



August 30, 2023

BrownGreer, MDL Centrality and 3M MDL Identification Order Implementation

On August 29, 2023, Judge Rodgers issued several Orders to implement the Combat Arms Master Settlement Agreement (the “MSA”). This email addresses the initial steps needed for counsel to comply with those Orders.

If you have any questions about MDL Centrality or its functions that support the MSA, email BrownGreer at any time at 3Mearplugs@browngreer.com.

This information is for ATTORNEYS REPRESENTING PLAINTIFFS in 3M EARPLUG CASES

Case Management Order 60 (“Identification Order”)

In Case Management Order 60 (the “Identification Order”) (Document 3814), the Court directed all CAE Counsel for Eligible Claimants for whom they are Primary Counsel and all Eligible Pro Se Plaintiffs to take the following actions *by no later than September 12, 2023 (the “Reference Date”)*:

Each CAE Counsel shall take any and all reasonable steps necessary to identify all of the Eligible Claimants for which they are Primary Counsel, whether or not those claimants have a filed case. To determine if you are the Primary Counsel for an Eligible Claimant, please refer to the terms of the Identification Order.

All CAE Counsel must submit a Declaration via MDL Centrality, under penalty of perjury, that identifies all of the CAE Counsel’s Eligible Claimants.

The Identification Order requires that Counsel provide the following information for each Eligible Claimant:

1. The name of the Eligible Claimant;
2. The address of the Eligible Claimant;
3. The Eligible Claimant’s Date of Birth;
4. The Eligible Claimant’s SSN;
5. The Eligible Claimant’s cellular phone number;

6. The Eligible Claimant's email address, if any;
7. The Court in which the Eligible Claimant's case has been filed (if the case has been filed);
8. The Active or Administrative Docket Number (if the case has been filed, including if the case was subsequently dismissed without prejudice); and
9. The MDL Centrality Plaintiff ID Number (if the Eligible Claimant has ever been registered as an MDL Plaintiff via MDL Centrality).

Counsel must submit the Eligible Claimants List in both Excel and in PDF. To help you make your List, BrownGreer has created a pre-filled Eligible Claimants List for each law firm using information stored in MDL Centrality for each Plaintiff currently associated with the firm, regardless of the Plaintiff's current status.

The deadline for submission of the Counsel Declaration and Eligible Claimants List is September 12, 2023 (the "Reference Date").

BrownGreer and MDL Centrality cannot accept an Identification Order Declaration or Eligible Claimants List unless submitted through these steps:

1. Log in to MDL Centrality using your existing access credentials.
2. Go to the CMO 60 Identification Order box on the home page.
3. Counsel select the blue-hyperlink for the *Identification Order Declaration* and *Eligible Claimants List* to download copies of both to your computer.
4. After completing the *Identification Order Declaration* and saving a copy to your computer or local network, return to the Identification Order box on your firm's home page, select *Identification Order Declaration* from the document type dropdown, locate the saved copy on your computer or local network, and then choose Upload.
5. Modify and/or supplement the pre-filled information on your *Eligible Claimants List* saved to your computer or local network, return to the Identification Order box on your firm's home page, select Eligible Claimants List from the document type dropdown menu, locate the saved copy on your computer or local network, and then choose Upload. Before you upload it, make sure that you have filled in any data points that were missing (especially the Claimant's email address and cell phone number, which have not been part of the information placed in MDL Centrality), corrected anything needing correction, and added anyone not on the list.
6. MDL Centrality will send an email confirming receipt of your upload and second email after we processed the data on your *Eligible Claimants List*.

NOTE: The Identification Order process outlined above to submit your Eligible Claimants List is separate and independent of the ongoing registration process in MDL Centrality. If you have previously registered or now register a new plaintiff with MDL Centrality, you still must complete the process outlined above as ordered by the Court. If you are submitting a CAE Claimant to MDL Centrality for the first time in the Identification Order process, BrownGreer automatically will register that new CAE Claimant with MDL Centrality so that you may submit

the necessary Forms for that CAE Claimant. This is *not* the same as the Registration step required in the MSA, which will come later.

