

CASE MANAGEMENT CONFERENCE

SEPTEMBER 8, 2023

3M PRODUCTS LIABILITY LITIGATION, MDL NO. 2885

MASTER DOCKET NO. 3:19MD2885



AGENDA

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- Court Appointments
- ARCHER Lien Resolution Administrator (LRA) Responsibilities
- ARCHER Settlement Administrator Responsibilities
- ARCHER Settlement Program Process
- ARCHER Settlement Program Logistics
- ARCHER Bankruptcy Coordination
- ARCHER Probate Coordination
- ARCHER QSF Administration
- ARCHER Reporting

3M COMBAT ARMS EARPLUGS COURT-APPOINTED ADMINISTRATORS AND SPECIAL MASTERS

Lien Resolution Administrator & Settlement Administrator	Common Benefit Fund Special Master, CPA, & QSF Co-Trustee	Settlement Data Administrator	Settlement Special Master	Settlement Allocation Master	Extraordinary Injury (EIF) Settlement Master
ARCHER Systems, LLC	Randy Sansom, CPA	BrownGreer, PLC	John W. Perry, Jr., Esq.	Matthew Garretson, Esq.	J. Christopher Klotz, Esq.

ARCHER shall be responsible for coordination and implementation of the Settlement Program pursuant to the MSA. ARCHER shall serve as the Settlement, Lien Resolution and Qualified Settlement Fund Administrator ("QSF") Administrator and shall act as fiduciary of the settlement trust in accordance with the provisions of the Trust Agreement, the MSA and orders of the Court.

Co-Trustee/Co-Administrator of QSF. Review and work with the CBF Committee to approve common benefit Shared Costs for reimbursement, as well as to review and approve common benefit Attorney Time and Held Costs for potential reimbursement.

Electronic platform firm for Combat Arms Litigation to assist in the management of this litigation. BrownGreer has gathered claimant information since the inception of the litigation through MDL Centrality. To further the settlement goals, BrownGreer will gather additional information, organize the claimant data, and issue a report in accordance with CMO 60 (Identification Order). All data will originate from BrownGreer and will be transferred to ARCHER.

The Settlement Special Master is appointed to decide potential disputes between the Parties concerning the MSA regarding the following topics:

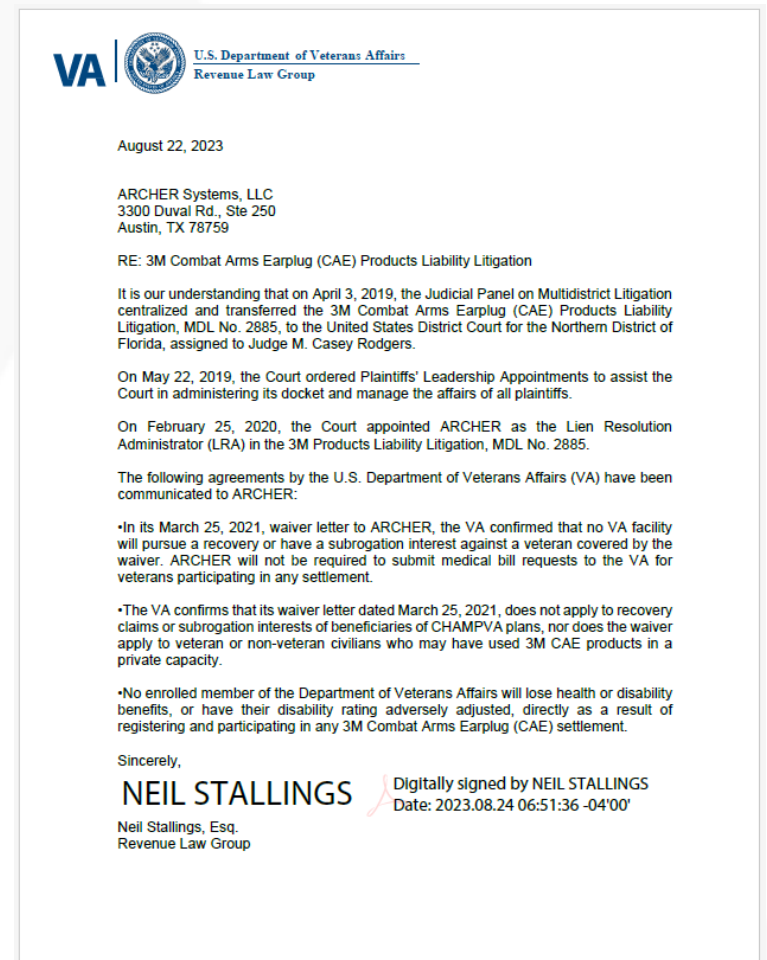
- Challenges to the Identification Order Report
- Challenges to Calculations of Participation Levels
- Satisfaction of Clean Docket Bonus
- Calculation of Amounts due to the QSF by Reserve Fund
- Disputes over validity of releases

The Settlement Allocation Master shall be responsible for designing an allocation methodology that will be applicable to all Eligible Claimants. The Settlement Allocation Master shall review and approve ARCHER's application of his allocation methodology and resulting Eligible Claimants' settlement awards.

