

There were approximately 200 other injuries that various plaintiffs at one time pursued in this MDL, which the PEC is not pursuing. The process and terms for pursuit or dismissal of the cases alleging these other injuries (Unlisted Claims) was and remains governed by CMO 28 as amended, *et seq.* (collectively, “CMO 28”) and CMO 31. And the parties report that over 19,000 claims related to injuries *not* within the six (6) identified above have already been dismissed in whole or in part from this MDL. Importantly, the tolling provisions afforded by CMO 28 continue to apply to cases which were eligible for such tolling pursuant to CMO 28. CMO 28 continues to govern existing cases and governs new cases filed in or transferred to this MDL.

Through the PEC’s prior submission to the Court [ECF No. 4683] and through the submission required by this Court’s Text Order dated February 11, 2025 [ECF No. 6666], the PEC has confirmed that its present intention and that of its members is that the only personal injury claims it seeks to pursue are those six (6) listed above. As to all other conditions previously defined in CMO 28 as “Unlisted Claims,” the PEC confirms and concludes that, after its own due diligence, the PEC is not pursuing Unlisted Claims in this litigation but the PEC is not hereby waiving the rights of any individual plaintiffs to attempt to pursue such claims subject to and in strict compliance with the requirements of CMO 28, including the medical record and expert report requirements set forth in CMO 28. The PEC has also confirmed and advised the Court that to date it is aware of no plaintiff or other plaintiffs’ counsel that has tendered any expert reports under the provisions of CMO 28 asserting that exposure to PFAS in AFFF can cause any Unlisted Claim or that any such exposure to PFAS has caused any individual plaintiff’s Unlisted Claim.

By Text Order dated February 11, 2025, [ECF No. 6667], the Court scheduled a Science Day on June 6, 2025, to address thyroid and liver cancer. The Court amends that order to schedule the Science Day to address thyroid and liver cancer on June 20, 2025.

There are pretrial schedules set forth for kidney cancer and testicular cancer (CMO 26G) and for ulcerative colitis and thyroid disease (CMO 26F). To further advance this MDL, and consistent with the Court's Text Order dated February 11, 2025 [ECF No. 6666], where the Court directed the parties to set a schedule for the disclosure of expert witnesses, expert discovery and *Daubert* challenges for thyroid and liver cancer, the Court hereby sets the following schedule related to these two conditions:

- Plaintiffs' general causation expert reports shall be due July 11, 2025. Plaintiffs shall offer at least 2 dates for depositions for each expert tendering such reports
- Defendants' general causation expert reports shall be due August 22, 2025. Defendants shall offer at least 2 dates for depositions for each expert tendering any such reports
- Plaintiffs' rebuttal general causation expert reports, if any, shall be due September 5, 2025.
- The Parties intend that the limitations on expert discovery set forth in Rule 26 of the Federal Rules of Civil Procedure, including the provisions of Rule 26(b)(4)(A)-(D) limiting discovery with respect to draft reports, communications with experts, and depositions of consulting experts, shall apply.

By no later than August 22, 2025, Plaintiff and Defense Co-Lead Counsel shall meet and confer regarding a proposed order setting a schedule for expert depositions and *Daubert*/Rule 702 briefing. Co-Lead Counsel shall submit to the Court by September 12, 2025, an agreed proposed order or, if unable to agree, competing proposed orders.

Dated: March 26, 2025

Charleston, South Carolina

s/Richard Mark Gergel

Hon. Richard M. Gergel
United States District Court