ALSO NOTE: The Court has directed that failure by CAE Counsel to include on the referenced Declaration all Eligible Claimants in which CAE Counsel is Primary Counsel will be a violation of the Identification Order and will subject (a) such unidentified CAE Claimants to dismissal with prejudice and (b) CAE Counsel to potential sanctions by either the MDL Court or the Minnesota Court or both. These Declarations are critical to the Court's ability to administer the Settlement Program effectively. As the Court has instructed, there will be no notices of deficiency and no opportunities to cure for the failure to timely submit a Declaration.

Case Management Order 59 (Adding Claimants to the Administrative Docket)

Under Case Management Order 59 (the "Docketing Procedures Order") (Document 3813), the Administrative Docket will be reopened for fourteen days from the date of the Court's entry of the Docketing Procedures Order to allow the addition of Eligible Claimants, as defined in the MSA, who retained CAE Counsel *before September 13, 2022* (which is one year from the date the Administrative Docket was closed) and whose CAE Claims have been tolled, have been served but not filed, or have otherwise never been filed in any court for any reason.

To add a CAE Claim to the Administrative Docket, the Docketing Procedures Order requires Counsel for a qualifying Eligible Claimant to submit a Short Form Complaint through MDL Centrality in accordance with the submission procedures previously used for the Administrative Docket before it closed in 2021.

Follow these steps to comply:

1. Log in to MDL Centrality using your existing access credentials.
2. Select Search from the navigation menu.
3. Identify the plaintiff for whom you will submit a Short Form Complaint.
4. Select Start next to Short Form Complaint to provide the required information.
5. After providing the necessary information, choose the green Submit button on the left side of the screen.

You can submit new Short Form Complaints through MDL Centrality.

BrownGreer will transfer the submitted Short Form Complaints to the Clerk's Office. The Clerk's Office will create an individual case and docket for each Short Form Complaint, assign it an individual case number, and associate the case with the Administrative Docket. Any Eligible Claimant who is added to the Administrative Docket must fully comply with the requirements of the MSA and the orders of the Court, including fulfilling the obligations set forth in the Identification Order by the Reference Date and Case Management Order 58 (the "Settlement Implementation Order") (Document 3812).

Census and DD 214 Form Submission Requirements

Under the Settlement Implementation Order, all Eligible Claimants who have not already completed and submitted Census and DD 214 Forms through MDL Centrality must do so in accordance with the following deadlines:

(a) Eligible Claimants with CAE Claims filed on the MDL Active Docket or Administrative Docket as of the date of the Settlement Implementation Order, and who are currently subject to a deadline for submission of a Census and/or DD 214 Form, must timely submit the requisite form(s) through MDL Centrality by the previously imposed deadline.

(b) Eligible Claimants with CAE Claims filed on the MDL Active Docket or Administrative Docket as of the date of the Settlement Implementation Order, and who are *not* currently subject to a deadline for submission of a Census and/or DD 214 Form, must produce the requisite forms through MDL Centrality within 14 days of entry of the Settlement Implementation Order.

(c) All other Eligible Claimants—including Eligible Claimants whose CAE Claims either have been tolled, have been served but not filed, have otherwise never been filed in any court for any reason, and/or were previously dismissed without prejudice for failure to comply with a court order and have yet to refile as of the entry of the Settlement Implementation Order—must produce the requisite forms through MDL Centrality within 14 days of submitting their Declaration under the Identification Order.

WARNING: The Court expects timely and strict compliance with the Census and DD 214 Form requirements. Failure to timely and strictly comply with the applicable Census and/or DD 214 requirements and deadlines will result in dismissal with prejudice without further notice.

If a Claimant is still on Active Duty or served only as a Military Contractor and is therefore exempt from the requirement to submit a DD 214, you must notify BrownGreer immediately with the MDL Centrality ID Number and Name of the Claimant so that they can record the status.