The Extraordinary Injury Settlement Master shall work with the Settlement Allocation Master to establish the criteria and process for an Eligible Claimant to seek additional compensation from any Extraordinary Injury Fund. Thereafter, the Extraordinary Injury Master shall develop equitable criteria for assessing qualified applications to the EIF and shall apply those criteria to the facts of the Claimant's case to determine (a) whether to grant an additional award of compensation from the EIF and (b) the amount of any such additional award.

ARCHER APPOINTED AS LIEN RESOLUTION ADMINISTRATOR (LRA) ON FEBRUARY 25, 2020

- On March 25, 2021, ARCHER secured from the Veterans Affairs agency (VA):
 - A **waiver of any medical liens**,
 - Agreement that no claimant's disability rating will be adversely affected.**
- The medical liens waiver and agreement **does not apply**:
 - To any participating claimant who may have used 3M CAE products outside of the military in a private capacity or,
 - To any spouse, widow(er), or dependent claimants who are beneficiaries of a CHAMPVA plan.
- The VA confirmed that **no VA facility will pursue a recovery or have a subrogation interest** against a veteran covered by the waiver.
- ARCHER **will not be required to submit medical bill requests** to the VA for veterans participating in any settlement.
- Enrolled member of the Department of Veterans Affairs **will NOT lose health or disability benefits or have their disability rating adversely adjusted.**
- ARCHER as LRA must verify and resolve all other government medical liens such as those held by Medicare, Medicaid, and TriCare.



ARCHER APPOINTED AS LIEN RESOLUTION ADMINISTRATOR (LRA) ON FEBRUARY 25, 2020








- ARCHER will execute processes with Medicare, state Medicaid agencies, and TriCare to identify claimant lien obligations, if any, and where applicable, will establish a sufficient lien holdback until a claimant's lien obligation(s) has been resolved.

ARCHER must submit every registered claimant to Medicare for verification of entitlement, i.e., plan coverage, and expects resolution of all Medicare entitled claimant liens to be resolved through a Medicare Global Model. Verification of entitlement results and finalization of the Global Model to be applied to Medicare claimants is expected to be completed by December 15, 2023.

