

**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

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**CASE MANAGEMENT ORDER NO. 7**

The Eighth Case Management Conference in this matter was held on January 14, 2020. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

**I. Bellwether Process**

An Order has been entered identifying the first potential bellwether candidate pool and establishing the procedures for selecting the initial discovery pool cases. *See* Pretrial Order No. 23, ECF No. 922. A schedule for the completion of case-specific discovery and the filing of *Daubert* and or dispositive motions, if any, for the initial discovery pool, as well as procedures for the selection of cases for bellwether trials, will be set by separate Order. The Court hereby approves the Bellwether Selection Sheet that is now available to potential bellwether candidates in MDL Centrality.

The parties are preparing joint *Touhy* requests for submission to the Department of Defense and Department of Veterans Affairs for records maintained

on the initial discovery pool plaintiffs. The first joint requests will include the seven plaintiffs randomly selected by the Court, as well as the plaintiffs in the initial discovery pool who are currently active duty servicemembers.

## **II. Phase 1 Discovery**

With the assistance of Judge Herndon, the parties will be conferring in an effort to more clearly delineate the distinction between affirmative defense discovery and “general liability” or “merits” discovery. Leadership should be prepared to discuss this issue with the Court during the next biweekly call. At that time, the parties must also advise the Court of whether expert discovery will be necessary on issues related to Defendants’ affirmative defenses.

## **III. Upcoming Case Management Conferences**

Case management conferences are scheduled at 9:30 a.m., Central, on the following dates:

Friday, February 21, 2020

Friday, March 27, 2020

Friday, April 24, 2020

Friday, May 29, 2020

**DONE AND ORDERED**, on this 21st day of January, 2020.

*M. Casey Rodgers*

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**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**