

**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. 8**

The Ninth Case Management Conference in this matter was held on February 21, 2020. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

**1. Government Discovery**

The parties and the Court are continuing to work with the Department of Veterans Affairs (“VA”) and the Department of Justice to establish an effective and efficient process for obtaining the large volumes of servicemember VA records needed for this litigation. If these efforts are unsuccessful, the parties will begin submitting batches of records requests to the VA for the remaining claimants in the randomly selected 1% from which the initial bellwether candidates were drawn. *See* Pretrial Order No. 23, ECF No. 922.

**2. Phase I Dispositive Motions**

In Pretrial Order No. 26, the Court set a briefing schedule for dispositive motions on the merits of particular affirmative defenses and advised the parties that

this would be their “only opportunity to move for summary judgment on the federal government contractor defense.” *See* ECF No. 987 at 1. On reconsideration, the Court now clarifies that this ruling applies only to motions for summary judgment based on the evidentiary record as it exists on April 1, 2020. Should additional, material evidence bearing on the federal government contractor defense be discovered after that date, then either side may move for leave to file a motion for summary judgment on the defense in an individual case.

### **3. Upcoming Case Management Conferences**

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

Friday, March 27, 2020

Friday, April 24, 2020

Friday, May 29, 2020

**SO ORDERED**, on this 25th day of February, 2020.

*M. Casey Rodgers*

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