UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

***In re* Flint Water Cases.**

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Judith E. Levy
United States District Judge

This Report and Recommendation Relates To:

ALL CASES

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REPORT AND RECOMMENDATION OF THE SPECIAL MASTER REQUESTING AUTHORIZATION FOR PROCEDURES TO FINALIZE CLAIMS THAT ARE MISSING REQUIRED INFORMATION AND TO CLOSE CERTAIN INCOMPLETE CLAIMS TO ENABLE COMPLETION OF SETTLEMENT PROCESS

On July 31, 2018, under Federal Rule of Civil Procedure 53, the Court appointed Deborah E. Greenspan to serve as a Special Master. *Amended Order Appointing Special Master* ("Special Master Appointment Order"), ECF No. 544, PageID.16581-16590. The Special Master Appointment Order specified various assigned duties and noted additional tasks that could be performed by the Special Master, as directed by the Court.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval of a Partial Settlement, Granting Certification of a Settlement Class, Granting Appointment of Settlement Class Counsel [1794], Denying Objections, and*

Adopting the Report and Recommendation [2006] ("Opinion and Final Approval Order"), 571 F. Supp. 3d 746 (E.D. Mich. 2021) (ECF No. 2008, PageID.69537-69714).

The Opinion and Final Approval Order approved the settlement reached between Plaintiffs and the Settling Defendants in the Amended Settlement Agreement ("ASA"), ECF No. 1394-2, PageID.54120-54211 (dated January 15, 2021).[1] The ASA specified various duties of the Special Master and defines the Special Master as Deborah Greenspan. ASA, §1.77, ECF No. 1394-2, PageID.54136. As set forth in the Opinion and Final Approval Order, pursuant to the ASA, the Special Master oversees various aspects of the settlement and her duties include: "(1) consulting with the Claims Administrator and making decisions regarding registration and participation; (2) considering and deciding, in a timely fashion, any appeals taken by participants …; and (3) handling any disputes that arise involving the ASA." Opinion and Final Approval Order, 571 F. Supp. 3d at 761, ECF No. 2008 at PageID.69554 (citing ASA at PageID.54163–54174).

The Amended Settlement Agreement was approved by the Court, and all federal court orders necessary for full approval of the settlement had been entered as of March 3, 2022. *See Amended Final Judgment and Order of Dismissal with*

[1] Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the ASA.

Prejudice Implementing Partial Settlement Pursuant to Fed. R. Civ. P. 54(b) and 58(a) [2077], ECF No. 2128, PageID.72313-72397 (Mar. 3, 2022). Approximately 30 individuals filed three separate appeals related to the settlement. Those appeals were resolved on March 17, 2023, when the United States Court of Appeals for the Sixth Circuit affirmed the district court's decisions. *In re Flint Water Cases*, 63 F.3d 486 (6th Cir. 2023). On March 20, 2023, the state court entered its judgment addressing the state court cases that were resolved by the settlement. *See In re Flint Water Litigation, Final Judgment and Order of Dismissal with Prejudice Implementing Partial Settlement Pursuant to MCR 2.420, 2.504(A)(2) and 2.602(A)*, Case No. 17-108646 (Genesee County, MI) (Mar. 20, 2023).[2]

On November 21, 2025, I submitted 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* (the "November 21 Report and Recommendation") (ECF No. 3359). That November 21 Report and Recommendation requested authorization to begin distribution of payments for claimants eligible to receive compensation for a

[2] Three additional settlements were reached and approved after this date as explained below. Two of those settlements incorporate separate terms that require a separate distribution of these additional funds to class members.

residential property damage claim and further recommended that those payments be issued at the maximum amount allowed under the terms of the ASA.

On December 5, 2025, the Court entered an *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]* (ECF No. 3377) (the "December 5, 2025 Order").

