

**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

_____ /

**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**

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, at §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).

On January 20, 2022, the Court issued its *Order Regarding Settlement-Related Duties Of The Special Master*, ECF No. 2096, PageID.71973-71977 (“January 2022 Order”). By this Order, the Court amended its previous Special Master Appointment

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

Order and directed Deborah E. Greenspan to fulfill all of the duties of Special Master set forth in the ASA. *See* January 2022 Order, PageID.71975. The January 2022

Order further provided:

Under the provisions of the Special Master Appointment Order, the Court further directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims administration process and the entities engaged to provide services in connection with the review, evaluation, and administration of claims and the distribution of settlement assets.

Id.

The Amended Settlement Agreement was approved by the federal district 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 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 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).

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.

The Distribution Vendor³ began distribution of payments for property damage claims on December 12, 2025. As of March 20, 2026, 8,251 award letters have been issued, and approximately 6,126 claimants have accessed the payment process to receive their payments. Within the next two weeks, the Distribution Vendor will issue approximately 2,300 additional award letters for those claimants who have approved residential property damage claims, including those approved for properties that were also claimed and approved for another claimant.

As the Court is aware, there are a number of appeals and escalated claims that have now been sent to the Special Master for resolution. Although the Special Master has not yet issued final determinations on all of these appeals and escalations, the Special Master, in conjunction with the expert firm engaged by the Court, has assessed these pending appeals and escalations and has created projections of the final value of these claims. These projections are based on conservative assumptions and are consistent with the parameters outlines in the November 21 Report and Recommendation. This process allows the Special Master to undertake calculations

³ The Court approved the engagement of the Distribution Vendor – Epiq Class Action & Claims Solutions, Inc. d/b/a Epiq Class Action & Mass Tort Solutions (“Epiq”) (“Distribution Vendor”) – on September 3, 2024. *See Order Authorizing Engagement of Epiq Class Action & Claims Solutions, Inc. as Distribution Vendor to Distribute Payments to Eligible Claimants in the Partial Settlement* [3136], ECF No. 3137, PageID.107384-107385 (Sep. 3, 2024).

that will enable a partial payment to claimants with approved adult injury claims.⁴ I recommend a partial payment because the total amount payable to each approved claimant will be adjusted as all appeals and the value of the Settlement Fund assets are finalized.

Based on this process, I recommend that the Court authorize 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. I propose that such claims be paid in two installments – one to start promptly should the Court approve this recommendation and the second to be issued once the final allocation of all funds and all claims is completed. I further recommend that the first installment be set at an amount that is appropriately conservative to provide protection for adjustments in the final calculation.

I recommend issuing the payments to Claimants eligible for adult injury payments first because adults are permitted to receive “cash” payments under the ASA, which means that it is possible to pay these claimants in installments. We cannot distribute partial payments to minors because they are required to receive their payment either through a structured settlement or a trust – which must be funded in full and cannot be funded in installments. In addition, as previously

⁴ Adult injury claims as referenced herein refer to claimants with approved Adult claims in Categories 22 to 27A under the ASA. These claimants include those with a qualifying injury or a qualifying lead level. *See* ASA, Exhibit 8 (ECF 1319-2).

reported, there are approximately 1,100 claimants who potentially are subject to a Medicare lien. It might be necessary to hold payments to some of these individuals pending a final resolution of the liens with Medicare.

Finally, I recommend that once payments to eligible adult claimants commence, we begin the process of issuing similar installment payments to claimants who were minors at the time of the water crisis but are now adults and who wish to receive their payment in “cash” and do not wish to take advantage of the trust or structure options (which are available to some young adult claimants).

Respectfully submitted,

Dated: March 21, 2026

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

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CERTIFICATE OF SERVICE

I certify that on March 21, 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: March 21, 2026

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

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