

**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.F
This Document Relates to All Actions**

**SIXTH AMENDED SCHEDULING ORDER GOVERNING FIRST WATER PROVIDER
BELLWETHER TRIAL**

This CMO 19.F amends the schedule set forth in CMO 19 for the Water Provider Bellwether Trial Pool cases. The resulting schedule for the selected case, *City of Stuart v. 3M Company, et al.*, (No. 2:18-cv-3487-RMG), is as follows:

1. Summary judgment and Daubert motions: The parties shall file motions for summary judgment and *Daubert* motions by December 2, 2022. Response in opposition briefs shall be filed by January 13, 2023. Reply in support briefs shall be filed by February 3, 2023.

a. Summary Judgment Briefing

- i. Defense-Wide Omnibus Brief: Defendants may submit omnibus briefing that is not to exceed 35 pages in length.
- ii. Defendant-Specific Briefs: Each Defendant¹ may submit its own brief of no more than 5 pages each only if:

1. The supplementing Defendant does not duplicate any argument

¹ For purposes of this Order, “Defendant” is defined as (1) 3M Company, (2) The Chemours Company FC, LLC, The Chemours Company LLC, and E.I. du Pont de Nemours and Company, (3) Tyco Fire Products and Chemguard, Inc., (4) National Foam, Inc., (5) Chubb Fire, Ltd., (6) Buckeye Fire Equipment Company, (7) Kidde-Fenwal, Inc., Kidde PLC, Inc., Raytheon Technologies Corporation f/k/a United Technologies Corporation, Carrier Fire & Security Americas Corporation f/k/a UTC Fire & Security Americas Corporation, Inc., and Carrier Global Corporation; (8) AGC Chemicals Americas, Inc., (9) Archroma U.S., Inc., (10) Clariant Corporation, (11) Arkema, Inc., (12) BASF Corporation (13) Dynax Corporation; (14) ChemDesign Products, Inc., (15) Deepwater Chemicals, Inc., (16) Chemicals Incorporated, (17) Nation Ford Chemical Company.

or record evidence already provided in the omnibus brief; and

2. The supplementing brief is approved by Defendants' Coordination Committee ("DCC") as evidence by the DCC's certification that the supplemental brief does not duplicate any argument or record evidence already presented in the omnibus brief. Should the DCC refuse to so certify, the supplementing Defendant may promptly seek leave of Court to file its supplemental brief.
- b. **Rule 702 / Daubert Motions Briefing:** Omnibus briefing to exclude experts may not exceed 40 pages.
 - c. **Opposition Briefing:** Oppositions to each of the above briefs shall be limited to the same number of pages as the opening brief limit.
 - d. **Reply Briefing:** For summary judgment briefing, Defendants may file one omnibus reply that is not to exceed 15 pages in length. For Rule 702 / *Daubert* briefing, Defendants may file one omnibus reply brief that is not to exceed 10 pages in length.
2. Pretrial motions: The Parties shall file motions in limine by March 24, 2023. Response in opposition briefs shall be filed by April 7, 2023.
3. Jury questionnaire: The Parties shall file a proposed jury questionnaire (or competing proposals) by April 3, 2023.
4. Deposition designations: The Parties will meet and confer on how best to prioritize exchange and submission of deposition designations so they can be provided to the Court, including any objections and counter-designations, no later than April 28, 2023.
5. Exhibits: The Parties will meet and confer on how best to prioritize exchange and submission of exhibit lists and objections so they can be provided to the Court, including any objections, no later than April 28, 2023, with the Court to set a hearing on admissibility and objections to exhibits as it deems appropriate.
6. Pretrial disclosures: The Parties shall file and exchange all other Fed. R. Civ. P. 26(a)(3) pretrial disclosures by April 7, 2023. The Parties shall file and exchange Rule 26(a)(3) objections pursuant to Rule 32(a)(4) by May 12, 2023.
7. Jury instructions: The Parties shall submit proposed jury instructions (or competing proposals with supporting authorities) by May 8, 2023. The parties are directed to the undersigned's Special Instructions for more detailed information on submitting proposed jury instructions.
8. Pretrial briefs: The Parties shall furnish the Court with and serve their pretrial briefs by May 12, 2023.

9. Trial: This case is subject to being called for jury selection and/or trial on June 5, 2023.

AND IT IS SO ORDERED.

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

October 24, 2022
Charleston, South Carolina