

**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. 19-D
This Document Relates to All Actions**

Fourth Amended Scheduling Order Governing First Water Provider Bellwether Trial

This CMO 19-D amends the schedule set forth in CMO 19 for the Water Provider Bellwether Trial Pool cases. Specifically, this CMO 19-D allows for some additional time for Tier Two fact discovery and amends certain remaining deadlines accordingly. The resulting schedule is as follows:

1. Expert disclosures: Plaintiff shall submit its expert disclosures by March 18, 2022. Defendants shall submit their expert disclosures by April 29, 2022. Rebuttal expert reports shall be submitted by May 13, 2022.
2. Expert discovery: The parties shall complete expert depositions by August 16, 2022.
3. Summary judgment and Daubert motions: The parties shall file motions for summary judgment and Daubert motions by September 9, 2022. Response in opposition briefs shall be filed October 21, 2022. Reply in support briefs shall be filed by November 4, 2022.
4. Recommendation of first bellwether case for trial: The parties shall meet and confer and, if in agreement, submit by November 11, 2022 the parties' joint ranked preferences with supporting memoranda for the first bellwether trial. If the parties are not in agreement, however, each side shall file their recommendation with supporting memoranda on or before the same date.
5. Designation of first bellwether case for trial: The Court will designate the first bellwether case for trial by December 9, 2022.
6. Pretrial motions: The parties shall file pretrial motions and motions *in limine* by February 6, 2023. Response in opposition briefs shall be filed by February 13, 2023.
7. Pretrial disclosures: The parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures twenty-one (21) days prior to the date of jury selection. Within fourteen (14) days thereafter, a party shall file and exchange Rule 26(a)(3) objections,

any objections of a deposition designation by another party, and any deposition counter-designations, pursuant to Rule 32(a)(4).

8. Pretrial briefs: The parties shall furnish the Court with and serve their pretrial briefs ten (10) business days prior to the date of jury selection (Local Civil Rule 26.05). At least five (5) business days prior to this deadline to submit pretrial briefs, counsel shall meet to exchange and mark all exhibits (Local Civil Rule 26.07).
9. Trial: This case is subject to being called for jury selection and/or trial on or after April 1, 2023.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

August 1, 2022
Charleston, South Carolina