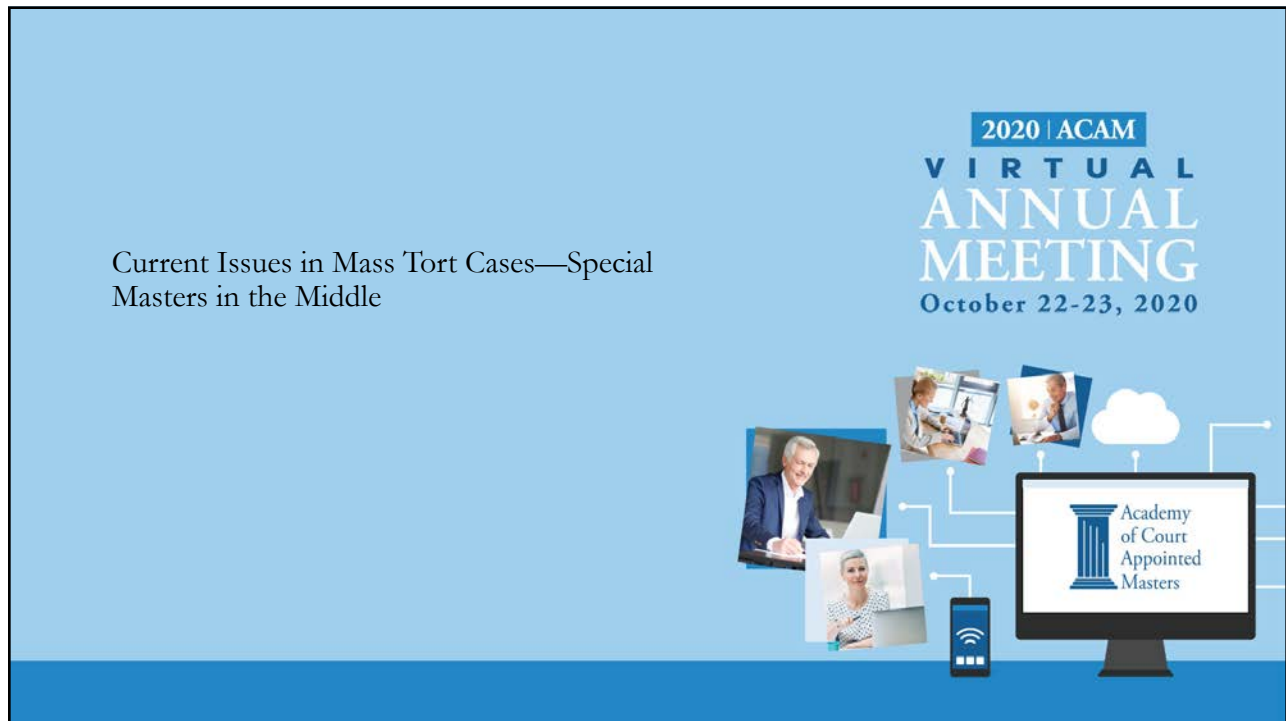




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Panelists



- **PANELISTS**
- **Wayne B. Mason**
• *Partner, Faegre Drinker—Dallas, Texas*
- **Corey M. Stern**
• *Partner, Levy Konigsberg—New York, New York*
- **MODERATOR**
- **Deborah E. Greenspan**
• *Partner, Blank Rome, LLP—Washington, D.C.*

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The Topics



- This panel of experienced litigators (plaintiffs and defense) will address topical issues in the world of mass torts. This will be an interactive discussion, addressing issues such as what do litigants look for in a Special Master; what are appropriate roles for a Special Master; issues that might be delegated to a Special Master – such as case management orders to address management of class action cases and individual cases in consolidated litigation, the timing of class certification proceedings; leadership roles, coordination of discovery, costs, fees, and allocation issues.
- The panel will provide a short update on developments in mass tort cases that bear on the role of Special Masters.

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Recent Cases that Illustrate Key Issues

2020 ACAM
VIRTUAL
ANNUAL
MEETING
October 22-23, 2020

- Round Up Litigation
- Opioid Litigation
- Flint Water Litigation

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Selection and scope of SM appointment in mass tort cases

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- What do defendants look for?
- What do plaintiffs look for?

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Defining the goal



- In a mass tort, the goal of all parties generally is to reach a resolution – by dispositive motion, trial, or settlement. Management of the process is key to being able to achieve any kind of resolution. Some believe that an MDL automatically means settlement and that a Special Master appointed in an MDL will be charged with achieving a settlement. But as we all know, facts and law matter – and whatever the structure of the litigation, the case needs to move forward in an effective and efficient manner so that the parties can realistically assess the options.
- How can a Special Master assist in that goal?

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Defining the role



- Can you define best practices?
- What about the relationship between the Judge and Special Master?
- How would you define the ideal scope of the Special Master's role in the mass tort context?
- When should a Special Master act as a mediator?

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Class and Individual Claims

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- When a mass tort involves personal injury and is comprised of class and individual claims – what issues arise and can/should a Special Master have a management role?
- Timing considerations – how does the timing of class certification affect the management/progress of the case?

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Data

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- Courts have appointed Special Masters to collect claim/case data (sometimes called a registration process or a census process.)
- What issues arise?
 - See Zantac litigation – data collection included product identification information from defendants and case specific injury data from plaintiffs.
 - Does the data collection process encourage claims?
 - Does this process affect traditional discovery?
 - Does this process foster settlement?
 - Does this reduce or increase costs?

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Exhibits: Flint Water Litigation

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ANNUAL
MEETING
October 22-23, 2020

Case 5:18-cv-01444-JEL-MJM ECF No. 675 Filed 11/05/18 PageID 18753 Page 1 of 15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Cases. Judith E. Levy
United States District Judge

This Order Relates To:
ALL CASES

AMENDED DISCOVERY COORDINATION PROTOCOL ORDER

IT IS HEREBY ORDERED as follows:

I. SCOPE OF ORDER

- A. The Purpose of this Discovery Coordination Protocol Order ("DCPO") is to effectuate efficiency and limit duplication in the discovery processes associated with litigation arising out of claims made regarding the use of the Flint River as a water source.
- B. The DCPO is not intended to serve as an instrument to circumvent each Judge's authority over his or her own docket, but rather as an instrument that allows for notice, attendance, and participation, if appropriate, in the

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