

**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. 4**

The fourth case management conference in this matter was held on August 26, 2019. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

**I. Science Day**

The Court greatly appreciates the time and effort that each side invested in Science Day. The presentations were highly educational and provided an excellent introduction to the complex scientific aspects of this litigation.

**II. Discovery**

The parties have made considerable progress on document discovery and the TAR process in this matter. Defendants are on track to meet the September 30, 2019 deadline to substantially complete their document production. The parties are conferring about a potential issue involving documents related to the various predecessor and successor versions of the CAEv2. If any disagreements remain

unresolved on Friday, August 30, 2019, then the parties must file simultaneous briefs on the outstanding issues by **Friday, September 6, 2019**.

Defendants have produced all but four of the deposition transcripts that Plaintiffs sought from the *Moldex* cases. As to the four remaining transcripts, Defendants have raised certain objections to the production. The parties were given until Friday, August 30, 2019, to meet and confer in an attempt to resolve the objections. If they are unable to reach agreement, the parties must file simultaneous briefs on the outstanding issues by **Friday, September 6, 2019**.

Defendants will identify their first set of 30(b)(6) witnesses by September 7, 2019 and those depositions will take place during October 2019. Any objections to Plaintiffs' third 30(b)(6) notice are due by September 3, 2019.

### **III. Census/Tolling**

The parties have entered into a tolling agreement and executed the contract with BrownGreer PLC. The Court appreciates their hard work and cooperation in this regard, as these agreements will facilitate a more accurate and informative initial census.

### **IV. Upcoming Case Management Conferences**

Case management conferences through the end of the year are scheduled as follows:

Friday, September, 27, 2019 at 9:30 a.m.

Friday, October 25, 2019 at 9:30 a.m.

Friday, November 22, 2019 at 9:30 a.m.

Monday, December 16, 2019 at 9:30 a.m.

**SO ORDERED**, on this 27th day of August, 2019.

*M. Casey Rodgers*

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