

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

IN RE: 3M COMBAT ARMS
EARPLUG PRODUCTS
LIABILITY LITIGATION

Case No. 3:19md2885

This Document Relates to:
Cases on Exhibit A

Judge M. Casey Rodgers
Magistrate Judge Hope T. Cannon

ORDER

As the registration process for Master Settlement Agreement (“MSA”) I Eligible Claimants progressed, a number of Claimants inadvertently submitted Registration Forms electing to opt out of the Settlement Program and continue litigating against the Defendants when they actually intended to elect to participate in the Settlement Program. Such mistakes occurred even after the Court entered Case Management Order (“CMO”) No. 80, ECF No. 3974, which allowed erroneous opt-out elections to be corrected if a Claimant made the erroneous election through January 15, 2024. Likewise, MSA I has always contemplated that some Litigating Plaintiffs would later change their minds and decide to opt in to the Settlement Program.¹

The Claimants (now Litigating Plaintiffs) identified on Exhibit A have indicated to the Settlement Administrator that, despite opting out of the settlement during the

¹ See, e.g., Section 5.9 of MSA I.

registration period and becoming a “Litigating Plaintiff,” they intend to participate in the Settlement Program.

Consistent with the spirit of CMO 80 and MSA I, it is **ORDERED** that:

1. The deadlines in CMO 57² for the Litigating Plaintiffs on Exhibit A are tolled by **thirty (30) days** from the date of this Order to facilitate the process of correcting erroneous opt-out elections.
2. To the extent a Litigating Plaintiff on Exhibit A has a status conference scheduled in his/her individual case, that conference is hereby cancelled. The Court will reschedule the conference(s) for a later time should the Litigating Plaintiff(s) fail to actually change his/her election.
3. Litigating Plaintiffs on Exhibit A have **ten (10) days** from the date the Settlement Administrator notifies their Primary Counsel or a *pro se* Claimant of the registration opportunity to complete and return the registration packet, as outlined in Exhibit B. Likewise, Litigating Plaintiffs on Exhibit A electing to participate in the Expedited Payment Program must submit any supplemental documents to BrownGreer during that same 10-day period; no supplemental documents may be submitted for consideration after the 10-day deadline.³

² Including any modifications to the statute of limitations-related requirements in the Order at ECF Nos. 3998 and 4013.

³ Those who elect to participate in the Deferred Payment Program will have until July 26, 2024, to submit their supplemental documents.

4. The Clerk is directed to enter a copy of this Order on the MDL docket and on the individual docket for each of the cases identified on Exhibit A.

SO ORDERED, on this 20th day of February, 2024.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE