

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

|  |   |                                 |
|--|---|---------------------------------|
| In Re Flint Water Cases,                 | ) |                                 |
|  | ) | Case No.: 16-cv-10444-JEL-MKM   |
|  | ) | (consolidated with 16-cv-11247) |
|  | ) |                                 |
|  | ) | Hon. Judith E. Levy             |
|  | ) |                                 |
| <hr style="border: 0.5px solid black;"/> |   |                                 |
| <i>Washington</i> , et al.,              | ) |                                 |
| Plaintiffs,                              | ) |                                 |
|  | ) |                                 |
| v.                                       | ) |                                 |
|  | ) |                                 |
| <i>City of Flint</i> , et al.,           | ) |                                 |
| Defendants,                              | ) |                                 |

**WASHINGTON AND CHAPMAN PLAINTIFFS' MOTION TO EXTEND DEADLINE  
FOR OPT-OUTS, REGISTRATION AND OBJECTIONS BY SIXTY DAYS FROM  
MARCH 18, 2021**

NOW COME the *Washington* and *Chapman* Plaintiffs, by and through their attorneys, MARC J. BERN & PARTNERS, LLP, and CUKER LAW FIRM, who seek to move this Honorable Court to extend the March 29, 2021, deadline to opt-out, register and object to the proposed Amended Settlement Agreement (“MSA”) (ECF 1394-2), as set by this Court’s order of January 21, 2021 (ECF 1399), and in support thereof, state as follows:

For the reasons stated in the attached Memorandum of support, the *Washington* and *Chapman* Plaintiffs (“Plaintiffs”) move this Honorable Court to extend the March 29, 2021, deadline to opt-out, register and object to the MSA by sixty days from March 18, 2021, which is Monday, May 17, 2021.

Plaintiffs seek an expedited hearing on this matter.

On March 23, 2021, Plaintiffs sought to address this matter through Co-Liaison counsel, who advised on March 24, 2021, that they would not seek concurrences regarding this motion or

file it. This was done under the order appointing them as liaison counsel (ECF 234), as highlighted by the Court at the February 24, 2021, conference. ECF 1440, Page ID.55690–91.

Plaintiffs therefore have sought concurrence in this motion and report as follows from those who have responded:

1. Co-Lead Class counsel supports the request for an extension of the Registration deadline. They will leave it up to the court to decide the merits of such an extension and if appropriate, how long.
2. Co-Liaison counsel oppose the motion.
3. Individual Plaintiffs Brown & Rodgers concur.
4. Anderson Plaintiffs concur.
5. Alexander Plaintiffs concur.
6. The State of Michigan opposes.
7. McLaren Hospital opposes.

WHEREFORE, the *Washington* and *Chapman* Plaintiffs, by and through their attorneys, MARC J. BERN & PARTNERS, LLP, and CUKER LAW FIRM, for the reasons stated in the attached memorandum, pray that this Honorable Court will GRANT their motion to extend the March 29, 2021, deadline to opt-out, register and object to the proposed Amended Settlement Agreement (“MSA”) (ECF 1394-2), as set by this Court’s order of January 21, 2021 (ECF 1399), and any other relief that is deemed just and proper.

Dated: March 24, 2021

Respectfully Submitted,

/s Stephen F. Monroe

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| Washington, et al.,                      | ) |                                 |
| Plaintiffs,                              | ) |                                 |
|  | ) |                                 |
| v.                                       | ) |                                 |
|  | ) |                                 |
| City of Flint, et al.,                   | ) |                                 |
| Defendants,                              | ) |                                 |

**WASHINGTON AND CHAPMAN PLAINTIFFS' MEMORANDUM IN SUPPORT OF  
THEIR MOTION TO EXTEND DEADLINE FOR REGISTRATION, OPT-OUTS AND  
OBJECTIONS BY SIXTY DAYS FROM MARCH 18, 2021**

NOW COME the *Washington* and *Anderson* Plaintiffs ("Plaintiffs"), by and through their attorneys, MARC J. BERN & PARTNERS, LLP, and CUKER LAW FIRM and for their memorandum to move this Honorable Court pursuant to Federal Rule of Civil Procedure 6(b) to extend the March 29, 2021, deadlines to opt-out of, register under and object to the proposed Amended Settlement Agreement ("MSA") (ECF 1394-2), as set by this Court's order of January 21, 2021 (ECF 1399), and in support thereof, state as follows:

**CONCISE STATEMENT OF ISSUES UNDER LOCAL RULE 7.1(d)(2)**

Whether this Honorable Court should find good cause exists under Federal Rule of Civil Procedure 6 for an extension of sixty days from March 18, 2021, to accommodate a sustained increase of public interest in registering, where, on that March 18 date, the Plaintiffs learned that an alternative bone scan site would be impossible, and confirmed a lack of transparency regarding the existing scan site.

### **CONTROLLING AUTHORITY UNDER RULE 7.1(d)(2)**

Rule 6(b) of the Federal Rules of Civil Procedure provides that a court may, “for good cause shown,” extend a deadline if requested before the deadline expires. Fed. R. Civ. Pro. 6(b) (Lexis 2021). Courts of appeals review rulings on motions under Rule 6(b) for abuse of discretion. *Ott v. Fed. Home Loan Mortg. Corp.*, 535 Fed. Appx. 488, 489 (6th Cir. 2013). An abuse of discretion exists when “the reviewing court is convinced that a mistake has been made.” *Stough v. Mayville Community Sch.*, 138 F.3d 612, 614 (6th Cir. 1998).

### **INTRODUCTION**

Good cause exists for an additional sixty days from March 18, 2021, to register citizens harmed by the Flint water crisis under the terms of the MSA or to object thereto because large amounts of new claimants are seeking to register, leaving little or no time to advise whether to object. Additionally, only a few days ago, in the midst of registration fever, the undersigned learned on March 18, 2021, that alternative bone scans would not be feasible, even if those devices were finally shown by qualified professionals to be safe for humans, something which has yet to occur. Because of the sudden and increasing response from the Flint public, and because a major category of damages is not going to be available to a large percentage of it—even if shown to be safe, additional time is needed to advise and to determine whether to object.

### **BACKGROUND**

On January 21, 2021, this Court entered an order (ECF 1399) granting preliminary approval to a partial settlement reached between the plaintiffs and defendants of the Flint Water Crisis cases, as those parties are defined in the MSA, ECF 1394-2; Page ID 54129, 54133. In that order, the Court set the deadline for registering to make claims under the MSA for March 29,

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