

3M Combat Arms Earplug v2

**Settlement Agreement Announcement
Sept. 8, 2023, Case Management
Conference**

By: Negotiating Parties Plaintiffs Counsel



Overview

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Global Settlement to resolve all CAE claims for \$6.01 billion

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- 98% Participation Threshold
- Payments dependent on participation and occur periodically over six (6) years - from September 2023 through July 2029
- Will include expedited pay and full evaluation program with an EIF
 - Expedited Program payments will begin early 2024

Overview

What cases are included?

- **ALL CAE CASES**
- Bellwether verdicts
- Wave cases
- All cases filed on administrative or active dockets
- All cases filed/served in Minnesota state court
- All cases tolled by 3M but not yet filed
- All other unfiled cases

Key Events

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- Settlement Announcement = August 29, 2023
- Identification of Claimants (“The Reference Date”) = September 12, 2023
- Wave Case Initial Registration Deadline = December 12, 2023
- Initial Registration Deadline = January 12, 2024
- Wave Case Final Registration Deadline = February 12, 2024
- Final Registration Deadline = March 12, 2024

Key Metric

- Participation Level
 - 3M's payment obligations and walkaway rights are conditioned on the participation level
 - The **participation level** will be calculated monthly, starting March 28, 2024
 - Cases count as reaching Participation Level thresholds they **(1) participate in the settlement, (2) are dismissed with prejudice, or (3) would, participate, but have bankruptcy or probate pending**

Identification

- On August 29, 2023, the MDL Court entered an order **requiring all counsel to submit a declaration identifying all CAE claimants for whom that counsel is Primary Counsel.**
- Pursuant to the MSA and CMO 60 and the equivalent order in Minnesota state court, **all CAE Counsel must submit and Identification Order Declaration by September 12, 2023** (“the Reference Date”)
- **All cases, including Wave Cases, must be listed** on Identification Declarations
- **Any filed (active or admin docket) cases not listed on an Identification Declaration will be dismissed with prejudice**
- **Any unfiled cases listed on an Identification Declaration must be filed within 10 Days, no later Sept. 22, 2023.**

Identification

A lawyer is Primary Counsel if:

1. for an Eligible Claimant with a filed case on the MDL docket (administrative or active) and Minnesota docket, including Eligible Claimants previously dismissed without prejudice who are represented:
 - a. if **CAE Counsel is listed as the registering Law Firm in MDL-Centrality**, or
 - b. if **CAE Counsel is the counsel of record** for any Eligible Claimant filed and/or served in Minnesota;
or
2. for any Eligible Claimant with an unfiled CAE Claim:
 - a. if **CAE Counsel has an engagement or retainer agreement** with such Eligible Claimant, **as of the Reference Date**;
 - b. If **Counsel has entered into a tolling agreement** for such Eligible Claimant.

CAE Counsel shall not be Primary Counsel for Eligible Claimants dismissed without prejudice if CAE Counsel's representation of that Eligible Claimant ended prior to the Reference Date.

Identification

- Information to be provided includes each Eligible Claimant's:
 - Name; date of birth; social security number; cell phone number; email address; Court of filing; case number; and MDL-Centrality Plaintiff ID number

The obligation to identify all Eligible Claimants for which CAE Counsel is Primary Counsel applies regardless of whether the Eligible Claimants intend to participate in the MSA.

Deceased Claimants

- Identification Order Information **must** be submitted by Sep. 12, 2023.
 - **Deceased Plaintiff information:**
 - SSN
 - DOD
 - **Surviving Representative:**
 - Contact Information
 - Address
 - Cell
 - Phone Number
 - Email

Registration

- Four (4) months for eligible claimants to decide to participate in the Settlement
 - All identified claimants must submit a completed registration form
 - **Due Date: January 12, 2024 (December 12, 2023 for Wave Cases)**
 - Claimants that fail to submit a registration form by the deadline **will be dismissed with prejudice**
 - Claimants that chose to litigate will be governed by the MDL Court's CMO 57 and will have significant discovery obligations beginning 30 days after they choose not to participate in the settlement

What Do I Need To Do If?

- Case is filed on MDL active, MDL admin, or MN dockets?
 - Step 1: Counsel identification
 - Step 2: Client Registration
 - Continue to comply with DD214 and census requirement

Settlement Program

Settlement Program

- Claimants will have two options: (1) expedited pay; (2) full evaluation program
 - Expedited pay will be first in first out, simple payment grid with goal of payment claimants as money is available (depends on participation rates and payment schedule)
 - Full Evaluation program will be a points-based system intended to give full compensation based on more detailed evaluation of hearing loss records, along with an EIF fund for extraordinary cases.

Litigation Requirements

Litigation Process and CMO 57 Requirements

- All claimants will have the choice to not participate in the settlement by submitting a registration form and selecting that option
- 30 days after such election, claimants will be subject to CMO 57 as “Litigating Plaintiffs”
- CMO 57 also applies to any cases filed after August 29, 2023 that are not included on an Identification Order Declaration

