

**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. 28
Discovery & Trial Schedule for Initial Bellwether Cases**

The Court adopts the following discovery and trial schedule for the initial bellwether cases, which was jointly proposed by the parties.

- | | |
|-----------|---|
| 2/25/2020 | Parties' initial bellwether selections complete |
| 2/26/2020 | Parties may begin serving interrogatories and requests for case-specific production of documents for bellwether discovery pool |
| 3/09/2020 | Authorizations must be provided to obtain records |
| 5/15/2020 | Deadline for parties to respond to written discovery (subject to record collection completion from the government) |
| 7/31/2020 | Core Discovery Completion Date (depending on the government's responses to document and deposition requests);
Maximum of four case-specific depositions per side |
| 7/31/2020 | The Court will create four trial groups—Trial Group A, Trial Group B, Trial Group C, and Trial Group D—and assign five non-alternate cases to each group. To the extent any of the non-alternate cases have been dismissed, the cases will, at the Court's discretion, be replaced by the Court with one of the backup cases. |

8/04/2020 Supplemental Fact Discovery for Trial Group A cases.¹ The parties will discuss what, if any, supplemental fact discovery is required and must seek the Court's assistance if they are unable to reach agreement.

9/25/2020 Fact Discovery Completion Date for Trial Group A cases (depending on the government's responses to document and deposition requests)²

10/02/2020 Plaintiffs' Expert Disclosures on Trial Group A cases due

11/02/2020 Defendants' Expert Disclosures on Trial Group A cases due

11/11/2020 Plaintiffs' expert witness rebuttal reports due

12/23/2020 Depositions of Plaintiffs' and Defendants' Experts 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)

1/08/2021 Case-specific *Daubert* and dispositive motions due for case(s) in first trial

April 2021 First bellwether trial begins (assuming *Lexecon* waivers)

DONE AND ORDERED, on this 25th day of February, 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

¹ Deadlines for Group B will commence 45 days later; Group C will commence 90 days later; and, Group D will commence 135 days later.

² This deadline may not be extended without leave of court.