

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

IN RE: 3M COMBAT ARMS
EARPLUG PRODUCTS
LIABILITY LITIGATION

Case No. 3:19md2885

This Document Relates to All Cases

Judge M. Casey Rodgers
Magistrate Judge Gary R. Jones

CASE MANAGEMENT ORDER NO. 14

The Fourteenth Case Management Conference in this matter was held on July 29, 2020. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

I. Deposition Scheduling

On or before Friday, August 7, 2020, each side will provide *ex parte* submissions to Judge Herndon that will include a list of case-specific fact witnesses¹ that each side would like to depose for the Trial Group A cases.² Additionally, for any witnesses subject to *Touhy* that the Defendants expect to depose, the parties must agree on deposition dates and send deposition notices to the Department of Defense by Friday, August 7, 2020.

¹ As discussed with the parties at the preconference, this list should not include individuals whom the parties want to depose merely for authentication purposes.

² Judge Herndon will then work with the parties to schedule deposition dates for those individuals.

II. Choice of Law Committee

Before the August Case Management Conference, the parties must provide the Court with a chart containing each party's position on any known choice of law issues for Group A.

III. Company Discovery

a. 30(b)(6) Deposition(s)

Plaintiffs recently served Defendants with a revised 30(b)(6) notice that contains certain topics to which Defendants plan to object. In light of the September 1, 2020 corporate discovery deadline, Defendants' objections to any of the proposed 30(b)(6) topics are due on August 7, 2020. If the parties are unable to finalize a 30(b)(6) notice by August 12, 2020, Defendants must file a Motion for Protective Order that same day. Plaintiffs' Response to Defendants' Motion for Protective Order will be due on August 14, 2020.

b. Additional Corporate Custodians

Plaintiffs have requested seven additional corporate custodians. Defendants have agreed to two custodians, but the parties have been unable to reach an agreement on the remaining five requested custodians. Plaintiffs submitted a letter brief to the Court on July 29, 2020, moving to compel production as to all seven custodians. Defendants' response is due August 1, 2020. Judge Jones has scheduled

a telephonic hearing on the motion for Tuesday, August 4 at 1 pm EST. *See* ECF No. 1293.

c. Defendants' Net Worth

In light of the September 1, 2020 corporate discovery deadline, the parties must attempt to resolve any outstanding disputes regarding Defendants' net worth before the August Case Management Conference. Specifically, by August 12, 2020, Plaintiffs must provide Defendants with an estimate of Defendants' net worth and a description of the methodology Plaintiffs used to reach that estimate based on publicly available records. By August 26, 2020, Defendants must submit any objections to that estimate and/or methodology. If needed, any outstanding disputes will be discussed and resolved at the August Case Management Conference.

IV. Schedule for Trial Groups B, C, and D

The Court will adopt by separate Order the parties' proposed schedule for discovery and other pretrial matters for Trial Groups B, C, and D.

V. Trial Group B Written Discovery

The parties will meet and confer on a mutually agreeable time frame for the production of initial disclosures well in advance of the Trial Group B Plaintiffs' depositions.

VI. Upcoming Case Management Conferences

Case management conferences through the end of the year are scheduled on the following dates at 10 am Central:

August 28, 2020

September 18, 2020

October 23, 2020

November 20, 2020

December 14, 2020

Individual counsel for the Trial Group A Plaintiffs must appear at the August Case Management Conference in person or by video conference.

Additionally, going forward, counsel must provide the Court with a list of the in-person and video conferencing attendees for each Case Management Conference no later than one week in advance of the Conference.

SO ORDERED, on this 31st day of July, 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE