

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

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

**MDL No. 2:18-mn-2873-RMG
CASE MANAGEMENT ORDER NO. 30
This Order Relates to All Actions**

CASE MANAGEMENT ORDER NO. 30

In Second Amended CMO 28, the Court established a protocol for dismissing unlisted personal injury claims, meaning claims not identified by CMO 26, not identified by the Plaintiffs’ Executive Committee’s response to Paragraph 1 of Second Amended CMO 28 [Dkt. No. 4683] and not pregnancy-induced hypertension or high cholesterol. [Dkt. No. 4985, ¶ 6]. The Court permitted any plaintiff asserting or seeking to assert an unlisted claim to dismiss their unlisted claims without prejudice by August 22, 2024. [*Id.*] The Court has since been alerted that thousands of plaintiffs will seek dismissal without prejudice in accordance with paragraph 6 of Second Amended CMO 28. In order to administrate the mass dismissals of these member MDL cases, the Court orders any party seeking dismissal under Paragraph 6 of Second Amended CMO 28 to comply with the following instructions.

For dismissals of entire cases:

1. An attorney filing user shall file a notice of voluntary dismissal as to member cases on the lead MDL docket (2:18-mn-2873-RMG) and spread the filing to the member cases. For each member case, the filing attorney user shall select “Plaintiffs [2:18-mn-02873-RMG]” as the filer and shall not select each individual plaintiff.

2. In a single notice of voluntary dismissal filing, an attorney filing user may list up to 25 member cases, ensuring to spread the filing to each listed member case. The member cases should be listed in an exhibit attached to the notice in case number order with correct short title.
3. The notice shall indicate that the dismissals are sought pursuant to Paragraph 6 of Second Amended CMO 28.
4. A notice seeking dismissals of entire cases shall not include dismissals of specific parties.
5. Attached to this CMO as Exhibit A is an exemplar stipulation of dismissal of entire action(s).
6. With each filing, the attorney filing user shall also submit to the Clerk's office at filingdocs_ecf_chas@scd.uscourts.gov an additional document listing the cases to be dismissed. The document should be formatted as a .xlsx, .txt, or .csv file and as instructed in Exhibit E.

For dismissals of plaintiff parties:

1. An attorney filing user shall file a notice of voluntary dismissal as to plaintiff parties on the lead MDL docket (2:18-mn-2873-RMG) and spread the filing to the member cases. For each member case, the filing attorney user must select each plaintiff seeking dismissal.
2. In a single notice of voluntary dismissal filing, an attorney filing user may list up to 50 plaintiff parties from up to 25 member cases. The filing attorney user shall ensure to spread the filing to each listed member case. In an exhibit attached to the notice, the individual plaintiff parties should be

grouped by member case and listed in last name alphabetical order. The member cases should be listed in case number order with correct short title.

3. The notice shall indicate that the dismissals are sought pursuant to Paragraph 6 of Second Amended CMO 28.
4. A notice seeking dismissal of plaintiff parties shall not include dismissals of entire cases or dismissals of certain claims.
5. Attached to this CMO as Exhibit B is an exemplar stipulation of dismissal of plaintiff parties.
6. With each filing, the attorney filing user shall also submit to the Clerk's office at filingdocs_ecf_chas@scd.uscourts.gov an additional document listing the plaintiffs to be dismissed. The document should be formatted as a .xlsx, .txt, or .csv file and as instructed in Exhibit F.

For dismissals of certain claims:

1. An attorney filing user shall file a notice of voluntary dismissal as to certain claims on the lead MDL docket (2:18-mn-2873-RMG) and spread the filing to the member cases. For each member case, the filing attorney user must select the plaintiffs seeking to dismiss the claims.
2. In a single notice of voluntary dismissal filing, an attorney filing user may dismiss claims for up to 50 plaintiffs from up to 25 member cases. The filing attorney user shall ensure to spread the filing to each listed member case. In an exhibit attached to the notice, the plaintiffs dismissing claims should be grouped by member case and listed in last name alphabetical order. The exhibit should indicate which claims each plaintiff is dismissing. And the

member cases should be listed in case number order with correct short title.

3. The notice shall indicate that the dismissals are sought pursuant to Paragraph 6 of Second Amended CMO 28.
4. A notice seeking dismissal of certain claims shall not include dismissals of entire cases or dismissals of plaintiff parties.
5. Attached to this CMO as Exhibit C is an exemplar stipulation of dismissal of all personal injury claims of specific plaintiffs, while not dismissing their other non-personal injury claims, to the extent they were filed and asserted.
6. Attached to this CMO as Exhibit D is an exemplar stipulation of dismissal of “Unlisted” personal injury claims of specific plaintiffs while preserving their other claims including those for already asserted injuries and/or non-personal injury claims.
7. Attorneys filing dismissal of certain claims under this section shall not submit any additional documents to the Clerk’s Office via email, unless otherwise specifically directed to do so.

Example notices of dismissal are attached to this CMO. The parties are directed to use the attached templates, to the extent one of the templates applies, and adhere to the instructions stated above.

AND IT IS SO ORDERED.

Dated: May 28, 2024
Charleston, South Carolina

/s/Richard M. Gergel

Hon. Richard M. Gergel
United States District Judge

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

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No.: 2:18-mn-02873-RMG

EXHIBIT A

**TO CASE MANAGEMENT ORDER
NO. 30**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION	MDL No.: 2:18-mn-02873-RMG Notice of Dismissal This Document Relates to <i>v. 3M Company et al, No.:</i>
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**NOTICE OF DISMISSAL OF ENTIRE ACTION(S) WITHOUT PREJUDICE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i) &
SECOND AMENDED CASE MANAGEMENT ORDER NO. 28**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and pursuant to Paragraph 6 of Second Amended CMO 28, each listed action as described in Exhibit A attached is hereby **DISMISSED WITHOUT PREJUDICE**, in its entirety, as to all defendants without costs to any party. Such dismissal shall include the dismissal of any derivative loss of consortium claim for the underlying dismissed claims.

Dated: _____, 202_

Respectfully submitted,

By: /s/ _____

Attorney Name
Law Firm Name
Address
Address
Phone
Fax
Email

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 202_, a copy of the foregoing was filed electronically using the Court's Case Management/Electronic Case Filings System (CM/ECF).
Notice of and access to this filing will be provided to all parties through CM/ECF.

/s/ _____
Attorney Name

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

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No.: 2:18-mn-02873-RMG

EXHIBIT B

**TO CASE MANAGEMENT ORDER
NO. 30**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

<p>IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION</p>	<p>MDL No.: 2:18-mn-02873-RMG</p> <p>Notice of Dismissal</p> <p>This Document Relates to</p> <p style="text-align: right;"><i>v. 3M Company et</i></p> <p><i>al</i>, No.:</p>
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**NOTICE OF DISMISSAL BY LISTED PLAINTIFFS ONLY, WITHOUT
PREJUDICE PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i) &
SECOND AMENDED CASE MANAGEMENT ORDER NO. 28**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and pursuant to Paragraph 6 of Second Amended CMO 28, the entire action of each Plaintiff listed in Exhibit A attached is hereby **DISMISSED WITHOUT PREJUDICE**, as to all defendants and without costs to any party. Such dismissal shall include the dismissal of any derivative loss of consortium claim for the underlying dismissed claims.

Dated: _____, 202__

Respectfully submitted,

By: /s/_____

Attorney Name

Law Firm Name

Address

Address

Phone

Fax

Email

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 202_, a copy of the foregoing was filed electronically using the Court's Case Management/Electronic Case Filings System (CM/ECF).

Notice of and access to this filing will be provided to all parties through CM/ECF.

/s/ _____
Attorney Name

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

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No.: 2:18-mn-02873-RMG

EXHIBIT C

**TO CASE MANAGEMENT ORDER
NO. 30**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

<p>IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION</p>	<p>MDL No.: 2:18-mn-02873-RMG</p> <p>Notice of Dismissal</p> <p>This Document Relates to</p> <p style="text-align: right;"><i>v. 3M Company et</i></p> <p><i>al</i>, No.:</p>
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**NOTICE OF PARTIAL DISMISSAL BY LISTED PLAINTIFFS ONLY, OF
PERSONAL INJURY CLAIMS WITHOUT PREJUDICE PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i) & SECOND
AMENDED CASE MANAGEMENT ORDER NO. 28**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and pursuant to Paragraph 6 of Second Amended CMO 28, each Plaintiff listed in Exhibit A attached hereby **DISMISSES WITHOUT PREJUDICE**, any/all claims asserted by that Plaintiff as to personal injury claims **ONLY** but does not dismiss any other claims of that Plaintiff. Such dismissal applies to all defendants and is without costs to any party. Such dismissal shall include the dismissal of any derivative loss of consortium claim for the underlying dismissed claims.

Dated: _____, 202__

Respectfully submitted,

By: /s/_____

Attorney Name

Law Firm Name

Address

Address

Phone

Fax

Email

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 202_, a copy of the foregoing was filed electronically using the Court's Case Management/Electronic Case Filings System (CM/ECF).

Notice of and access to this filing will be provided to all parties through CM/ECF.

/s/ _____
Attorney Name

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

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No.: 2:18-mn-02873-RMG

EXHIBIT D

**TO CASE MANAGEMENT ORDER
NO. 30**

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

IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION	MDL No.: 2:18-mn-02873-RMG Notice of Dismissal This Document Relates to <div style="text-align: right;"><i>v. 3M Company et</i></div> <i>al</i> , No.:
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**NOTICE OF PARTIAL DISMISSAL BY LISTED PLAINTIFFS ONLY, OF
PARTICULAR PERSONAL INJURY CLAIMS, WITHOUT PREJUDICE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(i) &
SECOND AMENDED CASE MANAGEMENT ORDER NO. 28**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and pursuant to Paragraph 6 of Second Amended CMO 28, each Plaintiff listed in Exhibit A hereby **DISMISSES WITHOUT PREJUDICE** any/all causes of action related to any claimed personal injuries with the exception of any/all claims for kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, thyroid cancer, liver cancer, pregnancy induced hypertension, and/or high cholesterol. Such dismissal applies to all defendants and is without costs to any party (but only to extent such claim(s) is/are asserted in the Complaint or a Plaintiff Fact Sheet appropriately tendered pursuant to Case Management Order 5 and amendments thereto). Such dismissal shall include the dismissal of any derivative loss of consortium claim for the underlying dismissed claims. However, all causes of action arising out of any and all other diagnoses alleged by plaintiff, as well as any alleged non-personal injury claims, remain and are NOT dismissed.

Dated: _____, 2024_

Respectfully submitted,

By: /s/ _____

Attorney Name

Law Firm Name

Address

Address

Phone

Fax

Email

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 202_, a copy of the foregoing was filed electronically using the Court's Case Management/Electronic Case Filings System (CM/ECF).

Notice of and access to this filing will be provided to all parties through CM/ECF.

/s/ _____
Attorney Name

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

**IN RE: AQUEOUS FILM-FORMING
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LITIGATION**

MDL No.: 2:18-mn-02873-RMG

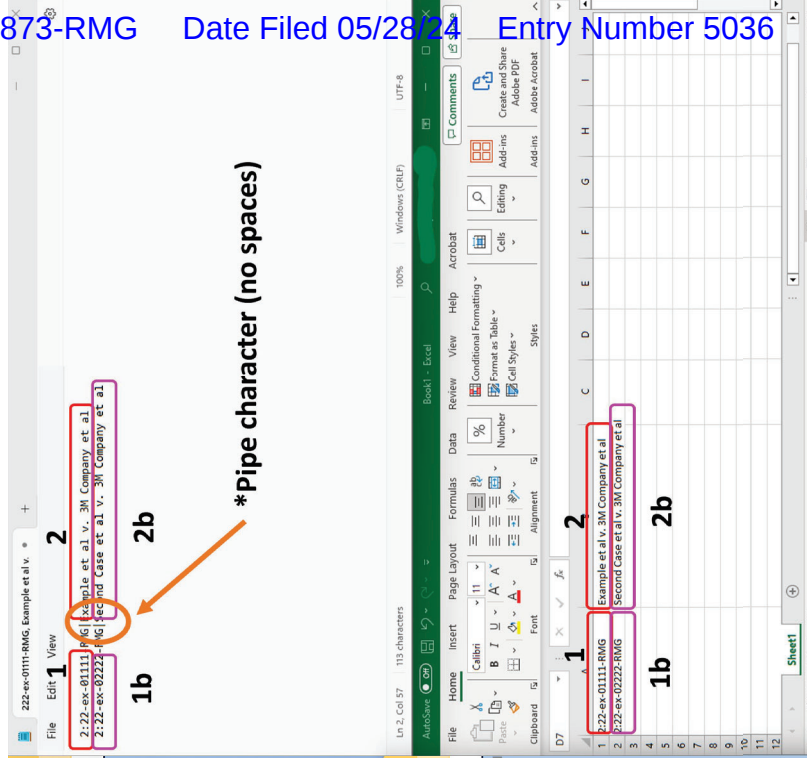
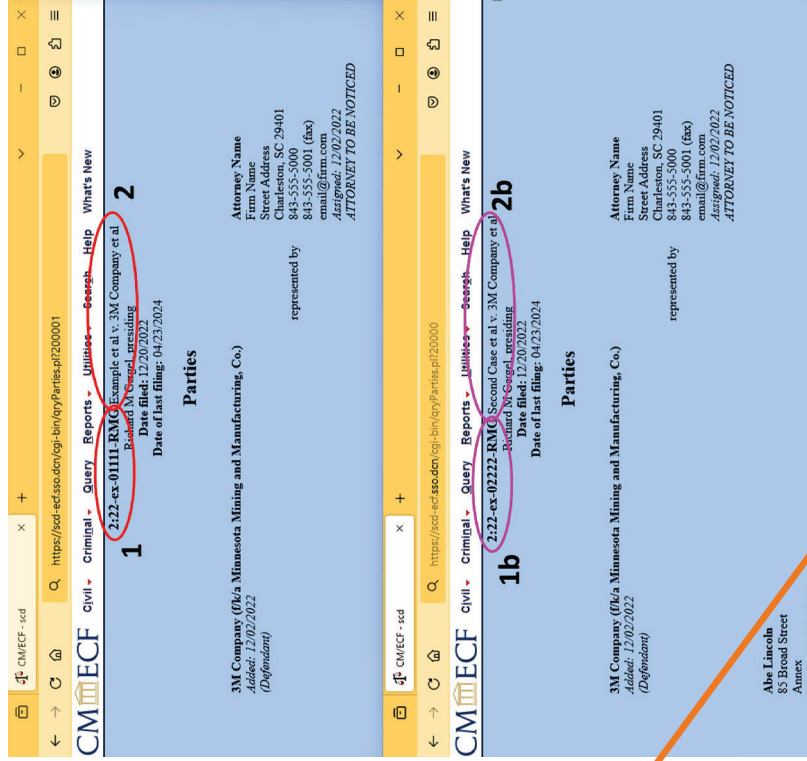
EXHIBIT E

**TO CASE MANAGEMENT ORDER
NO. 30**

For dismissals of entire cases, please email the following to filingdocs_ecf_chas@sdc.uscourts.gov Reference MDL 2873 and the Dkt. No. of the filing from the lead case in the subject line.

In Excel:

1. Enter the full case number in the first column.
2. Enter the full case title in the second column.
3. Save this document as .xlsx, .txt or .csv file.



If Excel is not accessible, using any simple text editor such as Notepad:

1. Enter the full case number followed by a pipe character (|).
2. Enter the full case title followed by a pipe character (|).
3. Save this document as a .txt or .csv file.

**UNITED STATES DISTRICT COURT
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**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No.: 2:18-mn-02873-RMG

EXHIBIT F

**TO CASE MANAGEMENT ORDER
NO. 30**

For dismissals of plaintiff parties, please email the following to filingsdocs_ecf_chas@sdc.uscourts.gov Reference MDL 2873 and the Dkt. No. of the filing from the lead case in the subject line.

In Excel:

1. Enter the full case number in the first column.
2. Enter the full case title in the second column.
3. Enter the name of the parties being terminated **as they appear** in ECF in the third column.
(Include Titles, first names, middle initials, last names, and suffixes)
4. Save this document as .xlsx, .txt or .csv file.

If Excel is not accessible, using any simple text editor such as Notepad:

1. Enter the full case number followed by a pipe character (|).
2. Enter the full case title followed by a pipe character (|).
3. Enter the name of the parties being terminated **as they appear** in ECF followed by a line break (Enter Key).
(Include Titles, first names, middle initials, last names, and suffixes)
4. Save this document as a .txt or .csv file.

The browser screenshot shows a case listing with the following columns: Case Number, Case Title, and Party Name. The case number is 2:22-ex-01111-RMG. The case title is Example et al v. 3M Company et al. The party name is John Doe et al. The date filed is 12/02/2022.

The Excel spreadsheet shows the same data with the following columns: A, B, C. The case number is in column A, the case title is in column B, and the party name is in column C. The case number is 2:22-ex-01111-RMG. The case title is Example et al v. 3M Company et al. The party name is John Doe et al. The date filed is 12/02/2022.

An arrow points to a pipe character in the title cell with the note '*Pipe character (no spaces)'.

