

**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:
Estes, 7:20cv137
Hacker, 7:20cv131
Keefer, 7:20cv104

Judge M. Casey Rodgers
Magistrate Judge Gary R. Jones

PRETRIAL ORDER NO. 66
Deadlines For Witness Lists and Deposition Designations
For First Group A Bellwether Trial

This Order governs the parties' witness lists and deposition designations for the consolidated Group A Bellwether Trial of Plaintiffs Estes, Hacker, and Keefer. The Court recognizes the amount of work that is required from the parties and the Court to identify deposition testimony for trial and the need for an efficient timeline to allow resolution of any disputes before trial. Accordingly, the following deadlines and time limitations are hereby adopted:

1. **February 8, 2021:** Parties will exchange witness lists.
2. **February 9, 2021:** Parties will serve all affirmative designations. On submission of affirmative designations, each side will identify half of the designations as "Priority Designations." The remaining designations will be considered "Secondary Designations" for purpose of this Order.
3. **February 16, 2021:** Parties will serve objections and counter-designations to Priority Designations.

4. **February 18, 2021:** Parties will serve objections and counter-designations to Secondary Designations.
5. **February 24, 2021:** Parties will serve objections to counter-designations for Priority Designations.¹
6. **February 28, 2021:** Parties will serve objections to counter-designations for Secondary Designations.
7. **March 3, 2021**²: Parties must submit their deposition designations by witness, in excel format, with each witness on its own separate spreadsheet. Each spreadsheet must contain four columns:
 - Column 1: Designations. Each designation should be listed on its own line, with reference to the pertinent page(s) and line(s) to be read.
 - Column 2: Objections to designations. Objections should be one word and must include a citation to the appropriate Federal Rule(s) of Evidence. Objections should be in red font.
 - Column 3: Counter-designations. If there are any counter-designations, it must be listed in the same row as the original designation, with reference to the pertinent page(s) and line(s) to be read.
 - Column 4: Objections to counter-designations. Objections to counter-designations should be one word and must include a citation to the appropriate Federal Rule(s) of Evidence. Objections should be in red font.

¹ The Court recognizes the parties' preference for counter-counter designations and responses to objections to *all* designations; however, the parties' seemingly endless quest for the last word is anything but efficient.

² Given the number of deposition designations, etc. anticipated and the fact that the parties now will not need to spend time on counter-counter designations and responses to objections to designations, the Court has separated the deposition designations from the pretrial stipulation and requires their submission five days earlier.

The parties must submit the full deposition transcript for each witness with the pertinent testimony, as listed in the spreadsheet, highlighted as follows: designations in yellow and counter-designations in light blue.

SO ORDERED, on this 4th day of February, 2021.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE