this case, they are dismissed: Jeff Wright, Daniel Wyant, Dayne Walling, Nick Lyon, Edward Kurtz, Nancy Peeler, Robert Scott, and Eden Wells.

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<sup>1</sup> Wright was dismissed as a Defendant in *Carthan v. Snyder*, 384 F. Supp. 3d 802, 860 (E.D. Mich. 2019) and again in *Walters v. Flint*, No. 17-10164, 2019 WL 3530874, at \*39 (E.D. Mich. Aug. 2, 2019).

<sup>2</sup> Wyant was dismissed as a Defendant in *Carthan*, 384 F. Supp. at 859 and again in *Walters*, 2019 WL 3530874, at \*16.

<sup>3</sup> Walling was dismissed as a Defendant in *Carthan*, 384 F. Supp. at 860 and again in *Walters*, 2019 WL 3530874, at \*39.

<sup>4</sup> Lyon was dismissed as a Defendant in *Walters*, 2019 WL 3530874, at \*35.

<sup>5</sup> Kurtz was dismissed as a Defendant in *Carthan*, 384 F. Supp. at 860, and was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*3 n.5.

<sup>6</sup> Shekter Smith is still a Defendant in *Carthan*, 384 F. Supp. at 859, but was dismissed in *Walters* on statute of limitations grounds. *Walters*, 2019 WL 3530874, at \*11–\*13.

<sup>7</sup> Peeler was dismissed in *Carthan*, 384 F. Supp. at 858, and was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*2 n.4.

<sup>8</sup> Scott was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*2 n.4.

<sup>9</sup> Wells was not named as a Defendant in *Walters*, 2019 WL 3530874, at \*2 n.4.

IT IS SO ORDERED.

Date: March 9, 2020  
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 March 10, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager