

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

IN RE: 3M COMBAT ARMS
EARPLUG PRODUCTS
LIABILITY LITIGATION

Case No. 3:19md2885

This Document Relates to All Cases

Judge M. Casey Rodgers
Magistrate Judge Gary R. Jones

CASE MANAGEMENT ORDER NO. 11

The Eleventh Case Management Conference in this matter was held by telephone with leadership counsel for both sides on April 24, 2020. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

1. Remote Depositions

In light of the serious public health risks posed by in-person depositions during the current global pandemic of coronavirus, the parties are conferring on a protocol for remote depositions. A proposed remote deposition protocol must be jointly submitted by Wednesday, May 6, 2020. The joint submission should highlight any remaining areas of disagreement.

The Department of Defense has imposed a ban on non-mission-essential domestic travel for all DOD military and civilian personnel through June 30, 2020. Therefore, the parties will communicate with Major Evans to schedule and conduct remote depositions of two government witnesses in May 2020. If the remote

deposition technology proves effective and reliable during these depositions, then the remaining government depositions in this litigation will proceed remotely for as long as the DOD travel restrictions remain in place.

The parties must also schedule and conduct the remaining corporate depositions in June 2020, beginning with the deposition of Robert Zielinski. The determination of whether the corporate depositions will be in-person or remote will be made at a later date and will depend on the current status of the public health crisis, and the effectiveness and reliability of the remote deposition technology used for the depositions of government witnesses in May 2020.

2. State Court Coordination Order

On April 6, 2020, the District of Minnesota remanded a single case—*Graves v. 3M, et al.*, No. 0:19cv3094—to the Hennepin County District Court in Minneapolis, MN. Defendants have appealed the remand order and that appeal is currently pending before the Eighth Circuit Court of Appeals. In the meantime, the state court case has been assigned to Judge Thomas S. Fraser.

The parties are preparing a proposed joint state coordination order. The Court will communicate with Judge Fraser to try to schedule a joint case management conference in May 2020. The parties should be prepared to meaningfully discuss their proposed federal-state coordination plan during that conference.

3. Earplug and Wallet Card Samples

The Department of Defense has provided Combat Arms Earplugs and wallet card samples to the Court. The parties are conferring on a proposal as to how the samples will be divided between them.

4. Upcoming Case Management Conferences

Case management conferences through the end of the year are scheduled at 9:30 a.m. Central on the following dates:

May 29, 2020

June 26, 2020

July 29, 2020

August 28, 2020

September 18, 2020

October 23, 2020

November 20, 2020

December 14, 2020

SO ORDERED, on this 29th day of April, 2020.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE