

**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:

Baker, 7:20cv39

Estes, 7:20cv137

Hacker, 7:20cv131

Keefer, 7:20cv104

McCombs, 7:20cv94

Judge M. Casey Rodgers

Magistrate Judge Gary R. Jones

PRETRIAL ORDER NO. 63

Over the past week, the Court has received, almost daily, motions in the Trial Group A cases seeking to strike or preclude expert testimony and to compel a second deposition of an expert, one month after his deposition. These motions have been filed on the heels of dozens of *Daubert* challenges and summary judgment motions. While the Court appreciates the need to resolve meaningful disputes before the fast-approaching trial date, it is also of the view that many times these types of disputes can and should be resolved without court intervention. Thus, in the interests of efficiency, the parties will be required to make more of an effort to resolve these types of disagreements, as well as motions in limine, before filing their motions.

Accordingly, before filing any further motions—other than those for summary judgment—the party with the issue must email the motion to opposing counsel and

Judge Herndon and make a good faith effort to resolve the issue with Judge Herndon's assistance. To the extent the efforts at resolution are unsuccessful and a motion is filed with the Court, it must include a certification that the parties have made a good faith effort to resolve the underlying dispute with Judge Herndon but were unsuccessful.¹

SO ORDERED, on this 15th day of January, 2021.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

¹ The certification may be included in the required certificate of compliance with Local Rule 7.1(b).