

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:

ALL CASES

\_\_\_\_\_ /

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE SPECIAL MASTER REQUESTING AUTHORIZATION  
TO FINALIZE THE TERMS OF DISTRIBUTION OF THE  
SETTLEMENT FUND, FOR IMPLEMENTATION OF PAYMENT  
PROCESS, AND TO ESTABLISH THE ALLOCATION  
METHODOLOGY IN ACCORDANCE WITH THE ASA FOR  
DISTRIBUTION OF FUNDS PURSUANT TO THE ASA [3359]**

Having reviewed the *Report and Recommendation of the Special  
Master Requesting Authorization to Finalize the Terms of Distribution of  
the Settlement Fund, for Implementation of Payment Process, and to  
Establish the Allocation Methodology in Accordance with the ASA for*

*Distribution of Funds Pursuant to the ASA* (“Report”)<sup>1</sup> (ECF No. 3359), filed on November 21, 2025:

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

**Recommendation to Deem Certain Submissions as Complete**

1. The signatures of the approximately 191 claimants who received a “missing information” notice from the claims administrator, and in a good faith effort to comply and clearly intending to sign the necessary release and attestation forms, signed the response form to complete their release and attestation signature requirements, shall be deemed valid and acceptable forms of release and attestation and such claimants shall be deemed eligible to receive payment.

**Recommendation Regarding Process for Signatures from Claimants who Qualify for Payment as a Minor but who are Now Adults**

2. The individuals who were minors at the time the settlement claims were submitted but who have now reached the age of 18, and need to sign the relevant forms on their own behalf, shall be allowed to

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement (“ASA”) to which the Court granted final approval on November 10, 2021. (ECF No. 2008.)

use the payment website to submit these signatures during the payment process.

**Procedures to Ensure Legal Representatives for Minors; Recommendations Regarding Role of Court Appointed Guardians and Second Release Protocol; and Determination of Appropriate and Fair Decisions for Minors**

3. The minor Claimants whose Next Friend did not seek reconsideration or appeal after receiving a notice issued by the claims administrator for approved claims of minors that included language stating that the claimant was not required to take any further action unless they disagreed with the determination on the claim, shall be deemed to have accepted the determination of the claims administrator.

4. The Panel Guardian Ad Litem's ("PGAL") role as set forth in ASA Article XXI has been fulfilled and additional PGAL review is not required.

**Recommendation Regarding Treatment of Minors Whose Claims Cannot be Approved at this Time/Future Children's Fund**

5. As set forth under the terms of the ASA and in the Special Master's Report, minors whose claims are not approved for any reason, including lack of necessary documentation and lack of an

authorized Next Friend, are automatically transferred to the Future Children's Fund. The Special Master shall provide a separate Report and Recommendation to establish the Future Children's Fund.

### **Implementation of Payment Process**

6. A letter shall be sent to each claimant or their counsel, if they are represented, containing a unique identification code that will allow them to access the payment portal, find their payment information, and select their form of payment. Letters that are mailed and returned to the sender shall be resent one additional time. Claimants who are unable to access an online system shall be provided with an alternative method of selecting their payment options. The form of letter for each respective group, as attached in Exhibit 3 to the Special Master's Report, is APPROVED.

### **Medicare Lien Process**

7. The Special Master and lien administrator are authorized to complete lien negotiations with the Center for Medicare and Medicaid Services and shall defer payment to those approximately

1,100 claimants who are Medicare entitled and whose claims are subject to Medicare liens until such process is concluded.

### **Recommendation on Allocation Method**

8. The allocation method is ADOPTED by the Court specifically as follows:

- a. The baseline calculations shall be adopted as set forth in the Special Master's Report.
- b. Readjustment calculations shall follow the parameters recommended in the Special Master's Report. The Special Master shall submit further information about the final calculation when it is complete.
- c. The "Smoothing" process shall be adopted as set forth in the Special Master's Report.
- d. The additional distributions for the LAN<sup>2</sup> and VNA<sup>3</sup> settlements shall be adopted as set forth in the Special Master's Report.

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<sup>2</sup> Leo A. Daly Company, Lockwood Andrews and Newnam, Inc., and Lockwood and Newnam, P.C. (collectively, "LAN") (the "LAN Settlement").

<sup>3</sup> Settlement between Veolia and Individual Plaintiffs represented by Levy Konigsberg, LLP and/or Napoli Shkolnik PLLC. (the "VNA Individual Firm Settlement").

- e. The Special Master is authorized to commence the calculation process.

### **Recommendation to Eliminate Certain Deductions in the Payment Process**

9. The Court finds that the process of allocating the cost of birth certificates to individual claimants given the facts outlined in the Special Master's Report is burdensome and costly and would not result in the allocation of the full amount of such costs. Accordingly, the portion of the "Birth Certificates Order"<sup>4</sup> that required the cost of obtaining birth certificates to be charged to individual claimants is hereby amended to eliminate that requirement.
10. Claimants who were instructed to open full probate actions in order to file their claims and incurred costs in doing so shall be reimbursed. The total amount of such reimbursement for all such 23 claimants combined shall not exceed \$3,975.

### **Payment Portal and Payment Distribution**

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<sup>4</sup> *Corrected Order Directing the Michigan Department of Health and Human Services to Provide Access to Birth Certificates as Specified Herein to Aid in the Implementation of the Partial Settlement* (Feb. 4, 2022) ("Birth Certificates Order"). (ECF No. 2107, PageID.72183–72186, ¶ D.)

11. The Special Master is authorized to pay claims in groups to facilitate the payment process and enable faster distribution. Specifically, the Special Master may commence payment of awards for Residential Property Claims first – as those claims do not involve deductions and payment of those claims first will enable the Distribution Administrator to ensure proper system validation for electronic payment and check distribution. The Special Master shall advise the Court when the payment system is ready to issue such payments.

12. Claimants who have not already executed a release will be asked on the payment portal to check box a box on the website with language to confirm that they have read, understand, and agree with the language in the release, which will be provided on-line as a linked document. Claimants confirming their agreement by checking such box shall be deemed to have executed a valid and binding release.

### **Attorneys' Fees**

13. The Special Master shall implement procedures for the distribution of fees in accordance with the Court's prior fee order.

The Special Master may request from attorneys such additional information as may be necessary to confirm dates of retention, which is necessary both for determination of the applicable fee percentage and for the allocation of fees for claims with multiple attorney representations.

IT IS SO ORDERED.

Dated: December 5, 2025  
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 December 5, 2025.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager