

**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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This Order Relates To:

Rogers v. Snyder, et al.
Case No. 18-10713

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OPINION AND ORDER DISMISSING CERTAIN DEFENDANTS

On December 15, 2019, the Court issued an order to show cause in individual Flint Water Cases as to why certain Defendants should not be dismissed. (ECF No. 69.) The specific Defendants relevant here are: Jeff Wright,¹ Daniel Wyant,² Dayne Walling,³ Nick Lyon,⁴ Edward Kurtz,⁵

¹ 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).

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

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

⁴ Lyon was dismissed as a Defendant in *Walters*, 2019 WL 3530874, at *35.

⁵ 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.

Liane Shekter Smith,⁶ and Eden Wells.⁷ Plaintiff responded to the order to show cause on January 1, 2020 (ECF No. 71), arguing that Defendants Wright, Lyon, and Shekter Smith should not be dismissed. For the reasons that follow, the Court now dismisses Defendants Wright, Wyant, Walling, Lyon, Kurtz, and Wells.

Defendants Wright and Lyon

Plaintiff argues that Defendants Wright and Lyon should not be dismissed so that Plaintiff can preserve arguments raised in other related cases in which Defendants Wright and Lyon were dismissed, including *Carthan v. Snyder*, No. 16-cv-10444, *Walters v. Flint*, No. 17-cv-10164, and *Brown v. Snyder*, No. 18-10726. In its order to show cause, the Court clarified that agreeing to dismiss these Defendants “will not waive Plaintiffs’ right to appeal this Court’s earlier decisions as to that Defendant.” (ECF No. 69, PageID.253.) Plaintiff’s arguments with respect to Defendants Lyon and Wright are preserved, and Lyon and

⁶ 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.

⁷ Wells was not named as a Defendant in *Walters*, 2019 WL 3530874, at *2 n.4.

Wright are now dismissed for the reasons set forth in the Court's prior opinions.

Defendant Shekter Smith

Plaintiff, in arguing why Defendant Shekter Smith should not be dismissed, partially relies on arguments raised by Co-liaison Counsel in *Carthan*. (*Carthan*, No. 16-cv-10444, ECF No. 1035.) The Court will decide the issues raised by Co-liaison Counsel at a later date, at which time the Court will also adjudicate the dismissal of Defendant Shekter Smith in this case. The Court does not dismiss Defendant Shekter Smith.

Defendants Wyant, Walling, Kurtz, and Wells

Plaintiff did not show cause as to why Wyant, Walling, Kurtz, or Wells should not be dismissed. Accordingly, these Defendants are dismissed.

Defendants Lyon, Wright, Wyant, Walling, Kurtz, and Wells are DISMISSED. Defendant Shekter Smith is not dismissed

IT IS SO ORDERED.

Dated: March 30, 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 30, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager