

**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. 27H**

This Order relates to All Actions

TELOMER AFFF BELLWETHER PROGRAM

This Case Management Order (“CMO”) extends the deadlines set forth in Section III of CMO 27 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”), as follows:

1. On or before July 19, 2024, Plaintiffs shall disclose general and case-specific expert witness reports for the Telomer Water Provider Tier Two Cases pursuant to Fed. R. Civ. P. 26(a)(2).
2. On or before August 23, 2024, Defendants shall disclose general and case-specific expert witness reports for the Telomer Water Provider Tier Two Cases pursuant to Fed. R. Civ. P. 26(a)(2).
3. Plaintiffs shall disclose rebuttal expert witness reports, if any, by September 6, 2024.
4. All depositions of expert witnesses shall be completed by September 27, 2024
5. The parties shall agree or submit to the Court their respective positions on the

sequence for trial of the Telomer Water Provider Tier 2 Cases by Sept 13, 2024. The parties shall agree or the Court shall select the sequence by September 27, 2024.

6. Any motions for summary judgment or for partial summary judgment shall be filed on or before October 4, 2024, in the Telomer Water Provider First Trial Case only.

7. Any motions seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before October 28, 2024, in the Telomer Water Provider First Trial Case only.

8. Responses to motions for summary judgment or for partial summary judgment shall be filed on or before November 5, 2024, in the Telomer Water Provider First Trial Case only.

9. Responses to motions seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before November 25, 2024, in the Telomer Water Provider First Trial Case only.

10. Reply briefs in further support of summary judgment motions shall be filed on or before November 19, 2024, in the Telomer Water Provider First Trial Case only.

11. Reply briefs in further support of motions seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before December 6, 2024, in the Telomer Water Provider First Trial Case only.

12. A more detailed schedule for final pretrial matters, including witness and exhibit lists, motions *in limine*, deposition designations, and a provision for pre-trial depositions of any trial witnesses not previously deposed will be the subject of a subsequent CMO.

13. Trial Date: The presumptive trial date for the Telomer Water Provider First Trial Case will be January 27, 2025.

All other provisions of CMO 27 remain unchanged.

NO FURTHER EXTENSIONS WILL BE GRANTED.

AND IT IS SO ORDERED.

s/Richard Mark Gergel

Richard Mark Gergel

United States District Court Judge

May 20, 2024

Charleston, South Carolina