On March 21, 2026, I submitted the *Report and Recommendation of the Special Master Requesting Authorization to Begin the Process of Distributing Partial Payments for Eligible Adult Injury Claims in Accordance with the ASA* (the "March 21 Report and Recommendation") (ECF No. 3502). On March 23, 2026, the Court entered an *Order Authorizing the Special Master to Begin the Process of Distributing Partial Payments for Eligible Adult Injury Claims as Set Forth in the Report and Recommendation [3502]* (ECF No. 3503). That Order authorized the Special Master to direct the claims administrator and the Distribution Vendor to begin the process of distributing payments to eligible claimants with approved adult injury claims through a two-installment process and further authorized the Special Master to begin distributing payments to eligible minor injury claimants who are now adults and do not wish to take advantage of the trust or structure options.

Under the ASA, claimants were required to submit proper, complete, and fully executed Claims Materials, defined as a Claim Form with required proofs (which includes a proper identification document for claimants and representatives), a fully executed Release, and Lien Disclosure Forms, by the applicable deadlines. *See* ASA ¶¶ 3.19–3.19.3; ASA, Exhibit 2 (Claim Form with Instructions and Document Requirements), ECF No. 1394-5, PageID.54230-35. The ASA further provides that any claimant who fails to deliver proper, complete, and fully executed Claims Materials within this deadline "shall not be able to participate in the Settlement Program and shall not receive a Monetary Award." ASA ¶ 3.22.

As part of the claims process, claimants are required to provide Social Security numbers ("SSNs"), which the Claims Administrator must maintain in a secure database. *See* ASA ¶¶ 12.2.3, 12.3; *see also* ASA, Exhibit 2 (Claim Form with Instructions and Document Requirements), ECF No. 1394-5, PageID.54230-35. Indeed, in the Order Granting Final Approval of the Settlement, the Court confirmed that "[a] Social Security number for each participant is necessary for the lien procedures" and that "[t]he federal government requires that this information be provided to assure that all government liens due (if any) are paid." Order Granting Final Approval, ECF No. 2008, PageID.69703. Additionally, claimants bear "the responsibility to meet the requirements necessary to participate in the Settlement Program and the responsibility to timely deliver to the Claims Administrator the

Claims Materials necessary to establish that they have met the requirements to participate in the Settlement Program." ASA ¶ 3.27.

In implementing the settlement, it became clear that many claimants had difficulty meeting some deadlines and obtaining necessary documents. To help claimants through the process, I granted extensions of time for good cause to a large number of claimants who requested such extensions, and as previously reported, undertook to obtain documentation to help claimants. That documentation included: verification of property ownership, birth certificates to enable claims of minors, school records to help claimants document exposure, water customer data to help claimants document exposure and entitlement to property awards, and blood lead test data from the State of Michigan. The efforts to help claimants also included engagement with medical providers and landlords to obtain documents and verification as necessary, and establishing a hearing process for claimants who simply did not have the necessary documents. *See* November 21 Report and Recommendation, ECF No. 3359, PageID.111506. This process, of course, added to the time for fully processing claims but resulted in confirming eligibility for thousands of claimants who otherwise would have been denied for technical reasons.

Nevertheless, there are still some documents and requirements that are solely in the province of the claimants and that are necessary to comply with the terms approved by the Court and to finalize the settlement. This Report and

Recommendation addresses claims affected by three categories of documentation requirements: (1) claims with missing or invalid Social Security numbers; (2) claims requiring signatures and identifications from a claimant who is now an adult but whose claim was submitted by a Next Friend or purported Next Friend; and (3) documentation confirming the identity of adult claimants or of a "Next Friend" or representative who submitted a claim for a minor, incapacitated or deceased claimant. Many of these claimants and/or their counsel have been notified previously of such requirements (in many cases, more than a year ago) to provide the missing information by the claims administrator, but their claims remain uncured. Under the terms of the ASA, as noted above, claimants were required to provide complete and fully executed claim materials in order to qualify for a Monetary Award. To accommodate the claimants, these deadlines were, as noted, extended for good cause. At this point, however, the lack of complete claim materials is a factor delaying finalization of the settlement. In order to calculate and issue final payment awards, all claims must be finalized – and either found eligible or deficient. This Report therefore recommends that the Court approve a final deadline for these claimants to respond and provide the relevant missing information as detailed below or their claims will be closed without payment.

Claims Missing Valid Social Security Numbers: The claims administrator has provided multiple reports to counsel, including class counsel, identifying claims with missing or invalid SSNs. Claimants and counsel have responded to many of these requests but there are still approximately 250 claimants with approved injury claims who have not provided a valid SSN. (Notably, while some of the claims are missing an SSN, other claims provided an SSN that belonged to a different person or was an invalid number.) This Report addresses only SSNs for claimants who have injury claims because the SSN is required for lien resolution purposes, which applies only to injury claims. The lack of a valid SSN for all approved injury claims prevents final resolution of Medicare liens. According to the Lien Resolution Administrator, claimants who are Medicare entitled are not allowed to receive their payments until the entire Medicare entitled population is identified. At this time, approximately 1,400 injury claims must be held from payment under this requirement. The lack of valid SSNs for all approved injury claims is one of the factors that is affecting the Lien Resolution Administrator's ability to finalize a lien agreement with Medicare.

Because the lack of valid SSNs affects payments to a significant number of claimants, I recommend that the claims administrator issue a final notice to all claimants who have a missing or invalid SSN and that the claims administrator be directed to deny and close claims submitted by claimants who fail to provide a valid SSN within 30 days of the notice. It is appropriate and necessary to close claims of individuals who fail at this stage of the implementation of the settlement to provide valid Social Security numbers in response to this final notice: the requirement to provide a valid SSN was specified in the original claim materials and closing any of these claims that remain uncured will enable the distribution of the Settlement Fund to those claimants who have satisfied the requirements of the claims process.

Obtaining Signatures and Identification From Claimants Who Have Turned 18: Nearly 80% of the settlement funds are to be distributed to individuals who were minors at the time of their exposure to Flint water. Many of those individuals (most notably those who were "teens" at the time of the water crisis) have since turned 18 and are therefore adults for purposes of executing documents. Under the terms of the ASA, adult claimants must execute a release and attestation form (or, in lieu of the attestation form, must execute the other claim forms). Thousands of approvable claims were submitted by someone purporting to be a "Next Friend" for an individual who was a minor during the Exposure Period but who is now an adult. In many such cases, the relevant documents were signed by the individual purporting to be the legal representative of the minor claimant. (Notably, in many of these cases, the legal authority of the purported Next Friend was not documented – raising a question about the validity of the claim and whether the "now adult" claimant is actually aware of the claim.)

The November 21 Report and Recommendation had noted that such claimants who were minors at the time of the settlement but are now adults need to sign the relevant forms on their own behalf, and recommended that "the most expedient way to obtain these signatures is to request them during the payment process". November 21 Report and Recommendation, ECF No. 3359, PageID.111515-16. The Court's December 5, 2025 Order allows for such a process. *See* December 5, 2025 Order, ECF No. 3377, PageID.111969-70 ("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 use the payment website to submit these signatures during the payment process."). The November 21 Report and Recommendation also contemplated that claimants could submit missing identification documents directly on the payment portal at the final stage of the process. *See* November 21 Report and Recommendation, ECF No. 3359, PageID. 111532, n.10 (stating that the calculation of awards is based on Approved claims, which "includes those approved but with 'missing information' defined as a required signature or an identity document (such as the Claimant's or Next Friend's driver's license or other government issued I.D.). Such claims are approved for payment and such signatures or identification documents can be provided on the payment portal as described above."). The Court's December 5, 2025 Order adopted the allocation method set forth in the recommendation. *See* December 5, 2025 Order, ECF No. 3377, PageID.111972.

Since the payment process commenced in December 2025, experience with approved claims and payments issued by the Distribution Vendor on the payment portal have indicated a need to revise the recommendations from 2025. Because the notices are sent to the person who filed the claim (who is not the actual now adult claimant), the claims administrator has no way of knowing whether the actual "now adult" claimant received the notice. In fact, the Special Master's office has received notifications from a few claimants expressing concern that an unauthorized person may be attempting to access or has accessed their payment. In order to further reduce the risk of fraud and ensure that funds are not disbursed to someone other than the claimant, I recommend that the Court require that signatures and identification documents for "now adult" claimants whose claims were submitted by someone else purporting to be their Next Friend be received and verified by the claims administrator before such claims are deemed Approved claims and transferred to the payment portal.[3]

During the course of the claims process, the claims administrator has sent notices to the purported representatives of minor claimants who have turned 18

[3] In order to avoid additional administrative expenses, the Distribution Vendor has not set up a separate process to accept and review identification documents at the final payment stage on the portal. This process, while feasible, is costly and will result in further delay. Instead, as set forth below, claimants have been requested to submit identification documents under the established procedures directly to the claims administrator.

advising that the "now adult" claimant must sign the relevant forms. The letters typically did not specifically request that the claimant provide a photo identification, but such an identification is an important factor in helping to identify fraudulent claims. As of the date of this Report, there are approximately 990 claims submitted for claimants who have now reached the age of 18 that have not responded to notices sent over a year ago requesting the necessary signatures, and approximately 1,571 claimants who have received notices more recently but have not yet provided the information.

The claims administrator has prepared lists of individuals represented by counsel who must still submit the required signatures and identification. These lists were distributed to the firms on August 18, 2026. To avoid confusion, I recommend that the deadline for submitting the requested documentation for those claimants on the previously provided lists be 30 days from the date of the order approving this recommendation should the Court enter such an order. I have asked the claims administrator to prepare a final notice to all unrepresented claimants who were minors at the time of claim filing and are now adults requesting the necessary signatures and a valid identification. The notices were mailed August 17-19, 2026. Again, I recommend that the deadline be set at 30 days after an order approving this recommendation. (Class counsel is provided a list of notices sent to claimants who are not represented by individual counsel.) I further recommend that claims of individuals who do not provide the required documents by 30 days after the date of the order (absent good cause) be closed and, if eligible, transferred to the Future Minor Sub-Qualified Settlement Fund.[4] I further recommend that any additional "now adult" claimants identified by the claims administrator who are 18 or older but whose claims were submitted by someone else purporting to be their Next Friend be similarly provided 30 days from a final notice from the claims administrator to provide the necessary documents (absent good cause) or their claims will be closed without payment.

Claimants who show good cause for failure to meet the 30-day deadline and who notify the Special Master's office (either directly or through their lawyer) within 15 days of the deadline may be permitted to receive a check payment on the condition that they sign the forms and provide a valid photo identification at the check pick up site. This process will facilitate the final allocation and distribution of funds.

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[4] The Future Minor Sub-Qualified Settlement Fund is a $35,000,000 reserve established under Paragraph 5.2.4 of the Revised Amended Settlement Agreement, drawn on a prorated basis from the Minor Child, Minor Adolescent, and Minor Teen Sub-Qualified Settlement Funds. *See* ECF No. 1394-2, PageID.54146. It serves as a "safe harbor" for minors—persons under eighteen as of their first exposure to Flint water during the Exposure Period (April 25, 2014 through November 16, 2020)—who failed to timely register or did not receive a Favorable Notice, allowing them to participate in the Settlement Program before turning nineteen, subject to available funds. *Id.* at PageID.54130, 54148–54150; Order Approving ASA, ECF No. 2008, PageID.69591 (Nov. 10, 2021).

Identification of Next Friends of Minors or Incapacitated Claimants, Representatives of Deceased Claimants, and Adult Injury Claimants. Under the ASA, Minors and Legally Incapacitated Individuals ("LIIs") must participate in the Settlement Program through a Next Friend. *See* ASA ¶ 3.7; Article XXI. A "Next Friend" is defined as "an individual who is appointed under the order required under Paragraph 21.3 to represent the interests of another individual who lacks legal capacity to act on his or her own behalf due to being a Minor, or due to physical or mental impairment." ASA ¶ 1.50. The Next Friend is responsible for submitting a Registration Form and Claims Materials to the Claims Administrator on behalf of the Minor or LII, and must "identify themselves as such for the Minor or LII and provide proof that they meet the requirements of the orders entered by the Genesee County Circuit Court and the Federal Court." ASA ¶ 21.11.

Claims for deceased individuals also require a legally authorized representative under applicable law and the ASA. *See* ASA ¶ 8.4.6; Mich. Comp. Laws § 600.2922. The claims administrator issued a notification to all individuals who submitted a claim on behalf of a deceased person but who did not submit the necessary documentation to establish their legal authority to represent the interests of the deceased person or who needed to sign the required forms and provide a valid identification for themselves. (This process is necessary to ensure that award payments are provided to the appropriate heirs and beneficiaries of the decedent.)

Similarly, the claims administrator issued a notification to individuals who submitted a claim on their own behalf that was approved for an Adult injury claim but failed to provide their own required identification document notifying them that they needed to do so.

The claim form instructions approved by the Court require that claimants or representatives of claimants who are unable to submit their own forms provide an appropriate form of identification. ECF No. 1394-6, PageID.54238. Such identification is necessary and appropriate to help confirm eligibility and protect against fraud.

As noted above, the November 21 Report and Recommendation contemplated that claimants could submit missing identification documents directly on the payment portal at the final stage of the process. *See* November 21 Report and Recommendation, ECF No. 3359, PageID. 111532, n.10. For the reasons set forth above, I recommend that the required identification documents for claimants or for any Next Friend or representative be submitted to and verified by the claims administrator before such claims are deemed Approved claims and transferred to the payment portal.

As of the date of this Report, there are approximately 943 claims where the Next Friend or representative has failed to submit a photo identification for themselves. In general, these Next Friends and representatives have been notified that they are required to submit the identification. I recommend that the claims administrator send a final notice to all Next Friends of minors or incapacitated adults, representatives of deceased claimants, and adult injury claimants who have failed to provide a required identification, advising that if the identification is not provided within 30 days, the claim will be closed without payment. Claimants who are minors will be placed on the registration list for the Future Minor Sub-Qualified Settlement Fund.

I further recommend that the same procedure be implemented for newly identified decedents – *i.e.*, that a notice be sent to the best available contact requiring that the necessary documentation (consisting of a death certificate, an affidavit of decedent's successor (with proof of relationship) or letters of administration along with any missing forms requiring signatures and an identification) be submitted within 30 days and that if the documentation is not submitted, the claim will be closed without payment.

Resolution of Claims of Unresponsive Claimants:

The ASA places the responsibility on each claimant to "meet the requirements necessary to participate in the Settlement Program and the responsibility to timely deliver to the Claims Administrator the Claims Materials necessary to establish that they have met the requirements to participate in the Settlement Program." ASA ¶ 3.27.

As of the date of this Report, claimants (or their representatives) for approximately 1,000 claim payments posted in December 2025 have failed to take action to access the portal and receive payment. Counsel have been provided with lists of their clients in this group who have not accessed the portal so that they can remind their clients. I recommend that the payment vendor be directed to prepare a final notice to all claimants who are not specifically represented by counsel (or their Next Friend or representative, as applicable) who have not accessed the portal to obtain payment after 30 days, advising that they have 30 more days to do so or their claims will be closed without payment. The law firms have already received lists of their affected clients who had payments posted in December, and I recommend that those claimants shall be provided 30 days after the date of an order approving this recommendation to access their payment. I further recommend that the payment vendor prepare lists for counsel of all claimants represented by counsel (or their Next Friend or representative, as applicable) whose payment notices were issued after December 2025 and who have not accessed the portal to obtain payment after 30 days, advising that they have 30 more days to do so or their claims will be closed without payment. Note that the payment portal allows firms to make the payment election for their clients at the client's request.

It is appropriate and consistent with the administration of other large settlements to implement a procedure for closing unresponsive claims and reallocating the funds for the benefit of the active claimants. A proposed order is attached as Exhibit A.

Respectfully submitted,

Dated: September 7, 2026

/s/ Deborah E. Greenspan
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CERTIFICATE OF SERVICE

I certify that on September 7, 2026, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Dated: September 7, 2026

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