UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

In re FTCA Flint Water Cases

Case No. 17-cv-11218 (Consolidated) (E.D. Mich. Dec. 29, 2025) · No. 17-cv-11218 (Consolidated) · Decided December 29, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan addresses the United States' motion for summary judgment in consolidated Federal Tort Claims Act litigation arising from the Flint Water Crisis. The court denies summary judgment based on the FTCA statute of limitations, concluding that the Government had not shown when the plaintiffs knew or should have known of the EPA's alleged causal role, and considers the Government's arguments concerning causation. The court also denies as moot the plaintiffs' motion to compel compliance with the case management order.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 29, 2025
DOCKET	17-cv-11218 (Consolidated)
DISPOSITION	other
PROCEDURAL POSTURE	The United States moved for summary judgment against identified bellwether plaintiffs on FTCA statute-of-limitations and causation grounds. Plaintiffs moved to compel compliance with the case management order. The court granted the Government's motion in part, denied it in part, and denied the motion to compel as moot.
STANDARD OF REVIEW	Summary judgment is appropriate under Federal Rule of Civil Procedure 56 when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the nonmovant's evidence as true and draws all justifiable inferences in the nonmovant's favor. On the FTCA statute-of-limitations defense, the Government bears the initial burden of showing that the limitations period has run; the burden then shifts to the plaintiff to establish an exception.
PRECEDENTIAL VALUE	unpublished

PARTIES United States of America v. Bellwether Plaintiffs in the FTCA Flint Water Cases

TOPICS

summary judgment · statute of limitations · negligence · proximate cause · environmental law

PRACTICE AREAS

Federal Tort Claims Act · toxic tort · environmental contamination · civil procedure

QUESTIONS PRESENTED

1. Whether the FTCA claims of Vivian Anderson, Stanley Langston, Jason Keys, Patricia Crews, Margie McClain, and Lawrence Cooley were barred by 28 U.S.C. § 2401(b).
2. Whether the identified bellwether plaintiffs and Carolyn Daly, Anthony Vance, and John Campbell presented sufficient evidence of causation to survive summary judgment.
3. Whether Margie McClain presented sufficient evidence to support her business-loss claims.
4. Whether Plaintiffs' motion to compel compliance with Case Management Order No. 4 was moot.

HOLDINGS

1. The Government failed to carry its burden to establish that the claims of Anderson, Langston, Keys, Crews, McClain, and Cooley accrued more than two years before their administrative claims were received. The claims therefore were not barred on the record presented.
2. The plaintiffs presented sufficient evidence to permit reasonable inferences of causation for the challenged personal-injury and property-damage claims, except for Margie McClain's business-loss claims.
3. Langston and Campbell presented sufficient evidence to survive summary judgment on their skin-injury claims.
4. Vance, Langston, Cooley, Crews, Keys, and McClain presented sufficient evidence of causation for their property-diminution claims.
5. McClain failed to present sufficient evidence to support her business-loss claims involving lost rental income and alleged damage to hot-water heaters, furnaces, pipes, and related property.
6. Plaintiffs' motion to compel was denied as moot because the Government's summary-judgment motion was being decided and the Government acknowledged its duty to meet and confer after that decision.

KEY QUOTATIONS

> *"The general federal rule is that 'the statute of limitations begins to run when the reasonable person knows, or in the exercise of due diligence should have known, both his injury and the cause of that injury.'"*

> *"Until [Plaintiffs] discovered the [EPA's] link in the causal chain, the statute of limitations did not start to run on their FTCA claims."*

> *“All that is necessary is that the proof amount to a reasonable likelihood of probability rather than a possibility.”*

> *“To overcome the defendant’s summary judgment motion, the plaintiff “need only show sufficient evidence to ‘facilitate reasonable inferences of causation.’””*

FACTUAL BACKGROUND

In April 2014, Flint switched its water source from the Detroit Water and Sewerage Department to the Flint River without necessary corrosion controls, resulting in contaminated water and elevated lead and copper levels. Public warnings and reports concerning the contamination emerged during 2015, including an EPA scientist's June 2015 report and later reports documenting serious lead contamination. The bellwether plaintiffs alleged personal injuries, wrongful death, property damage, diminution in property value, and business losses caused by the crisis and by the EPA's response to it.

PROCEDURAL HISTORY

Plaintiffs brought FTCA claims alleging negligent EPA actions and omissions in responding to the Flint Water Crisis. The consolidated matter proceeded through discovery and bellwether selection under Case Management Order No. 4. The Government moved for summary judgment, and Plaintiffs moved to compel the Government to meet and confer concerning selection of an FTCA trial group and case-management issues.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 251-52, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Smith v. City of Toledo, 13 F.4th 508, 514 (6th Cir. 2021)
- Hogan v. United States, 42 F. App’x 717, 722 (6th Cir. 2002)
- Drazan v. United States, 762 F.2d 56, 58-60 (7th Cir. 1985)
- Snyder-Hill v. Ohio State Univ., 48 F.4th 686, 698 (6th Cir. 2022)
- Sharpe v. Cureton, 319 F.3d 259, 266 (6th Cir. 2003)
- Bishop v. Child.’s Ctr. for Dev. Enrichment, 618 F.3d 533, 536 (6th Cir. 2010)
- United States v. Kubrick, 444 U.S. 111, 122-24 (1979)
- Diaz v. United States, 165 F.3d 1337, 1340 (11th Cir. 1999)
- Hertz v. United States, 560 F.3d 616, 617, 619 (6th Cir. 2009)
- Amburgey v. United States, 733 F.3d 633, 637 (6th Cir. 2013)
- Flechsig v. United States, 991 F.2d 300, 303-04 (6th Cir. 1993)
- Schindler v. United States, 661 F.2d 552, 560 (6th Cir. 1981)
- SFS Check, LLC v. First Bank of Del., 774 F.3d 351, 357 (6th Cir. 2014)

- O’Neal v. St. John Hosp. & Med. Ctr., 791 N.W.2d 853, 858-59 (Mich. 2010)
- Pluck v. BP Oil Pipeline Co., 630 F.3d 671, 676-77 (6th Cir. 2011)
- Lowery v. Enbridge Energy Ltd. P’ship, 898 N.W.2d 906, 907, 911-12, 917-18, 1049 (Mich. 2017)
- Powell-Murphy v. Revitalizing Auto Cmtys. Env’t Response Tr., 964 N.W.2d 50, 57, 59 (Mich. Ct. App. 2020)
- Gass v. Marriott Hotel Servs., Inc., 558 F.3d 419, 434 (6th Cir. 2009)
- Elher v. Misra, 878 N.W.2d 790, 795 (Mich. 2016)
- Skinner v. Square D. Co., 516 N.W.2d 475 (Mich. 1994)
- Genna v. Jackson, 781 N.W.2d 124, 128 (Mich. Ct. App. 2009)
- United States v. Hendrickson, 822 F.3d 812, 829 n.10 (6th Cir. 2016)
- Berkshire v. Dahl, 928 F.3d 520, 530 (6th Cir. 2019)
