

The Flint Water Class Action Legal Team



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SEPTEMBER 2017 UPDATE FOR CLASS MEMBERS

Dear Class Members:

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

I. Two recent successes in the Federal Court of Appeals

The Flint Water Class Action team has achieved two recent successes in the Federal Court of Appeals. In the first decision, the Court of Appeals rejected the lower court's decision which had dismissed our claims finding that they were preempted by the Safe Drinking Water Act (SDWA), a federal statute which sets standards and requirements for safe drinking water. However, the Court of Appeals found that our case which alleged constitutional violations against city and state officials was not barred because Congress did not intend to preclude or abandon constitutional rights and remedies when it enacted the SDWA. As a result of this decision, our case has been remanded to the federal district court where is pending before Judge Levy.

In another victory for your legal team, the Court of Appeals agreed with federal district court that our claims against the Michigan Department of Environmental Quality (MDEQ) were properly filed in state court and that Defendants had no right to remove the case to federal court. The Court of Appeals rejected the Defendants' argument that they were agents, acting under the control of the EPA. In light of these two decisions, we are looking forward to beginning the discovery process and obtaining the information necessary to obtain justice for you.

II. Your Legal Team is now Interim Lead Counsel of all class actions cases pending in federal court

On July 26, 2017, federal district court Judge Judith Levy, who is presiding over all the Flint Water Class Actions and individual cases that have been filed in federal court, appointed our legal team, led by Michael Pitt of The Flint Water Class Action Legal Team and Ted Leopold of the New York law firm Cohen Milstein, as interim co-lead counsel for all class action cases filed by any other attorneys pending in the federal court. This means that your legal team will be leading the efforts and making decisions to obtain justice for you and other citizens of Flint harmed by the water crisis. Michael Pitt is an original member of your Legal Team which was first to file suit in federal court, in state court and against the EPA and who have been advocating for the Flint community since the news first broke of the crisis. We are pleased that the federal judge in

charge of these cases has recognized that your team's skill, knowledge, and commitment warrants a leadership position in these class actions.

III. A new attorney has joined our team!

We are excited to introduce Claire Vergara who has recently joined the Flint Water Class Action Legal Team as part of McKeen and Associates, P.C.. Claire is highly skilled in medical review and will be assisting our legal team with the medical components of our cases.

IV. Final Reminds (Upcoming Deadlines and Collecting Documents)

- a. **If you would like to join the action against the EPA, you must sign and submit both the EPA Authorization and Retainer by September 30, 2017.** As a reminder, this is the final deadline to join our action against the EPA. These documents can be accessed by clicking the links below.

[EPA Authorization](#)

[EPA Retainer](#)

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

Email: flintwaterclassaction@pittlawpc.com

Fax: (248) 398-9804

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

Hours: Tuesdays, Wednesdays, and Thursdays, 9:00 am to 5:00 pm

- b. We are currently asking class members to submit any **water test results** or **blood test results**, if the tests have already been completed. If you have not had these tests completed, do not stress as this collection is ongoing.

All future updates will also be featured on our website: 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