

# The Flint Water Class Action Legal Team

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## APRIL 2018 UPDATE FOR PROPOSED CLASS MEMBERS

PLEASE NOTE THAT THE HEARING SCHEDULED FOR MAY 10<sup>TH</sup> IN JUDGE LEVY'S ANN ARBOR COURTROOM HAS BEEN CHANGED TO JUNE 18<sup>TH</sup> AT 10AM.

YOU ARE CORDIALLY INVITED TO ATTEND.

Dear Proposed Class Members:

Please find below a summary of the Legal Team's most recent and upcoming efforts.

### I. U.S. Supreme Court Victory!!

On March 19, 2018 the U.S. Supreme Court denied the defendants' efforts to overturn the U.S. 6<sup>th</sup> Circuit Court of Appeals' July 2017 unanimous ruling in the Mays Federal Class Action Suit finding that the case sets forth viable constitutional legal theories against the City of Flint, Genesee County's Drain Commissioner, and Michigan Department of Environmental Quality officials. [The 6<sup>th</sup> Circuit Decision can be read here.](#) This is a major victory for the people of Flint! The State of Michigan and other defendants are reaching the end of their line in their ongoing efforts to avoid being held accountable. We can now move forward with the merits of your case.

### II. The Class Action Process

We would like to make clear the class action process and what you should expect:

- At this time, **there is no immediate deadline for Flint citizens to sign retainer agreements with a lawyer. Your legal rights are protected if you fall within the class which is defined as:**
  - **“All individuals who from April 25, 2014 to present were exposed to toxic Flint water and who experienced injury to their person or property or who in the future will be injured.”**

However, if you have a friend or family member who is interested in following our class actions, they should call our hotline at (248) 658-0020 or submit a form on our website [www.flintwaterclassaction.com](http://www.flintwaterclassaction.com).

If there is a class settlement, class members will receive awards without having to file individual lawsuits. Most will not be required to hire a lawyer and fees paid to legal counsel will be addressed separately by the Court.

- Individuals with complicated cases may want to retain a lawyer to pursue an individual lawsuit outside of the class action lawsuit. If you are interested in pursuing an individual case, you should review the facts of your specific situation with an attorney familiar with your case. If you want your own trial, we cannot currently predict when such a trial might go forward. All cases are held to strict proofs, so even if you get to trial there may be many legal hurdles to overcome. You should be very cautious in your expectation to secure a large verdict from a jury.
- **You will not be forced to accept a class action settlement.** If a class action settlement is negotiated and approved, it will be supervised to ensure it is fair. However, if you felt that such a settlement is not right for you, you will be able to remove yourself by opting out and pursuing an individual case.
- Attorney contracts are binding, however, if you have signed up with another attorney and are dissatisfied with your representation, call that attorney to discuss your concerns. **Michigan law gives every lawyer a lien for their service, so unless you disengage your lawyer with care you may end up paying two lawyers.** The important point is to discuss your concerns with your attorney.

### III. Defendants' Motion to Dismiss

The defendants have filed additional motions to dismiss our class action case. They include claims based on 11<sup>th</sup> Amendment immunity, qualified immunity, statutory limits, and other issues. **The date of the hearing has changed – these motions will now be heard together on Monday, June 18<sup>th</sup> at 10:00 am in the Courtroom of Federal Judge Honorable Judith Levy.** We encourage you to support your legal team by attending the upcoming motion hearing. Judge Levy's courtroom is located at 200 E. Liberty Street, Suite 300 Ann Arbor, MI 48104. We would very much like to see proposed class members in the courtroom.

### IV. Related Criminal Cases

Fifteen Michigan and Flint governmental officials have criminal charges against them related to their actions and inaction during the Flint Water Crisis. The criminal defendants are facing charges ranging from involuntary manslaughter to willful neglect of duty and misconduct in office. Many of these defendants are also named defendants in the class action cases that we filed on your behalf.

The preliminary examination hearings for six of these defendants are ongoing. The cases against Michigan Department of Health and Human Services officials Director Nick Lyon and Chief Medical Executive Eden Wells focus on their knowledge of the legionella outbreak months before a public health advisory was issued to Flint residents. The joint examination before Judge Jennifer Manley includes charges against Michigan Department of Environmental Quality officials Stephen Busch, Liane Shekter-Smith, Michael Prysby, and Patrick Cook. These cases focus on the lead contamination of Flint's water. Charges include failing to alert the public, misleading regulators, and manipulating a report on the levels of lead in Flint's water.

The preliminary examination hearing for former Flint City Manager Darnell Earley is scheduled to begin May 1<sup>st</sup>.

**V. Collecting records for children who have been exposed to the Flint water**

We are still collecting medical information and authorizations for children under the age of 10. This information is vital for moving the case forward and we appreciate your help as we continue our efforts to gather the evidence necessary for your cases.

These documents can be accessed by clicking the following link.

[Medical Authorizations and Questionnaire](#)

Please bring completed forms to the Flint office or send them via email, mail, or fax to the following:

Email: [flintwaterclassaction@pittlawpc.com](mailto:flintwaterclassaction@pittlawpc.com)

Fax: (248) 398-9804

Address: 1176 Robert T. Longway Boulevard, Flint, MI 48503

Tuesdays, Wednesday, and Thursdays 9am-5pm

All future updates will also be featured on our website: [www.flintwaterclassaction.com](http://www.flintwaterclassaction.com). Additional information regarding our legal actions can be accessed at the noted website as well.

*Peace and Solidarity,*

*The Flint Water Class Action Legal Team*