IN THE STATE OF MICHIGAN
COURT OF CLAIMS

JENNIFER JANSSEN-ROGERS and BROOKE ROSENBAUM, all on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES & ENERGY (EGLE), and ERIC OSWALD, in his official capacity as Director of EGLE's Drinking Water and Environmental Health Division (DWEHD),

Defendants.

_____/

Case No. 21-000246-MM

Hon. Sima G. Patel

DARETHA BRAZIEL, individually and as next friend for minors R.B. (minor 2), D.B. (minor 3), D.K. (minor 4); KEESHA JONES, individually and as next friend for minors, K.B. (minor 5), D.J. (minor 6), T.M.C. (minor 7), T.C. (minor 8), and K.L.B. (minor 9); IEASHA JONES; individually and as next friend for D.J. (minor 10), K.F. (minor 11), S.J. (minor 12), and D.A.J. (minor 13), REBECCA BRANSCUMB; STACEY BRANSCUMB; EMMA KINNARD, all individually and on behalf of all others similarly situated; and MICHAEL D. BRIGHAM, individually,

Plaintiffs,

v.

THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES & ENERGY (EGLE); ERIC OSWALD, in his official capacity as Director of EGLE's Drinking Water and Environmental Health Division (DWEHD), THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS); and ELIZABETH HERTEL, in her official capacity as Director of DHHS,

Case No. 22-000046-MM

Hon. Sima G. Patel

Defendants.

_____/

OLIVER KAVANAUGH, individually and as next friend of minor, K.N.R. (minor 1), on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES & ENERGY (EGLE) and ERIC OSWALD, in his official capacity as Director of EGLE's Drinking Water and Environmental Health Division (DWEHD),

Defendants.

_____/

Case No. 22-000050-MM

Hon. Sima G. Patel

AMENDED SCHEDULING ORDER

These consolidated matters are back before this Court following the Court of Appeals affirmance of this Court's November 21, 2023 opinion and order denying defendants' motion for summary disposition. *Janssen-Rogers v Dep't of Environment, Great Lakes, & Energy*, unpublished opinion of the Court of Appeals, issued January 29, 2026 (Docket Nos 369025, 369026, 369027), lv den ___ Mich ___ (May 22, 2026) (Docket Nos. 169784, 169785, 169786). The parties have stipulated to certain scheduling dates, but requested the Court resolve various

points of disagreement. The Court now vacates the August 31, 2023 scheduling order and discovery plan, and the May 10, 2024 Amended Scheduling Order and enters this order in their place. The schedule may be modified by the Court as necessary pursuant to a stipulation, motion, or *sua sponte*:

Event	Deadline
Initial disclosures filed with the Clerk of the Court.	July 10, 2026
Parties produce supplemental witness lists regarding class certification.	February 26, 2027
Motion for class certification and any accompanying expert reports due. Defendants' response and any expert reports are due 84 days after motion is filed, with reply and any rebuttal expert reports from Plaintiffs, if desired, filed no later than 35 days after response is filed.	March 12, 2027
Close of Fact Discovery, including all fact depositions; all discovery must have been timely served 28 days prior to be answerable by this date	June 28, 2027
Plaintiffs produce Expert Witness Reports for merits experts.	42 days from Class Certification Order
Defendants produce Expert Witness Reports for merits experts.	56 days from the date Plaintiffs produce their Expert Witness Reports for merits experts.
Rebuttal Expert Reports for merits experts, if any, by both parties due	56 days from the date Defendants produce their Expert Witness Reports for merits experts.
Close of merits expert discovery, including all merits expert depositions.	60 days from the deadline for producing Rebuttal Expert Reports
Dispositive Motions under MCR 2.116(C)(10). Responses are due within 21 days of any motion, and replies are due within 7 days of the response.	Within 56 days from close of merits expert discovery.

Pretrial conference under MCR 2.401(H).	Within 60 days of Orders on Dispositive Motions under MCR 2.116(C)(10), or as soon thereafter as is convenient for the Court

- The first three Zoom status conferences will be held on:
    - August 11, 2026, at 11 a.m.
    - September 29, 2026, at 11 a.m.
    - November 17, 2026, at 11 a.m.
- The parties are encouraged to participate in private mediation to work toward the resolution of these consolidated matters.
- All Expert Witness Reports must contain the following:
    - A complete statement of all opinions the witness will express at the stage of the case (class certification or merits) for which the report is offered, and the basis and reasons for them;
    - The facts or data considered by the witness in forming them;
    - Any exhibits that will be used to summarize or support them;
    - The witness's qualifications, including a list of all publications authored in the previous 10 years;
    - A list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and
    - A statement of the compensation to be paid for the study and testimony in the case.

Date: June 29, 2026

Sima G. Patel
Judge, Court of Claims