

**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:  
*Estes*, 7:20cv137  
*Hacker*, 7:20cv131  
*Keefer*, 7:20cv104

Judge M. Casey Rodgers  
Magistrate Judge Gary R. Jones

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**PRETRIAL ORDER NO. 72**  
**Juror Questionnaires**

This Order amends the Order Setting Trial and Pretrial Schedule, ECF No. 1629, as follows:

By March 22, 2021, the completed questionnaires—minus all personal identifying information—will be available on CM/ECF to counsel of record in these three cases. Each questionnaire will be sequentially numbered, which will allow counsel to match individual questionnaires to individual prospective jurors by name on the morning of jury selection. This CM/ECF access restriction will allow only counsel of record in these specific cases to access the questionnaires using their CM/ECF login credentials.

On the morning of jury selection, counsel of record will receive paper copies of the questionnaires showing the names and addresses of the prospective jurors and their spouses. All copies of these questionnaires must be returned to the courtroom

deputy immediately following jury selection. No person (lawyer or otherwise) will be permitted to leave the courtroom with any questionnaire and no person(s) will be permitted to have electronic devices in the courtroom during jury selection including cell phones, iPads, Laptops, etc. All lawyers and persons in the courtroom are prohibited from copying, photographing or in any way recording by hand or otherwise information contained on the juror questionnaires.

Counsel of record are permitted to share the redacted questionnaires *only* with their trial teams, a trial consultant, and their client(s). Counsel of record, members of their trial teams, a trial consultant, and/or client(s) are prohibited from sharing prospective juror information and from conducting *any* investigation, or attempted investigation, of any prospective juror or family member. Counsel of record are responsible for ensuring compliance with this Order by others. To this end, all counsel of record who had access to the juror questionnaires must certify compliance with this Order by executing the Certification of Compliance, attached as Exhibit A.<sup>1</sup> One completed Certification per party must be filed on the MDL docket and in each individual case no later than 8AM on March 30, 2021. Any counsel who fails

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<sup>1</sup> The parties may request a word document version of the certification form for completion electronically.

to comply with this Order or falsely certifies compliance with the Order will be the subject of a show cause contempt order.

**SO ORDERED** this 20th day of March, 2021.

*M. Casey Rodgers*

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

# **EXHIBIT A**

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**VERIFICATION OF COMPLIANCE WITH PRETRIAL ORDER NO. 72  
AND DESTRUCTION OF JUROR QUESTIONNAIRES**

I, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, as Counsel of Record for \_\_\_\_\_ (party name) accept responsibility for the \_\_\_\_\_ juror questionnaires received electronically through CM/ECF for the first bellwether trial in the above-captioned cases. As Officers of the Court, we personally verify that no one beyond the individuals listed below reviewed the juror questionnaires, that we and these individuals complied with the terms of Pretrial Order No. 72, and that all hard and electronic copies of the questionnaires were destroyed following completion of jury selection on March 29, 2021.

The individuals who reviewed the juror questionnaires are (please list full name and law firm or other employer):

1. \_\_\_\_\_

2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Dated: \_\_\_\_\_

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