

# Attachment 2

Flint Water Cases Settlement Program Overview

**Certain defendants, including the State of Michigan and others, have agreed to pay \$641.25 million to settle claims from individuals, residential property owners and renters, and businesses that claim that they were injured by exposure to water from the Flint Water Treatment Plant between April 25, 2014 and November 16, 2020**

The deadline to file a Registration Form for a payment is March 29, 2021.

The State of Michigan, the City of Flint, McLaren Regional Medical Center, and Rowe Professional Services Company, have agreed to pay a combined total of \$641.25 million to settle claims about the allegedly contaminated water received from the Flint Water Treatment Plant between April 25, 2014 and November 16, 2020. If you received this Notice by mail, you have been identified as an adult, residential property owner or renter, or a business who may have resided in Flint during that period.

The settlement funds will be used to pay separate groups of people and/or businesses: 1) individuals who were under 18 at the time they were exposed to the water; 2) Adults who were exposed to the water; 3) persons who owned or rented residential property in Flint between April 25, 2014 to July 31, 2016; and 4) businesses that operated in Flint during that period. The deadline to submit a Registration Form online or mailed and postmarked is **March 29, 2021**. If you do not submit the registration form, you will not be able to file a claim for payment (minors who fail to submit a Registration Form still have an opportunity to seek a payment as a Future Minor Claimant until their 19<sup>th</sup> birthday). If you did not receive a Registration Form, or if you need another one, visit [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com) or call 1-X800-493-1754 to request one.

**Differences Between Minors, Individual Plaintiffs and the Settlement Class**

**Minors at time of exposure:** Persons who were under the age of 18 at the time of exposure to the water are entitled to make claims in the claim categories reserved for children even if they turned 18 during the exposure period. **The Next Friend provisions apply only to current Minors. Children are not included in the Settlement Class, but they can make claims for compensation from the settlement.**

**Individual Plaintiffs:** Individual Plaintiffs are persons or entities (business) that have already hired their own individual lawyer to represent them in the litigation. A complete list of all Individual Plaintiffs is available at [www.OFFICIALFLINTWATERSETTLEMENT.com](http://www.OFFICIALFLINTWATERSETTLEMENT.com). If you are an Individual Plaintiff, please contact your lawyer. **Individual Plaintiffs are not included in the Settlement Class, but they can make claims for compensation from the settlement.**

**Settlement Class Members:** The class action Settlement Class includes all persons or entities who:

- (1) Were an Adult who owned or lived in a residence that received water from the Flint Water Treatment Plant or were legally liable for the payment of such water;
- (2) Owned or operated a business including income earning real property (meaning a rental house or other business property) and any other businesses, that received water from the Flint Water Treatment Plant, or were legally liable for the payment of such water; or
- (3) Were an Adult (18 years or older) during the Exposure Period and who ingested or came into contact with water (for example you drank, ate, cooked, bathed, showered, washed clothing or washed dishes with the water) received from the Flint Water Treatment Plant.

If you are a Settlement Class Member, please read the enclosed **Class Action Settlement Notice**.

<b>Legal Rights and Options for Settlement Class, Individual Plaintiffs, and Minors</b>			
<b>Options</b>	<b>Settlement Class Members</b>	<b>Individual Plaintiffs</b>	<b>Minors</b>
<b>Do I need to submit a Registration Form by Month DD, 20xx, to receive money from the Settlement Program?</b>	Yes.	Yes.	Yes. You or your Next Friend <b>MUST</b> file a Registration Form.
<b>Do I need to submit a Claim Form to receive money from the Settlement Program? If you file a complete and timely Registration Form, you will be sent a Claim Form at a later date.</b>	Yes.	Yes.	Yes. You or your Next Friend will be sent a Claim Form at a later date.

<b>Additional Legal Rights and Options for Settlement Class</b>	
<b>Can I Opt Out of the Settlement?</b>	Yes. If you opt out, you will get no money from the settlement.
<b>Can I Object to the Settlement?</b>	Yes.

The enclosed **Class Action Settlement Notice** applies only to Settlement Class Members as defined above. If you think you are member of the Settlement Class, you should read the enclosed notice carefully. If you want to make a claim on behalf of a Minor who was exposed to water from the Flint Water Treatment Plant, you should speak to your lawyer or consider hiring one to represent the Minor child. If you are an Individual Plaintiff with an active lawsuit, you should speak to your lawyer.

If you have questions about the Settlement Program or the Settlement, please visit [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com), or call toll-free, 1-800-493-1754.

**This notice explains a class action settlement in the Flint Water Cases.**

**This notice applies to you if at any time during the period April 25, 2014 to November 16, 2020 (“Exposure Period”), you are claiming or could claim an injury, damage, or loss of any kind resulting from any of the following:**

- (1) you were exposed to water from the Flint Water Treatment Plant (“FWTP”) and you were 18 years or older at any time when you were exposed; or**
- (2) you were 18 years or older at any time when you owned, rented, or lived in residential property served by the FWTP, or were legally liable for the payment for such water, during that time; or**
- (3) you owned or operated a business served by the FWTP, or were legally liable for the payment for such water, during that time.**

*Si desea recibir esta notificación en español, llámenos o visite nuestra página web.*

**This notice describes your rights. Please read it carefully.**

- The “Settling Defendants,” which include the State of Michigan, the City of Flint, McLaren Regional Medical Center, and Rowe Professional Services Company, have each separately agreed to pay certain amounts, which total approximately \$641.25 million, to settle claims about the allegedly contaminated water received from the Flint Water Treatment Plant (located at 4500 Dort Highway, Flint, Michigan, 48506). This is called the “Settlement Program.” The Settlement Program applies to persons or entities that are defined as a Settlement Class, and also applies to children (who are not part of the Settlement Class), and to certain persons or entities represented individually by a lawyer (who are also not part of the Settlement Class). This notice applies only to the individuals who are Settlement Class Members (the persons/entities defined above and in Question 5.)
- The total settlement fund is \$641.25 million, and is divided into 3 general categories:
  - (1) 79.5% of the \$641.25 million (less fees and expenses allowed by the Court) will be allocated to children who were under age 18 when they were first exposed to the water.
  - (2) 2% of the \$641.25 million (less fees and expenses allowed by the Court) will be allocated to educational programs for Flint children affected by the water.
  - (3) 18.5% of the \$641.25 million (less fees and expenses allowed by the Court) will be allocated to adults, property owners and renters, and/or business owners and operators, or are legally liable for the water payments who are claiming injury, damage, or loss of any kind. The adults, property owners and renters, business owners and operators and others who are legally liable for the water payments will sometimes be referred to as the “Adult and Business Claimants”. Adult and Business Claimants are part of a class action settlement if they are not represented individually by a lawyer.
- If you are an Adult or Business Claimant that was exposed to Flint water during the Exposure Period, and you are not represented individually by a lawyer, you are a member of the Settlement Class. This means that even if you did not hire a lawyer or file a lawsuit, you may make a claim for a settlement payment as described in this notice.

- If you were a minor when you were first exposed to Flint water during the Exposure Period or you are an Adult or Business Claimant and you are represented individually by a lawyer, you are eligible to participate in the Settlement Program, but you are not a member of the Settlement Class.
- **If you want to participate in the Settlement Program and receive a payment, you must Register by March 29, 2021.** You can submit your Registration Form online at the website [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com) or by mail. See Questions 10-15 for additional details. If you are included in the class action settlement, you also have other rights that are explained in this notice.

<b>LEGAL RIGHTS AND OPTIONS FOR ADULTS, PROPERTY OWNERS/RENTERS, AND BUSINESS OWNERS/OPERATORS:</b>	
<b>SUBMIT A REGISTRATION FORM</b>	<p>You <b>must</b> submit a Registration Form by <b>March 29, 2021</b>. <b>If you do not submit a Registration Form online or mailed and postmarked by March 29, 2021, you will <u>not</u> receive any money from the settlement fund unless you were a minor when you were first exposed.</b></p> <p><b>If you were a minor when you were first exposed to Flint water during the Exposure Period, you are <u>not</u> a member of the Settlement Class, but you may submit a Registration Form for a payment. Even if you do not submit a Registration Form by the deadline, you still may seek compensation from the Future Minor Claimant fund, if you register and seek compensation on or before your 19<sup>th</sup> birthday.</b></p>
<b>SUBMIT A CLAIM FORM</b>	<p>If you submit a valid Registration Form by the deadline, the Claims Administrator will later contact you with instructions about how and when to submit a Claim Form so that you can apply for a payment.</p>
<b>OPT OUT OF THE SETTLEMENT</b>	<p>If you are a member of the Settlement Class, you may remove yourself from the Settlement Class by opting out. If you opt out, you will not get any money from the settlement.</p> <p>Opting out is the only option that allows you to start or continue a lawsuit against the Settling Defendants about the claims the class action settlement resolves. If you opt out of this settlement, you cannot submit a Registration Form and you cannot receive a payment.</p>
<b>OBJECT</b>	<p>You may write to the Court about why you do not like the settlement. If you are a member of the Settlement Class, you may only object to the settlement if you do not opt out.</p>
<b>GO TO A HEARING</b>	<p>If you do not opt out, you may ask to speak in Court about the fairness of the settlement.</p>
<b>DO NOTHING</b>	<p>If you do not register or opt out, you will get no money from the settlement, and you will give up your rights to sue the Settling Defendants for the claims the class action settlement resolves.</p>

- If you are a member of the Settlement Class, your legal rights are affected whether you act or do not act. Read this notice carefully.
- Settling Defendants deny any and all alleged liability, wrongdoing, violations, and/or damages allegedly caused with respect to any and all claims asserted in the Flint water-related lawsuits. The Court has not decided who is right, but both the Plaintiffs and the Settling Defendants have agreed to a settlement.
- The Court in charge of this case still has to decide whether to approve the settlement.

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## BASIC INFORMATION

### 1. Why is this notice being provided?

You have a right to know about a proposed class action settlement and about all of your options before the Court decides whether to give “final approval” to the settlement. This notice explains the lawsuit, the settlement, your legal rights, what settlement fund money will be available, who is eligible, and how to get money from the settlement fund.

Judge Judith E. Levy of the United States District Court for the Eastern District of Michigan is overseeing this lawsuit. The settlement resolves multiple lawsuits now known as *In re Flint Water Cases*, Case No. 5:16-cv-10444 (E.D. Mich.), as well as other Flint water-related lawsuits that are pending in the Circuit Court for Genesee County, Michigan and the Michigan Court of Claims, and their respective appellate courts. Judge Levy approved this notice.

The persons who filed lawsuits are called the “plaintiffs,” and the persons, companies or government entities being sued in the lawsuits, are called the “defendants.” Some of the defendants in the cases have agreed to the settlement. They are the Settling Defendants. The Settling Defendants are: The State of Michigan; Michigan Department of Environmental Quality (now the Michigan Department of Environment, Great Lakes, and Energy); Michigan Department of Health and Human Services; Michigan Department of Treasury; former Governor Richard D. Snyder; Governor Gretchen Whitmer; the City of Flint; the Flint Receivership Transition Advisory Board; Darnell Earley; Howard Croft; Michael Glasgow; Gerald Ambrose; Edward Kurtz; Michael Brown; Dayne Walling; Daugherty Johnson; Liane Shekter Smith; Daniel Wyant; Stephen Busch; Kevin Clinton; Patrick Cook; Linda Dykema; Michael Prysby; Bradley Wurfel; Eden Wells; Nick Lyon; Dennis Muchmore; Nancy Peeler; Robert Scott; Adam Rosenthal; Andy Dillon; McLaren Health Care Corporation; McLaren Regional Medical Center, McLaren Flint Hospital; and Rowe Professional Services Company.

