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

ORDER

Judge David R. Herndon (ret.) was previously appointed as a Special Master in this MDL to assist the Court in moving the affirmative defenses into a posture for dispositive motion practice and, in particular, to help facilitate discovery from the United States. *See* ECF No. 760. Judge Herndon has been immensely helpful to the parties and the undersigned in his role, and accordingly, the Court now finds it appropriate to expand that role in two respects.

First, Judge Herndon is authorized to help the parties to effectively and efficiently manage discovery in the bellwether cases.[1] Judge Herndon's fees and expenses for assisting in the bellwether process will be shared equally among Plaintiffs' Leadership and Defendants' Counsel. Second, Judge Herndon is authorized and directed to assist the Court and the Common Benefit Special Master

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[1] Judge Herndon has already been informally assisting the parties with issues related to the bellwether cases for some time; this Order formalizes that role. He will not adjudicate discovery disputes or make formal recommendations to the Court on discovery issues.

in the fair and efficient management of the Common Benefit Fund for this litigation.

To the extent a distribution of the Common Benefit Fund becomes necessary in the

future, Judge Herndon will prepare a Report and Recommendation for the Court at

the appropriate time. Plaintiffs' Leadership will compensate Judge Herndon for his

work in connection with the Common Benefit Fund.

Judge Herndon may communicate *ex parte* with counsel and/or the Court in

fulfilling his duties. All other provisions of the prior Order of Appointment, ECF

No. 760, remain unchanged.

SO ORDERED, on this 6th day of March, 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE