

**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. 58
Amendment to Pretrial Order No. 50**

This Order amends Pretrial Order No. 50, ECF No. 1340, to provide further instruction regarding subpoenas issued for Government witness depositions. The Court has been made aware of situations where the Government advises it will authorize the deposition of a subpoenaed Government witness, but either the Government or the witness is unavailable on the date given for the deposition and the Government will not authorize the deposition absent complete agreement on all aspects of the deposition, including the date. Given PTO 50, this had led to the filing of at least one motion to quash. The undersigned agrees with the parties and the Government that a solution is needed to avoid time-consuming motions practice based solely on an unworkable deposition date. To promote efficient discovery and the overall fair and efficient resolution of this multi-district litigation, the Court will allow the issuing party/parties to release the Government witness from the deposition date specified in the subpoena by email to the Government and opposing

counsel (with a copy to Judge Herndon). The subpoena may then be considered to have an “open” deposition date such that the Government may issue an authorization letter for the deposition while simultaneously negotiating a mutually agreeable deposition date with the parties. The undersigned understands that for these depositions *only*, the new date will fall outside the discovery cut-off.

SO ORDERED, on this 2nd day of November, 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE