

**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

This Document relates to:

*City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487*

DEFENDANTS' OMNIBUS EXHIBIT LIST

Defendants 3M Company, Kidde-Fenwal Inc., National Foam Inc., E.I. DuPont de Nemours & Company, The Chemours Company, and The Chemours Company FC, LLC respectfully submit the attached list of trial exhibits. The parties marked and exchanged their proposed core exhibits on March 31, 2023, and served objections on April 14, 2023. The parties then conferred over a period of three weeks in an effort to resolve or narrow their disputes before trial, as required by Local Rule 26.07. This process resulted in a number of objections being resolved in accordance with the Court's order of May 4, 2023. The list attached as **Exhibit A** is Defendants' Omnibus Core Exhibit List, which includes Plaintiff's remaining objections to Defendants' core exhibits and Defendants' brief responses to Plaintiff's objections. For ease of reference, Defendants also attach as **Exhibit B** a list of only those exhibits on Defendants' Omnibus Core Exhibit List to which Plaintiff has objected. Defendants will provide the Court with an electronic set of documents Plaintiff has objected to in advance of the hearing on May 12, and will have a copy set available for the Court at the May 12 hearing.

Plaintiff has filed its own list of trial exhibits, which should reflect Defendants' outstanding objections as served by Defendants on May 6, 2023. The parties have resolved the vast majority of authenticity objections and have meaningfully narrowed the objections remaining for the Court's review. In an effort to streamline the issues to be resolved at trial, Defendants have withdrawn an additional 169 objections to Plaintiff's list. Of the remaining 255 objections that Defendants served on Plaintiff on May 6, 2023, 110 relate to motions in limine filed by Defendants that remain pending before this Court. Because the Court's forthcoming decision on those motions in limine will inform those objections, Defendants respectfully suggest that the Court need not address them at the May 12 hearing. This would leave the parties and the Court free to focus at the hearing on the remaining 145 exhibits from Plaintiff's list. Defendants note that Plaintiff's list

includes exhibits to which Defendants object because they clearly should not be admitted into evidence or provided to the jury during its deliberations, such as attorney-created demonstratives, attorney-created summary sheets of damages, deposition transcripts, and newspaper articles that are hearsay under the rules of evidence. For the convenience of the Court, Defendants have attached as **Exhibit C** a list of Plaintiff's core exhibits that have a pending defense objection that does not implicate a pending motion in limine.

Just last week, Plaintiff agreed to a stipulated dismissal of Defendants Tyco Fire Products LP and Clariant Corp. To the extent certain Defendants are no longer a party to this case at the time of trial, the remaining Defendants reserve the right to object to documents pertaining only to the absent Defendant.

Beyond these objections to specific exhibits, Defendants object to Plaintiff's proposal that documents lacking a specific objection be marked for "preadmission" at trial. Plaintiff, in other words, has proposed that these documents be admitted into evidence independently and without being used or introduced through any witness. Defendants object to any "preadmission" procedure and respectfully submit that the parties must offer their proposed exhibits through a witness at trial only after a proper foundation has been laid. Federal courts "generally prefer[] to measure admissibility in the context of trial." *United States v. Wick*, 2016 WL 10612608, at *2 (D. Mont. Mar. 11, 2016). "[B]y deferring evidentiary rulings until trial, courts can properly resolve questions of foundation, relevancy, and prejudice." *Francois v. Gen. Health Sys.*, 459 F. Supp. 3d 710, 719 (M.D. La. 2020); *see also Walton v. Saady*, 2006 WL 5112616, at *1 (M.D. Fla. Sept. 27, 2006) ("issues involving the admissibility of evidence are better resolved within the context of a trial when the Court can make a more informed decision"). For these reasons, federal courts

have declined to “preadmit” exhibits absent agreement among the parties. *See, e.g., Union Pac. R.R. Co. v. Winecup Ranch, LLC*, 2020 WL 7125918, at *6 (D. Nev. Dec. 4, 2020).

The same result should follow here. The parties have served their objections to the other side’s exhibit list, and the Court should resolve those objections at trial. In addition, even where Defendants have not lodged a specific objection based on the face of the document, Defendants reserve the right to object to the admission of any document through a witness with whom counsel cannot lay a proper foundation.

Defendants will continue discussing the submitted objections with Plaintiff in an effort to narrow the exhibits in dispute.

Dated: May 8, 2023

Respectfully submitted,

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EXHIBIT A

**Defendants' Core Trial Exhibit List,
with Plaintiff's Remaining Objections and Defendants' Responses**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_000001	AF06-00011639	DRAFT Addendum to Phase 1 Impact Assessment for PFOS/PFOA-Cost-Benefit Assessment for Replacement of Legacy Aqueous Film Form Forming Foam (AFFF) 6 April 2015	DoD Has raised objection to the use of this documents: "This is highly confidential material. We would ask to seal. This document identifies input from DoD experts on how changes to potential PFAS environmental regulations or toxicity values will impact DoD's mission (e.g., procurement of weapons systems, occupational health program) and what future actions DoD should take based on our cost/benefit analysis. DoD has consistently protected the candor required in this Emerging Chemical of Concern process." Plaintiff: Objects to Relevance & Waste of Time (R.401/R.402/R.403) - DoD is the not the AFFF user in Stuart and thus their cost to replace AFFF is irrelevant & would be a waste of the jury's time. This is a draft documents containing highly confidential government information and its probative value is outweighed by the risk confusion, and any minimal conditional relevance may be outweighed by the need to obtain similarly classified and/or national security and U.S. force protection government information necessary to establish any relevance or cure undue prejudice.	Defendants' Response: Document is relevant to the background and development of AFFF. Document's description of the benefits and use is also relevant to the risk/benefit analysis. Per negotiations with the U.S. government, this exhibit will be withdrawn and replaced with DTRX0411 (DOD02-00000766), which is on Defendants' long exhibit list and will be elevated to the core list. Defendants have agreed with the DoD on acceptable redactions to that document, and Defendants sent those proposed redactions to Plaintiff for review on April 27, 2023, and are awaiting Plaintiff's review.
DTRX_000002	AFFF-MDL-CHE-00004030			
DTRX_000003	AFFF-MDL-CHE-00440442			
DTRX_000004	AFFF-MDL-CHE-00469064			
DTRX_000005	AFFF-MDL-EID-00009863			
DTRX_000006	AFFF-MDL-EID-00088587			
DTRX_000007	AFFF-MDL-EID-00213153			
DTRX_000008	AFFF-MDL-EID-00274967			
DTRX_000009	AFFF-MDL-EID-00275342			
DTRX_000010	AFFF-MDL-EID-00703657			
DTRX_000011	AFFF-MDL-EID-01039342			
DTRX_000012	AFFF-MDL-EID-01258961			
DTRX_000013	AFFF-MDL-EID-01310632			
DTRX_000014	AFFF-MDL-EID-02796852			
DTRX_000015	AFFF-MDL-EID-02807059			
DTRX_000016	AFFF-MDL-EID-02831624			
DTRX_000017	AFFF-MDL-EID-02834341			
DTRX_000018	AFFF-MDL-EID-02848568			
DTRX_000019	AFFF-MDL-EID-02930354			
DTRX_000020	AFFF-MDL-EID-02940219			
DTRX_000021	AFFF-MDL-EID-03017389			
DTRX_000022	AFFF-MDL-EID-03024532			
DTRX_000023	AFFF-MDL-EID-03026311			
DTRX_000024	AFFF-MDL-EID-03036375			
DTRX_000025	AFFF-MDL-EID-03039693			
DTRX_000026	AFFF-MDL-EID-03040845			
DTRX_000027	AFFF-MDL-EID-03043042			
DTRX_000028	AFFF-MDL-EID-03151115			
DTRX_000029	AFFF-MDL-EID-03210098			
DTRX_000030	AFFF-MDL-EID-03325510			
DTRX_000031	AFFF-MDL-EID-03369150			
DTRX_000032	AFFF-MDL-EID-03417485			
DTRX_000033	AFFF-MDL-EID-03421790			
DTRX_000034	AFFF-MDL-EID-03553086			
DTRX_000035	AFFF-MDL-EID-03689128			
DTRX_000036	AFFF-MDL-EID-04310896			
DTRX_000037	AFFF-MDL-EID-04330345			
DTRX_000038	AFFF-MDL-EID-05432796			
DTRX_000039	ARKEMAINC_AFFF0029161			
DTRX_000040	EPA01-00161771			
DTRX_000041	FF_EPA011_00811298			
DTRX_000042	FFFC000001			
DTRX_000043	FFFC000029			
DTRX_000044	FFFC000045			
DTRX_000045	FFFC000051			
DTRX_000046	FFFC001180			
DTRX_000047	FFFC001186			
DTRX_000048	FFFC001232			

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_000049	FFFC001250			
DTRX_000050	FFFC001256			
DTRX_000051	FFFC001302			
DTRX_000052	FFFC001306			
DTRX_000053	FFFC001312			
DTRX_000054	FFFC001331			
DTRX_000055	FFFC001339			
DTRX_000056	FFFC001346			
DTRX_000057	FFFC001389			
DTRX_000058	FFFC001402			
DTRX_000059	FFFC001406			
DTRX_000060	FFFC003826			
DTRX_000061	FFFC005053			
DTRX_000062	FFFC013604			
DTRX_000063	NF000166078			
DTRX_000064	AFFF-MDL-EID-06999822			
DTRX_000067		AFFF Product Listings of Stuart Fire Rescue - Felicione Deposition Exhibit 10		
DTRX_000079	DYNAX0005824			
DTRX_000080	DYNAX0005723			
DTRX_000109	NF001292414			
DTRX_000166	NF001292454			
DTRX_000172	Kidde_Defendants_00062625			
DTRX_000173	Kidde_Defendants_00153031			
DTRX_000174	Kidde_Defendants_00152132			
DTRX_000176	NF000173837			
DTRX_000177	NF000003966			
DTRX_000178	Kidde_Defendants_00060464			
DTRX_000179	Kidde_Defendants_00147617			
DTRX_000180	Kidde_Defendants_00145329			
DTRX_000181	Kidde_Defendants_00145324			
DTRX_000184	NF000157370			
DTRX_000185	Kidde_Defendants_00141686			
DTRX_000189	Kidde_Defendants_00053293			
DTRX_000193	Kidde_Defendants_00027943			
DTRX_000202	Kidde_Defendants_00416228			
DTRX_000203	Kidde_Defendants_00416032			
DTRX_000204	Kidde_Defendants_00414848			
DTRX_000214	Kidde_Defendants_00031735			
DTRX_000217	NF001292616			
DTRX_000221	NF001292678			
DTRX_000222	NF001295235			
DTRX_000224	NF001295211			
DTRX_000250	N/A	EPA "40 CFR Part 721 Perfluoroalkyl Sulfonates; Significant New Use Rule," Federal Register 72, No. 194 (Oct. 9, 2007)		
DTRX_000304	FF_NAVY04_00000914	MIL-PRF-24385F(SH) w/ AMENDMENT 7 7 September 2017 - PERFORMACE SPECIFICATION Fire Extinguishing Agent Aqueous Film-Forming Foam (AFFF) Liquid Concentrate, For Fresh and Sea Water	Relevance & Waste of Time (R.401/R.402/R.403) - Stuart does not involve MIL-Spec AFFF, thus the MIL-Spec is irrelevant and a waste of the jury's time. Additionally Contains "Exhibit 11" Cover Page from prior Court pleading as well as docket numbers from filings that may confuse the jury as to its relevance, application, meaning, actual probative value.	Defendants' Response: The United States confirmed this document produced by the U.S. in this litigation is a business record in November 2, 2021 U.S. Responses and Objections to Defendants' Co-Lead Counsel's Second Set of Requests for Admission to the United States of America, Response to Request No. 3. Document is relevant to show knowledge of qualities and use of PFAS by entities other than the defendants. It is also relevant to show risk-benefit analysis of qualities and use of PFAS. 3M agrees to redact or remove cover page and docket numbers from filing prior to use at trial.

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_000311	ADA432176	Aircraft Carrier Flight and Hangar Deck Fire Protection: History and Current Status (January 2005) – Robert L. Darwin Hughes Associates, Inc.	Relevance & Waste of Time (R.401/R.402/R.403/R.106) - Stuart does not involve AFFF use on an aircraft carrier or DoD use, thus this document is irrelevant and waste of the jury's time. Contains conflicting "Exhibit 25" Cover Page from prior Court pleading as well as docket numbers from filing. Prejudicial images of fires in military combat and may be afforded undue weight due the historical significance of military operations and disasters depicted. Includes hearsay statements within the documents including incomplete portions of reports or references, or what appear to be portions of other hearsay documents, the sources and authors of which cannot be identified. R.106 The document is incomplete and contains only 31 of at least a total of 97 pages identified in the TOC. For example, after page 1 it skips to page 40, and skips sections throughout, and the section on "Lessons Learned and Relevant Research" is missing page 93; section on "Current Shortcomings and Future Concerns: is missing entirely at pages 94-97; as is the section on "References" which is missing entirely at page 97+.	Defendants' Response: The United States confirmed the status of this document as a business record from the Defense Technical Information Center in November 2, 2021 U.S. Responses and Objections to Defendants' Co-Lead Counsel's Second Set of Requests for Admission to the United States of America, Response to Request No. 4. Document is relevant to the background and development of AFFF. Document's description of the benefits and use is also relevant to the risk/benefit analysis. Use of AFFF in historical fires is not prejudicial and is relevant to risk/benefit analysis for AFFF. Defendants agree to redact or remove cover page and docket numbers prior to use at trial. Defendants are also willing to replace document with the complete version of the document.
DTRX_000316	US-Darwin-00010008	Untitled	Relevance & Waste of Time (R.401/R.402/R.403) - Stuart does not involve MIL-Spec AFFF. Thus the history of the Development of AFFF is Not Relevant & a Waste of the Jury's Time. Further, the document is likewise hearsay with respect to the development of Light Water. Additionally, this document contains conflicting exhibit numbers and other marketing not original to the document (e.g., "Exhibit 30" Cover Page from prior Court pleading as well as docket numbers from filing. Contains Exhibit Sticker "Darwin Exhibit DCC286" Non-sequential bates numbers suggesting not produced in the manner kept in the regular course of activity and method of preparation indicating concern for its provenance. No Author Identified. No Date of Document. Includes hearsay statements within the documents including incomplete portions of articles or what appear to be portions of other hearsay documents, the sources and authors of which cannot be identified.	Defendants' Response: Document qualifies as an ancient document under Rule 806(16) because it is from before January 1, 1998. See November 1, 2021, Declaration of Robert L. Darwin (citing this document as one in his files, created prior to January 1, 1998, and received in the ordinary course of business for the Navy). Document is relevant to the background and development of AFFF. Document's description of the benefits and use is also relevant to the risk/benefit analysis.
DTRX_000427	N/A	Agenda Packet - Regular Meeting of Stuart City Commission, January 9, 2023		
DTRX_000547	N/A	Agency for Toxic Substances and Disease Registry (ATSDR). 2021. Toxicological Profile for Perfluoroalkyls		
DTRX_000610	CTRLD002338881			
DTRX_000659	Stuart_2:18-cv-03487_00321597			
DTRX_000768	N/A	Jane I. Lataille, Environmental Issues in Fire Protection (Fire Protection Handbook), 1997 (excerpt)		
DTRX_000770	N/A	Firefighter's Handbook, Essentials of Firefighting and Emergency Response, March 3, 2004 (excerpt)		
DTRX_000772	N/A	S. King, City of Stuart: Water quality safe following concerns of potentially harmful chemicals in supply, ABC 25WPBF	Confusion/Waste of Time (R.403) - this local news article is discussing the slight uptick in PFOS levels in November 2022, but does so in the context of the original source of PFOS which is could cause juror confusion as to whether Stuart is aware that the original source of the PFOS is AFFF, which, of course it is aware of that; additionally, there is information included directing the reader to other articles that are irrelevant and more prejudicial than probative, see e.g. links to articles about a local homicide, links to EPA information implying the truth of the entirety of the exhibit or government approval of the information, as well as to "learn more about your health." Hearsay (R.802) & (R.805) (Hearsay within Hearsay)- The article attributes causes of PFOS levels to "city leaders" without identifying who those leaders are and does not quote the individual. Plaintiff does not object on hearsay grounds to the specific quotes in the article attributable to specific City personnel, i.e., Mike Woodside, so long as proper foundation is laid pursuant to R.801(d)(2) . The news article is first level Hearsay R.802 , second level are statements by identified and unknown sources.	Defendants' Response: Defendants agree that this, like other newspaper articles on Plaintiff's list, constitutes hearsay. However, as Plaintiff notes, this article contains admissions by representatives of the City of Stuart and are admissible under 801(d)(2). Defendants agree to limit use of this article accordingly assuming Plaintiff is bound by the same rules.
DTRX_000775	N/A	FM Global, Foam Extinguishing Systems 4-12, April 2021 (Interim Revision January 2023)		
DTRX_000892	Stuart_2:18-cv-03487_00133878			
DTRX_000945	N/A	Steenland, K; Barry, V; Savitz, D. 2018. "Serum perfluorooctanoic acid and birthweight: An updated metaanalysis with bias analysis." Epidemiology 29(6):765-776.		
DTRX_000962	N/A	Steenland, K; Winquist, A. 2021. "PFAS and cancer, a scoping review of the epidemiologic evidence." Environ. Res. 194:110690.		

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_000963	N/A	Steenland, K; Fletcher, T; Stein, CR; Bartell, SM; Darrow, L; Lopez-Espinosa, MJ; Barry Ryan, P; Savitz, DA. 2020. "Review: Evolution of evidence on PFOA and health following the assessments of the C8 Science Panel." Environ. Int. 145:106125.		
DTRX_000965		Article J. Solomon, Stuart moves forward on long-term plan for more sustainable water source, TC Palm	Confusion/Waste of Time (R.401/R.402/R.403) - the article is discussing the period of time before Stuart was aware that its ion exchange treatment plant would adequately treat the surficial and thus inaccurately suggests that the City is going to the Floridian Aquifer; Hearsay (R.802) (R.805) - The article's author misstates the facts with respect to the City's PFAS treatment plant. Plaintiff does not object on hearsay grounds to the specific quotes in the article attributable to specific City personnel, i.e., Dave Peters. so long as proper foundation is laid pursuant Rule 802(d). Additionally, there is irrelevant information included directing the reader to other articles that are irrelevant and more prejudicial than probative, see e.g. links to "Best Tasting Water Supply" Link. The news article is first level Hearsay R.802. As well as a R.106 in relations to information related to the potential FLEPA loan and application for legislative grant is cursory and may require extensive information to contextualize and make complete.	Defendants' Response: Defendants agree that this, like other newspaper articles on Plaintiff's list, constitutes hearsay. However, as Plaintiff notes, this article contains admissions by representatives of the City of Stuart and are admissible under 801(d)(2). Defendants agree to limit use of this article accordingly assuming Plaintiff is bound by the same rules.
DTRX_000973	Stuart_2:18-cv-03487_00656359			
DTRX_001040	Stuart_2:18-cv-03487_00063317			
DTRX_001150	Stuart_Inspection_000062			
DTRX_001290	Stuart_2:18-cv-03487_00321226			
DTRX_001297	Stuart_2:18-cv-03487_00640713			
DTRX_001370	3M_AFFF_MDL01789168			
DTRX_001371	3M_AFFF_MDL01994985			
DTRX_001372	3M_AFFF_MDL01787765			
DTRX_001374	3M_GU00000114			
DTRX_001375	3M_AFFF_MDL03374344			
DTRX_001376	3M_AFFF_MDL03593249			
DTRX_001377		Book edited by J.H. Simon, Fluorine Chemistry Vol. 5, Copyright Academic Press Library of Congress Catalog Card No.: 50-11325		
DTRX_001378	3M_AFFF_MDL02307244			
DTRX_001380	3M_BELL00505428			
DTRX_001381	3M_AFFF_MDL03540026			
DTRX_001382	3M_AFFF_MDL00647479			
DTRX_001386	3M_GU00714419			
DTRX_001389	3M_GU00396360			
DTRX_001390	3M_AFFF_MDL01296632			
DTRX_001391	3M_AFFF_MDL00484675			
DTRX_001392	3M_AFFF_MDL00041860			
DTRX_001393	3M_AFFF_MDL02320486			
DTRX_001394	3M_BELL00347111			
DTRX_001395	3M_BELL02717546			
DTRX_001405	HazenSawyer_Stuart00039020			
DTRX_001406	HazenSawyer_Stuart00039681			
DTRX_001407	HazenSawyer_Stuart00039812			
DTRX_001410	Holtz_Subpoena_00011382			
DTRX_001411	Holtz_Subpoena_00011385			
DTRX_001412	Holtz_Subpoena_00011553			
DTRX_001413	Holtz_Subpoena_00012211			
DTRX_001417	JLAGeosciences_Stuart_000077			
DTRX_001418	KimleyHorn_Stuart_003136			
DTRX_001419	KimleyHorn_Stuart_003206			
DTRX_001420	KimleyHorn_Stuart_003207			
DTRX_001421	KimleyHorn_Stuart_003212			
DTRX_001424	KimleyHorn_Stuart_003323			
DTRX_001426	KimleyHorn_Stuart_003342			

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_001459	KimleyHorn_Stuart_030068			
DTRX_001483	KimleyHorn_Stuart_060380			
DTRX_001485	KimleyHorn_Stuart_060663			
DTRX_001512	Raftelis_Stuart_003744			
DTRX_001518	Raftelis_Stuart_007323			
DTRX_001525	Raftelis_Stuart_010756			
DTRX_001546	Stuart_2:18-cv-03487_00004617			
DTRX_001568	Stuart_2:18-cv-03487_00006073			
DTRX_001580	Stuart_2:18-cv-03487_00006453			
DTRX_001586	Stuart_2:18-cv-03487_00006673			
DTRX_001589	Stuart_2:18-cv-03487_00006833			
DTRX_001600	Stuart_2:18-cv-03487_00007183			
DTRX_001606	Stuart_2:18-cv-03487_00007512			
DTRX_001615	Stuart_2:18-cv-03487_00008569			
DTRX_001618	Stuart_2:18-cv-03487_00009529			
DTRX_001689	Stuart_2:18-cv-03487_00036972			
DTRX_001695	Stuart_2:18-cv-03487_00042335			
DTRX_001700	Stuart_2:18-cv-03487_00042399			
DTRX_001707	Stuart_2:18-cv-03487_00043337			
DTRX_001711	Stuart_2:18-cv-03487_00043464		Improper Lay Opinion (R.701) - Mr. Miller is an engineer who is providing a speculative opinion for which he does not have the requisite scientific, technical or specialized knowledge required under R.702 for identifying the source of PFAS contamination. Such opinion evidence Miller's speculative out of court statements related to is layman' assessment of highly technical opinions requires specialized training in hydrology and/or fate and transport. Mr. Miller was not disclosed as someone providing such testimony by Defendants. Additionally, Mr. Miller's statements providing an undisclosed and layman's summary of a study discussed in the email along with the link to that study, and his interpretation of its results as related to Stuart are pure speculation, and is based upon his unqualified interpretation of a hearsay document not contained in the exhibit, i.e. the study is not included in the email, and thus Mr. Miller's assessment in the email is incomplete (R.106); and the study itself should not be permitted into evidence under R.803(18) , or used in trial until proper a foundation laid with a witness sufficient qualified to discuss its contents and context.	Defendants' Response: This statement constitutes a party admission under 801(d)(2). Mark Miller of Kimley Horn is a consultant of the City of Stuart on the disputed issues in this case. The City hired Mr. Miller and Kimley Horn to advise them on the very topics addressed in his email. In his CV, Mr. Miller describes himself, in part, as being a "licensed Professional Engineer who practices as a senior water treatment specialist with 35 years of experience. His principal areas of practice include water treatment systems design, hydraulic investigations and design, and structural engineering."
DTRX_001726	Stuart_2:18-cv-03487_00044105			
DTRX_001738	Stuart_2:18-cv-03487_00045019			
DTRX_001740	Stuart_2:18-cv-03487_00045045			
DTRX_001742	Stuart_2:18-cv-03487_00045057			
DTRX_001766	Stuart_2:18-cv-03487_00045752			
DTRX_001774	Stuart_2:18-cv-03487_00046087			
DTRX_001792	Stuart_2:18-cv-03487_00047035			
DTRX_001834	Stuart_2:18-cv-03487_00063946			
DTRX_001835	Stuart_2:18-cv-03487_00064051			
DTRX_001850	Stuart_2:18-cv-03487_00066143			
DTRX_001864	Stuart_2:18-cv-03487_00066197			
DTRX_001876	Stuart_2:18-cv-03487_00066224			
DTRX_001895	Stuart_2:18-cv-03487_00080779			
DTRX_001907	Stuart_2:18-cv-03487_00093398			
DTRX_001910	Stuart_2:18-cv-03487_00096291			
DTRX_001911	Stuart_2:18-cv-03487_00097526			
DTRX_001914	Stuart_2:18-cv-03487_00100574			
DTRX_001915	Stuart_2:18-cv-03487_00100720			
DTRX_001935	Stuart_2:18-cv-03487_00113741			
DTRX_001937	Stuart_2:18-cv-03487_00113809			
DTRX_001941	Stuart_2:18-cv-03487_00113917			
DTRX_001945	Stuart_2:18-cv-03487_00114114			

**Defendants' Core Trial Exhibit List,
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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_001947	Stuart_2:18-cv-03487_00114218			
DTRX_001949	Stuart_2:18-cv-03487_00114291			
DTRX_001961	Stuart_2:18-cv-03487_00121463			
DTRX_001966	Stuart_2:18-cv-03487_00127809			
DTRX_001967	Stuart_2:18-cv-03487_00127848			
DTRX_001970	Stuart_2:18-cv-03487_00128639			
DTRX_001971	Stuart_2:18-cv-03487_00129583			
DTRX_001972	Stuart_2:18-cv-03487_00129740			
DTRX_001973	Stuart_2:18-cv-03487_00129741			
DTRX_001993	Stuart_2:18-cv-03487_00132149			
DTRX_001999	Stuart_2:18-cv-03487_00132435		Subject to Plaintiff's MIL No. 3 . Plaintiff has moved to exclude all evidence and arguments regarding the city's receipt of funds from the State of Florida and/or Other Third Parties as Collateral Sources. R. 401 & R.403 - This document is part of an application for such funding but appears incomplete or in draft form, lack of clear date, identity of author, and completeness give rise to concerns about the exhibits preparation and/or probative value when balanced with its relevance.	Defendants' Response: Plaintiff's MIL No. 3 addresses materials relating to prior writings of Plaintiff's experts. Plaintiff's MIL No. 6 seeks to exclude evidence and arguments regarding Plaintiff's receipt of funds from the State of Florida and/or other Third Parties. As Plaintiff concedes in that MIL, any government funding provided to Plaintiff to transition to the Floridan Aquifer does not constitute a collateral source because Plaintiff claims to have abandoned this plan. Mr. Peters testified that this document was part of the same document dated 12/18/2015, which is a Kimley-Horn feasibility study.
DTRX_002005	Stuart_2:18-cv-03487_00133878			
DTRX_002012	Stuart_2:18-cv-03487_00135411			
DTRX_002024	Stuart_2:18-cv-03487_00142320			
DTRX_002028	Stuart_2:18-cv-03487_00146603			
DTRX_002044	Stuart_2:18-cv-03487_00154870			
DTRX_002045	Stuart_2:18-cv-03487_00158438			
DTRX_002050	Stuart_2:18-cv-03487_00164845			
DTRX_002051	Stuart_2:18-cv-03487_00166572			
DTRX_002057	Stuart_2:18-cv-03487_00182845			
DTRX_002060	Stuart_2:18-cv-03487_00186204			
DTRX_002063	Stuart_2:18-cv-03487_00191558			
DTRX_002078	Stuart_2:18-cv-03487_00197206			
DTRX_002099	Stuart_2:18-cv-03487_00222857			
DTRX_002102	Stuart_2:18-cv-03487_00223891			
DTRX_002106	Stuart_2:18-cv-03487_00223954			
DTRX_002115	Stuart_2:18-cv-03487_00224264			
DTRX_002120	Stuart_2:18-cv-03487_00225860			
DTRX_002123	Stuart_2:18-cv-03487_00228041			
DTRX_002127	Stuart_2:18-cv-03487_00228115			
DTRX_002128	Stuart_2:18-cv-03487_00228132			
DTRX_002136	Stuart_2:18-cv-03487_00234436			
DTRX_002187	Stuart_2:18-cv-03487_00312371			
DTRX_002193	Stuart_2:18-cv-03487_00319198			
DTRX_002194	Stuart_2:18-cv-03487_00321226			
DTRX_002215	Stuart_2:18-cv-03487_00325513			
DTRX_002224	Stuart_2:18-cv-03487_00329104			
DTRX_002227	Stuart_2:18-cv-03487_00330889			
DTRX_002233	Stuart_2:18-cv-03487_00333586			
DTRX_002248	Stuart_2:18-cv-03487_00340246			
DTRX_002264	Stuart_2:18-cv-03487_00346421			
DTRX_002282	Stuart_2:18-cv-03487_00352964			
DTRX_002320	Stuart_2:18-cv-03487_00377793			
DTRX_002373	Stuart_2:18-cv-03487_00416862			
DTRX_002398	Stuart_2:18-cv-03487_00434487			
DTRX_002449	Stuart_2:18-cv-03487_00556825			
DTRX_002451	Stuart_2:18-cv-03487_00558773			
DTRX_002464	Stuart_2:18-cv-03487_00569659			
DTRX_002468	Stuart_2:18-cv-03487_00574573			
DTRX_002480	Stuart_2:18-cv-03487_00583782			

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_002484	Stuart_2:18-cv-03487_00585029			
DTRX_002498	Stuart_2:18-cv-03487_00585805			
DTRX_002536	Stuart_2:18-cv-03487_00588259			
DTRX_002549	Stuart_2:18-cv-03487_00589502			
DTRX_002566	Stuart_2:18-cv-03487_00600627			
DTRX_002608	Stuart_2:18-cv-03487_00617646		R.401/R.402/R.403 (Confusion & Waste of Time) - The email pertains to construction of a RO system that Stuart could never afford to build, never built, had to abandon and was in relation only to a feasibility study for such a RO facility, not the facility itself. The city was only looking into the feasibility study because of a grant opportunity that it turned out the city did not even qualify for. Thus, the fact that its outside engineer was pressuring them to do this is both irrelevant, will cause confusion and waste significant time explaining the context of this document. Moreover, statements made in these emails are highly prejudicial because without proper context or the need to waste time providing, there is probability that jurors could mistakenly believe that Stuart was considering draining contaminated water on or nearby park and recreation areas or other surface waters in the community, will cause confusion and waste significant time requiring a witness with sufficient technical/scientific/historical knowledge to explain the context of this document and the issues it implies. Improper Lay Opinion (R.701) - Mr. Miller is a fact witness on Defendants "may call" list and the email describes opinion evidence. Mr. Miller was not disclosed as someone providing opinion testimony by Defendants.	Defendants' Response: Plaintiff is seeking damages for fees charged by its consultants, including Kimley Horn, associated with investigating the implementation of an RO system to treat water from the Floridan Aquifer. Plaintiff is also seeking damages for "PFOS and PFOA related work" by the city staff and consulting time of Dave Peters for work on PFOA and PFOS. Neither of these damages components excludes time spent investigating transitioning to the Floridan Aquifer. This exchange between Kimely Horn and Dave Peters investigating sites for wells for the Floridan in 2014 is relevant to those components of Plaintiff's damages. This exchange is also relevant to show that Plaintiff was investigating transitioning to the Floridan Aquifer before PFAS became an issue for the City in 2016. Defendants do not intend to use this particular document to suggest that Stuart was considering draining contaminated water on parks or recreation areas and there is not a significant risk of juror confusion regarding the same. Nor is this document being used for purposes of introducing expert or lay opinion by Mark Miller.
DTRX_002617	Stuart_2:18-cv-03487_00624701			
DTRX_002620	Stuart_2:18-cv-03487_00624813			
DTRX_002645	Stuart_2:18-cv-03487_00640713			
DTRX_002653	Stuart_2:18-cv-03487_00647680			
DTRX_002678	Stuart_2:18-cv-03487_00729702			
DTRX_002972	WSP_Stuart_028170			
DTRX_002974	PENNA-NAVY-011366			
DTRX_002975	3M_BELL01551367			
DTRX_002976		Article by S. Frisbee et al, The C8 Health Project: Design, Methods, and Participants, Environmental Health Perspectives Vol. 117 No. 12 1873-1883		
DTRX_002977		Article by G. Olsen et al, Plasma Cholecystokinin and Hepatic Enzymes, Cholesterol and Lipoproteins in Ammonium Perfluorooctanoate Production Workers, Drug and Chemical Toxicology Vol. 23 No. 4 603-620		
DTRX_002978		Report by L. Schuman and J. Mandel, An Epidemiologic Mortality Study of Employees at the Chemolite Plant		
DTRX_002980		Article by F. Gilliland and J. Mandel, Mortality Among Employees of a Perfluorooctanoic Acid Production Plant, Journal of Occupational Medicine Vol. 35 No. 9 950-954		
DTRX_002981		Article by F. Gilliland and J. Mandel, Serum Perfluorooctanoic Acid and Hepatic Enzymes, Lipoproteins, and Cholesterol: A Study of Occupationally Exposed Men, American Journal of Industrial Medicine Vol. 29 560-568		
DTRX_002982		Article by J. Butenhoff et al, The Applicability of Biomonitoring Data for Perfluorooctanesulfonate to the Environmental Public Health Continuum, Environmental Health Perspectives Vol. 114 No. 11 1776-1872		
DTRX_002996		Report by South Florida Water Management District, Upper East Coast Water Supply Plan Update Planning Document		
DTRX_002999		Report by South Florida Water Management District, Upper East Coast Water Supply Plan Planning Document 2004 Update	Objection withdrawn except as the current version containing "JX 49" Cover Page from prior Court pleading as well as docket numbers from filing. This document contains conflicting exhibit numbers and other markings not original to the document.	Defendants' Response: Defendants agree to remove cover page and docket numbers prior to seeking to admit document into evidence.
DTRX_003002	Eurofins_Stuart_003342			

May 8, 2023

City of Stuart, FL, v. 3M Company et al. ,

No. 2:18-cv-03487

**Defendants' Core Trial Exhibit List,
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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_003094	3M_AFFF_MDL00207950			
DTRX_003099	3M_AFFF_MDL00684897			
DTRX_003102	3M_AFFF_MDL00705047			
DTRX_003103	3M_AFFF_MDL01058567			
DTRX_003104	3M_AFFF_MDL01058568			
DTRX_003114	3M_AFFF_MDL01105343			
DTRX_003117	3M_AFFF_MDL01635203			
DTRX_003118	3M_AFFF_MDL01788690			
DTRX_003119	3M_AFFF_MDL01869260			
DTRX_003120	3M_AFFF_MDL02174751			
DTRX_003121	3M_AFFF_MDL02174756			
DTRX_003123	3M_AFFF_MDL02292506			
DTRX_003125	3M_AFFF_MDL02305844			
DTRX_003126	3M_AFFF_MDL02308975			
DTRX_003128	3M_AFFF_MDL02312371			
DTRX_003131	3M_AFFF_MDL02338707			
DTRX_003132	3M_AFFF_MDL02594522			
DTRX_003133	3M_AFFF_MDL02984655			
DTRX_003158	3M_AFFF_MDL03539777			
DTRX_003177	3M_BELLO1441252			
DTRX_003178	3M_GU00000108			
DTRX_003179	3M_GU00000180			
DTRX_003182	3M_GU00009979			
DTRX_003183	3M_GU00010289			
DTRX_003184	3M_GU00010603			
DTRX_003185	3M_GU00013443			
DTRX_003186	3M_GU00013445			
DTRX_003187	3M_GU00020056			
DTRX_003189	3M_GU00025598			
DTRX_003190	3M_GU00051460			
DTRX_003191	3M_GU00156771			
DTRX_003193	3M_GU00575335			
DTRX_003201	3M_AFFF_MDL00234704			
DTRX_003209	3M_AFFF_MDL00192144			
DTRX_003210	3M_AFFF_MDL00198882			
DTRX_003213	3M_AFFF_MDL00203210			
DTRX_003214	3M_AFFF_MDL00206345			
DTRX_003218	3M_AFFF_MDL00244647			
DTRX_003228	3M_AFFF_MDL00412514			
DTRX_003240	3M_AFFF_MDL00432850			
DTRX_003243	3M_AFFF_MDL00435678			
DTRX_003244	3M_AFFF_MDL00435878			
DTRX_003245	3M_AFFF_MDL00435898			
DTRX_003246	3M_AFFF_MDL00436111			
DTRX_003247	3M_AFFF_MDL00436132			
DTRX_003248	3M_AFFF_MDL00437138			
DTRX_003262	3M_AFFF_MDL00705036			
DTRX_003267	3M_AFFF_MDL01112511			
DTRX_003272	3M_AFFF_MDL01296670			
DTRX_003273	3M_AFFF_MDL01296732			
DTRX_003289	3M_AFFF_MDL01587097			
DTRX_003298	3M_AFFF_MDL01645715			
DTRX_003299	3M_AFFF_MDL01645716			
DTRX_003304	3M_AFFF_MDL01789231			
DTRX_003306	3M_AFFF_MDL01789404			
DTRX_003309	3M_AFFF_MDL01860482			
DTRX_003326	3M_AFFF_MDL02306959			

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_003336	3M_AFFF_MDL02316766			
DTRX_003348	3M_AFFF_MDL02342616			
DTRX_003349	3M_AFFF_MDL02342720			
DTRX_003352	3M_AFFF_MDL02594309			
DTRX_003358	3M_AFFF_MDL02610943			
DTRX_003359	3M_AFFF_MDL02610959			
DTRX_003390	3M_BELLO0980580			
DTRX_003397	3M_BELLO1437125			
DTRX_003399	3M_BELLO1437580			
DTRX_003402	3M_BELLO1447097			
DTRX_003406	3M_BELLO1449539			
DTRX_003407	3M_BELLO1452114			
DTRX_003416	3M_BELLO1458388			
DTRX_003420	3M_BELLO1461189			
DTRX_003421	3M_BELLO1461205			
DTRX_003423	3M_BELLO1469410			
DTRX_003425	3M_BELLO1470315			
DTRX_003427	3M_BELLO1485818			
DTRX_003436	3M_BELLO1511175			
DTRX_003440	3M_BELLO1535348			
DTRX_003442	3M_BELLO1547018			
DTRX_003443	3M_BELLO1547548			
DTRX_003459	3M_BELLO1864595			
DTRX_003474	3M_BELLO2796623			
DTRX_003477	3M_BELLO2853672			
DTRX_003489	3M_GU00051465			
DTRX_003490	3M_GU00052812			
DTRX_003497	3M_GU00199253			
DTRX_003498	3M_GU00199254			
DTRX_003502	3M_GU00200608			
DTRX_003509	3M_GU00266120			
DTRX_003517	3M_GU00342305			
DTRX_003535	3M_GU00590150			
DTRX_003536	3M_GU00590157			
DTRX_003541	3M_GU00632857			
DTRX_003545	3M_GU00689424			
DTRX_003546	3M_GU00846736			
DTRX_003548	3M_GU00856959			
DTRX_003555	3M_GU01999256			
DTRX_003558	3M_GU02108373			
DTRX_003573	3M_AFFF_MDL01298242			
DTRX_003575	3M_AFFF_MDL01863569			
DTRX_003584	3M_BELLO3265151			
DTRX_003643	PENNA-NAVY-018764			
DTRX_003644	PENNA-NAVY-019778	MILITARY SPECIFICATION MIL-F-24385F: FIRE EXTINGUISHING AGENT, AQUEOUS FILM-FORMING FORM (AFFF) LIQUID CONCENTRATE, FOR FRESH AND SEAWATER Patricia A. Tatem and Clarence Whitehurst Naval Research Laboratory & Ralph Ouellette and Robert L. Darwin Hughes Associates, Inc	Relevance/Waste of Time (R.401/R.403) - Stuart does not involve AFFF Mil-Spec Foam, thus description of the MIL-Spec is entirely irrelevant to the AFFFs at issue at Stuart and will only serve to waste jury time.	Defendants' Response: Document is relevant to the background and development of AFFF. Document's description of the benefits and use of AFFF is also relevant to the risk/benefit analysis. The United States confirmed this document produced by the U.S. in this litigation is a business record in November 2, 2021 U.S. Responses and Objections to Defendants' Co-Lead Counsel's Second Set of Requests for Admission to the United States of America, Response to Request No. 3.
DTRX_003650	US-Darwin-00010008			

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_003738	US-Darwin-00011594	NFPA Journal May/June 1995	Relevance/Waste of Time (R.401/R.402/R.403) - 165 page brochure marketing numerous irrelevant products and content intended to sell irrelevant products using aggressive marketing tactic and prejudicial imager. No indication of who the recipient of the brochure was other than a DoD entity See Naval Command. Moreover, Tyco/Ansul is no longer a defendant in the Stuart case thus a brochure about Ansul/Tyco is not relevant and would only serve to waste jury time. Hearsay (R.802 and R.805) - the document also contains hearsay statements (e.g. discussion of a white paper).	Defendants' Response: Document qualifies as an ancient document under Rule 806(16) because it is from May/June 1995. Document contains information relevant to the background, development, benefits, potential risks, and uses of AFFF at pages US-Darwin-00011662 through -00011668.
DTRX_003792		Aerial photograph of Public Safety Complex		
DTRX_003793		Aerial Photograph Station 2		
DTRX_003794		Aerial Google Image of Station 2 and Landfill		
DTRX_003795		Aerial Google Image of Station 2		
DTRX_003796		Aerial Google Image of Landfill		
DTRX_003797		Aerial Google Image of 18th Street		
DTRX_003798		Letter From Mark Miller To Frank Petosa Mader enclosing Mark Miller's City of Stuart AFFF Expert Report and CV		
DTRX_003800		From Mark Miller To David Peters Mader Demonstrative: PFOS does not Biodegrade in the Environment, Answer: True	Improper Lay Opinion (R.701) - Mr. Miller is an engineer who is providing an opinion for which he does not have the requisite scientific, technical or specialized knowledge required under R.702 for identifying the source of PFAS contamination. Such opinion evidence requires specialized training in hydrology and/or fate and transport. Mr. Miller was not disclosed as someone providing such testimony by Defendants. Mr. Miller's statements providing an undisclosed and layman's opinion of a study discussed in the email along with the link to that study, and his interpretation of its results as related to Stuart are pure speculation, and is based upon his unqualified interpretations of a hearsay document not contained in the exhibit, i.e. the study is not included in the email, and thus Mr. Miller's assessment in the email is incomplete (R.106); and the study itself should not be permitted into evidence under R. 803(18), or used in trial until proper foundation laid with a witness sufficient qualified to discuss its contents and context.	Defendants' Response: This is a 2016 email from Mr. Miller of Kimley Horn to Mike Woodside of the City of Stuart describing a recent uptick in PFAS in reclaimed water that has already been treated by the City's water treatment system. The City was using this reclaimed water for irrigation at a number of locations in the City. This document is relevant to show that the City was on notice that reclaimed water that it was using for irrigation at various locations throughout the City had PFAS in it, which is relevant to comparative fault, mitigation of damages and Plaintiff's credibility. Defendants are not introducing the content of the study cited in this exchange or Mr. Miller's interpretation of that study as a lay or expert opinion as to its truth.
DTRX_003801		From Mark Miller To dpeters@ci.stuart.fl.us, "Woodside, Mike" <mwoodside@ci.stuart.fl.us>, "Hitchcock, Paul" <phitchcock@ci.stuart.fl.us> E-mail(s) - PFAS Media Recommendation		
DTRX_003802		From Mark Miller To Nick Black Kaitlin Dombrowski E-mail(s) - Fwd.: PFC Treatment Update - updated Costs		
DTRX_003803		From Mark Miller To Dave Peters December 7, 2017 Kimley-Horn letter to Dave Peters		
DTRX_003806		Water Facilities Plan: City of Stuart Pretreatment and Alternative Water Supply Project May 2018, Updated June 2018, Amended January 2020		
DTRX_003807		City of Stuart Water Treatment Plant, Treatment Investigation for Perfluorinated Compounds (PFC's) PFOA and PFOS, March 2017		
DTRX_003809	Stuart_2:18-cv-00063046			
DTRX_003812		City of Stuart Annual Report (2020)		
DTRX_003823	Stuart_2:18-cv-03487_00676474			
DTRX_003824	Holtz_Subpoena_00013812			

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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_003825	KimleyHorn_Stuart_191384	June 26, 2017 City of Stuart, Florida Agenda Item Request City Commission - Requesting Authorization for Execution of Legal Services Contract	Relevance/Prejudice (R.401/R.402/R.403) - An Attorney's Retainer Agreement is entirely irrelevant to any issue of fact in consequence to this action. Further, it is prejudicial to the city for the jury to know what the attorneys stand to earn from any verdict. The documents refers and cites to potentially necessary information to satisfy the Rule of Completeness depending on how the documents is used., Plaintiffs prior objections/MILs related to Attorney Driven issues.	Defendants' Response: Defendants agree not to introduce the attached Attorney Retainer Agreement into evidence.
DTRX_003827	Stuart_2:18-cv-03487_00099959			
DTRX_003828	Stuart_2:18-cv-03487_00111178			
DTRX_003829	Stuart_2:18-cv-03487_00538782			
DTRX_003830	Stuart_2:18-cv-03487_00660165			
DTRX_003831	Stuart_2:18-cv-03487_00693831			
DTRX_003861		The Florida Senate Local Funding Initiative Request: Fiscal Year 2019-2020 - Alternative Water Supply Project		
DTRX_003862		The Florida Senate Local Funding Initiative Request: Fiscal Year 2020-2021 - Alternative Water Supply Project Phase 2		
DTRX_003864		The Florida Senate Local Funding Initiative Request: Fiscal Year 2022-2023 - Alternative Water Supply Project Phase 4		
DTRX_003866	3M_AFF_MDL00460300			
DTRX_003867	3M_AFF_MDL00021303			
DTRX_003877	3M_GU00318554			
DTRX_003878	3M_AFF_MDL01240310			
DTRX_003879	3M_AFF_MDL01240313			
DTRX_003883	3M_AFF_MDL00647420			
DTRX_003886	3M_AFF_MDL00080526			
DTRX_003890	3M_BELL00833248			
DTRX_003894	3M_AFF_MDL02327806			
DTRX_003902	3M_GU00589179			
DTRX_003950	3M_AFF_MDL00705380			
DTRX_003952	3M_AFF_MDL02183014			
DTRX_004152	3M_BELL01434048			
DTRX_004164	3M_AFF_MDL00435684			
DTRX_004232	3M_BELL01458377			
DTRX_004233	3M_AFF_MDL00459379			
DTRX_004242		Report; Biochemistry Involving Carbon-Fluorine Bonds an ACS Symposium Series by the American Chemical Society, editor R. Filler (Symposium sponsored by Fluorine and Biological Chemistry		
DTRX_004277	3M_AFF_MDL00433301			
DTRX_004285	3M_AFF_MDL00437122			
DTRX_004290	3M_AFF_MDL00631443			
DTRX_004299	3M_AFF_MDL01644898			
DTRX_004300	3M_AFF_MDL01789398			
DTRX_004303	3M_AFF_MDL01863384			
DTRX_004322	3M_BELL01440136			
DTRX_004362		Article by J. Martin et al., Analytical Challenges Hamper Perfluoroalkyl Research, JULY 1, 2004 / ENVIRONMENTAL SCIENCE & TECHNOLOGY		
DTRX_004367		Article by D. Taves, Evidence that there are Two Forms of Fluoride in Human Serum, Nature Vol. 217 (1968) 1050-1051		
DTRX_004416	3M_AFF_MDL00188934			
DTRX_004784		Article by Gilliland, F. D., and J. S. Mandel. 1993. "Mortality among employees of a perfluorooctanoic acid production plant." Journal of Occupational & Environmental Medicine 35 (9):950-954.		

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with Plaintiff's Remaining Objections and Defendants' Responses**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_005166		Article by G. Olsen et al., Plasma cholecystokinin and hepatic enzymes, cholesterol and lipoproteins in ammonium perfluorooctanoate production workers, Drug and Chemical Toxicology 23 (4):603-620, 2000.		
DTRX_005552	3M_AFFF_MDL00079141			
DTRX_005565	3M_AFFF_MDL01861913			
DTRX_005688	3M_BELL00039497			
DTRX_005704	Stuart_2:18-cv-03487_00045550			
DTRX_005714	Stuart_2:18-cv-03487_00063046			
DTRX_005716	Stuart_2:18-cv-03487_00063317	Upper East Coast Entities' 2009 Progress Report	Hearsay (R.802) - the document contains hearsay statements. The document is also subject to MIL No 6 insofar as it details receipt of state revolving loans	Defendants' Response: This is admissible as an admission by a party opponent under 801(d)(2). This document was prepared by the City of Stuart and submitted in response to a request from the South Florida Water District. To the extent the document contains references to government loans, as set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that such loans should reduce the amount of damages sought by the City of Stuart. Defendants are willing to consider appropriate redactions consistent with the positions set forth herein and in response to Plaintiff's motion.
DTRX_005722	Stuart_2:18-cv-03487_00064138			
DTRX_005735	Stuart_2:18-cv-03487_00114109			
DTRX_005741	Stuart_2:18-cv-03487_00131301			
DTRX_005744	Stuart_2:18-cv-03487_00133688			
DTRX_005746	Stuart_2:18-cv-03487_00133980			
DTRX_005747	Stuart_2:18-cv-03487_00137018			
DTRX_005767	Stuart_2:18-cv-03487_00183386			
DTRX_005815	Stuart_2:18-cv-03487_00660310			
DTRX_005819	Stuart_2:18-cv-03487_00660540			
DTRX_005822	Stuart_2:18-cv-03487_00693782			
DTRX_005823	Stuart_2:18-cv-03487_00693807			
DTRX_005837		Article by F.D. Griffith, Animal toxicity studies with ammonium perfluorooctane		
DTRX_005854		Reverse Osmosis Water Treatment Plant (Stuart)		
DTRX_005995		Agency for Toxic Substances and Disease Registry (ATSDR). 2019. "PFAS: An Overview of the Science and Guidance for Clinicians on Per- and Polyfluoroalkyl Substances (PFAS)." 21p., December 6.		
DTRX_005996		Agency for Toxic Substances and Disease Registry (ATSDR). 2021. "Toxicological Profile for Perfluoroalkyls." 993p., May.		
DTRX_006016		Australia, Expert Health Panel for PFAS. 2018. "Expert Health Panel for Per- and Poly-Fluoroalkyl Substances (PFAS) [PFAS Expert Health Panel – Report to the Minister]." Report to Australia, Dept. of Health. 446p., March. Accessed at http://www.health.gov.au/internet/main/publishing.nsf/Content/C9734ED6BE238E0CA2581BD00052C03/\$File/expert-panel-report.pdf .	Relevance (R.401/R.402) - As a result of the regulatory framework, Stuart is required to treat its PFAS contamination so the fact that one particular Australian panel concluded that PFAS has no health risks is irrelevant since the EPA's position is that PFAS are most likely carcinogenic and is thus proposing PFAS MCLs. Stuart is under the EPA's umbrella, not Australia's, so the conclusions made to a foreign regulatory body are irrelevant; Hearsay (R.802/R.802) - the panel conclusions are also hearsay. And summarize other hearsay documents or statements potentially requiring to be contextualized or made complete that would in fairness be necessary to be considered at the same time.	Defendants' Response: Defendants should be permitted to use this article with an expert under Rule 803(18) as an exception to the hearsay rule. As to relevance, one area of dispute in this matter is the relative risk of PFAS to human health. It is important for the jury to hear and assess different assessment's as to the relative risk of PFAS, which experts will testify to, and not solely rely on the EPA's statements. Moreover, this type of evidence is relevant to assessing defendants' state of mind and reasonableness of their actions; not Stuart's.
DTRX_006026		Bacon, IR; Keller, WC; Anderson, ME; Back, KC. 1981. "Teratologic Evaluation of a Model Perfluorinated Acid, NDFDA." AFAMRL-TR-81-14, NTIS ADA095370, 10p., January.		
DTRX_006065		Article by W. Brewster and S. Birnbaum, The biochemical toxicity of perfluorodecanoic acid in the mouse is different from that of 2,3,7,8-tetrachlorodibenzo-p-dioxin, Toxicology and Applied Pharmacology 99(3):544-554, 1989. doi: 10.1016/0041-008x(89)90161-0.		
DTRX_006073		Article by J. Butenhoff et al., 2002. "Toxicity of ammonium perfluorooctanoate in male cynomolgus monkeys after oral dosing for 6 months." Toxicol. Sci. 69:244-257.		
DTRX_006080		Article by J. Butenhoff et al., 2004a. "Pharmacokinetics of perfluorooctanoate in cynomolgus monkeys." Toxicol. Sci. 82:394-406.		

**Defendants' Core Trial Exhibit List,
with Plaintiff's Remaining Objections and Defendants' Responses**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_006262		Report by L. Singer and R. Ophaug, Ionic and Nonionic Fluoride in Plasma (Or Serum), Volume 18, Issue 2		
DTRX_006304		International Agency for Research on Cancer (IARC). 2016b. "IARC Monographs on the Evaluation of Carcinogenic Risks to Humans: Volume 110: Some Chemicals Used as Solvents in Polymer Manufacture." IARC Monograph No. 110. 289p. Accessed at http://monographs.iarc.fr/ENG/Monographs/vol110/mono110.pdf .		
DTRX_006369		Kover, FD. [US EPA]. 1981b. Internal correspondence to J. Merenda [re: Status Report on 3M's TSCA submissions 8EHQ-1180-0373S, 8EHQ-1180-0374S, 8EHQ-0281-0373S Supplement, and 8EHQ-0281-0374S Supplement]. 7p., April 21. [3M_AFFF_MDL01298228 - 3M_AFFF_MDL01298234]		
DTRX_006383		Langley, AE; Pilcher, GD. 1985. "Thyroid, bradycardic and hypothermic effects of perfluoro-n-decanoic acid in rats." J. Toxicol. Environ. Health 15(3-4):485-491. doi: 10.1080/15287398509530675.		
DTRX_006439		Article by D. Leubker et al., 2005a. "Two-generation reproduction and cross-foster studies of perfluorooctanesulfonate (PFOS) in rats." Toxicology 215(1-2):126-148.		
DTRX_006440		Article by D. Leubker et al., 2005b. "Neonatal mortality from in utero exposure to perfluorooctanesulfonate (PFOS) in Sprague-Dawley rats: Dose-response, and biochemical and pharmacokinetic parameters." Toxicology 215(1-2):149-169.		
DTRX_006481		Minnesota Dept. of Health (MDH). 2018d. "Brief Update on Cancer Occurrence in East Metro Communities." 22p., February. Accessed at https://www.health.state.mn.us/communities/environment/tracking/docs/eastmetrobirthoutcomes.pdf .		
DTRX_006524		Olsen, GW; Burris, JM; Mandel, JH; Zobel, LR. 1999. "Serum perfluorooctane sulfonate and hepatic and lipid clinical chemistry tests in fluorochemical production employees." J. Occup. Environ. Med. 41(9):799-806.		
DTRX_006528		Olsen, GW; Gilliland, FD; Burlew, MM; Burris, JM; Mandel, JS; Mendel, JH. 1998a. "An epidemiologic investigation of reproductive hormones in men with occupational exposure to perfluorooctanoic acid." J. Occup. Environ. Med. 40:614-622.		
DTRX_006576		Roach, DE. [3M Co.]. 1982. "Internal memorandum to F. Ubel re: Fluorochemical control study." 9p., May 25.		
DTRX_006629		Article by K. Steenland et al., 2020. "Review: Evolution of evidence on PFOA and health following the assessments of the C8 Science Panel." Environ. Int. 145:106125. doi: 10.1016/j.envint.2020.106125.		
DTRX_006668		Ubel, FA; Sorenson, SD; Roach, DE. 1980. "Health status of plant workers exposed to fluorochemicals - A preliminary report." Am. Ind. Hyg. Assoc. J. 41(8):584-589.		
DTRX_006850		The Florida Senate, Local Funding Initiative Request, Fiscal Year 2021-2022, LFIR#: 1615, Project Title: Stuart Alternative Water Supply Phase III		
DTRX_006852		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		

**Defendants' Core Trial Exhibit List,
with Plaintiff's Remaining Objections and Defendants' Responses**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_006856		[Stuart] Request for Extension, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 - Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006858		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006861		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006862		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006864		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006867		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006868		[Stuart] Request for Relocation of PW-6, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Request for Relocation of Production Well PW-6		
DTRX_006871		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006873		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006875		[Stuart] Request for Extension of Time, City of Stuart, Public Water Supply, Water Use Permit No. 43-00053-W, Application No. 200612-14 -Request for Extension in Response to RAI dated July 9, 2020		
DTRX_006881	Stuart_2:18-cv-03487_00025178			
DTRX_006882	Stuart_2:18-cv-03487_00659486	City of Stuart, Florida Adopted Budge Fiscal Years 2022	Portions of the budget relate to Plaintiff's MIL No. 6 to exclude evidence and/or argument related to funding for PFAS treatment which Plaintiff has moved to exclude as a collateral source, such portions need redaction	Defendants' Response: As set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that any funding for PFAS treatment should reduce the amount of damages sought by the City of Stuart. Defendants are willing to consider appropriate redactions consistent with the positions set forth herein and in response to Plaintiff's motion.
DTRX_006883	Stuart_2:18-cv-03487_00064665	FLEPA Letter to Tim Voelker, ity of Stuart RE: DW530431 - Stuart Installation of RO Treatment and Floridian Wells w/ Lonad Agreement	The document is subject to Plaintiff's MIL No. 6 to exclude evidence and/or argument concerning receipt of funds from third parties, including from the State of Florida, as collateral sources.	Defendants' Response: As set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that any funding for PFAS treatment should reduce the amount of damages sought by the City of Stuart. However, Plaintiff is maintaining that the cost of the RO facility built to access the Floridan Aquifer was a "central factor" in the City's decision to abandon its plans to continue work on that facility. This document relates directly to that disputed issue.
DTRX_006890	Raftelis_Stuart_017801	Alternative Water Supply Update October 11, 2021	The document is subject to Plaintiff's MIL No. 6 to exclude evidence and/or argument concerning receipt of funds from third parties, including from the State of Florida, as collateral sources.	Defendants' Response: As set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that any funding for PFAS treatment should reduce the amount of damages sought by the City of Stuart. However, Plaintiff is maintaining that the cost of the RO facility built to access the Floridan Aquifer was a "central factor" in the City's decision to abandon its plans to continue work on that facility. This document contains statements directly related to that disputed issue.
DTRX_006891	Stuart_2:18-cv-03487_00719623			
DTRX_006892	Stuart_2:18-cv-03487_00719683			
DTRX_006893	Stuart_2:18-cv-03487_00720240			

**Defendants' Core Trial Exhibit List,
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Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_007116	Stuart_2:18-cv-03487_00223965			
DTRX_007288	Stuart_2:18-cv-03487_00228115			
DTRX_007294	WSP_Stuart_007992			
DTRX_007490	3M_AFFF_MDL00435830			
DTRX_007491	3M_AFFF_MDL03248822			
DTRX_007492	3M_AFFF_MDL01317997			
DTRX_007495	AFFF-MDL-CHE-00000302			
DTRX_007496	AFFF-MDL-CHE-00001199			
DTRX_007497	Kidde_Defendants_00000646			
DTRX_007498	Kidde_Defendants_00129255			
DTRX_007499	Kidde_Defendants_00366095			
DTRX_007500	Kidde_Defendants_00646061			
DTRX_007501	Kidde_Defendants_00646061			
DTRX_007504	JEN_001512			
DTRX_007505	PENNA_NAVY_016389			
DTRX_007506		Australia, Expert Health Panel for PFAS: Summary. 2018.	Relevance R.401/R. 402/R.403 - As a result of the regulatory framework, Stuart is required to treat its PFAS contamination so the fact that one particular Australian panel concluded that PFAS has no health risks is irrelevant since the EPA's position is that PFAS are most likely carcinogenic and is thus proposing PFAS MCLs. Stuart is under the EPA's umbrella, not Australia's, so the conclusions made to a foreign regulatory body are irrelevant; Hearsay (R.801/R802) - the panel conclusions are also hearsay. Authenticity R.901/R.902.(3)(3) Nor has this record's authenticity been properly established as because no extrinsic evidence has been produced to support what this exhibit purports to be nor has it been property certified as a Foreign Public Record per R.902(3) as required to be self-authenticating.	Defendants' Response: Defendants should be permitted to use this article with an expert under Rule 803(18) as an exception to the hearsay rule. As to relevance, one area of dispute in this matter is the relative risk of PFAS to human health. It is important for the jury to hear and assess different assessment's as to the relative risk of PFAS, which experts will testify to, and not solely rely on the EPA's statements. Moreover, this type of evidence is relevant to assessing defendants' state of mind and reasonableness of their actions; not Stuart's. As to authentication, this document can be authenticated by an expert who can testify as to its source and the expert's understanding of the Australian's Health Panel's status as a reliable authority.
DTRX_007507		Article: Phasing Out a Problem: Perfluorooctyl Sulfonate (PFOS), Mary F. Dominiak, 3 August 2000		
DTRX_007508	3M_AFFF_MDL00436057			
DTRX_007509	DYNAX0005966			
DTRX_007510	AMEREX_00445765			
DTRX_007511		Pamphlet: Best Practice Guidance for Fluorinated Firefighting Foams (Questions and Answers), prepared by the FFFC, Fire Fighting Foam Coalition		
DTRX_007512	AFFTC00045290			
DTRX_007513	STUART_2:18-CV-03487_00775809			
DTRX_007514	STUART_2:18-CV-03487_00774651			
DTRX_007515	STUART_2:18-CV-03487_00775257			
DTRX_007517	STUART_2:18-CV-03487_00775195			
DTRX_007518	STUART_2:18-CV-03487_00775197			
DTRX_007519	STUART_2:18-CV-03487_00776059			
DTRX_007520	STUART_2:18-CV-03487_00775650			
DTRX_007521	STUART_2:18-CV-03487_00776092			
DTRX_007522		Letter to S. Day (JLA Geosciences) from A. Naya re Project Name City of Stuart Public Water Supply Water Use Permit Application No. 200612-14, Permit No.43-00053-W, Martin County		
DTRX_007523		Letter from A. Naya to D. Peters re Notice of Incomplete Application Water Use Permit ("WU") Application No. 200612-14, Permit No. 43-00053-W Project Name City of Stuart Public Water Supply County: Martin		

**Defendants' Core Trial Exhibit List,
with Plaintiff's Remaining Objections and Defendants' Responses**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_007524		ePermitting Application No. 200612-14, Permit No. 43-00053-W, Issuing office: WPB/SFWMD, Permit Type: Water Use Modification; Project Name: City of Stuart Public Water Supply		
DTRX_007525	STUART_2:18-CV-03487_00775768			
DTRX_007526	STUART_2:18-CV-03487_00775763			
DTRX_007527	STUART_2:18-CV-03487_00775430			
DTRX_007528	STUART_2:18-CV-03487_00775554			
DTRX_007529	STUART_2:18-CV-03487_00776206			
DTRX_007530	STUART_2:18-CV-03487_00775555			
DTRX_007531		Agenda Regular Meeting Of The Stuart City Commission March 13, 2023 Commission Chambers 121 SW Flagler Ave. Stuart, Florida 34994 (packet of materials)		
DTRX_007532	STUART_2:18-CV-03487_00775621			
DTRX_007533	STUART_2:18-CV-03487_00775579			
DTRX_007534		Capital Project Dashboard, Reverse Osmosis Water Treatment Plant Project ID: 2100326		
DTRX_007536		Agenda Regular Meeting Of The Stuart City Commission March 27, 2023 Commission Chambers 121 SW Flagler Ave. Stuart, Florida 34994 (packet of materials)		
DTRX_007538	Stuart_2:18-cv-03487_00045933			
DTRX_007539	Stuart_2:18-cv-03487_00052828			
DTRX_007540	Stuart_2:18-cv-03487_00226759			
DTRX_007541	3M_AFFF_MDL01994523			
DTRX_007572	3M_AFFF_MDL03549502			
DTRX_007584	3M_AFFF_MDL01298222			
DTRX_007587	3M_AFFF_MDL03303933			
DTRX_007591	3M_AFFF_MDL00458145			
DTRX_007596	3M_AFFF_MDL00685430			
DTRX_007597	3M_AFFF_MDL01059953			
DTRX_007598	3M_AFFF_MDL02183094			
DTRX_007599	3M_AFFF_MDL01296625			
DTRX_007600	3M_AFFF_MDL00579093			
DTRX_007603	3M_NYLAAN00415049			
DTRX_007657	3M_GU00585190			
DTRX_007658	3M_AFFF_MDL02292662			
DTRX_007662	AFFF-MDL-EID-04592957			
DTRX_007663	AFFF-MDL-CHE-00364260			
DTRX_007664	AFFF-MDL-EID-04250150			
DTRX_007666	AFFF-MDL-CHE-00362836			
DTRX_007667	AFFF-MDL-EID-04259058			
DTRX_007668	AFF-MDL-EID-03415163			

EXHIBIT B

**Defendants' Trial Exhibits,
to which Plaintiff Has Remaining Objections**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_000001	AF06-00011639	DRAFT Addendum to Phase 1 Impact Assessment for PFOS/PFOA-Cost-Benefit Assessment for Replacement of Legacy Aqueous Film Form Forming Foam (AFFF) 6 April 2015	DoD Has raised objection to the use of this documents: "This is highly confidential material. We would ask to seal. This document identifies input from DoD experts on how changes to potential PFAS environmental regulations or toxicity values will impact DoD's mission (e.g., procurement of weapons systems, occupational health program) and what future actions DoD should take based on our cost/benefit analysis. DoD has consistently protected the candor required in this Emerging Chemical of Concern process." Plaintiff: Objects to Relevance & Waste of Time (R.401/R.402/R.403) - DoD is the not the AFFF user in Stuart and thus their cost to replace AFFF is irrelevant & would be a waste of the jury's time. This is a draft documents containing highly confidential government information and its probative value is outweighed by the risk confusion, and any minimal conditional relevance may be outweighed by the need to obtain similarly classified and/or national security and U.S. force protection government information necessary to establish any relevance or cure undue prejudice.	Defendants' Response: Document is relevant to the background and development of AFFF. Document's description of the benefits and use is also relevant to the risk/benefit analysis. Per negotiations with the U.S. government, this exhibit will be withdrawn and replaced with DTRX0411 (DOD02-00000766), which is on Defendants' long exhibit list and will be elevated to the core list. Defendants have agreed with the DoD on acceptable redactions to that document, and Defendants sent those proposed redactions to Plaintiff for review on April 27, 2023, and are awaiting Plaintiff's review.
DTRX_000304	FF_NAVY04_00000914	MIL-PRF-24385F(SH) w/ AMENDMENT 7 7 September 2017 - PERFORMACE SPECIFICATION Fire Extinguishing Agent Aqueous Film-Forming Foam (AFFF) Liquid Concentrate, For Fresh and Sea Water	Relevance & Waste of Time (R.401/R.402/R.403) - Stuart does not involve MIL-Spec AFFF, thus the MIL-Spec is irrelevant and a waste of the jury's time. Additionally Contains "Exhibit 11" Cover Page from prior Court pleading as well as docket numbers from filings that may confuse the jury as to its relevance, application, meaning, actual probative value.	Defendants' Response: The United States confirmed this document produced by the U.S. in this litigation is a business record in November 2, 2021 U.S. Responses and Objections to Defendants' Co-Lead Counsel's Second Set of Requests for Admission to the United States of America, Response to Request No. 3. Document is relevant to show knowledge of qualities and use of PFAS by entities other than the defendants. It is also relevant to show risk-benefit analysis of qualities and use of PFAS. 3M agrees to redact or remove cover page and docket numbers from filing prior to use at trial.
DTRX_000311	ADA432176	Aircraft Carrier Flight and Hangar Deck Fire Protection: History and Current Status (January 2005) – Robert L. Darwin Hughes Associates, Inc.	Relevance & Waste of Time (R.401/R.402/R.403/R.106) - Stuart does not involve AFFF use on an aircraft carrier or DoD use, thus this document is irrelevant and waste of the jury's time. Contains conflicting "Exhibit 25" Cover Page from prior Court pleading as well as docket numbers from filing. Prejudicial images of fires in military combat and may be afforded undue weight due the historical significance of military operations and disasters depicted. Includes hearsay statements within the documents including incomplete portions of reports or references, or what appear to be portions of other hearsay documents, the sources and authors of which cannot be identified. R.106 The document is incomplete and contains only 31 of at least a total of 97 pages identified in the TOC. For example, after page 1 it skips to page 40, and skips sections throughout, and the section on "Lessons Learned and Relevant Research" is missing page 93; section on "Current Shortcomings and Future Concerns: is missing entirely at pages 94-97; as is the section on "References" which is missing entirely at page 97+.	Defendants' Response: The United States confirmed the status of this document as a business record from the Defense Technical Information Center in November 2, 2021 U.S. Responses and Objections to Defendants' Co-Lead Counsel's Second Set of Requests for Admission to the United States of America, Response to Request No. 4. Document is relevant to the background and development of AFFF. Document's description of the benefits and use is also relevant to the risk/benefit analysis. Use of AFFF in historical fires is not prejudicial and is relevant to risk/benefit analysis for AFFF. Defendants agree to redact or remove cover page and docket numbers prior to use at trial. Defendants are also willing to replace document with the complete version of the document.
DTRX_000316	US-Darwin-00010008	Untitled	Relevance & Waste of Time (R.401/R.402/R.403) - Stuart does not involve MIL-Spec AFFF. Thus the history of the Development of AFFF is Not Relevant & a Waste of the Jury's Time. Further, the document is likewise hearsay with respect to the development of Light Water. Additionally, this document contains conflicting exhibit numbers and other marketing not original to the document (e.g., "Exhibit 30" Cover Page from prior Court pleading as well as docket numbers from filing. Contains Exhibit Sticker "Darwin Exhibit DCC286" Non-sequential bates numbers suggesting not produced in the manner kept in the regular course of activity and method of preparation indicating concern for its provenance. No Author Identified. No Date of Document. Includes hearsay statements within the documents including incomplete portions of articles or what appear to be portions of other hearsay documents, the sources and authors of which cannot be identified.	Defendants' Response: Document qualifies as an ancient document under Rule 806(16) because it is from before January 1, 1998. See November 1, 2021, Declaration of Robert L. Darwin (citing this document as one in his files, created prior to January 1, 1998, and received in the ordinary course of business for the Navy). Document is relevant to the background and development of AFFF. Document's description of the benefits and use is also relevant to the risk/benefit analysis.
DTRX_000772	N/A	S. King, City of Stuart: Water quality safe following concerns of potentially harmful chemicals in supply, ABC 25WPBF	Confusion/Waste of Time (R.403) - this local news article is discussing the slight uptick in PFOS levels in November 2022, but does so in the context of the original source of PFOS which is could cause juror confusion as to whether Stuart is aware that the original source of the PFOS is AFFF, which, of course it is aware of that; additionally, there is information included directing the reader to other articles that are irrelevant and more prejudicial than probative, see e.g. links to articles about a local homicide, links to EPA information implying the truth of the entirety of the exhibit or government approval of the information, as well as to "learn more about your health." Hearsay (R.802) & (R.805) (Hearsay within Hearsay)- The article attributes causes of PFOS levels to "city leaders" without identifying who those leaders are and does not quote the individual. Plaintiff does not object on hearsay grounds to the specific quotes in the article attributable to specific City personnel, i.e., Mike Woodside, so long as proper foundation is laid pursuant to R.801(d)(2) . The news article is first level Hearsay R.802 , second level are statements by identified and unknown sources.	Defendants' Response: Defendants agree that this, like other newspaper articles on Plaintiff's list, constitutes hearsay. However, as Plaintiff notes, this article contains admissions by representatives of the City of Stuart and are admissible under 801(d)(2). Defendants agree to limit use of this article accordingly assuming Plaintiff is bound by the same rules.

**Defendants' Trial Exhibits,
to which Plaintiff Has Remaining Objections**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_000965		Article J. Solomon, Stuart moves forward on long-term plan for more sustainable water source, TC Palm	Confusion/Waste of Time (R.401/R.402/R.403) - the article is discussing the period of time before Stuart was aware that its ion exchange treatment plant would adequately treat the surficial and thus inaccurately suggests that the City is going to the Floridan Aquifer; Hearsay (R.802) (R.805) - The article's author misstates the facts with respect to the City's PFAS treatment plant. Plaintiff does not object on hearsay grounds to the specific quotes in the article attributable to specific City personnel, i.e., Dave Peters. so long as proper foundation is laid pursuant Rule 802(d). Additionally, there is irrelevant information included directing the reader to other articles that are irrelevant and more prejudicial than probative, see e.g. links to "Best Tasting Water Supply" Link. The news article is first level Hearsay R.802. As well as a R.106 in relations to information related to the potential FLEPA loan and application for legislative grant is cursory and may require extensive information to contextualize and make complete.	Defendants' Response: Defendants agree that this, like other newspaper articles on Plaintiff's list, constitutes hearsay. However, as Plaintiff notes, this article contains admissions by representatives of the City of Stuart and are admissible under 801(d)(2). Defendants agree to limit use of this article accordingly assuming Plaintiff is bound by the same rules.
DTRX_001711	Stuart_2:18-cv-03487_00043464		Improper Lay Opinion (R.701) - Mr. Miller is an engineer who is providing a speculative opinion for which he does not have the requisite scientific, technical or specialized knowledge required under R.702 for identifying the source of PFAS contamination. Such opinion evidence Miller's speculative out of court statements related to is layman' assessment of highly technical opinions requires specialized training in hydrology and/or fate and transport. Mr. Miller was not disclosed as someone providing such testimony by Defendants. Additionally, Mr. Miller's statements providing an undisclosed and layman's summary of a study discussed in the email along with the link to that study, and his interpretation of its results as related to Stuart are pure speculation, and is based upon his unqualified interpretation of a hearsay document not contained in the exhibit, i.e. the study is not included in the email, and thus Mr. Miller's assessment in the email is incomplete (R.106); and the study itself should not be permitted into evidence under R.803(18), or used in trial until proper a foundation laid with a witness sufficient qualified to discuss its contents and context.	Defendants' Response: This statement constitutes a party admission under 801(d)(2). Mark Miller of Kimley Horn is a consultant of the City of Stuart on the disputed issues in this case. The City hired Mr. Miller and Kimley Horn to advise them on the very topics addressed in his email. In his CV, Mr. Miller describes himself, in part, as being a "licensed Professional Engineer who practices as a senior water treatment specialist with 35 years of experience. His principal areas of practice include water treatment systems design, hydraulic investigations and design, and structural engineering."
DTRX_001999	Stuart_2:18-cv-03487_00132435		Subject to Plaintiff's MIL No. 3. Plaintiff has moved to exclude all evidence and arguments regarding the city's receipt of funds from the State of Florida and/or Other Third Parties as Collateral Sources. R. 401 & R.403 - This document is part of an application for such funding but appears incomplete or in draft form, lack of clear date, identity of author, and completeness give rise to concerns about the exhibits preparation and/or probative value when balanced with its relevance.	Defendants' Response: Plaintiff's MIL No. 3 addresses materials relating to prior writings of Plaintiff's experts. Plaintiff's MIL No. 6 seeks to exclude evidence and arguments regarding Plaintiff's receipt of funds from the State of Florida and/or other Third Parties. As Plaintiff concedes in that MIL, any government funding provided to Plaintiff to transition to the Floridan Aquifer does not constitute a collateral source because Plaintiff claims to have abandoned this plan. Mr. Peters testified that this document was part of the same document dated 12/18/2015, which is a Kimley-Horn feasibility study.
DTRX_002608	Stuart_2:18-cv-03487_00617646		R.401/R.402/R.403 (Confusion & Waste of Time) - The email pertains to construction of a RO system that Stuart could never afford to build, never built, had to abandon and was in relation only to a feasibility study for such a RO facility, not the facility itself. The city was only looking into the feasibility study because of a grant opportunity that it turned out the city did not even qualify for. Thus, the fact that its outside engineer was pressuring them to do this is both irrelevant, will cause confusion and waste significant time explaining the context of this document. Moreover, statements made in these emails are highly prejudicial because without proper context or the need to waste time providing, there is probability that jurors could mistakenly believe that Stuart was considering draining contaminated water on or nearby park and recreation areas or other surface waters in the community, will cause confusion and waste significant time requiring a witness with sufficient technical/scientific/historical knowledge to explain the context of this document and the issues it implies. Improper Lay Opinion (R.701) - Mr. Miller is a fact witness on Defendants "may call" list and the email describes opinion evidence. Mr. Miller was not disclosed as someone providing opinion testimony by Defendants.	Defendants' Response: Plaintiff is seeking damages for fees charged by its consultants, including Kimley Horn, associated with investigating the implementation of an RO system to treat water from the Floridan Aquifer. Plaintiff is also seeking damages for "PFOS and PFOA related work" by the city staff and consulting time of Dave Peters for work on PFOA and PFOS. Neither of these damages components excludes time spent investigating transitioning to the Floridan Aquifer. This exchange between Kimely Horn and Dave Peters investigating sites for wells for the Floridan in 2014 is relevant to those components of Plaintiff's damages. This exchange is also relevant to show that Plaintiff was investigating transitioning to the Floridan Aquifer before PFAS became an issue for the City in 2016. Defendants do not intend to use this particular document to suggest that Stuart was considering draining contaminated water on parks or recreation areas and there is not a significant risk of juror confusion regarding the same. Nor is this document being used for purposes of introducing expert or lay opinion by Mark Miller.
DTRX_002999		Report by South Florida Water Management District, Upper East Coast Water Supply Plan Planning Document 2004 Update	Objection withdrawn except as the current version containing "JX 49" Cover Page from prior Court pleading as well as docket numbers from filing. This document contains conflicting exhibit numbers and other markings not original to the document.	Defendants' Response: Defendants agree to remove cover page and docket numbers prior to seeking to admit document into evidence.

**Defendants' Trial Exhibits,
to which Plaintiff Has Remaining Objections**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_003644	PENNA-NAVY-019778	MILITARY SPECIFICATION MIL-F-24385F: FIRE EXTINGUISHING AGENT, AQUEOUS FILM-FORMING FORM (AFFF) LIQUID CONCENTRATE, FOR FRESH AND SEAWATER Patricia A. Tatem and Clarence Whitehurst Naval Research Laboratory & Ralph Ouellette and Robert L. Darwin Hughes Associates, Inc	Relevance/Waste of Time (R.401/R.403) - Stuart does not involve AFFF Mil-Spec Foam, thus description of the MIL-Spec is entirely irrelevant to the AFFFs at issue at Stuart and will only serve to waste jury time.	Defendants' Response: Document is relevant to the background and development of AFFF. Document's description of the benefits and use of AFFF is also relevant to the risk/benefit analysis. The United States confirmed this document produced by the U.S. in this litigation is a business record in November 2, 2021 U.S. Responses and Objections to Defendants' Co-Lead Counsel's Second Set of Requests for Admission to the United States of America, Response to Request No. 3.
DTRX_003738	US-Darwin-00011594	NFPA Journal May/June 1995	Relevance/Waste of Time (R.401/R.402/R.403) - 165 page brochure marketing numerous irrelevant products and content intended to sell irrelevant products using aggressive marketing tactic and prejudicial imager. No indication of who the recipient of the brochure was other than a DoD entity See Naval Command. Moreover, Tyco/Ansul is no longer a defendant in the Stuart case thus a brochure about Ansul/Tyco is not relevant and would only serve to waste jury time. Hearsay (R.802 and R.805) - the document also contains hearsay statements (e.g. discussion of a white paper).	Defendants' Response: Document qualifies as an ancient document under Rule 806(16) because it is from May/June 1995. Document contains information relevant to the background, development, benefits, potential risks, and uses of AFFF at pages US-Darwin-00011662 through -00011668.
DTRX_003800		From Mark Miller To David Peters Mader Demonstrative: PFOS does not Biodegrade in the Environment, Answer: True	Improper Lay Opinion (R.701) - Mr. Miller is an engineer who is providing an opinion for which he does not have the requisite scientific, technical or specialized knowledge required under R.702 for identifying the source of PFAS contamination. Such opinion evidence requires specialized training in hydrology and/or fate and transport. Mr. Miller was not disclosed as someone providing such testimony by Defendants. Mr. Miller's statements providing an undisclosed and layman's opinion of a study discussed in the email along with the link to that study, and his interpretation of its results as related to Stuart are pure speculation, and is based upon his unqualified interpretations of a hearsay document not contained in the exhibit, i.e. the study is not included in the email, and thus Mr. Miller's assessment in the email is incomplete (R.106); and the study itself should not be permitted into evidence under R. 803(18), or used in trial until proper foundation laid with a witness sufficient qualified to discuss its contents and context.	Defendants' Response: This is a 2016 email from Mr. Miller of Kimley Horn to Mike Woodside of the City of Stuart describing a recent uptick in PFCs in reclaimed water that has already been treated by the City's water treatment system. The City was using this reclaimed water for irrigation at a number of locations in the City. This document is relevant to show that the City was on notice that reclaimed water that it was using for irrigation at various locations throughout the City had PFAS in it, which is relevant to comparative fault, mitigation of damages and Plaintiff's credibility. Defendants are not introducing the content of the study cited in this exchange or Mr. Miller's interpretation of that study as a lay or expert opinion as to its truth.
DTRX_003825	KimleyHorn_Stuart_191384	June 26, 2017 City of Stuart, Florida Agenda Item Request City Commission - Requesting Authorization for Execution of Legal Services Contract	Relevance/Prejudice (R.401/R.402/R.403) - An Attorney's Retainer Agreement is entirely irrelevant to any issue of fact in consequence to this action. Further, it is prejudicial to the city for the jury to know what the attorneys stand to earn from any verdict. The documents refers and cites to potentially necessary information to satisfy the Rule of Completeness depending on how the documents is used,. Plaintiffs prior objections/MILs related to Attorney Driven issues.	Defendants' Response: Defendants agree not to introduce the attached Attorney Retainer Agreement into evidence.
DTRX_005716	Stuart_2:18-cv-03487_00063317	Upper East Coast Entities' 2009 Progress Report	Hearsay (R.802) - the document contains hearsay statements. The document is also subject to MIL No 6 insofar as it details receipt of state revolving loans	Defendants' Response: This is admissible as an admission by a party opponent under 801(d)(2). This document was prepared by the City of Stuart and submitted in response to a request from the South Florida Water District. To the extent the document contains references to government loans, as set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that such loans should reduce the amount of damages sought by the City of Stuart. Defendants are willing to consider appropriate redactions consistent with the positions set forth herein and in response to Plaintiff's motion.
DTRX_006016		Australia, Expert Health Panel for PFAS. 2018. "Expert Health Panel for Per- and Poly-Fluoroalkyl Substances (PFAS) [PFAS Expert Health Panel – Report to the Minister]." Report to Australia, Dept. of Health. 446p., March. Accessed at http://www.health.gov.au/internet/main/publishing.nsf/Content/C9734ED6BE238EC0CA2581BD00052C03/\$File/expert-panel-report.pdf .	Relevance (R.401/R.402) - As a result of the regulatory framework, Stuart is required to treat its PFAS contamination so the fact that one particular Australian panel concluded that PFAS has no health risks is irrelevant since the EPA's position is that PFAS are most likely carcinogenic and is thus proposing PFAS MCLs. Stuart is under the EPA's umbrella, not Australia's, so the conclusions made to a foreign regulatory body are irrelevant; Hearsay (R.802/R.802) - the panel conclusions are also hearsay. And summarize other hearsay documents or statements potentially requiring to be contextualized or made complete that would in fairness be necessary to be considered at the same time.	Defendants' Response: Defendants should be permitted to use this article with an expert under Rule 803(18) as an exception to the hearsay rule. As to relevance, one area of dispute in this matter is the relative risk of PFAS to human health. It is important for the jury to hear and assess different assessment's as to the relative risk of PFAS, which experts will testify to, and not solely rely on the EPA's statements. Moreover, this type of evidence is relevant to assessing defendants' state of mind and reasonableness of their actions; not Stuart's.
DTRX_006882	Stuart_2:18-cv-03487_00659486	City of Stuart, Florida Adopted Budge Fiscal Years 2022	Portions of the budget relate to Plaintiff's MIL No. 6 to exclude evidence and/or argument related to funding for PFAS treatment which Plaintiff has moved to exclude as a collateral source, such portions need redaction	Defendants' Response: As set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that any funding for PFAS treatment should reduce the amount of damages sought by the City of Stuart. Defendants are willing to consider appropriate redactions consistent with the positions set forth herein and in response to Plaintiff's motion.
DTRX_006883	Stuart_2:18-cv-03487_00064665	FLEPA Letter to Tim Voelker, ity of Stuart RE: DW530431 - Stuart Installation of RO Treatment and Floridian Wells w/ Lonad Agreement	The document is subject to Plaintiff's MIL No. 6 to exclude evidence and/or argument concerning receipt of funds from third parties, including from the State of Florida, as collateral sources.	Defendants' Response: As set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that any funding for PFAS treatment should reduce the amount of damages sought by the City of Stuart. However, Plaintiff is maintaining that the cost of the RO facility built to access the Floridan Aquifer was a "central factor" in the City's decision to abandon its plans to continue work on that facility. This document relates directly to that disputed issue.

