

**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. 28A
This Order relates to All Actions**

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The Court has been advised that a potentially significant number of plaintiffs with Unlisted Claims as defined in Second Amended Case Management Order No. 28 [ECF No. 4985] have not yet responded to communications from their counsel related to the requirements of Second Amended CMO 28. The PEC submits that a brief extension of the current deadline of August 22, 2024, set forth in Paragraph 6(a), until September 10, 2024 may result in a potentially significant number of additional dismissals per the terms of Second Amended CMO 28 and CMO 30. Defendants do not oppose this short extension provided that all other dates and provisions of Second Amended CMO 28 remain in effect. Upon consideration of the Parties' Joint Motion, it is hereby ordered that:

1. The deadline for plaintiffs to file dismissals as to Unlisted Claims under Second Amended CMO 28, paragraph (6)(a) is extended from August 22, 2024, until September 10, 2024. All other dates, deadlines and terms of Second Amended CMO 28 remain in effect.

2. By September 10, 2024, current counsel of record for plaintiffs alleging any Unlisted Claim(s) and subject to Second Amended CMO 28 shall provide to Defense Co-Leads a list of those plaintiffs (identifying them by name, including any derivative plaintiffs, and individual case number) who have not responded to communications from counsel of record relating to the

requirements of Second Amended CMO 28, to the extent the lack of such a response has prevented counsel from taking appropriate steps to file dismissals in response to CMO 28. For purposes of this Order and absent further agreement or Court order, all such lists provided to Defendants' Co-Lead Counsel by plaintiffs' counsel of record under this Paragraph shall be treated as "Confidential" under Case Management Order 4D. (Dkt. No. 3864).

3. The parties shall continue to meet and confer and report to the Court promptly regarding a process for addressing the claims of those plaintiffs who have not, as of September 10, 2024, responded to communications from their counsel related to their cases and the requirements of Second Amended CMO 28.

IT IS SO ORDERED.

Dated: August 20, 2024
Charleston, South Carolina

s/Richard M. Gergel
Hon. Richard M. Gergel
United States District Judge