This settlement only resolves claims against the Settling Defendants that have agreed to pay for the settlement. It does not stop claims against other defendants that have not agreed to a settlement. This means that the cases will continue against defendants that have not settled.

### 2. What is this lawsuit about?

There are thousands of lawsuits and claims. The lawsuits assert that residents of Flint and others who used or were exposed to water from the FWTP between April 25, 2014 and November 16, 2020, suffered personal injury, property damage, economic loss, or any other type of damage or injury as a result of exposure to, use of, or being obligated to pay for, the contaminated water. Some lawsuits were filed by Individual Plaintiffs and some lawsuits were filed as a class action - on behalf of those exposed to the water. Individual Plaintiffs are every person or entity (business) that has already hired their own individual lawyer to represent them in the litigation. A complete list of all Individual Plaintiffs is available at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com). If you are an Individual Plaintiff, please contact your lawyer. The lawsuits claim that when the City of Flint switched to the Flint River as the source of water in 2014, the water was not treated correctly and that it caused pipes to corrode and release lead and other contaminants into the water.

Plaintiffs allege that exposure to contaminated water received from the Flint Water Treatment Plant (located at 4500 Dort Highway, Flint, Michigan 48506), during the period April 25, 2014 to November 16, 2020, has caused a public health crisis.

Plaintiffs in the class action also allege that Settling Defendants made the situation worse by, among other things, concealing and misrepresenting the scope of the water contamination, failing to take

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[WWW.OFFICIALFLINTWATERSETTLEMENT.COM](http://WWW.OFFICIALFLINTWATERSETTLEMENT.COM)

effective action to eliminate the source of the contamination, failing to properly treat the water in general, failing to properly provide engineering services and advice on treating and addressing contamination of the water, and then lying about it to cover up the misconduct.

Settling Defendants deny any and all alleged liability, wrongdoing, violations, and/or damages any of them allegedly caused with respect to any and all claims asserted or that could have been asserted in the lawsuits. The Court has not decided who is right, but both the Plaintiffs and the Settling Defendants have agreed to a settlement to end the lawsuits and avoid further related costs.

### 3. Why is there a settlement?

Certain lawyers representing Plaintiffs were appointed by United States District Judge Levy to leadership positions and given the authority by the Court to conduct settlement negotiations. Those lawyers engaged in settlement negotiations with the Settling Defendants under the direction of Mediators and a Special Master, who are persons appointed by the Court to help the parties resolve the litigation.

After careful consideration, Co-Lead Class Counsel and Co-Liaison Counsel have concluded that it is in Plaintiffs' best interest to compromise and settle the claims in the lawsuits for the money and other benefits included in the Settlement Program. Co-Lead Class Counsel and Co-Liaison Counsel have also determined that the Settlement Agreement is fair, reasonable, adequate, and in the best interests of the Settlement Class Members. Both Plaintiffs and the Settling Defendants have agreed to settle to avoid the cost and risk of litigation.

### 4. Why is it called a proposed class action settlement?

It is called a proposed settlement because it cannot become final until it is approved by the Court. Proposed class action settlements typically are reviewed by a court twice: once for preliminary approval and once for final approval. Here, the Court has given the proposed settlement preliminary approval, and has conditionally certified a Settlement Class. However, the Court cannot decide whether to finally approve the proposed settlement until the Final Fairness Hearing (described below in response to Question 34).

## WHO IS IN THE CLASS ACTION SETTLEMENT

To see if you will be affected by the class action settlement or if you can receive money from it, you first have to determine if you are a Settlement Class Member.

### 5. How do I know if I am part of the class action settlement?

The Settlement Class includes all persons or entities who are or could be claiming personal injury, property damage, business economic loss, unjust enrichment, breach of contract, or seeking any other type of damage or relief because at any time during the Exposure Period (between April 25, 2014 and November 16, 2020) they:

- (1) Were an Adult (18 years or older) who owned or lived in a residence that received water from the Flint Water Treatment Plant or were legally liable for the payment of such water;
- (2) Owned or operated a business including income earning real property (meaning a rental house or other business property) and any other businesses, that received water from the Flint Water Treatment Plant or were legally liable for the payment for such water; or



- (3) Were an Adult (18 years or older) and ingested or came into contact with water (for example you drank, ate, cooked, bathed, showered, washed clothing or washed dishes with the water) received from the Flint Water Treatment Plant.<sup>1</sup>

In addition to the Settlement Class, the Settlement Agreement also includes the following three Subclasses:

- (1) Adult Exposure Subclass: all persons who were Adults (18 years or older) at any time during the period April 25, 2014 to November 16, 2020, and who ingested or came into contact with water (for example you drank, ate, cooked, bathed, showered, washed clothing or washed dishes with the water) received from the Flint Water Treatment Plant at any time during the period April 25, 2014 to November 16, 2020, and who are claiming or could claim a resulting personal injury.
- (2) Business Economic Loss Subclass: all individuals or entities who owned or operated a business, including income earning real property (meaning a rental house or other business property) and any other businesses, that received water from the Flint Water Treatment Plant at any time during the period April 25, 2014 to November 16, 2020, and who are claiming or could claim a resulting business economic loss.
- (3) Property Damage Subclass: all Adults (18 years or older) or entities who owned or were the lessee of residential real property that received water from the Flint Water Treatment Plant, or were legally liable for the payment for such water, at any time during the period April 25, 2014 to November 16, 2020.

Exhibits to the Settlement Agreement list people or entities that are represented individually and are therefore excluded from the Settlement Class. Visit the settlement website at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com) to see a complete list of all excluded people or entities.

## 6. What is the “Exposure Period”?

The Exposure Period is the time period between the date the City of Flint switched its water supply to draw from the Flint River (April 25, 2014) and the date the Settlement Agreement was signed by the Plaintiffs and the Settling Defendants (November 16, 2020). In order to be a member of the Settlement Class, you must have been exposed to water from the Flint Water Treatment Plant during this time period.

## 7. Are minors (children, adolescents, and teens) included in the class action settlement?

No. Minors are not included in the Settlement Class and the information in this notice does not address the specific rights of minors. However, the Settlement Program provides compensation for minors on an individual basis. Minors have the right to have a Claim Form filed on their behalf and may submit a Registration Form for money from the Settlement Program by the same deadline that is specified in this notice. But minors have an additional opportunity to later submit a Registration Form and receive a payment. Specifically, minors will still be able to submit a Registration Form after the deadline as Future Minor Claimants up until their 19<sup>th</sup> birthday. This right is consistent with Michigan law, which provides that injured minors may pursue claims up until their 19<sup>th</sup> birthday. If you are acting on behalf of a minor child who was exposed to water from the Flint

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<sup>1</sup> If you were a minor when you were exposed to the water (during the Exposure Period), then you are eligible for money as a minor and you are also eligible for the Future Minor Claimants Fund, even if you turned 18 during the Exposure Period and fall within the definition of the Adult Exposure Subclass. For more information about your rights and the claims you may make, please go to the website [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com) or call 1-800-493-1754 or consult your attorney.

Water Treatment Plant during the period April 25, 2014 to November 16, 2020, you should read more about the options for minors at the settlement website: [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com). If you have an attorney you should speak to that attorney. You can hire an attorney to assist you with your claim, but you are not required to have an attorney.

### 8. Is anyone excluded from the Settlement Class?

Yes, some categories of people are excluded from the Settlement Class. The Settlement Class does not include: (1) Defendants; (2) the judicial officers to whom this case is assigned in the Federal Court, Genesee County Circuit Court, and Court of Claims, their staff, and the members of their immediate families; (3) all Individual Plaintiffs (which means persons or entities that hired their own individual lawyer to represent them in the litigation); and (4) all persons who timely and validly elect to opt out of the Settlement Class. A list of Adults who have hired lawyers and are excluded from the Settlement Class is posted on the settlement website.

### 9. What if I am not sure whether I am a Settlement Class Member?

If you are not sure whether you are a Settlement Class Member, or have any other questions about the settlement, visit the settlement website at [officialflintwatersettlement.com](http://officialflintwatersettlement.com) or call the toll free number, 800-493-1754. You may also write with questions to Flint Water Settlement Program, 1775 St. James Place Suite 200, Houston, TX 77056 or send an e-mail to [flintwater@archersystems.com](mailto:flintwater@archersystems.com).

## REGISTRATION FOR PARTICIPATION IN THE SETTLEMENT PROGRAM

### 10. Do I have to submit a Registration Form to get money from the Settlement Program?

**Yes, if you want to receive any money from the Settlement Program, you MUST file a Registration Form online or mailed and postmarked by March 29, 2021.** Filing a Registration Form is a simple and a necessary first step to get money. You can file your Registration Form online at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com), or you can also send your Registration Form in by mail to Flint Water Settlement Program, 1775 St. James Place Suite 200, Houston, TX 77056. If you received this notice by mail, a Registration Form was included. You can also download one at the settlement website.

The Claims Administrator will send a Claim Form to everyone who submitted or sent in a completed, timely Registration Form that is not deficient (see Question 12). Again, you will not be able to file a Claim Form unless you submit a Registration Form by the deadline.

### 11. How do I know if I can submit a Registration Form?

Members of the Settlement Class may submit a Registration Form if during the period April 25, 2014 to November 16, 2020, you are claiming or could claim personal injury, property damage, business economic loss, unjust enrichment, breach of contract, or any other type of damage, injury, or relief, and

- (1) You owned, rented, or lived in a residence that received water from the Flint Water Treatment Plant, or were legally liable for the payment of bills for such water;
- (2) You owned or operated a business that received water from the Flint Water Treatment Plant, or were legally liable for the payment of bills for such water;
- (3) You ingested or came into contact (for example, you drank, ate, cooked, bathed, showered, washed clothing or washed dishes) with water received from the Flint Water Treatment Plant, for at least twenty-one (21) days during any thirty (30) day period, during the period April 25, 2014 to November 16, 2020; or

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- (4) During the period April 25, 2014 through December 31, 2018, you were both exposed to water received from the Flint Water Treatment Plant during that time, and you were diagnosed with Legionnaires' Disease.

If you are not sure if you qualify, you should submit a Registration Form now to make sure you preserve your rights.

## 12. What is the review process for my Registration Form once it is submitted?

The Claims Administrator will review each Registration Form and decide whether it contains all the required information and whether it was submitted on time.

If you did not submit all the information, the Claims Administrator will send you a notice explaining what is missing or why you may not qualify. If your Registration Form is returned to you as incomplete or defective, you will have an opportunity to correct your Registration Form. There will be a deadline to submit the corrected form.

The Claims Administrator will notify you whether your corrected form is accepted or not. The settlement website has information about how to submit the Registration Form. There are instructions included with the Registration Form to help you as well.

## 13. How do I get a Registration Form?

You can get your Registration Form in multiple ways:

- (1) If you are represented by a lawyer, please contact your lawyer for the Registration Form;
- (2) If you are not represented by a lawyer, you can obtain a Registration Form by:
  - Downloading a Registration Form at the settlement website [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com);
  - Requesting that a Registration Form be mailed to you by calling the Claims Administrator's toll-free number at 1-800-493-1754; or
  - Requesting that a Registration Form be mailed to you by writing to the Claims Administrator at following address: Flint Water Settlement Program, 1775 St. James Place Suite 200, Houston, TX 77056

A Registration Form was also included with this notice. You may submit this paper Registration Form by mail by sending it to Flint Water Settlement Program, 1775 St. James Place Suite 200, Houston, TX 77056.

**Please note, you should act immediately to request a Registration Form if you did not receive a Registration Form by mail, since the deadline to file a Registration Form is March 29, 2021.**

## 14. Do I have to submit both a Registration Form and then later a Claim Form?

Yes. The Settlement Agreement requires that if you want money from the Settlement Program, you must first file a Registration Form. The Registration Form is the first step in the process. Then later, after the Court has approved the settlement, everyone who filed a valid, complete, and timely Registration Form establishing eligibility will be provided a Claim Form and instructions for filling it out. You must complete the Claim Form in its entirety and timely file the Claim Form.

## 15. Can I request reconsideration or appeal a decision regarding my forms?

Yes. If your Registration Form or Claim Form is denied, you can request reconsideration or you can appeal the denial. The process and deadlines for requesting reconsideration or appealing a denial will be provided to anyone who receives a notice that their Registration or Claim Form was denied.

**THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY**

**16. How will the Settlement Fund money be divided among the Class?**

The value of the entire Settlement Program is approximately \$641.25 million. The Settlement Fund is allocated among different categories. The allocation was the result of negotiations among the lawyers appointed by the Court to represent the interests of Individual Plaintiffs (those who have hired their own lawyer), the State of Michigan, and six individual ‘subclass’ counsel appointed by the Court specifically to address allocation of the funds. These negotiations took place under the supervision of neutral parties appointed by the Court. The charts below show the percentage amounts allocated to the categories. Note that the amount that is available for distribution will be the amount after deducting any amounts that the Court authorizes for fees and expenses.

<b>CATEGORY</b>	<b>WHO QUALIFIES (subject to Claimants meeting requirements in the Settlement “Compensation Grid”)</b>	<b>PERCENTAGE OF \$641.25 Million SETTLEMENT FUND</b>
Adults and Property Damage Sub-Qualified Settlement Fund	<p>Adults – Any person 18 years or older at the time of first exposure to the water from the Flint Water Treatment Plant at any time during the period April 25, 2014 to November 16, 2020, and who claims a personal injury.</p> <p>Property Damage – All Adults or entities who owned or were the lessee of residential real property that received water from the Flint Water Treatment Plant, or were legally liable for the payment for such water, at any time during the period April 25, 2014 to November 16, 2020. (See the Settlement Agreement Exhibits 1 and 4 to determine if you or your property is excluded).</p>	<p>18% of \$641.25 million (after accounting for fees and expenses) will be divided:</p> <ul style="list-style-type: none"> <li>• 15% for Adult Claimants.</li> <li>• 3% for Property Damage Claimants</li> </ul>
Business Economic Loss Sub-Qualified Settlement Fund	<p>All individuals or entities who owned or operated a business, including income earning real property and any other businesses, that received water from the Flint Water Treatment Plant at any time during the period April 25, 2014 to November 16, 2020, and who are claiming or could claim a resulting business economic loss. (See the Settlement Agreement Exhibits 1 and 4 to determine if you or your property is excluded).</p>	<p>0.5% of the net funds in the \$641.25 million settlement fund</p>

**17. What about the rest of the money?**

Most of the money paid by the Settling Defendants into the Settlement Program will be distributed to children (meaning those who were under age 18 when they were first exposed to Flint water during the Exposure Period). These funds are not part of this class action settlement and are not available for persons and entities covered by the class action settlement.

The portion of the settlement fund allocated to or for the benefit of children is divided into five separate categories as follows:

CATEGORY	WHO QUALIFIES (subject to Claimants meeting requirements in the settlement Compensation Grid)	PERCENTAGE OF SETTLEMENT FUND of \$641.25 million
Minor Child Sub-Qualified Settlement Fund	People six (6) years of age and under as of the date they first ingested or came into contact with water received from the Flint Water Treatment Plant during the Exposure Period.	64.5% of net funds in the settlement fund
Minor Adolescent Sub-Qualified Settlement Fund	People seven (7) years of age through eleven (11) years of age as of the date they first ingested or came into contact with water received from the Flint Water Treatment Plant during the Exposure Period.	10% of net funds in the settlement fund
Minor Teen Sub-Qualified Settlement Fund	People twelve (12) years of age through seventeen (17) years of age as of the date they first ingested or came into contact with water received from the Flint Water Treatment Plant during the Exposure Period.	5% of net funds in the settlement fund
Future Minor Sub-Qualified Settlement Fund	People less than eighteen (18) years of age as of the date they first ingested or came into contact with water received from the Flint Water Treatment Plant during the Exposure Period, and failed for any reason to timely register for the Settlement Program or did not receive a Favorable Notice prior to the date that the lists of all eligible Claimants are posted.	\$35,000,000 to be taken on a prorated basis from the total amount allocated to the Minor Child, Minor Adolescent, and Minor Teen Qualified Settlement Funds;
Programmatic Relief Sub-Qualified Settlement Fund	The Programmatic Relief Sub-Qualified Settlement Fund will be used to enable the local school districts and public school academies within the Genesee Intermediate School District to provide special education services for students who resided in the City of Flint during the Exposure Period and require such services.	2% of net funds in the settlement fund

**None of the persons covered by these payment categories (minors at the time of first exposure to Flint water) may receive payment from the funds allocated to the class settlement.** They are listed here to show the percentages of the overall settlement fund created by the Settlement Program that these groups are entitled to receive. All those covered by this class action settlement are entitled to claim portions of the settlement fund described in Question 16.

### 18. How much money will I get?

In most cases, the amount any individual Claimant will receive for personal injury will depend on which category the Claimant is in and the number of other Claimants who qualify in the same category. There is one exception: there are specific dollar amounts payable for qualified claims of death resulting from legionella. For example, Category 25 applies to Adults who have a blood or bone lead level of 5 mcg/dL or 5 ug/G or who have certain physical injuries. Every person who qualifies in this category will receive the same amount of money for their injuries. The Compensation Grid contains relative values for each category. The relative values are set up so that more serious injuries receive a higher value. You can see how the values are defined (in terms of relative value) in the middle section of the Compensation Grid. It is impossible to know what each individual person will be paid because the amount will depend on the number of eligible Claimants

in each category. For those seeking a payment because they owned or rented residential property in Flint or were legally liable for the water payment, the same process applies except that there are caps on the amount a property owner/renter may receive: a property owner/renter may receive up to \$1,000 per residential address. If there are multiple owners/renters, then the payment will be divided pro rata among those owners/renters. Payments for business loss claims will be based on the proof of loss submitted – but if the total amount of qualified losses exceed the total allocated to business loss claims, then the payments will be made pro rata. In addition, business loss claims are capped at \$5,000 per business.

## HOW TO GET BENEFITS FROM THE SETTLEMENT

### 19. How and when do I submit a Claim Form?

To make a claim for money from the class action settlement fund, you must submit a Claim Form. **You cannot submit a Claim Form at this time.** If you submit a valid Registration Form **online or mailed and postmarked by March 29, 2021**, you will be sent a Claim Form along with instructions about how to complete the Claim Form, the documents you will need, and where to send the Claim Form.

If you change your address and want to receive a Claim Form at your new address, you should notify the Claims Administrator of your new address by sending written notice of your change of address to the Claims Administrator at the address listed in Question 9. You may also notify the Claims Administrator of a change in address by email at [flintwater@archersystems.com](mailto:flintwater@archersystems.com) or by calling the 1-800-493-1754 toll free line.

### 20. Will I need to submit other forms along with the Claim Form?

Yes. In addition to the Claim Form, you will need to submit a Release and Lien Disclosure Form. You will receive these forms in your Claim Packet along with instructions about other documents you may need to submit depending on your claim category (if you file your Registration Form by March 29, 2021).

### 21. What is the deadline for submitting a Claim Form?

**The current deadline to submit the Claim Form, Release and Lien Disclosure Form is August 21, 2021**, and if you mail in these documents they must be sent to the Claims Administrator and postmarked by that date. After you successfully file your Registration Form, you will be sent a Claim Packet with all the necessary forms and corresponding instructions, well in advance of this deadline.

### 22. What if a Settlement Class Member is unable to file a Registration Form for themselves?

If a Settlement Class Member is unable to file their own Registration Form because of a physical or mental impairment (incapacitated), the settlement allows another person to file on their behalf. If the Settlement Class Member is an adult who is legally incapacitated, a guardian or fiduciary who has already been appointed by a Court for that adult is permitted to submit the Registration Form and Claim Form. The settlement also allows the Court to identify people who can act as the “Next Friend” under the settlement. A person acting as a Next Friend will be able to submit the Registration Form for the incapacitated Settlement Class Member and later a Claim Form, and take all actions necessary to file the Claim Form and get a payment for the incapacitated person. If you file a Claim Form as a Next Friend for an incapacitated Settlement Class Member, the Claims Administrator will then correspond directly with you as the Claim Form is reviewed. To learn who is permitted to be a Next Friend and the documentation you will need to act as a Next Friend, please see the settlement website at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com). If you have more questions about how to become a

Next Friend for an incapacitated Settlement <sup>91</sup>Class Member, you should call the Claims Administrator at 1-800-493-1754 or visit the settlement website at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com).

### 23. What am I giving up to participate in the settlement?

If the settlement becomes final, Settlement Class Members who participate in the settlement or do nothing at all will release all their claims against the Settling Defendants. They will not be allowed to bring any lawsuit against the Settling Defendants related to Flint water or the Flint Water Cases.

The Settlement Agreement is available at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com). The Settlement Agreement provides more detail regarding the release and describes the released claims with specific descriptions in necessary, accurate, legal terminology, so read it carefully. You can talk to the attorneys representing the Settlement Class listed in the section “the attorneys representing settlement class members.” And you are allowed to hire your own attorney at your own expense. If you already have an attorney hired specifically because of exposure to water from the Flint Water Treatment Plant, then you may not be in the Settlement Class and you should talk to your attorney about your rights.

### 24. How will my payment be determined?

The Court has preliminarily approved the appointment of a neutral, experienced Claims Administrator who will review and analyze all Claims and determine the amount based on the payment criteria. The Court has granted preliminary approval for the payment criteria and payment process and has also preliminarily approved the allocation of funds. The same payment criteria applies to every person or entity that files a Claim in the same claim category – whether or not they are represented by counsel or are part of the Settlement Class. All of the information about the criteria for compensation is available on the website. Each Claimant will receive the same treatment – and the distribution process will be equitable and fair. Each Claimant who qualifies for payment in a specific Claim category will receive the same treatment and the same payment amount.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want to participate in this proposed class settlement and you want to keep the right to sue the Settling Defendants about the legal issues in this case, then you must take steps to get out of the settlement. This is called “opting out” of the Settlement Class.

### 25. If I opt out of the settlement, can I get anything from this settlement?

No. If you are a member of the Settlement Class and opt out of the settlement, you cannot get paid from the settlement. You will not be allowed to file a Registration Form or a Claim Form, you will not be allowed to object to the settlement, and you will not receive a payment. If you opt out of the settlement, however, you may sue or be part of a different lawsuit against the Settling Defendants in the future. You may also be subject to certain court orders that outline procedures for future or continuing lawsuits.

The settling parties have asked the state and federal courts to enter Case Management Orders that will govern the litigation against both non-Settling Defendants and for those who opt out and seek to bring individual claims against the Settling Defendants. That Case Management Order if approved will require you to present evidence and medical information to prove your claims and it will also establish deadlines for submitting that information. Consult with your attorney to get more information about the process of litigation.

Information about the procedures which the Courts will be asked to order for any such future or continuing lawsuits are explained in the proposed Case Management Order exhibit to the Settlement Agreement and can be found at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com).

#### 26. If I do not opt out of the settlement, can I sue later?

No. If you are a member of the Settlement Class and do not opt out, you give up the right to sue the Settling Defendants for any of the claims released by the settlement. This means that you cannot later file your own lawsuit against any of the Settling Defendants for exposure to water from the Flint Water Treatment Plant. The full release is stated in Article XVI-Releases and Covenants Not to Sue of the Settlement Agreement. The Settlement Agreement can be found at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com).

If you elect to opt out of the class action settlement, Co-Lead Class Counsel, and the attorneys working with them, will not represent you in a separate lawsuit against the Settling Defendants. Co-Lead Class Counsel will continue to seek certification of a litigation class to pursue claims against the non-Settling Defendants. Opting out of this Settlement Class will not affect other litigation against other defendants.

#### 27. How do I opt out of the settlement?

To opt out of the Settlement Class and not participate in the settlement, you must send a written request using the Opt Out Form provided with this notice or available at the website for you to print. You must sign the Opt Out Form yourself. You cannot have your attorney sign the form for you.

You must mail your completed Opt Out Form, postmarked by **March 29, 2021** to:

Flint Water Settlement Program  
1775 St. James Place Suite 200, Houston TX 77056

**If you do not want to be a part of the settlement, but do not send in an Opt Out Form, you will remain a Settlement Class Member and you will release all your claims against the Settling Defendants. You will not be able to file your own lawsuit.**

You cannot ask to opt out of the settlement by phone, email, or at the website.

### **THE ATTORNEYS REPRESENTING SETTLEMENT CLASS MEMBERS**

#### 28. Do I have an attorney in the case?

The Court has appointed Theodore J. Leopold of Cohen Milstein Sellers & Toll PLLC and Michael L. Pitt of Pitt McGehee Palmer & Rivers, P.C. as Co-Lead Class Counsel. The Court also appointed Corey M. Stern of Levy Konigsberg, LLP and Hunter Shkolnik or Napoli Shkolnik PLLC as Co-Liaison Counsel for Individual Plaintiffs (this means that they do not represent the Class but participated in the negotiation of the settlement). Both Co-Lead Class Counsel and Co-Liaison Counsel support the settlement.

If you want to be represented by your own attorney in this case, you may hire one at your own expense. You may contact the attorneys at:



**Co-Lead Class Counsel**

Theodore J. Leopold  
Cohen Milstein Sellers & Toll PLLC  
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tleopold@cohenmilstein.com

Michael L. Pitt  
Pitt McGehee Palmer Bonanni & Rivers PC  
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**Co-Liaison Counsel**

Corey M. Stern  
Levy Konigsberg, LLP  
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(212) 605-6298  
(212) 605-6290 (facsimile)  
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Hunter Shkolnik  
Napoli Shkolnik  
270 Munoz Rivera Avenue, Suite 201  
Hato Rey, Puerto Rico 00918  
(787) 493-5088 Ext. 2007 / 5107  
(347) 379-1688  
Hunter@NapoliLaw.com

**29. Why do Co-Lead Class Counsel recommend settlement?**

The settlement was reached after extensive discovery in the case, negotiations supervised by court appointed neutrals, and careful consideration. The lawyers and parties must consider a number of factors when evaluating the settlement – including the complexity, expense, and likely duration of the litigation and stage of the litigation. The lawyers also considered the potential for Settling Defendants to prevail (win) and the range of possible recovery (money for Settlement Class Members), and have determined that this Settlement Agreement is fair, reasonable, adequate, and in the best interest of the Settlement Class.

**30. How will the attorneys be paid?**

If the settlement is approved by the Court, Co-Lead Class Counsel will ask the Court for an award of attorneys' fees in an amount not to exceed 33.33% of the amount of the settlement fund that is allocated for payment of claims of Settlement Class Members. Co-Lead Class Counsel may also seek reimbursement of expenses incurred in litigation and negotiating the settlement and may also seek fees for other settlement related and common benefit activities that are not specific to or solely for the Settlement Class. All fees and expenses must be approved by the Court. In addition, certain administrative fees will be paid from the settlement fund including fees and expenses of claims administration and guardians' ad litem fees and expenses and the costs of providing the Settlement Class Notice and Individual Notice. Any award of such fees and costs, ordered by the Court will be paid from the settlement fund according to the terms and limitations of the Settlement Agreement.

The methodology proposed by the Plaintiffs' attorneys for determining attorneys' fees and expenses is covered in a separately negotiated addendum that will be attached to the Plaintiffs' attorneys' motion to the Court requesting such fees and expenses, and which will be a public document once filed with the Court. It will be available at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com).

## OBJECTING TO THE SETTLEMENT

### 31. How do I tell the Court if I do not like the settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement.

- (1) All objections must be in writing and include the following:
  - a. A detailed statement of your objection(s), as well as the specific reasons, if any, for each such objection, including any evidence and legal authority you wish to bring to the Federal Court's attention.
  - b. The written statement must contain your printed name, address, telephone number, and date of birth, written evidence establishing that you are a Settlement Class Member.
  - c. The written statement must include any other supporting papers, materials, or briefs you wish the Federal Court to consider when reviewing the objection.
  - d. A written objection may not be signed using any form of electronic signature but must contain your dated signature (not just counsel).
- (2) The Federal Court will determine whether any Settlement Class Members who do not follow the procedures will have waived any objections they may have.
- (3) A Settlement Class Member may object on his or her own behalf or through an attorney hired at that Settlement Class Member's own expense, provided the Settlement Class Member also signs the objection and has not submitted a written request to be excluded from the Settlement Class.

Attorneys asserting objections on behalf of Settlement Class Members must:

- a. File a notice of appearance with the Federal Court by the date set forth in the Preliminary Approval Order, or as the Federal Court otherwise may direct;
  - b. File a sworn declaration attesting to his or her representation of each Settlement Class Member on whose behalf the objection is being filed or a copy of the contract (to be filed *in camera*) between that attorney and each such Settlement Class Member; and
  - c. Comply with the procedures described in Article XX-Objections in the Settlement Agreement.
- (4) A Settlement Class Member (or counsel individually representing him or her, if any) seeking to make an appearance at the hearing must file with the Federal Court, by the date set forth in the Preliminary Approval Order, or as the Federal Court otherwise may direct, a written notice of his or her intention to appear at the hearing, in accordance with the requirements set forth in the Preliminary Approval Order.
- (5) Any Settlement Class Member who fails to comply with the provisions of these requirements will waive and forfeit any and all rights he or she may have to object to the Settlement Agreement.

Your Objection must be filed with the Clerk of the Court by first-class United States Mail so the Objection is **received** no later than **February 26, 2021**. The address of the Court is:

Clerk of the Court  
United States District Court  
Eastern District of Michigan  
Theodore Levin U.S. Courthouse  
231 W. Lafayette Blvd., Room 599  
Detroit, MI 48226

(Counsel may e-file objections.)

QUESTIONS? CALL 1-800-493-1754 OR VISIT [WWW.OFFICIALFLINTWATERSETTLEMENT.COM](http://WWW.OFFICIALFLINTWATERSETTLEMENT.COM)

**If you do not comply with these procedures and the deadline for objections, you will lose any opportunity to have your objection considered at the Fairness Hearing or otherwise to contest the approval of the settlement or to appeal from any order or judgment entered by the Court in connection with the settlement.**

**32. What is the difference between objecting and asking to opt out of the settlement?**

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. Opting out of the settlement is telling the Court that you do not want to be part of the Settlement Class. If you opt out of the settlement, you cannot object to the settlement and you will not be eligible to apply for any money under the settlement.

**33. Can the Settling Defendants cancel the settlement?**

Yes, the Settlement Agreement allows the Settling Defendants to cancel the settlement if there are too many Settlement Class Members who opt out or if too many Individual Plaintiffs reject the settlement. For more information look at Articles XVIII and Article XIX of the Settlement Agreement – which is available on the settlement website [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com).

**THE COURT’S FAIRNESS HEARING**

**34. When and where will the Court decide whether to approve the settlement?**

**On July 12, 2021, at 10:00 AM CST, the Court will hold a public hearing in the United States District Court for the Eastern District of Michigan, located at the U.S. Courthouse, [Street Address], [City, State Zip], to determine whether the Settlement Class can be certified and whether the settlement is fair, adequate, and reasonable and should be finally approved, with judgment entered accordingly. The Court will also consider the application for an award of attorneys’ fees and expense reimbursement. This hearing may be continued or rescheduled by the Court without further notice to the Settlement Class so you should check the website for updates. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the settlement. It is unknown how long these decisions will take.**

**35. Do I have to come to the hearing?**

No, counsel will answer any questions from the Court. However, you are welcome to attend the hearing at your own expense. If you (or your own attorney individually representing you, if any) want to appear at the hearing, you or your attorney must file with the Court, by the date set forth in the Preliminary Approval Order, or as the Court otherwise may direct, a written notice of your intention to appear at the hearing, in accordance with the requirements set forth in the Preliminary Approval Order.

If you send in a written objection, you do not have to come to the Fairness Hearing to talk about it. If you mailed your written objection on time, the Court will consider it. You may also pay your own attorney to attend the Fairness Hearing, but it is not necessary.

**IF YOU DO NOTHING**

**36. What happens if I do nothing at all?**

If you are a Settlement Class Member and do nothing, you will not get any money from the settlement. And, unless you opt out of the settlement, you will be bound by the judgment entered by the Court. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part

of any other lawsuit or proceeding against the Settling Defendants about the statements and claims at issue in this case.

## GETTING MORE INFORMATION

### 37. How do I get more information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can view a copy of the Settlement Agreement and read a list of Frequently Asked Questions and Answers at [www.officialflintwatersettlement.com](http://www.officialflintwatersettlement.com). You may also write with questions to Flint Water Settlement Program, 1775 St. James Place Suite 200, Houston, TX 77056 or send an e-mail to [flintwater@archersystems.com](mailto:flintwater@archersystems.com). You can get a Registration Form and Claim Form at the website, or have a Registration Form and Claim Form mailed to you. If you wish to communicate with Co-Lead Class Counsel or Co-Liaison Counsel for the Individual Plaintiffs, you may contact them directly, see contact information listed in Question 28. You may also seek advice and guidance from your own private attorney at your own expense.