

**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

**PRETRIAL ORDER NO. 40
Amendments to Pretrial Order No. 28¹**

Consistent with § 5 of Case Management Order No. 12, the bellwether case-specific discovery and trial pools will now proceed in four groups of six cases— Trial Group A, Trial Group B, Trial Group C, and Trial Group D. Trial Groups A, B and C will be comprised of: (1) one randomly selected case from each side’s initial bellwether picks and one randomly selected case from the Court’s initial random picks; (2) one case chosen by each side from their initial bellwether picks; and (3) one randomly selected alternate. Trial Group D will include those six cases remaining after the first three selection processes. In keeping with the undersigned’s decision not to be informed of each side’s subjective picks, BrownGreer will contact the parties directly to facilitate the selection process. In the meantime, the parties are directed to confer and present a proposed schedule for case-specific discovery

¹ The Court has considered the parties’ arguments regarding the process for selecting the trial groups and finds this to be a fair compromise.

and the filing of *Daubert* and dispositive motions, if any, for Trial Group A, as well as the subsequent groups, with the understanding that the first bellwether trial(s) will be held in early April 2021.

SO ORDERED, on this 2nd day of June, 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE