

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re Flint Water Cases

No. 5:16-cv-10444-JEL-MKM

HON. JUDITH E. LEVY

MAG. MONA K. MAJZOUB

AMENDED SETTLEMENT AGREEMENT

Dated: November 16, 2020

TABLE OF CONTENTS

Preamble	1
Recitals	1
Article I–Definitions	4
Article II–Payments by Defendants	15
Article III–Registration for and Participation in Settlement Program.....	17
A. Requirements for Registration of Persons and Entities	17
B. Review of Registration Forms.....	18
C. Claims Materials Required to be Submitted to Participate in the Settlement Program	19
D. Review of Claims Material.....	21
Article IV–Settlement Categories	22
Article V–Monetary Awards.....	23
Article VI–Future Minor Claimants	25
Article VII–Programmatic Relief	26
Article VIII–Preliminary Approval Orders, Class Certification, Final Orders, Judgments, and Related Orders	27
A. Individual Plaintiffs	27
B. Class Members	30
C. Final Settlement Agreement	33
Article IX–Related Lawsuits	34
Article X–The Qualified Settlement Funds	34
Article XI–Attorneys’ Fees, Costs, and Expenses.....	36
Article XII–Settlement Agreement Administration.....	37
A. Claims Administrator	37
B. Special Master	40
C. Settlement Planning Administrator.....	41
Article XIII–Reconsideration Requests and Appeals	45
A. Settlement Category Reconsideration Request.....	45
B. Appeals to the Special Master	46
Article XIV–Dispute Resolution.....	47
Article XV–Liens.....	48
Article XVI–Releases and Covenants Not to Sue	52

Article XVII–Rescission..... 55

Article XVIII–Walk-Away Provisions 58

Article XIX–Opt-Outs 59

Article XX–Objections..... 61

Article XXI–Minors and LIIs..... 62

 A. Preliminary Motions in State and Federal Courts 62

 i. Genesee County Circuit Court 62

 ii. Court of Claims..... 63

 iii. Federal Court..... 63

 B. Registration and Submission of Claims Materials on Behalf of a Minor or LII 64

 C. Second Stage Approval Process—Favorable Notices..... 65

 D. Second Stage Approval Process—Unfavorable Notices, Reconsideration Requests, and Appeals to the Special Master 67

 E. Non-Participating Minors and LIIs..... 67

 F. Monetary Awards to Minors and LIIs 68

 G. Class Actions in State Courts 69

Article XXII–Lawyer Participation Provisions..... 69

Article XXIII–Miscellaneous 69

Preamble

This Amended Settlement Agreement is made and entered into this 16th day of November, 2020, by and between Plaintiffs, individually and on behalf of a Settlement Class, and Defendants, who are parties to multiple lawsuits in state and federal court, including *In re Flint Water Cases*, Case No. 5:16-cv-10444-JEL-MKM (E.D. Mich.). This Settlement Agreement is intended by the Parties to fully, finally, and forever resolve, discharge, and settle all Released Claims against the Released Parties, as set forth below, subject to review and approval by the Federal Court, Court of Claims, and Genesee County Circuit Court.¹

Recitals

A. Multiple lawsuits have been filed in, removed to, or transferred to the United States District Court for the Eastern District of Michigan that have become known as *In re Flint Water Cases*, 5:16-cv-10444. Interim Co-Lead Class Counsel for the Putative Class filed a Fourth Consolidated Amended Class Complaint for Injunctive and Declaratory Relief, Money Damages, and Jury Demand in *Carthan v. Governor Rick Snyder*, 5:16-cv-10444, and Interim Co-Liaison Counsel filed an Amended Master Complaint in *Walters v. Governor Richard Snyder*, 5:17-cv-10164. Related Lawsuits have been filed that: (1) adopted in whole or in part the Amended Master Complaint; (2) were initially filed in the Michigan Court of Claims, Genesee County Circuit Court or Eastern or Western Districts of Michigan; or (3) are currently on appeal in state or federal court.

B. The lawsuits arise from alleged personal injury, property damage, or economic loss incurred by Plaintiffs due to exposure to allegedly contaminated water received from the Flint Water Treatment Plant or legal liability for the payment of bills for such water between April 25, 2014 and the Execution Date. Plaintiffs seek to hold Defendants, among others, liable under various theories of liability, including negligence, unjust enrichment, breach of contract, constitutional violations, and inverse condemnation.

C. Defendants deny Plaintiffs' allegations in the Fourth Consolidated Amended Class Complaint, the Amended Master Complaint, and the Related Lawsuits. Defendants also deny having any liability for any claims, causes of action, costs, expenses, attorneys' fees, or damages of any kind. Defendants have asserted legal and factual defenses against Plaintiffs' claims in these lawsuits.

¹ Capitalized terms have the meanings provided in Article I—Definitions, unless a section or subsection of this Settlement Agreement states otherwise.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.