**Defendants' Trial Exhibits,
to which Plaintiff Has Remaining Objections**

Ex. No.	Beg Bates	Description	Plaintiff's Remaining Objections	Defendants' Responses to Plaintiff's Objections
DTRX_006890	Raftelis_Stuart_017801	Alternative Water Supply Update October 11, 2021	The document is subject to Plaintiff's MIL No. 6 to exclude evidence and/or argument concerning receipt of funds from third parties, including from the State of Florida, as collateral sources.	Defendants' Response: As set forth in Defendants' response to MIL No. 6, Defendants do not intend to argue that any funding for PFAS treatment should reduce the amount of damages sought by the City of Stuart. However, Plaintiff is maintaining that the cost of the RO facility built to access the Floridan Aquifer was a "central factor" in the City's decision to abandon its plans to continue work on that facility. This document contains statements directly related to that disputed issue.
DTRX_007506		Australia, Expert Health Panel for PFAS: Summary. 2018.	Relevance R.401/R. 402/R.403 - As a result of the regulatory framework, Stuart is required to treat its PFAS contamination so the fact that one particular Australian panel concluded that PFAS has no health risks is irrelevant since the EPA's position is that PFAS are most likely carcinogenic and is thus proposing PFAS MCLs. Stuart is under the EPA's umbrella, not Australia's, so the conclusions made to a foreign regulatory body are irrelevant; Hearsay (R.801/R802) - the panel conclusions are also hearsay. Authenticity R.901/R.902.(3)(3) Nor has this record's authenticity been properly established as because no extrinsic evidence has been produced to support what this exhibit purports to be nor has it been properly certified as a Foreign Public Record per R.902(3) as required to be self-authenticating.	Defendants' Response: Defendants should be permitted to use this article with an expert under Rule 803(18) as an exception to the hearsay rule. As to relevance, one area of dispute in this matter is the relative risk of PFAS to human health. It is important for the jury to hear and assess different assessment's as to the relative risk of PFAS, which experts will testify to, and not solely rely on the EPA's statements. Moreover, this type of evidence is relevant to assessing defendants' state of mind and reasonableness of their actions; not Stuart's. As to authentication, this document can be authenticated by an expert who can testify as to its source and the expert's understanding of the Australian's Health Panel's status as a reliable authority.

EXHIBIT C

May 8, 2023

City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487**Plaintiff's Core Trial Exhibits
to which Defendants Have Remaining Objections Outside of Motion in Limine Objections**

Ex. No.	Beg Bates	Description	Defendants' Remaining Objections
P1.AFFF0252	3M_AFFF_MDL02182920		3M: Agree that it can be used at trial to the extent a proper foundation is laid under FRE 803(18).
P1.AFFF0254	NF000108822		National Foam: 401, 403, HRS w/in HRS, Lobbying.
P1.AFFF0385	3M_MN00051484		3M: Agree that it can be used at trial to the extent a proper foundation is laid under FRE 803(18).
P1.AFFF2057			DuPont: 401, 403. Ammonium Perfluorooctanoate TLV is irrelevant to AFFF.
P1.AFFF2067	EID071436		DuPont: 401, 403. FC-143 is irrelevant to AFFF.
P1.AFFF2149	EID599980		DuPont: 401, 403. FC-118 is irrelevant to AFFF.
P1.AFFF2269	3M_AFFF_MDL00238619		DuPont: 401, 403. FC-143 is irrelevant to AFFF.
P1.AFFF2436	3M_AFFF_MDL01591598		3M: Hearsay as to handwriting.
P1.AFFF2489	3M_AFFF_MDL03251903		3M: Hearsay because document is unauthored and undated and source of document is unclear. Hearsay within hearsay because document cites statements of third parties.
P1.AFFF2492	3M_AFFF_MDL03374814		3M: Hearsay because document is unauthored and undated. Hearsay within hearsay because document reports statements of third parties.
P1.AFFF2498	3M_BELL00039544		3M: Hearsay within hearsay and authenticity as to handwritten notes, including but not limited to pages 7, 11, 16-18, 22-32, 113-15.
P1.AFFF2693	3MPRODUCTSAMPLE0000001		3M: Hearsay because report by third party group Eurofins.
P1.AFFF3168	BEACHEDGE_00001405		DuPont: Hearsay; 401, 403 as to European regulations. Document from witness file and is not a DuPont business record.
P1.AFFF3270	FFFC002597		3M: Hearsay because it is a statement of FFFC, which is not a party to this case.
P1.AFFF3427	PENNA-NAVY-018348		DuPont: Hearsay between Bowling, Atkins, and Dierdorf. Would agree to redactions down to Korzeniowski.
P1.AFFF3692		Fire Fighting Foam Coalition. Fact Sheet on AFFF Fire Fighting Agents. Arlington, VA: Fire Fighting Foam Coalition; 2009.	3M: 401 because FFFC is irrelevant to 3M. Hearsay because third party (FFFC) publication. Completeness because first page of document appears to be largely redacted. Authenticity because source of document is not clear. DuPont: Authenticity; Completeness (first page appears to be largely redacted).
P1.AFFF3922		National Toxicology Program (NTP). 2016. Monograph on Immunotoxicity Associated with Exposure to Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). Research Triangle Park, NC: National Toxicology Program. https://ntp.niehs.nih.gov/ntp/ohat/pfoa_pfos/pfoa_pfosmonograph_508.pdf .	3M: Hearsay within hearsay as to discussion of third-party studies and statements, including but not limited to on pages 9-10, 23-29, 51-56.
P1.AFFF3925		National Toxicology Program website printout. 2021. Per- and polyfluoroalkyl substances (PFAS).	3M: Hearsay within hearsay as to discussion of third-party studies and statements on pages 2-6.
P1.AFFF3948		Oiltechnics Fire Fighting Products. 2017. Fire fighting foam update. C6 foams.	3M: Authenticity because source is unclear. Hearsay because third-party document.
P1.AFFF4108		U.S. Environmental Protection Agency (EPA). Health Effects Support Document for Perfluorooctane Sulfonate (PFOS). May 2016. https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos .	3M: Hearsay within hearsay as to discussion of third-party studies and statements, including but not limited to pages 31-50.
P1.AFFF4152		U.S. Environmental Protection Agency. Press Release. "EPA Advances Science to Protect the Public from PFOA and PFOS in Drinking Water." Nov. 16, 2021. Internet: https://www.epa.gov/newsreleases/epa-advancesscience-protect-public-pfoa-and-pfos-drinking-water .	DuPont: Hearsay and 403 (prejudicial).
P1.AFFF4245	NF000075766		National Foam: 401, 403, HRS.
P1.AFFF4248	FFFC002544		3M: Hearsay because it is a statement of FFFC, which is not a party to this case.

May 8, 2023

City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487**Plaintiff's Core Trial Exhibits
to which Defendants Have Remaining Objections Outside of Motion in Limine Objections**

Ex. No.	Beg Bates	Description	Defendants' Remaining Objections
P1.AFFF4251	3M_AFFF_MDL03180750		3M: Hearsay within hearsay as to statements by 3M. DuPont: 401, 403. FC-143 is irrelevant to AFFF.
P1.AFFF4255	3MA00257421 - dupe		3M: Improper demonstrative. 403 because excerpts of document and deposition transcript are unduly prejudicial and confusing. Deposition transcript excerpts are subject to deposition designation objections.
P1.BB042	3MA00631017		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.BB050	3M_BELLO3185977		3M: Hearsay as to the entire document because it is not clear on its face what it is, who wrote it, or when.
P1.BB434	3MA00967406		3M: Authentication and hearsay as to handwritten notes.
P1.BB526			3M: Hearsay as to 3M (this is a Dynax document). Relevance because Dynax has been dismissed.
P1.DL0004	3M_BELLO0985788		3M: Hearsay as to report by third party. Hearsay within hearsay as to statements by 3M including but not limited to pages 2-5.
P1.DL0006	3M_AFFF_MDL00234610		3M: 403 and best evidence because pages 1-20 are illegible and confusing. Hearsay because some pages are unauthored and some pages are authored by third party (DuPont). DuPont: Rule 401, 403 FC-143 irrelevant to AFFF. Illegible and confusing.
P1.DL0007	3M_MN02267863		3M: Hearsay because letter from third party to third party.
P1.DL0008	3M_BELLO0054589		3M: Hearsay because document is unauthored and undated. Hearsay within hearsay because document cites statements of third parties.
P1.DL0009	3MA00967400		3M: Hearsay, foundation, and authenticity as to handwriting.
P1.DL0013	3M_AFFF_MDL00080683		3M: Hearsay because unauthored and no indication of source of document. Hearsay within hearsay to the extent the document is citing other sources.
P1.DL0018	3M_AFFF_MDL00499393		3M: Hearsay because unauthored and no indication of source of document. Hearsay within hearsay to the extent the document is citing other sources.
P1.DL0029	USEPA 15743 / WJB000002		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.DL0030	EID917954 / GLK000699		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.DL0031	3M_BELLO0039001		3M: Hearsay because unauthored, undated; no indication of source of document. Hearsay within hearsay to the extent the document is citing other sources. incomplete because sources of footnotes are not provided.
P1.DL0032	USEPA 15640 / RCG000172		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.DL0033	3M_BELLO2610941		3M: Hearsay within hearsay as to statements by other sources including ICI.
P1.DL0034	EID918337 / GLK002093		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.DL0035			3M: Hearsay within hearsay as to statements by other sources.
P1.DL0037	EID008492		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.DL0040	3M_BELLO0039915		3M: Completeness because file appears corrupted for example on page 4.
P1.DL0052	3M_BELLO0848126		3M: Hearsay because document is unauthored and undated, source of document is unclear, and contains unidentified handwriting.
P1.DL0060	3M_BELLO0050765		3M: Hearsay because letter from third party and as to handwriting.
P1.DL0086	3M_BELLO2617361		3M: Hearsay because document is undated, unauthored, and contains handwriting.
P1.DL0093	Navy02-00002442		3M: Hearsay because third party document (FFFC). 401 because FFFC is irrelevant to 3M.
P1.DL0094		Jönsson, J.E. Fact sheet on C6 fluorinated surfactants. www.fomtec.com.	3M: Hearsay because third party document (Fomtec).
P1.DL0100	AFFF-MDL-CHE-00001790		3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL0147		P1.6723 (C8 MDL trials exhibit)	3M: Agree that it can be used at trial to the extent a proper foundation is laid under FRE 803(18). DuPont: Hearsay.
P1.DL0151		P1.8688 (C8 MDL trials exhibit)	3M: Agree that it can be used at trial to the extent a proper foundation is laid under FRE 803(18).
P1.DL0273	EID086757 / RCG000094		DuPont: Rule 401, 403 FC-143 irrelevant to AFFF.
P1.DL0284			3M: Authenticity as to the handwritten notes on page 1.
P1.DL0354	3M_BELLO1945370		3M: Hearsay and authenticity as to the handwritten notes on pages 1 and 2.

May 8, 2023

City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487**Plaintiff's Core Trial Exhibits
to which Defendants Have Remaining Objections Outside of Motion in Limine Objections**

Ex. No.	Beg Bates	Description	Defendants' Remaining Objections
P1.DL0358		Barboza D. "E.P.A. Says It Pressed 3M for Action on Scotchgard Chemical." New York Times. May 19, 2000. (original publication)	3M: Authenticity and illegibility as to the entire document.
P1.DL0371		10.2006 2010/15 PFOA Stewardship Program Guidance on Reporting Emissions and Product Content	3M: 401/403 because it is a complex and technical EPA document about requirements for reporting emissions that are not relevant to this case and would confuse the jury into thinking there is widespread contamination or emissions outside of Stuart; Hearsay because it is a statement by EPA, which is not a party.
P1.DL0389	US-Darwin-00010031		National Foam: 401, 403. Plaintiffs have stipulated that the only NF branded product at issue is Universal Gold. Document relates to a Manufacturing Procedure for a product other than Universal Gold.
P1.DL0390	3M_AFFF_MDL00579820		3M: Hearsay because it is a statement of Clifford B. Hicks/Popular Mechanics, neither of which are parties to this case.
P1.DL0434		US2732398	National Foam: Relevance: No allegations Chemguard FS-220B used by Stuart Fire Rescue, therefore irrelevant to this case; 401, 403, HRS; 602 HRS. Email exchange between 2 UK employees of UTC Fire & Security about foams manufactured in the UK and never sold in the US and about FS not used in Universal Gold.
P1.DL0446	3M_AFFF_MDL01306235		3M: Authenticity and hearsay as to the handwritten notes on pages 1, 2, 4, 5, 6, 8, and 10.
P1.DL0447	3M_AFFF_MDL01306281		3M: Authenticity and hearsay as to the handwritten notes on pages 3, 4, and 6.
P1.DL0452	Kidde_Defendants_00251176		Kidde: 401, 403. This document is not relevant to any issues in dispute. The topic of the email -- the "buffer" in a formulation of AFFF not at issue -- is not relevant to this case. It will also be confusing for the jury and unduly prejudicial for the recipient of the email, Anne Regina, to be referred to as the "Queen of Foam" when (i) there is no evidence she was regularly referred to in that way; and (ii) the use of that appellation in this email has nothing to do with any of the issues in dispute.
P1.DL0454	NF000613052		National Foam: 401, 403. Plaintiffs have stipulated that the only NF branded product at issue is Universal Gold. Document relates to a Manufacturing Procedure for a product other than Universal Gold.
P1.DL0455		EPA Technical Fact Sheet - Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA), November 2017	3M: Statements summarizing conclusions of studies are hearsay and should be treated under Rule 803(18).
P1.DL0460	NF000455856		3M: Hearsay within hearsay as to the apparent statements, on page 2, by "Tom" at the FFFC, nonparties to this case, about 3M having "created" the "legacy issues" with PFAS. National Foam: FRE 401, 403, 602, Hearsay within Hearsay.
P1.DL0464	NF000165533		National Foam: Plaintiff has agreed to withdraw (through Tate Kunkle); 401, 403, HRS. Email exchange among 3 UK employees of UTC Fire & Security about foams manufactured in the UK and never sold in the US. Kidde: 401, 403, HRS w/in HRS. This email exchange relates to foams manufactured in the UK and never sold in the U.S. and is therefore not relevant and unfairly prejudicial for the reasons discussed regarding Exhibit P1.DL0462. It also contains embedded hearsay as it references a memo from an employee of the U.S. Navy and questions he had about the impact to telomer foams resulting from the EPA Stewardship Program.
P1.DL0466	Kidde_Defendants_00091854		Kidde: 403, HRS w/in HRS. This document is unfairly prejudicial and inflammatory given that the discussion surrounding a testing protocol is not relevant. At deposition, plaintiff used the document principally to imply that the drafter of the email had made an insensitive joke. The document also contains embedded hearsay.
P1.DL0467	NF000257454		National Foam: 401, 403, HRS w/in HRS. It is stipulated that the only National Foam product that could have potential contributed to any contamination in Stuart is Universal Gold. It is not disputed that National Foam used Forafac 1157N (a fluorosurfactant containing C8) up until April 10, 2015 when the conversion of Universal Gold to a C6 product was completed. This document impliedly relates to National Foam's continued use of Forafac 1157N in Universal Gold beyond the conversion date, which is not in question in this case and this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P1.DL0468	NF000415593		National Foam: 401, 403, HRS w/in HRS. It is stipulated that the only National Foam product that could have potential contributed to any contamination in Stuart is Universal Gold. It is not disputed that National Foam used Forafac 1157N (a fluorosurfactant containing C8) up until April 10, 2015 when the conversion of Universal Gold to a C6 product was completed. This document impliedly relates to National Foam's continued use of Forafac 1157N in Universal Gold beyond the conversion date, which is not in question in this case and this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.

