

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

IN RE: 3M COMBAT ARMS  
EARPLUG PRODUCTS  
LIABILITY LITIGATION

This Document Relates to All Cases

Case No. 3:19md2885

Judge M. Casey Rodgers  
Magistrate Judge Hope T. Cannon

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**ORDER**

The Court will hold a hearing jointly with the Honorable Laurie J. Miller, of the Fourth Judicial District Court of Minnesota, to consider whether the proposed transfer of common stock by 3M Company as partial consideration in the settlement of claims pursuant to the parties' Master Settlement Agreement is fair to claimants, as required by 15 U.S.C § 77c(a)(10). The Fairness Hearing will be held on **December 11, 2023 at 9:00 a.m. (CST)**, in the Fifth Floor Courtroom at the United States District Courthouse in Pensacola, Florida. The Settlement Administrator is directed to provide the Notice attached as Exhibit A, which the Court hereby approves, to all Eligible Claimants in the MDL and their counsel.

All Eligible Claimants and their counsel may attend the fairness hearing in person, by Zoom, or by telephone using the Court's AT&T Reservationless

Conferencing System.<sup>1</sup> Those who wish to attend by Zoom or telephone may observe or listen to the proceeding but will not be permitted to address the Court. Zoom and telephone attendees must email Barbara Rogers at [barbara\\_rogers@flnd.uscourts.gov](mailto:barbara_rogers@flnd.uscourts.gov) to obtain login and/or dial-in information for the proceeding. All Zoom attendees must disable their outgoing video and audio/microphone immediately on joining the hearing.

Eligible Claimants and/or their counsel may also ask to be heard regarding the proposed stock transfer at the Fairness Hearing by filing a Notice of Intent to Appear at Fairness Hearing Regarding Proposed Stock Issuances on the MDL docket, using the appropriate form provided in Exhibits B or C only, by **December 3, 2023**.<sup>2</sup> Those who wish to be heard and who timely file the appropriate Notice of Intent must attend the fairness hearing in person in order to address the Court.

**SO ORDERED**, on this 18th day of October, 2023.

*M. Casey Rodgers*

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

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<sup>1</sup> Due to the limited number of attendees, only one attorney per plaintiff law firm may sign onto the Zoom link. Once Zoom is at capacity, any additional person(s) wishing to attend must do so by phone.

<sup>2</sup> This is not an opportunity to be heard regarding the settlement more broadly or any discrete aspect of it other than the proposed stock transfer.

# **EXHIBIT A**

**3M COMBAT ARMS EARPLUG SETTLEMENT**  
**INFORMATION ABOUT PROPOSED STOCK ISSUANCES AND FAIRNESS HEARING**

*A federal court has authorized this Notice. This is not attorney advertising.*

**Background:** On August 29, 2023, settlement agreements between Negotiating Plaintiffs' Counsel and 3M Company and other defendants were filed in this Court. The settlement agreements are intended to resolve all Combat Arms Earplugs claims of alleged hearing loss and other hearing-related injuries, including all claims in the multi-district litigation before this Court, claims pending in Minnesota state court, and future claims.

**How will the settlement be funded?** As part of the settlement, 3M will contribute up to \$6.01 billion between 2023 and 2029, and up to \$1 billion of that \$6.01 billion may be in the form of 3M stock. If 3M stock is issued, it will be issued without a registration statement that would otherwise provide certain disclosures typically required by the U.S. Securities and Exchange Commission. A registration statement is not required here due to the exemption provided by Section 3(a)(10) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(10). All settlement consideration, including any 3M stock, will be deposited into a settlement fund before being distributed under the terms and conditions of the settlement agreements.

**When will the court rule on the 3M stock issuance?** The Court will hold a hearing on **December 11, 2023 at 9:00 a.m. (CST)**, at One North Palafox Street, Fifth Floor Courtroom, Pensacola, FL 32502-5665, to consider whether the terms and conditions of 3M stock being used in connection with the settlement are fair.

1. You or your attorney may attend the hearing and ask to be on the terms of the proposed issuance of common stock as part of the settlement.<sup>1</sup>
2. If you want to appear and be heard at the hearing, you must file a Notice of Intent to Appear in the MDL Court on or before **December 3, 2023**.
3. Following the hearing, the Honorable M. Casey Rodgers will issue a ruling on whether the terms and conditions of the 3M stock being used in connection with the settlement are fair.

*Nothing contained in this notice of hearing will be considered an offer to issue securities to anyone receiving, reviewing, or gaining knowledge of the potential issuance of securities.*

**For More Information: [www.3m-earplugsettlement.com](http://www.3m-earplugsettlement.com)**

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<sup>1</sup> This is not an opportunity to be heard regarding the settlement more broadly or any discrete aspect of it other than the proposed stock transfer.

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

IN RE: 3M COMBAT ARMS	)	Case No. 3:19-md-02885
EARPLUG PRODUCTS LIABILITY	)	
LITIGATION	)	
	)	
This Document Relates to:	)	Judge M. Casey Rodgers
All Cases	)	Magistrate Judge Hope T. Cannon
_____	)	

**NOTICE OF INTENT TO APPEAR AT FAIRNESS HEARING  
REGARDING PROPOSED STOCK ISSUANCES**

Pursuant to the MDL Court's Order setting the Fairness Hearing Regarding Proposed Stock Issuances, ECF No. 3911, \_\_\_\_\_ intend(s), by and through his/her/their attorney(s), \_\_\_\_\_, to attend the hearing on December 11, 2023 at 9:00 a.m. (CST) in person and ask the MDL Court to be heard on this matter.

DATED: \_\_\_\_\_, 2023

Respectfully submitted,

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

*Counsel for* \_\_\_\_\_

# **EXHIBIT C**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

IN RE: 3M COMBAT ARMS	)	Case No. 3:19-md-02885
EARPLUG PRODUCTS LIABILITY	)	
LITIGATION	)	
	)	
This Document Relates to:	)	Judge M. Casey Rodgers
All Cases	)	Magistrate Judge Hope T. Cannon
_____	)	

**NOTICE OF INTENT TO APPEAR AT FAIRNESS HEARING  
REGARDING PROPOSED STOCK ISSUANCES (PRO SE)**

Pursuant to the MDL Court's Order setting the Fairness Hearing Regarding Proposed Stock Issuances, ECF No. 3911, \_\_\_\_\_ intends to attend the hearing on December 11, 2023 at 9:00 a.m. (CST) in person and ask the MDL Court to be heard on this matter.

DATED: \_\_\_\_\_, 2023

Respectfully submitted,

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

*Pro Se*