

**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. 26.C-1**

This Order relates to All Actions

EX PARTE CONTACT WITH PLAINTIFFS' HEALTHCARE PROVIDERS

The Court hereby issues this Case Management Order ("CMO") 26.C-1 governing Plaintiff and Defense counsels' *ex parte* contact with healthcare providers for the 25 Plaintiffs included in the Initial Personal Injury Bellwether Discovery Pool ("Plaintiffs"). Given certain factors specific to this litigation, counsels' contact with Plaintiffs' healthcare providers shall be limited as follows:

1. Defense counsel may not meet with Plaintiffs' healthcare providers *ex parte*, except with the permission of Plaintiffs' counsel.
2. Plaintiffs' counsel may meet or communicate with Plaintiffs' healthcare providers *ex parte*. However, if Plaintiffs' counsel shows to, provides to, or discusses with a healthcare provider any documents other than those provider's records of treatment, Plaintiffs' counsel must disclose and provide copies of any such documents together with an identification of the particular provider to Defense Counsel within five (5) days of the document being shown or provided to the provider or five (5) days prior to the provider's deposition, whichever is earlier. To the extent that Plaintiffs' counsel have already provided or shown such documents to any such providers for the selected bellwether Plaintiffs, those documents shall be provided to Defense Counsel within 14 days of this Order with an indication as to which providers the documents were provided or shown.

3. Nothing herein is meant to, nor does it, restrict or prohibit individual Plaintiffs from communicating with their own healthcare providers for purposes of their own medical care.

AND IT IS SO ORDERED.

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

December 29, 2023
Charleston, South Carolina