

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

IN RE: 3M COMBAT ARMS ) Case No. 3:19-md-02885  
EARPLUG PRODUCTS LIABILITY )  
LITIGATION ) Judge M. Casey Rodgers  
)  
) Magistrate Judge Hope T. Cannon  
This Document Relates to: )  
All Cases )  
\_\_\_\_\_ )

**ORDER OF APPOINTMENT  
(Settlement Data Administrator)**

On July 19, 2019, this Court appointed BrownGreer PLC to serve as the electronic platform firm for the Combat Arms Litigation and directed the parties to utilize BrownGreer’s MDL Centrality to gather, organize and report on various categories of information. Since that appointment, BrownGreer has provided the Court and the parties with valuable and timely reporting on the data and documents on MDL Centrality, and the Court and the parties will continue to utilize MDL Centrality to assist it in the management of this litigation. Further, in connection with the putative settlement of this litigation, the Court and the parties will continue to need the able assistance of BrownGreer with respect to a variety of reporting aspects as set forth more fully in the Master Settlement Agreement (“MSA”) between the parties, and per the MSA the parties have jointly applied to the Court to

appoint BrownGreer as the Settlement Data Administrator.<sup>1</sup> Accordingly, in accordance with the parties' agreement, the Court expands the appointment of BrownGreer as set forth below.

1. In accordance with the Court's Identification Order, Case Management Order No. 60, all CAE Counsel are directed to serve their Identification Order Declarations via MDL Centrality within fourteen (14) days (the "Reference Date").
2. Within fifteen (15) days of the Reference Date, BrownGreer will submit a report to the Court, the Minnesota Court, and the Parties which deduplicates and identifies Eligible Claimant listed on an Identification Order Declaration (the "Identification Order Report").
3. During this time period, Eligible Claimants are encouraged to upload any and all additional audiometric data to MDL Centrality. BrownGreer will coordinate and facilitate the intake of this information from Eligible Claimants.
4. BrownGreer shall provide the Identification Order Report and all of the underlying data in a digital file to the Settlement Administrator,

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<sup>1</sup> The Combat Arms Master Settlement Agreement is available on the Court's public website for the 3M MDL, <https://www.flnd.uscourts.gov/3m-products-liability-litigation-mdl-no-2885>.

ARCHER Systems, at the same time that it provides the Report to the Court and the Parties.

5. Further, throughout the administration of this settlement, and at least through 2029, BrownGreer shall Report to the Court, the Parties and the Settlement Administrator on any cases filed after the Reference Date (“New Case Report”).
6. With respect to any Claimant who elects not to participate in the putative settlement and, as a result, must satisfy the requirements of Case Management Order No. 57 (“CMO 57”), BrownGreer shall:
  - a. Evaluate all documents and information served through MDL Centrality to determine whether such documents and information comply with the requirements set forth in CMO 57.
  - b. Notify any Claimant who fails to comply with all the requirements of CMO 57 and advise such Claimant that he/she has thirty (30) days to cure all deficiencies.
  - c. Report to the Court any Claimant who fails to cure all deficiencies on a timely basis (the “Deficiency Report”).
7. The Settlement Data Administrator has been delegated authority to process Identification Order Declarations, as well as the documents and information submitted pursuant to CMO 57, including any applicable

deficiency process. There will be no show cause orders issued in connection with any deficiencies. Failure to timely and strictly comply with the applicable requirements, deadlines, and/or deficiency notices will result in dismissal with prejudice **WITHOUT FURTHER NOTICE**.

8. The Settlement Data Administrator's duties may be further expanded by order of the Court, if deemed necessary for the fair, effective, and efficient management of the litigation and/or the Settlement Program.
9. Other than the payment obligation set forth in Article 3 of the MSA, 3M shall have no responsibility for any fees, expenses, or costs in connection with BrownGreer as the Settlement Data Administrator, or any other professional or process in connection with the administration of the settlement.

**SO ORDERED**, on this 29th day of August, 2023.

*M. Casey Rodgers*

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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**