

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Meeks et al. v. United States

Meeks · No. 16-cv-10444 · Decided January 20, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan denies the United States’ motion to dismiss for lack of subject-matter jurisdiction or, alternatively, for summary judgment in Meeks v. United States. The court holds that the plaintiffs’ Federal Tort Claims Act claims concerning the EPA’s response to the Flint Water Crisis satisfy the analogous private-person liability requirement and are not barred by the misrepresentation or discretionary-function exceptions. The opinion relies in part on prior rulings in related Flint Water Cases and Burgess litigation.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	January 20, 2026
DOCKET	16-cv-10444
DISPOSITION	other
PROCEDURAL POSTURE	The United States moved to dismiss the plaintiffs' Federal Tort Claims Act claims for lack of subject-matter jurisdiction or, alternatively, for summary judgment. The court denied the motion.
STANDARD OF REVIEW	Because the jurisdictional challenges were intertwined with the merits and the parties relied on a substantial record outside the pleadings, the court applied the Rule 56 summary-judgment standard. The court was required to view the evidence and reasonable inferences in the light most favorable to the nonmoving party, could not weigh evidence or make credibility determinations, and had to deny summary judgment if a genuine dispute of material fact existed.
PRECEDENTIAL VALUE	Unknown
PARTIES	T.B., B.R., and M.S., minor children, through their representatives v. United States

TOPICS

subject matter jurisdiction

summary judgment

administrative law

environmental law

negligence

PRACTICE AREAS

Federal Tort Claims Act

administrative law

environmental law

civil procedure

negligence

QUESTIONS PRESENTED

1. Whether the plaintiffs presented sufficient evidence for a rational factfinder to conclude that a similarly situated private person would be liable under Michigan's Good Samaritan doctrine and therefore satisfy the FTCA's analogous private-liability requirement.
2. Whether the EPA's challenged conduct was protected by the FTCA's discretionary-function exception.
3. Whether the court should analyze the United States' factual jurisdictional attacks under Rule 12(b)(1) or Rule 56 because the jurisdictional issues were intertwined with the merits.

HOLDINGS

1. When an FTCA jurisdictional challenge depends on factual disputes that also bear on the merits of the negligence claim, the court should apply the summary-judgment safeguards of Rule 56 rather than resolve the dispute solely under Rule 12(b)(1).
2. The plaintiffs presented genuine disputes of material fact concerning whether the EPA's conduct could establish liability under Michigan's Good Samaritan doctrine, including the increased-risk, undertaking-to-perform-a-duty, and reliance bases in Restatement (Second) of Torts § 324A(a)–(c).
3. The United States did not establish that the EPA's challenged conduct was shielded by the discretionary-function exception, and genuine factual disputes remained concerning whether the EPA made or should have made a noncompliance finding triggering mandatory duties under 42 U.S.C. § 300g-3(a)(1).

KEY QUOTATIONS

“Because a rational factfinder could conclude that a similarly situated private individual would be liable under Michigan’s Good Samaritan doctrine, summary judgment is not appropriate.” (Section V.A)

“The government is not shielded from liability unless both prongs of the discretionary-function test are satisfied.” (Section V.B)

“A court, upon finding genuine issues as to material facts, must deny the motion.” (Section IV)

FACTUAL BACKGROUND

Flint switched its drinking-water source from treated Detroit water to the Flint River in April 2014. The Flint River water was corrosive, Flint lacked corrosion-control treatment, and residents experienced elevated lead levels and other water-quality problems. EPA employees investigated complaints, tested homes, identified or suspected systemic lead contamination, communicated with state and local officials, and provided technical assistance, while EPA communications allegedly downplayed the seriousness of the danger. The plaintiffs, who were minors during the crisis, alleged that EPA negligence contributed to their exposure to contaminated water.

PROCEDURAL HISTORY

Flint residents sued the United States under the Federal Tort Claims Act for alleged negligence by the Environmental Protection Agency during the Flint Water Crisis. The court had previously denied motions raising the analogous private-liability, misrepresentation-exception, and discretionary-function-exception issues in related orders. After discovery, the United States renewed those arguments, and the court analyzed the jurisdictional issues under Federal Rule of Civil Procedure 56 because they were intertwined with the merits.

DISPOSITION

other

CASES CITED

- *F.D.I.C. v. Meyer*, 510 U.S. 471, 475–78 (1994)
- *Brownback v. King*, 592 U.S. 209, 212, 218 (2021)
- *Berkovitz v. United States*, 486 U.S. 531, 536–37 (1988)
- *United States v. Gaubert*, 499 U.S. 315, 322–25, 329–31 (1991)
- *Myers v. United States*, 17 F.3d 890, 895–98, 902–04 (6th Cir. 1994)
- *Gentek Bldg. Prods., Inc. v. Sherwin-Williams Co.*, 491 F.3d 320, 330 (6th Cir. 2007)
- *Wright v. United States*, No. 95-5175, 1996 WL 172119, at *3–5 (6th Cir. Apr. 11, 1996)
- *Mays v. City of Flint*, 871 F.3d 437, 446–47 (6th Cir. 2017)
- *In re Flint Water Cases*, 482 F. Supp. 3d 601, 615–38 (E.D. Mich. 2020)
- *In re Flint Water Cases*, 627 F. Supp. 3d 734, 740 (E.D. Mich. 2022)
- *Burgess v. United States*, 375 F. Supp. 3d 796, 817–19 (E.D. Mich. 2019)
- *In re FTCA Flint Water Cases*, No. 17-CV-11218, 2025 WL 322227, at *1 (E.D. Mich. Jan. 28, 2025)
- *In re FTCA Flint Water Cases*, No. 17-CV-11218, 2025 WL 2700617, at *1, *13–15 (E.D. Mich. Sept. 22, 2025)
- *Callesen v. Grand Trunk W. R. Co.*, 437 N.W.2d 372, 379 (Mich. 1989)
- *Courtright v. Design Irrigation*, 534 N.W.2d 181, 182 (Mich. App. 1995)
- *Fultz v. Union-Commerce Assocs.*, 683 N.W.2d 587, 590 (Mich. 2004)
- *Ray v. Transamerica Ins. Co.*, 208 N.W.2d 610, 615 (Mich. App. 1973)
- *National Carriers, Inc. v. United States*, 755 F.2d 675, 676 (8th Cir. 1985)
- *United States v. Varig Airlines*, 467 U.S. 797, 814 (1984)
- *Rosebush v. United States*, 119 F.3d 438, 441–43 (6th Cir. 1997)
- *Abbott v. United States*, 78 F.4th 887, 900, 903 (6th Cir. 2023)
- *Whisnant v. United States*, 400 F.3d 1177, 1181 (9th Cir. 2005)