

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

IN RE: AQUEOUS FILM-FORMING)	MDL No. 2:18-mn-2873-RMG
FOAMS PRODUCTS LIABILITY)	
LITIGATION)	CASE MANAGEMENT
)	ORDER NO. 33C
)	
)	This Order Relates to All Cases
)	

**CASE MANAGEMENT ORDER NO 33C
(SCHEDULING FURTHER EXPERT DISCOVERY AND RULE 702 CHALLENGES
FOR THYROID AND LIVER CANCER)**

On March 26, 2025, this Court issued Case Management Order 33 (ECF No. 6863) setting a schedule for the disclosure of expert witnesses, expert discovery and Rule 702 challenges related to thyroid cancer and liver cancer. On June 20, 2025 the Court held a Science Day related to these injuries at which the Parties presented expert witnesses to address the Court. On July 7, 2025, and again on September 30, 2025, the Court amended the schedule for disclosure of expert witnesses, expert discovery, and Rule 702 challenges. (CMO 33A, ECF No. 7486 and CMO 33B, ECF No. 8122). The Court is informed that the Parties have now exchanged general causation expert reports as required by these Orders.

The Court now schedules further expert discovery and Rule 702 challenges related to thyroid cancer and liver cancer as follows:

- 1) On or before January 9, 2026, the Parties shall offer at least 2 dates for depositions to begin no earlier than February 9, 2026, for each expert tendering a report related to thyroid cancer and/or liver cancer.
- 2) Depositions of such experts shall be completed by April 17, 2026.
- 3) Absent agreement of the Parties, the deposition of an expert designated by Plaintiff shall be completed prior to the deposition of the corresponding expert (e.g., same discipline) designated by one or more Defendants.

- 4) 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.
- 5) Rule 702 Motions as to experts related to thyroid cancer and/or liver cancer shall be briefed on the following schedule:
 - a) Rule 702 Motions to be filed no later than: May 29, 2026.
 - b) Responses to Rule 702 Motions to be filed by: July 10, 2026.
 - c) Replies in Support of Rule 702 Motions to be filed by: July 31, 2026.

Following the completion of the above briefing schedule the Court will, if appropriate, schedule oral argument regarding any Rule 702 Motions.

IT IS SO ORDERED.

Dated: December 31, 2025
Charleston, South Carolina

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