May 8, 2023

City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487

**Plaintiff's Core Trial Exhibits
to which Defendants Have Remaining Objections Outside of Motion in Limine Objections**

Ex. No.	Beg Bates	Description	Defendants' Remaining Objections
P1.DL0469	NF000415595		National Foam: 401, 403, HRS w/in HRS. It is stipulated that the only National Foam product that could have potential contributed to any contamination in Stuart is Universal Gold. It is not disputed that National Foam used Forafac 1157N up until April 10, 2015 when the conversion of Universal Gold to a C6 product was completed. This document impliedly relates to National Foam's continued use of Forafac 1157N in Universal Gold beyond the conversion date and the ability to sell a AFFF containing C8 in Latin America, which are not in question in this case and this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P1.DL0470	NF000415573		National Foam: 401, 403, HRS w/in HRS. It is stipulated that the only National Foam product that could have potential contributed to any contamination in Stuart is Universal Gold. It is not disputed that National Foam used Forafac 1157N (a fluorosurfactant containing C8) up until April 10, 2015 when the conversion of Universal Gold to a C6 product was completed. This document impliedly relates to National Foam's continued use of Forafac 1157N in Universal Gold beyond the conversion date, which is not in question in this case and this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P1.DL0471	NF000470314		National Foam: 401, 403, HRS w/in HRS. This document is dated after the last sale of any C8-containing Universal Gold to the City of Stuart, but pertains to National Foam's continued use of certain C8 containing fluorosurfactants in products other than Universal Gold, which is the only National Foam product at issue in this case. Therefore, this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P1.DL0472	Kidde_Defendants_00179722		Kidde: HRS w/in HRS. This document contains embedded hearsay as it contains references throughout to supposed statements made by Dynax employees to Kidde employees. Dynax is no longer a defendant in this action, and no hearsay exception applies.
P1.DL0479		Fire Fighting Foam Coalition State and Federal Legislation on AFFF (FFFC Website)	3M: 401/403 as to this website capture which describes lobbying activities by FFFC, which is not a party to the case; Hearsay as to this website because it is statement by FFFC, which is not a party to the case.
P1.DL0485	Kidde_Defendants_00069654		3M: 401/403 and hearsay within hearsay as to the speculative and inflammatory comments throughout this email repeating sentiments of unidentified nonparties such as "[s]ome people here think that 3M is plotting a rebirth in the fire industry" and "[o]thers think this is another American plot to dominate the world." Kidde: 403, HRS w/in HRS. This document contains embedded hearsay as it references the supposed contents of a "confidential paper," which is not otherwise identified and to which no exception to the hearsay rule applies. The document is also more prejudicial than probative.
P1.DL0490	Kidde_Defendants_00067516		3M: 403 as to the incomplete and misleading representation of the scientific data on PFOS and as to the inflammatory and gratuitous reference to human birth defects. National Foam: FRE 401, 403. Kidde: 403. Plaintiff has sought to use the "ugly babies" language in this document in an inflammatory way and misleading fashion. any potential relevance of this document is outweighed by prejudice.
P1.DL0497	Kidde_Defendants_00251583		Kidde: 401, 403, HRS w/in HRS. Like P1.DL0462 and P1.DL0464, this document relates to a Kidde UK product which is not in question in this case and this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P1.DL0519	NF000063179		3M: 401/403 as to the reference on page 1 to "an incident in a village in upstate NY that had an issue with PFOA contamination." National Foam: FRE 401, 403.
P1.DL0806	3M_AFFF_MDL00647494		3M: Hearsay as to the document which on its face has no date or author.
P1.DL0898	3MA00967775		3M: Authenticity and hearsay as to the handwriting on pages 2-5.
P1.DL0934	3M_MN03423907		3M: Authenticity and hearsay as to the handwriting on page 4.
P1.DL1052	3M_AFFF_MDL00016709		3M: 401/403 as to the entire document because it concerns a different and irrelevant product (Scotchguard).
P1.DL1053	3M_BELL01443247		3M: 401/403 as to the entire document because it concerns different and irrelevant products (FC-807 and FC-10); Authenticity and hearsay as to the handwriting on pages 3, 4, and 6.
P1.DL1056			3M: Authenticity (appears to be a demonstrative not an exhibit).

May 8, 2023

City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487**Plaintiff's Core Trial Exhibits
to which Defendants Have Remaining Objections Outside of Motion in Limine Objections**

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P1.DL1114		FFFC Best Practice Guidance for Use of Class B Firefighting Foams (5.2016)	3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL1115		FFFC Best Practice Guidance for Fluorinated Firefighting Foams	3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL1130	AFFFTC00717600		3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL1221	3M_BELL00538605		3M: 401 to the extent this includes production of products/chemistries not at issue in this case; Foundation, authenticity, and completeness as to the entirety of the document, the origin of which is unknown.
P1.DL1225	3M_BELL00538616		3M: Foundation, authenticity, and completeness as to the incomplete and draft nature of the document that is missing sections (see, e.g., page 14).
P1.DL1229	3M_AFFF_MDL01064043		3M: Authenticity and hearsay as to the handwriting on pages 1-2.
P1.DL1271		Transcript of Videotaped Deposition of Richard Newmark, PhD, October 23, 2019. In re Nylaan.	3M: Object to admission of deposition transcript.
P1.DL1387	3M_AFFF_MDL00019951		3M: Hearsay because document is unauthored and undated, and not made at or near the time of the events described.
P1.DL1391	3M_AFFF_MDL01789404		3M: Hearsay objection for handwritten notes.
P1.DL1396	3M_AFFF_MDL00419759		DuPont: 401, 403 as FC-143 is irrelevant to AFFF.
P1.DL1422	3M_MN05367080		3M: Rule 401 as it relates to page 4, which references products not at issue in this case.
P1.DL1423		EPA Risk Management for Per- and Polyfluoroalkyl Substances (PFAS) under TSCA printout	3M: Hearsay as it is a website overview page from the EPA.
P1.DL1424	3M_BELL00039796		3M: Hearsay as it is an unauthored, draft document.
P1.DL1425	3M_AFFF_MDL00118637		3M: Hearsay: unauthored, draft document.
P1.DL1428		Perfluorooctanesulfonyl fluoride, CRCS, Inc., working draft	3M: R401; R403; Hearsay 3rd party "working draft" document prepared w/ EPA funding.
P1.DL1487	ARKEMA INC_AFFF0000012		3M: Documents is from a third party and doesn't have to do with product at issue in this case; 401 and hearsay.
P1.DL1491	AFFFTC00111678		3M: Rule 401: Branded foam (Tyco) not at issue in this case.
P1.DL1570		Potential for Bioaccumulation demonstrative	3M: Lawyer created demonstrative; not an exhibit or record.
P1.DL1571		Demonstrative of DL9 and DL1571	3M: Lawyer created demonstrative; not an exhibit or record.
P1.DL1573			3M: Hearsay because document is unauthored and undated.
P1.DL1574		Toxic demonstrative	3M: Lawyer created demonstrative; not an exhibit or record.
P1.DL1577		Confidential Videotaped Deposition of Thomas DiPasquale, J.D., December 1, 2017, transcript excerpt	3M: Deposition Transcript Excerpt, not a document or record.
P1.DL1696	3M_BELL00500527		3M: Hearsay because document is unauthored and undated and source is unclear.
P1.DL1872	AFFF-MDL-CHE-00005308		3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL1909	FFFC000059		3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL1914	AFFF-MDL-EID-06608864		3M: Hearsay because it is a statement of FFFC, which is not a party to the case.
P1.DL1926	FF_NAVY11_00327164		3M: Hearsay because it is a statement of FFFC, which is not a party to this case.
P1.LP044	3M_BELL02717862		3M: 401 as to the email attachment (pages 2-5) because it concerns another product (FM 4115).
P1.LP052	3M_AFFF_MDL00578922		3M: Foundation, authenticity, and hearsay as to the entire exhibit, which lacks a date or author.
P1.LP053	3M_BELL01518421		3M: Foundation, authenticity, and hearsay as to the entire exhibit, which lacks an author.
P1.LP057	3M_AFFF_MDL00046983		3M: Foundation, authenticity, and hearsay as to the entire exhibit, which lacks an author.
P1.LP061	3M_BELL00054431		3M: 401/403 because DiPasquale's "thinking" about how 3M was going to "use the SPI" is far afield from Stuart's claims and will be used to unfairly suggest the entire company shared DiPasquale's thinking.
P1.LP084	3M_AFFF_MDL00048903		3M: Foundation, authenticity, and hearsay as to the entire exhibit, which lacks an author.
P1.LP184	3M_AFFF_MDL00030285		3M: Hearsay; no author; undated; not established at Chetan's deposition; hearsay within hearsay for statements by Jennifer Fields from Oregon State University.
P1.LP240	AFFFTC00218780		3M: 401/403; Hearsay and authenticity; slides from ACS Meeting presentation given by non-party (Dynax Corporation); additional hearsay objections as to attachments to slides, including journal article and letter from Australian Minister to FFFC.

May 8, 2023

City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487

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P1.LP423		The 3M™ ScaleGard™ HP Reverse Osmosis System is now NSF 58 Certified	3M: 401/403 -- Technical Update for 3M RO system unrelated to PFAS treatment not relevant to disputed issues; product is designed to clean water for hot and cold beverages.
P1.LP505		3M ScaleGard HP Reverse Osmosis WaterFilter System 5629101	3M: Hearsay website printout from third party; 401/403 -- information for RO system unrelated to PFAS treatment not relevant to disputed issues; product is designed to clean water for hot and cold beverages; 401/403 as to references to pool and spa filters and furnace filters.
P1.LP519	AFFFTC00196407		3M: Hearsay statement by non parties (Tyco and Dynax); 401/403.
P1.LP520	AFFFTC00196408		3M: Hearsay and authenticity; slides from ACS Meeting presentation given by non-party (Dynax Corporation); 401/403.
P1.LP525	AFFFTC00133287		3M: Hearsay internal memo from non-party (Dynax); 401/403.
P1.LP750	AMEREX_00445765		3M: Hearsay email correspondence between nonparties (OSU and Solberg); 401/403.
P1.LP754	3M_AFFF_MDL00122279		3M: Hearsay slide deck created by nonparty (Solberg).
P1.LP804	NF000069664		DuPont: 401, 403: A presentation being made to Angus Fire, which markets AFFF to the European market. Because its discussion includes potential regulatory implications for Europe (and is being presented Angus Fire), it's irrelevant, confusing to the jury, and misleading.
P1.LP806	NF000127224		National Foam: 401, 403. Email exchange with manager of sales for European products is irrelevant and discussion of "legislation" and views of others is therefore confusing and unduly prejudicial.
P1.LP811	NF000008609		National Foam: 401, 403, HRS w/in HRS. This document is dated after the last sale of any C8-containing Universal Gold to the City of Stuart, but pertains to National Foam's continued use of certain C8 containing fluorosurfactants in products other than Universal Gold, which is the only National Foam product at issue in this case. Therefore, this email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P1.LP812	NF000008619		National Foam: 401, 403, HRS w/in HRS. This document pertains to National Foam's continued use of certain C8 containing fluorosurfactants after the date that National Foam ceased using any C8 fluorosurfactant in Universal Gold, which is the only National Foam product at issue in this case This email is therefore irrelevant and would be both confusing and unfairly prejudicial to show the jury.
P2.DL1803	WSP_Stuart_008000		3M: Illegible. DuPont: illegible.
P2.Stuart029		data	DuPont: Annotations for demonstrative purposes.
P2.Stuart126	Stuart_2:18-cv-03487_00062390		3M: Completeness (document appears to be cut off at p. 9)
P2.Stuart169	Stuart_2:18-cv-03487_00774406		3M: Authentication; hearsay; appears to be improper summary of AFFF sales created for purposes of litigation; hearsay within hearsay as to citations to deposition transcripts. Kidde: FOD, HRS, 901, improper summary of AFFF sales created for purposes of litigation.
P2.Stuart234	Stuart_2:18-cv-03487_00742686		3M: Authentication; improper summary; hearsay; unauthored, undated, improper summary of damages apparently prepared for purposes of litigation. DuPont: 401/403/1006 improper summary. Kidde: 401, 403, FOD.
P2.Stuart239	Stuart_2:18-cv-03487_00775762		DuPont: 401/403 unclear where document came from.
P2.Stuart240	Stuart_2:18-cv-03487_00717735		3M: Authentication; improper summary; hearsay; unauthored, undated improper summary of damages apparently prepared for purposes of litigation. DuPont: 401/403/1006 improper summary.
P2.Stuart241	Stuart_2:18-cv-03487_00775774		3M: Improper summary; hearsay; hearsay within hearsay as to invoices; improper summary of damages apparently prepared for purposes of litigation. DuPont: 401/403/1006 improper summary.
P2.Stuart243	STUART_2:18-CV-03487_00775430		DuPont: Hearsay.
P2.Stuart686	STUART_2:18-CV-03487_00775770		3M: Authenticity and foundation as to the entirety of the document because it is not clear on its face what it is, who wrote it, or when.

May 8, 2023

City of Stuart, FL, v. 3M Company et al. ,
 No. 2:18-cv-03487

Plaintiff's Core Trial Exhibits
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P2.Stuart701	Stuart_2:18-cv-03487_00379072		Kidde: 401, 403.
P2.Stuart840	STUART_2:18-CV-03487_00778086		3M: Authentication; improper summary; hearsay; unauthored, undated improper summary of damages apparently prepared for purposes of litigation. DuPont: 401/403/1006 improper summary. Kidde: 401, 403, foundation.
P2.Stuart875		Town of Jupiter Staff Report for Comp Plan Text Amendment, dated 12/10/2019	3M: Authentication; 801 non-party document; Town of Jupiter Document plus consultant report of Town of Jupiter. DuPont: 401/403 and hearsay.