

**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:  
*McCombs*, 7:20cv94

Judge M. Casey Rodgers  
Magistrate Judge Gary R. Jones

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**ORDER**

This Order addresses Defendants’ Objection to the Trial Time Allocation Order, Pretrial Order No. 75 (ECF No. 93). On consideration of Defendants’ objection in connection with the first bellwether trial, the objection is OVERRULED.

As an initial matter, the Court finds the filing of the objection untimely in light of the fact that trial is set to begin on Monday. The Court’s Trial Time Allocation Order was filed on May 2, 2021, fifteen days before trial was set to begin. Despite having twelve days—and a pretrial conference—to raise their objection before the Court, Defendants waited until less than 72 hours before the start of trial to file their objection.

Moreover, it is within the Court’s authority and discretion to impose reasonable trial time limits, in part to “avoid wasting time,” *see* Fed. R. Evid. 611(a),

including by “avoid[ing] unnecessary proof and cumulative evidence,” *see* Fed. R. Civ. P. 16(c)(2)(D) & (O). *See also* *Duquesne Light Co. v. Westinghouse Elec. Corp.*, 66 F.3d 604, 609 (3d Cir. 1995) (“Courts have discretion to impose limits on a party’s trial presentation without the necessity of ruling specifically on each particular item of evidence offered.” (citation and internal quotation marks omitted)); *Gen. Signal Corp. v. MCI Telecommunications Corp.*, 66 F.3d 1500, 1508 (9th Cir. 1995) (“Generally, a district court may impose reasonable time limits on a trial.”); *United States v. Hildebrand*, 928 F. Supp. 841, 844 (N.D. Iowa 1996), on reconsideration in part (May 30, 1996) (“There seems to be no disagreement among the federal courts that district judges have broad discretion in managing their dockets, including trial procedure and the conduct or pace of trials.”).

As the Court previously explained, the Court’s trial time allocation considered the time necessary to educate the jury on development, testing, and sales of the CAEv2. *See* Pretrial Order No. 75, ECF No. 93. The first trial plainly demonstrated that the burden of educating the jury on these matters fell primarily with Plaintiff as the first side to present the case, contrary to what the Court had assumed *prior* to the first trial. The Court finds the time allocation fair and not unduly prejudicial to Defendants.

Accordingly, Defendants' Objection to the Time Trial Allocation Order, Pretrial Order No. 75, is **OVERRULED**.

**SO ORDERED**, on this 15th day of May, 2021.

*M. Casey Rodgers*

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