## 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. 9

This Order relates to ALL CASES

## PROCEDURE FOR EXCHANGE OF THIRD-PARTY SUBPOENA DOCUMENTS

- 1. This Order shall govern the procedure for the exchange of documents received pursuant to subpoenas issued to third parties in this MDL.
- 2. The Plaintiffs' Executive Committee (PEC) shall produce to Defendants any documents received from a third-party subpoena issued pursuant to Paragraph 13(c)(iii) of Case Management Order No. 2 within twenty-eight (28) days of receipt by emailing the documents to the following email address: afffmdlproductions@duffyandyoung.com. To the extent production by another means (not email) is necessary or prudent the parties will meet and confer over the best way to accommodate said alternative production. Such documents shall be produced to Defendants in their entirety (including metadata) in the same format they were provided to Plaintiffs, except that Plaintiffs may, but are not required to, add Bates-stamps to the documents. In the event Plaintiffs add Bates-stamps to such documents, they shall notify Defendants that they did such concurrently with the production.
- 3. The Defense Coordination Committee (DCC) shall produce to Plaintiffs any documents received from a third-party subpoena issued pursuant to Paragraph 27(g)(iii) of CMO No. 2 within twenty-eight (28) days of receipt by emailing them to the following email address:

2:18-mn-02873-RMG Date Filed 03/18/20 Entry Number 524 Page 2 of 2

afffmdlproductions@baronbudd.com. To the extent production by another means (not email) is

necessary or prudent the parties will meet and confer over the best way to accommodate said

alternative production. Such documents shall be produced to Plaintiffs in their entirety (including

metadata) in the same format they were provided to Defendants, except that Defendants may, but

are not required to, add Bates-stamps to the documents. In the event Defendants add Bates-stamps

to such documents, they shall notify Plaintiffs that they did such concurrently with the production.

4. Any documents received by the PEC or DCC from a third-party subpoena prior to

the entry of this Order shall be produced pursuant to Paragraphs 2 and 3 above within twenty-eight

(28) days of the entry of this Order.

5. Nothing in this Order shall prevent the PEC and DCC from mutually agreeing to

change or modify the methods for exchanging documents in the future without seeking further

court order.

AND IT SO ORDERED.

Richard Mark Gergel

United States District Judge

March 17, 2020 Charleston, South Carolina