

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

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)	
)	MDL No. 2:18-mn-2873-RMG
IN RE: AQUEOUS FILM-FORMING FOAMS)	
PRODUCTS LIABILITY LITIGATION)	<u>This Document relates to:</u>
)	<i>City of Stuart v. 3M Company, et al</i>
)	
)	No. 2:18-cv-03487
	x	

PLAINTIFF’S DEPOSITION DESIGNATIONS FOR TRIAL

Plaintiff City of Stuart, by and through its counsel, hereby submits its deposition designations for trial. As delineated below, Plaintiff has attached as exhibits hereto the deposition designations forms required by the Local Rules. For each witness—where applicable—Plaintiff has included its affirmative designations, Defendants’ objections, Defendants’ counter designations, and Plaintiff’s objections to those counter designations. Plaintiff also provides herein a separate form for each of Plaintiff’s counter designations to Defendants’ counter designations.¹ Plaintiff submits its designations following confirmation that Defendants do not agree to and will not provide any of their former or current employees for live testimony. In

¹ As the Court is aware, following the April 27, 2023 Status Conference, Plaintiff undertook a good faith and diligent effort to re-evaluate and streamline all deposition designations that it had originally planned to present at trial. The current run time for Plaintiff’s affirmative designations is approximately 4 hours. Plaintiff served these pared down designations on Defendants, Defendants provided updated objections and counter designations, and Plaintiff is submitting counter designations to Defendants’ updated counter designations (attached hereto). Due to the timing of this exchange following the Court’s May 4, 2023 order, Defendants have not yet provided objections to Plaintiff’s counter designations. Plaintiff understands that Defendants will do so prior to the May 12, 2023 evidentiary hearing. Also due to the timing of the pared down deposition designation exchange and although not required by the Local Rules, Plaintiff was unable to provide courtesy copies of the final forms before the filing deadline. Thus, Plaintiff understands that Defendants have reserved their rights to correct any import issues with the page-and-line designations should an administrative error have occurred in the import of Defendants’ objections and counter designations into the forms required by the Local Rules.

conjunction with the designation forms listed below, Plaintiff is also submitting to the Court full deposition transcripts, but these transcripts will be subject to a forthcoming motion to seal to the extent the parties cannot reach consensus regarding which transcripts need to remain confidential for trial. Plaintiff will continue to confer with Defendants on this issue prior to the May 12, 2023, evidentiary hearing. Plaintiff reserves all rights regarding additional deposition designations, objections, and counter designations subject to any further conferral with Defendants, forthcoming rulings on Motions *in Limine*, arguments presented during the May 12, 2023, hearing, and evidence presented at trial.

The deposition designation forms and relevant transcripts included in this submission are listed below:

1. Attached as **Exhibit 1** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Dale Bacon.
2. Attached as **Exhibit 2** is the deposition designation form for Plaintiff's counter designations to Defendants' counter designations for Dale Bacon.
3. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 3** is the September 23, 2020, deposition transcript of Dale Bacon.
4. Attached as **Exhibit 4** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for John Butenhoff (July 23, 2020, deposition).
5. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 5** is the July 23, 2020, deposition transcript of John Butenhoff.
6. Attached as **Exhibit 6** is the deposition designation form for Plaintiff's affirmative

deposition designations and related objections and counter designations for John Butenhoff (July 24, 2020, deposition).

7. Attached as **Exhibit 7** is the deposition designation form for Plaintiff's counter designations to Defendants' counter designations for John Butenhoff (July 24, 2020, deposition).
8. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 8** is the July 24, 2020, deposition transcript of John Butenhoff.
9. Attached as **Exhibit 9** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Jon Gerber.
10. Attached as **Exhibit 10** is the deposition designation form for Plaintiff's counter designations to Defendants' counter designations for Jon Gerber.
11. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 11** is the August 19, 2021, deposition transcript of Jon Gerber.
12. Attached as **Exhibit 12** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Dennis Kennedy.
13. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 13** is the February 1, 2023, deposition transcript of Dennis Kennedy.
14. Attached as **Exhibit 14** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Brian Mader.
15. Attached as **Exhibit 15** is the deposition designation form for Plaintiff's counter designations to Defendants' counter designations for Brian Mader.

16. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 16** is the February 26, 2021, deposition transcript of Brian Mader.
17. Attached as **Exhibit 17** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Paul Nicoletti.
18. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 18** is the December 14, 2021, deposition transcript of Paul Nicoletti.
19. Attached as **Exhibit 19** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Geary Olsen (April 8, 2021).
20. Attached as **Exhibit 20** is the deposition designation form for Plaintiff's counter designations to Defendants' counter designations for Geary Olsen (April 9, 2021).
21. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 21** is the April 8, 2021, deposition transcript of Geary Olsen.
22. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 22** is the April 9, 2021, deposition transcript of Geary Olsen.
23. Attached as **Exhibit 23** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for Anne Regina (December 1, 2022, deposition).
24. Attached as **Exhibit 24** is the deposition designation form for Plaintiff's counter designations to Defendants' counter designations for Anne Regina (December 2, 2022, deposition).
25. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 25**

- is the December 1, 2021, deposition transcript of Anne Regina.
26. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 26** is the December 2, 2021, deposition transcript of Anne Regina.
27. Attached as **Exhibit 27** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for John Schuster.
28. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 28** is the January 28, 2022, deposition transcript of John Schuster.
29. Attached as **Exhibit 29** is the deposition designation form for Plaintiff's affirmative deposition designations and related objections and counter designations for William Spence.
30. Submitted separately and confidentially (for the time being) to the Court as **Exhibit 30** is the February 21, 2022, deposition transcript of William Spence.

Dated: May 8, 2023
New York, New York

By: s/ Fred Thompson, III

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2023, a true and accurate copy of Plaintiff's Deposition Designations for Trial was served via electronic mail upon the following:

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