

**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. 43
Amended Discovery & Trial Schedule for Trial Group A Cases**

The Court adopts the following discovery and trial schedule for the initial bellwether cases in Trial Group A. The following deadlines supersede the deadlines set forth in Pretrial Order No. 28.

- 6/19/2020 Deadline for Plaintiffs in initial bellwether cases to amend Short Form Complaints to add party-plaintiffs asserting consortium claims
- 7/13/2020 Deadline for Defendants to move to dismiss or file an Amended Answer in response to Plaintiffs' Short Form Complaints in the Group A cases, absent leave of Court
- 7/31/2020 Completion of depositions of Plaintiffs in Group A, subject to timely responses to pending requests served on the U.S. Department of Veterans Affairs, Veterans Benefits Administration, Department of Defense, and Plaintiffs

- 9/1/2020 Corporate discovery and Government discovery closes for Group A cases. The parties must seek leave of Court for any additional corporate or Government discovery beyond this date.
- 10/2/2020 Plaintiffs' Fed. R. Civ. P. 26(a)(2) Expert Disclosures (including Reports) on Group A cases due
- 10/9/2020 Fact discovery closes for Group A cases. Absent leave of Court, the Parties are permitted up to six case-specific depositions per side.
- 11/2/2020 Defendants' Fed. R. Civ. P. 26(a)(2) Expert Disclosures (including Reports) on Group A cases due
- 11/12/2020 Plaintiffs' Expert Rebuttal reports on Group A cases due
- 12/23/2020 Depositions of Plaintiffs' and Defendants' Experts for Group A Completion Date (Depositions will be phased so that the deposition of Plaintiffs' expert on a particular topic occurs prior to the deposition of Defendants' expert on that same topic)¹
- 1/8/2021 Case-specific *Daubert* and dispositive motions due for Group A cases
- 1/29/2021 Oppositions to case-specific *Daubert* and dispositive motions due
- 2/5/2021 Replies in support of case-specific *Daubert* and dispositive motions due
- 2/15/2021 Parties to Exchange:

- Witness Lists

¹ The parties should plan well in advance for this.

- Exhibit Lists
- Deposition designations (for witnesses reasonably likely to be called)

2/19/2021 Motions in *Limine* for case(s) in Group A due

3/1/2021 Parties to Exchange:

- Deposition Counter-Designations
- Objections to Deposition Designations
- Objections to Exhibits
- Proposed Jury Instructions
- Proposed Jury Questionnaires

3/1/2021 Motions in *Limine* Oppositions for case(s) in Group A due

3/8/2021 Motions in *Limine* Replies for case(s) in Group A due

3/11/2021 Parties to Exchange:

- Supplements to Exhibit List
- Objections to Deposition Counter-Designations
- Deposition Counter-Counter Designations

3/15/2021 Parties to Exchange Objections to Counter-Counter Designations

3/16/2021 - Parties Must Confer Concerning:
3/18/2021

- Objections to Exhibits
- Objections to Deposition Designations

- Proposed Juror Questionnaires
- Stipulations concerning other trial matters, including the timing for witnesses to be called, trial schedule and/or duration, etc.

3/19/2021 Parties must submit a Joint Pre-Trial Order, incorporating the below and such other matters as the Court may direct:

- Plaintiff(s) and Defendants' Witness Lists² (both live and via deposition)
- Plaintiff(s) and Defendants' Exhibit Lists
- Party-Proposed Jury Instructions
- Party-Proposed Juror Questionnaire

TBD Argument and pre-trial conference dates concerning motion, pre-trial, and evidentiary matters, as such may be requested or set by the Court

4/5/2021 First bellwether trial begins

The parties must separately confer on the page limits applicable to case-specific dispositive and *Daubert* motions and motions in *limine* to aid in the efficient consideration of the issues therein by the Court.

² To the extent a Party identifies a prospective witness whose deposition was not taken in these proceedings, the Parties must reasonably confer and cooperate to schedule the witness for deposition.

SO ORDERED, on this 29th day of June, 2020.

M. Casey Rodgers

M. CASEY RODGERS

UNITED STATES DISTRICT JUDGE