

**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. 70

The Court supplements and/or amends the discovery and pretrial schedule set forth in multiple prior Pretrial Orders, including but not limited to Pretrial Order Nos. 46 and 62, and adopts the following discovery and pre-trial schedule for the initial bellwether cases in Trial Groups B, C, and D. The deadlines set forth in this Order supersede all other conflicting deadlines set in prior Pretrial Orders.

	Group B Due Date	Group C Due Date	Group D Due Date
Completion of depositions of Plaintiffs, subject to timely responses to pending requests served on the U.S. Department of Veterans Affairs, Veterans Benefits Administration, Department of Defense, and Plaintiffs	No amendment	No amendment	October 8, 2021

	Group B Due Date	Group C Due Date	Group D Due Date
Fact discovery close. ¹ Absent leave of Court, the Parties are permitted up to six case-specific depositions per side.	No amendment	February 5, 2021	November 19, 2021
Plaintiffs' Fed. R. Civ. P. 26(a)(2) Expert Disclosures (including Reports) due	No amendment	July 6, 2021	December 3, 2021
Defendants' Fed. R. Civ. P. 26(a)(2) Expert Disclosures (including Reports) due	No amendment	August 9, 2021	December 30, 2021
Plaintiffs' Expert Rebuttal reports due	January 29, 2021	August 16, 2021	January 7, 2022
Depositions of Plaintiffs' and Defendants' Experts Completion Date (Depositions will be phased so that the deposition of Plaintiffs' expert on a particular topic occurs prior to the deposition of Defendants' expert on that same topic)	February 12, 2021	September 10, 2021	January 28, 2022
Parties to meet and confer and exchange positions on what states' laws apply to bellwether cases	June 4, 2021	July 16, 2021	December 3, 2021

¹ Corporate discovery and Government discovery closed on September 1, 2020. The Parties must seek leave of Court for any additional non-case specific corporate or Government discovery beyond this date for Trial Group D. Fact discovery has already closed for Trial Groups B and C.

	Group B Due Date	Group C Due Date	Group D Due Date
To the extent the parties do not agree in choice of law meet and confer, parties to file briefs setting forth their position on choice of law for those plaintiffs as to which they cannot reach agreement	July 6, 2021	August 17, 2021	January 4, 2022
To the extent necessary, oral argument on choice of law issues	July 16, 2021	August 27, 2021	January 14, 2022
Case-specific <i>Daubert</i> and dispositive motions due	August 6, 2021	September 17, 2021	February 4, 2022
Oppositions to case-specific <i>Daubert</i> and dispositive motions due	August 27, 2021	October 8, 2021	February 25, 2022
Trials begin	Mid-to-late Fall 2021	TBD	TBD

SO ORDERED, on this 22nd day of February 2021.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE