

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

***In re* FLINT WATER CASES**

**Civil Action No. 5:16-cv-10444-JEL-
(consolidated)**

Hon. Judith E. Levy

**NOTICE OF THE SPECIAL MASTER REGARDING
FILING OF DECLARATION OF SENATOR CARL LEVIN (RETIRED)
AND PAMELA R. HARWOOD, CO-MEDIATORS**

Appended to this Notice is the Declaration of Senator Carl Levin (retired) and Pamela R. Harwood, Co-Mediators, regarding Class Plaintiffs' Motion for Certification of a Settlement Class, Final Approval of Class Settlement, and Appointment of Settlement Class Counsel (ECF No. 1794) and Co-Liaison Counsel's Brief in Support of Final Approval of the Proposed Settlement (ECF No. 1795).

Respectfully submitted,

Date: July 11, 2021

/s/ Deborah E. Greenspan

Deborah E. Greenspan
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

In Re; Flint Water Cases

Case No. : 5:16-cv-10444-JEL-MKM
(consolidated)

Hon. Judith E. Levy

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DECLARATION OF SENATOR CARL LEVIN (retired) and PAMELA R. HARWOOD,
CO - MEDIATORS

I, Pamela R. Harwood, hereby declare as follows:

1. I submit this declaration in my capacity as co-mediator in the above-captioned action and in connection with the proposed settlement of claims in this case. The Court appointed Sen. Carl Levin (retired) and me as facilitative mediators on January 16, 2018. I have been authorized by Sen. Levin to make these representations on his behalf.
2. The parties' settlement negotiations were conducted in confidence subject to the order of the Court which established specific guidelines for the mediation process. Order Appointing Facilitative Mediators Pursuant to E.D.Mich. Local R. 16.4, ECF 324. This declaration provides information about the mediation process but does not abrogate the strictures of the confidentiality order.
3. The information provided herein is based on my personal knowledge and I am competent to testify as to the matters set forth herein.
4. I served as a mediator for nine (9) years after spending nineteen (19) years as a state court judge in Wayne County, Michigan. During this time, I resolved thousands of cases, including class actions and other complex cases with highly contested facts and liabilities. From 1989 to 1992, I presided over and resolved thousands of asbestos cases in Wayne County Circuit Court. I also became a nationally recognized expert in caseload management in trial courts and taught that subject at the National Judicial College. In 2014, the American Board of Trial Advocates, Michigan Chapter, honored me with the Lifetime Judicial Achievement Award.

The Mediation Proceedings

5. Sen. Levin and I began meeting with counsel in January 2018. Representing plaintiffs were the attorneys appointed by the Court as Interim Co-Lead Class Counsel and Individual Plaintiffs' Liaison Counsel. Although there are multiple defendants in the litigation, all of which were involved in various mediation sessions, this declaration focuses on the resolution achieved with respect to the State of Michigan (and the various State-related defendants), the City of Flint, Rowe Engineering, and McLaren Hospital.
6. Some sessions were in-person, others were telephonic; many were with counsel and representatives of individual defendants and/or appointed plaintiffs' counsel.
7. The negotiations involved, at various times, approximately fifty (50) attorneys, client representatives and/or representatives of insurance carriers. In addition to negotiating, we read numerous briefs and expert reports as well as applicable case law and judicial rulings. Sen. Levin and I have committed over two thousand (2,000) hours to the Flint Water cases.
8. Sen. Levin and I focused solely on achieving an aggregate settlement amount for the State, City, Rowe, and McLaren. In the Fall of 2018, the Court authorized the Special Master to work with the parties to define a legal structure for resolution, allocation of the aggregate settlement sum, and compensation terms. The mediators did not address attorney fees, compensation terms, allocation, or the legal construct of the settlement.
9. The aggregate settlement amounts before the Court were achieved through lengthy arms-length negotiations in which, in our view as mediators, the plaintiffs obtained the maximum amount of compensation that the settling defendants were able and willing to offer.
10. Each settling party was well-represented by zealous and able counsel. The negotiations were based on detailed analyses of the relevant facts and legal principles.
11. From a mediator's perspective, the settlement that was reached with the settling defendants is a compromise reached after informed, hard-fought negotiations, and reflects the strengths -and risk- of the claims.
12. The settlement amount reached at the end of the mediation process represents a fair and practical resolution given the risks of prolonged litigation for so many.
13. For these reasons, we support the settlement amount pending before the Court. We believe it is the product of informed, arms' length negotiations by the parties,

represented by experienced and competent counsel, with due recognition of the complexity of the facts and legal issues in this litigation.

We declare under penalty of perjury that the foregoing facts are true and correct and that this declaration was executed this 9th day of July 2021.

Carl Levin/ prh w/consent
Sen. Carl Levin (retired)

Pamela R. Harwood
Pamela R. Harwood

CERTIFICATE OF SERVICE

I certify that on July 11, 2021, 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.

Date: July 11, 2021

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

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