

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING)	
FOAMS PRODUCTS LIABILITY)	MDL No. 2:18-mn-2873-RMG
LITIGATION)	
)	CASE MANAGEMENT
)	ORDER NO. 27F
)	
)	This Order Relates to:
)	<i>The Southeast Morris County Municipal</i>
)	<i>Utilities Authority</i>
)	2:22-cv-00199-RMG and
)	<i>City of Watertown v. 3M Company et al.,</i>
)	2:21-cv-1104-RMG

**PROTOCOL REGARDING FILING RULE 12(b)(1), (b)(2) AND/OR 12(b)(5) DEFENSES IN
TELOMER WATER PROVIDER TIER TWO CASES**

This Case Management Order (“CMO”) 27F governs the protocol for raising Rule 12(b)(1), 12(b)(2) and/or 12(b)(5) defenses in the two water provider bellwether cases selected for Tier Two Discovery in the Telomer AFFF Bellwether Program, which are (1) *City of Watertown v. 3M Company et al.* (No. 2:21-cv-01104) and (2) *Southeast Morris County Municipal Utilities Authority v. 3M Company et al.* (No. 2:22-cv-00199) (the “Telomer Water Provider Tier Two Cases”).

Any defenses under Rules 12(b)(1), 12(b)(2) and/or 12(b)(5) that Defendants may have in any of the Telomer Water Provider Tier Two cases are expressly preserved and not waived. Defendants need not file Rule 12(b)(1), 12(b)(2) or 12(b)(5) motions with respect to the Telomer Water Provider Tier Two cases at this time. They may raise these defenses by motion at a later date, in accordance with the case management schedule that has been established by this Court.

AND IT IS SO ORDERED.

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

April 9, 2024
Charleston, South Carolina