

**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:
Hensley, 7:20cv93
Sloan, 7:20cv1
Wayman, 7:20cv149

Judge M. Casey Rodgers
Magistrate Judge Gary R. Jones

PRETRIAL ORDER NO. 80

This Order relates to the issue of consolidation of the above-captioned Group B cases that have not yet been set for trial.

Trials in the Group A cases are nearly complete. Verdicts were rendered in the *Estes*, *Hacker*, and *Keefer* cases following a consolidated trial in March and April and the *McCombs* case following an individual trial in May, and the *Baker* trial is currently under way. Additionally, two individual Group B cases, *Taylor* and *Blum*, are separately set for trial in September and October, respectively. *See* ECF Nos. 1801, 1802. In other words, by the end of the year, seven cases in this MDL will have been tried to a jury, three as consolidated and four as single trials. Thirteen cases remain to be tried from the initial bellwether cases. Beyond that, nearly 250,000 cases remain pending in the litigation.

On consideration of the foregoing, including the fact that the *Estes*, *Hacker*, and *Kefer* consolidated trial will be followed by four individual trials this year, and on consideration of the logistical ease with which the first consolidated trial was conducted and the Court's backlogged docket due to the COVID-19 pandemic, the Court is inclined to consolidate three bellwether cases in Group B, *Hensley*, *Sloan*, and *Wayman*, for trial in January 2022. However, the Court will consider briefing from the parties before making a final decision on consolidation. Each side must file simultaneous briefs no longer than 15 pages, double-spaced, 14-point font, on or before Friday, June 25, 2021. No responses or replies will be permitted.

SO ORDERED, on this 10th day of June, 2021.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE