

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

D.R., as a minor through parent and next friend Dawn Richardson, A.K., as a minor through parent and next friend, Angy Keelin, C.D.M., as a minor through parent and next friend Crystal McCadden, C.M., as a minor through parent and next friend Crystal McCadden, J.T., as a minor through parent and next friend Nakiya Wakes, N.S., as a minor through parent and next friend Nakiya Wakes, J.W., as a minor through parent and next friend Kathy Wright, C.D., as a minor through parent and next friend Twanda Davis, D.K. as a minor through parent and next friend Rachel Kirksey, M.K. as a minor through parent and next friend Rachel Kirksey, O.N., as a minor through parent and next friend Manita Davis, D.T. as a minor through parent and next friend Manita Davis, D.D. as a minor through parent and next friend Chandrika Walker, C.W. as minor through parent and next friend Chandrinka Walker, J.B. as a minor through parent and next friend Jeree Brown, individually and on behalf of all similarly situated persons,

Plaintiffs,

v.

Michigan Department of Education,
Genesee Intermediate School District and
Flint Community Schools,

Defendants.

Case No. 16-CV-13694-AJT-APP

Hon. Arthur J. Tarnow

Hon. Mag. J. Anthony P. Patti

**ORDER APPROVING
SETTLEMENT**

ORDER APPROVING SETTLEMENT

This Court, having issued an Order preliminarily approving the class settlement and directing class notice on March 1, 2021, and after holding a Fairness Hearing on April 12, 2021, finds as follows:

1. The Class Notice provisions approved by this Court on March 1, 2021 were complied with and the Parties have verified that notice was provided to the class in accordance with this Court's order.
2. The Court proceeded with the Fairness Hearing on April 12, 2021. No objections to the settlement were made at the Fairness Hearing. The Parties have advised the Court that they are not aware of any objections by the class members.
3. This Court, after reviewing Plaintiffs' submissions, and after carefully considering the factors enumerated in Rule 23(e)(2) of the Federal Rules of Civil Procedure, as well as the factors set forth in *UAW v. GMC*, 497 F.3d 615, 622 (6th Cir. 2007) and *Pelzer v. Vassalle*, 655 F. App'x 352, 359 (6th Cir. 2016), finds that the settlement is fair, reasonable, and adequate, and specifically finds that:

- a. There have been no objections to the terms of the settlement, to which the class representatives have assented;
- b. The class representatives have adequately represented the class;
- c. The settlement will benefit the class and treats class members equitably relative to each other;
- d. The settlement, which was the product of extensive negotiations that included multiple settlement conferences with Magistrate Judge Patti, was negotiated at arm's length;
- e. Class counsel have adequately represented the class;
- f. The Court concurs with counsels' assessment that this settlement is a fair, reasonable, and adequate resolution of Plaintiff class members' claims in this matter, provides significant relief to the class, and is consistent with the public interest;
- g. Continued litigation, above and beyond any risks inherent in litigating the merits, would significantly delay any potential relief for the class. The settlement thus avoids the costs, risks, and harms of further delay by continued litigation, including the delay of trial and appeal;

- h. The agreed upon attorney fees are deemed to be just and appropriate given the value of Plaintiffs' counsels' work during the pendency of this matter; and
 - i. The settlement will benefit the class as a whole and is fair, reasonable, and adequate.
- 4. By the express terms of the Settlement Agreement, this settlement is conditioned upon court approval of the settlement agreement in *In re Flint Water Cases*, No. 5:16-cv-10444-JEL-MKM ("FWC Class Settlement"). This separate FWC Class Settlement establishes the FWC Qualified Settlement Fund that will be used, in part, to fund the settlement here; therefore:

IT IS HEREBY ORDERED that final approval of the Settlement Agreement is hereby **ENTERED** upon this Court's finding that the settlement is fair, reasonable, and adequate. The Court recognizes that the approved Settlement Agreement is, by its express terms, contingent upon approval of the FWC Class Settlement, and the establishment and funding of the FWC Qualified Settlement Fund. Therefore,

IT IS FURTHER ORDERED that, consistent with the agreement of the Parties, if the FWC Class Settlement is approved and the FWC Qualified Settlement Fund is established and funded, this Court will enter an Order dismissing this case with prejudice and retaining jurisdiction for the purpose of enforcing the Settlement Agreement; and **IT IS FURTHER ORDERED** that, consistent with the agreement and understanding of the Parties, if the FWC Class Settlement is not approved and/or the FWC Qualified Settlement Fund is not established or funded, this Order will be of no effect as the Settlement Agreement, by its own terms, will be null and void.

This is not a final order and does not close the case.

IT IS SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

Dated: May 12, 2021

Approved as to form and content:

/s/ Lindsay M. Heck

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Dated: May 11, 2021