

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING FOAMS) C.A. No. 2:18-2873-RMG
PRODUCTS LIABILITY LITIGATION)
)
_____)
)
City of Camden, *et al.*,)
)
Plaintiffs,) C.A. No. 2:23-3230-RMG
)
vs.)
)
E.I. Dupont De Nemours and Company (n/k/a)
EIDP, Inc.), *et al.*,) **ORDER**
)
Defendants.)
)
_____)

The Court is in receipt of the Notice Administrator’s revised report in which submissions for opting out of the proposed class action settlement with the Dupont-related entities were determined to be non-compliant with the terms of Paragraph 9.7 of the Settlement Agreement. (Dkt. No. 4467); (Dkt. No. 2:23-3230, Dkt. No. 173). This revised report was prepared in response to the Court’s issuance of a Guidance on January 22, 2024. (Dkt. No. 2:23-3230, Dkt. No. 169). The revised report substantially reduced the number of opt out submissions that were determined to be non-complaint.

The Court hereby adopts the following procedures for the filing of objections to the Notice Administrator’s determinations of compliance or non-compliance with the opt out provisions of the Settlement Agreement:

1. Upon issuance of this Order, the Notice Administrator shall promptly provide notice to the Public Water Systems (PWS) that have been identified as submitting non-compliant opt out forms. The notice of non-compliance shall include a copy of this Order setting forth the following procedure for those PWS which seek to challenge a finding of the Notice Administrator. The Notice Administrator shall also include a statement of reason(s) the submitted opt out was determined to be non-compliant, providing specific citation to the Settlement Agreement. The notice may be delivered to the affected PWS via email utilizing the email address provided in the opt out form, and if no email address was provided, by other available delivery method. The Notice Administrator shall provide a copy of all such notices to Class Counsel and Defendants via a Sharefile.

2. Any PWS determined by the Notice Administrator to have submitted a non-compliant opt out form may file a written objection to the Notice Administrator's decision within 15 days of receipt of the notice of non-compliance. The objection must set forth in detail the basis of the objection and may include documents relevant to the objection. Class Counsel and Defendants may file a written response to any objection within 15 days after the filing of objections and such responses may include documents relevant to the objection.

3. Any party to the Settlement Agreement may file objections to any PWS determined by the Notice Administrator to be compliant with the opt out provisions of the Settlement Agreement within 15 days of this Order. The objection must set forth in detail the basis of any objection and may include documents relevant to the objection. Any PWS whose designation of compliance has been challenged may file a response with supporting documents within 15 days of receipt of objection and provide supporting documents.

4. All objections and responses referenced in Paragraphs 2 and 3 above shall be filed with the Court and copies provided to Class Counsel, Defendants, the Notice Administrator, the Special Master, and any involved PWS in accord with Paragraphs 8.1, 8.7, and 13.17 of the Settlement Agreement.

5. All objections submitted pursuant to Paragraphs 2 and 3 above shall first be considered by the Special Master, who shall employ such procedures as he deems necessary to address any objections. The Special Master shall issue a written decision addressing each objection and shall issue his decisions as expeditiously as is reasonably possible. Any PWS dissatisfied with the decision of the Special Master may file an appeal to the Court.

AND IT IS SO ORDERED.

s/Richard Mark Gergel
Richard Mark Gergel
United States District Judge

February 7, 2024
Charleston, South Carolina