

RISK MANAGEMENT BULLETIN

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Attorney Fieger Files \$100-Million Suit Over Flint Legionnaires' Disease Cases

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Southfield lawyer Geoffrey Fieger filed a \$100-million lawsuit today against McLaren Flint Hospital and the State of Michigan, saying they did nothing to combat an outbreak of Legionnaires' disease that killed at least one person during the Flint water crisis.

Fieger represents four Genesee County residents who contracted the disease, including the family of Debra Kidd, who died in August, seven days after entering the emergency room with a headache, according to the suit.

Fieger told the Free Press today that the hospital had a duty to protect the patients from the deadly bacteria.

"The damage from the lead poisoning may take years or even decades to see," Fieger said. "These injuries and death were immediate. The water should have been purified."

McLaren Regional Medical Center officials had not yet seen the lawsuit and declined comment, spokeswoman Laurie Prochazka said. The state declined to comment on pending litigation but Dave Murray, a spokesman for Gov. Rick Snyder, said the governor remains committed to the

safety and well-being of all Michigan residents.

In addition to the hospital, the suit names several officials from the Michigan Department of Environment Quality, including two officials, Liane Shekter Smith and Stephen Busch, whose names were removed from the department's organizational chart recently after the state announced it had suspended two people.

"A hospital won't make money if it discloses a Legionnaires' outbreak from contaminated water, and a Governor will stop hearing whispers that he's being considered for higher office if he reveals a water and Legionnaires' crisis," Fieger said in a statement. "We know what happened here."

Cases of Legionnaires' spiked in Flint in 2014 after the city switched its drinking water source from the Detroit Water and Sewerage Department to Flint River water treated at the Flint Water Plant.

Experts told the Free Press last month that the river water was likely the source, but added that the only way to confirm the cause is to match a bacteria sample from a patient to one found in the water.

Since June 2014, 61 out of 87 people were exposed to Flint water either at home or at a Flint health-care facility connected to the city's water system -- in some cases both -- before contracting the disease, a Free Press analysis of state data shows.

A state report shows that in the first 10 months of the outbreak, 51% of confirmed cases included people who had been patients or visitors at McLaren Flint two weeks before getting sick.

The hospital released a statement last month saying after Flint switched its source of water from Lake Huron to the Flint River in April 2014, officials noticed an increase in Legionella cases and people seeking treatment.

"We began aggressively testing our water supply," the statement said. "An early test result indicated the presence of a low level of Legionella. As soon as this was identified, McLaren Flint put immediate measures in place that were successful in controlling the situation."

The hospital has installed a \$300,000 secondary water disinfectant system and lead filters on water and ice machines, the statement said. Testing shows McLaren Flint's water supply is "within safety and quality standards," it said.