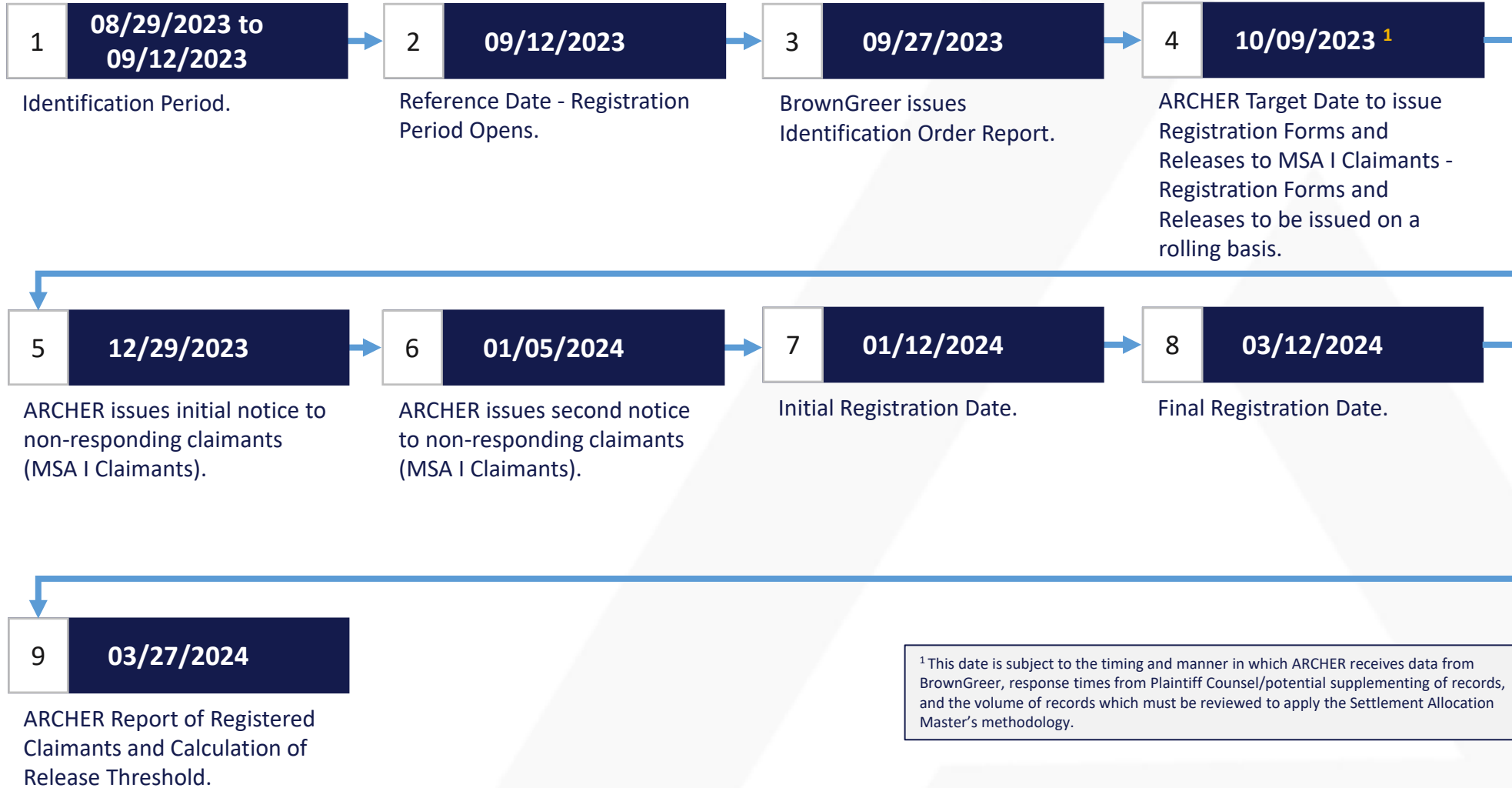
ARCHER must also submit every registered claimant to applicable state Medicaid agencies where a claimant resided during and after the CAE utilization start date as indicated on the claimant's Lien Questionnaire. The timing of verification of Medicaid coverage and finalization of applicable liens varies by state and ranges between 90 to 180 days on average.

For claimants who were treated for injuries while on active duty, ARCHER must verify with TriCare whether that agency has any medical liens to assert against registered claimants. TriCare is organized by branch of military service and regions within those branches and currently has no centralized claimant verification point of contact. Historically, TriCare requires at least 6 months to verify coverage and to assert its liens.

ARCHER SETTLEMENT ADMINISTRATOR RESPONSIBILITIES

-  Compilation and Review of Data/Records
-  Application of Settlement Allocation Master Methodology
-  Registration Form and Release Administration
-  Lien Resolution Administration
-  Bankruptcy Coordination
-  Probate Coordination
-  QSF Administration

REGISTRATION TIMELINE WITH ARCHER TARGET DATES – MSA I

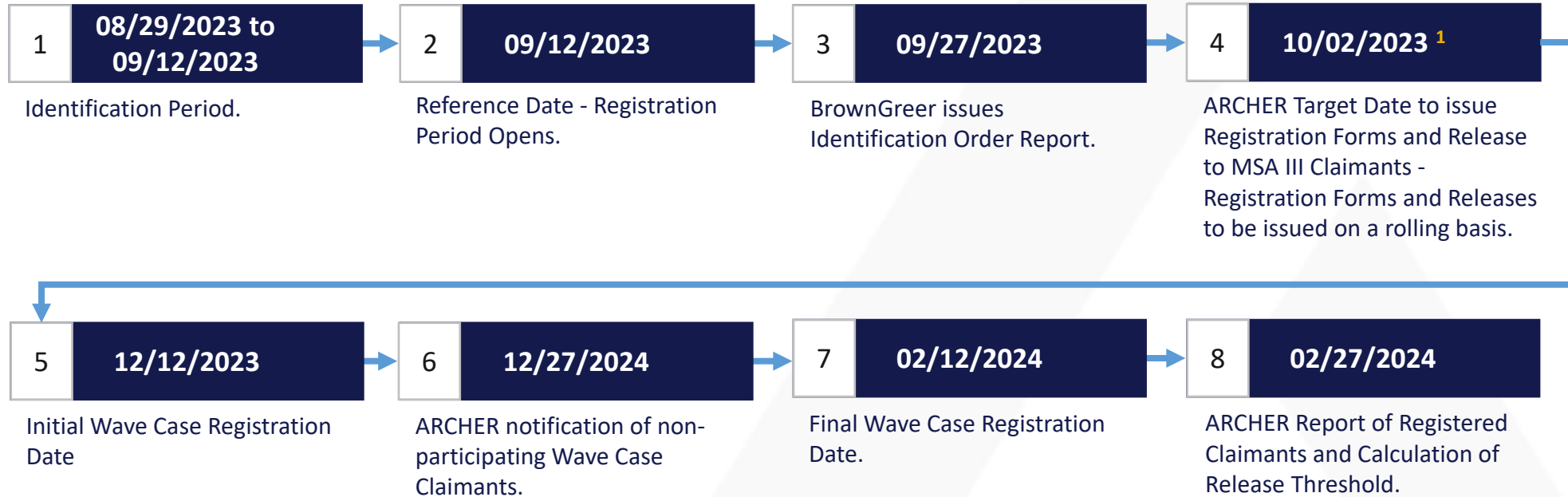


¹ This date is subject to the timing and manner in which ARCHER receives data from BrownGreer, response times from Plaintiff Counsel/potential supplementing of records, and the volume of records which must be reviewed to apply the Settlement Allocation Master's methodology.

INITIAL REGISTRATION DATE & FINAL REGISTRATION DATE – MSA I

January 12 th , 2024	<p>Initial Registration Date</p> <p>The initial deadline for submission of Registration Forms shall be four (4) months from the Reference Date (the “Initial Registration Date”).</p>
January 19 th , 2024	<p>Seven (7) days after the Initial Registration Date, ARCHER shall provide a list of Non-Responding Claimants to the Parties and the MDL and MN Court. Such list shall be divided by Non-Responding Claimants who have filed CAE Claims and Non-Responding Claimants who have not filed CAE Claims.</p>
January 19 th , 2024	<p>ARCHER shall provide a report of the of Non-Participating Claimants.</p>
January 24 th , 2024	<p>CAE Counsel submit Disengaged Claimant List</p>
March 12 th , 2024	<p>Final Registration Date</p> <p>Non-Participating Claimants who elect not to participate by the Initial Registration Date, but change their mind following the notice from the Settlement Administrator and/or a meeting with the MDL Court or the MN Court, as specified in any of such courts, and submit a Registration Form shall be treated as Registered Claimants. The date sixty (60) days after the Initial Registration Date shall be the Final Registration Date which shall apply to all Eligible Claimants listed on an Identification Order Declaration.</p>

REGISTRATION TIMELINE WITH ARCHER TARGET DATES – MSA III



¹ This date is subject to the timing and manner in which ARCHER receives data from BrownGreer, response times from Plaintiff Counsel/potential supplementing of records, and the volume of records which must be reviewed to apply the Special Master's settlement allocation methodology.

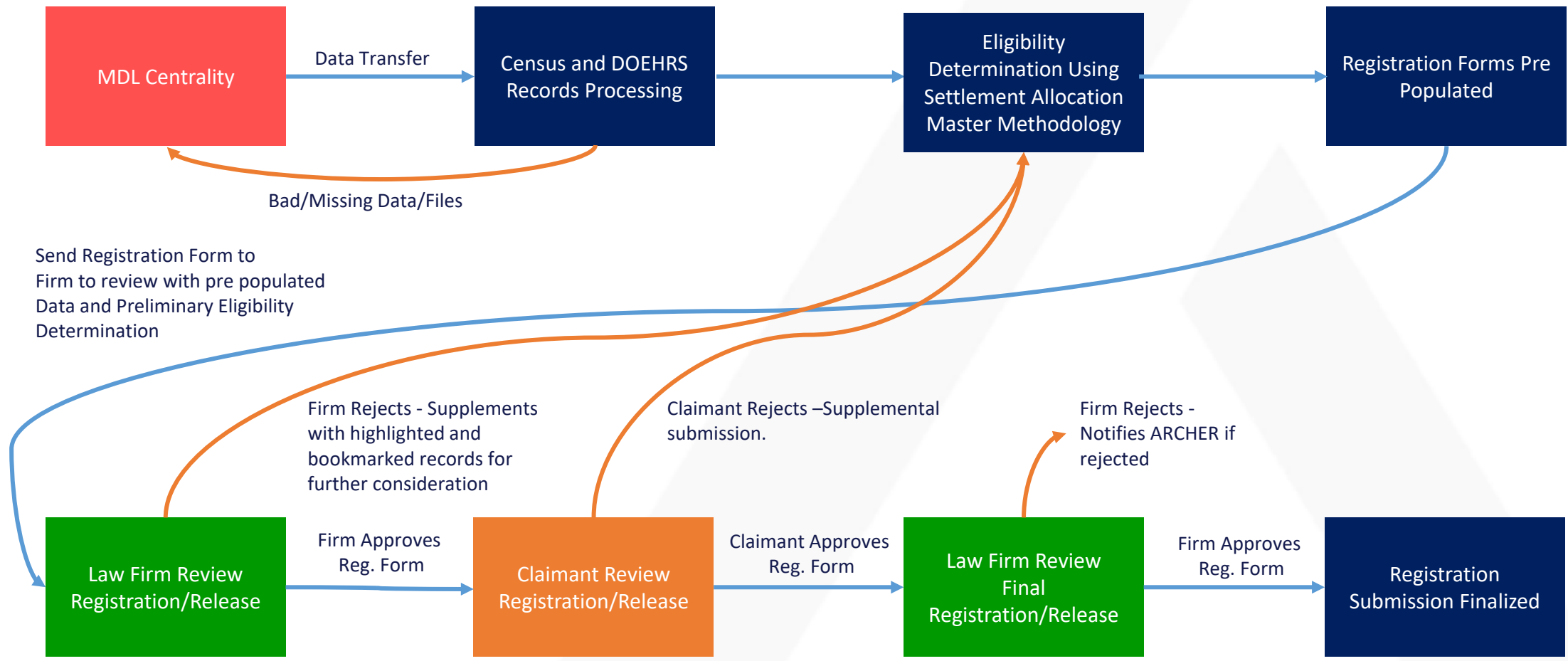
ARCHER SETTLEMENT PROGRAM PROCESS

ARCHER is currently working with BrownGreer to receive and ingest data.



ARCHER SETTLEMENT PROGRAM PROCESS

DATA FLOW



Legend

 BrownGreer	 Law Firm	 Archer Systems	 Claimant	→ Proceed	→ Reject
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ARCHER SETTLEMENT PROGRAM LOGISTICS

EVERY law firm is going to have an opportunity to update or supplement the claimant information to ARCHER.

EVERY law firm is going to have the opportunity to review the prepopulated Registration Form and confer with their clients prior to distribution to claimants.

ARCHER will notify firms before any general correspondence is distributed to claimants.

- For the purpose of determining how to best contact claimants, ARCHER will be sending out an introductory communication announcing our role as Settlement Administrator through our claims administration portal.
- CAE Counsel is encouraged to introduce ARCHER as Settlement Administrator prior to introductory communication.
- ARCHER will be updating and reporting any invalid contact information so firms can supplement.
- ARCHER will provide Plaintiff Firms full visibility to their clients in the claims administration portal.
- Plaintiff Firms will have an opportunity to review claimant's directives before they are finalized.
- Claimants without an email or cell phone number who are therefore unable to submit registration program documents electronically will be processed alternatively.
 - Details of the alternative process will be outlined in future communications from ARCHER.

ARCHER BANKRUPTCY COORDINATION RESPONSIBILITIES**MSA I**

Each Eligible Claimant shall agree, and by executing the Release does agree, that he or she will indicate on his or her Registration Form whether a bankruptcy action is currently pending in which he or she is seeking bankruptcy protection. Eligible Claimants subject to any bankruptcy court proceeding or jurisdiction will be responsible for resolving any issues arising from the bankruptcy before any Settlement Payment may be made to such Claimant.

MSA III

Each Wave Case Claimant shall agree, and by executing the Release does agree, that he or she will indicate on his or her Wave Case Registration Form whether a bankruptcy action is currently pending in which he or she is seeking bankruptcy protection. Wave Cases Claimants subject to any bankruptcy court proceeding or jurisdiction will be responsible for resolving any issues arising from the bankruptcy before any Payment under the Wave Settlement may be made to such Wave Case Claimants.

ARCHER BANKRUPTCY COORDINATION RESPONSIBILITIES

- MSA I & MSA III Registration Forms include the following questions:
 - Has the Eligible Claimant (or *Wave Case Claimant*) declared bankruptcy or sought bankruptcy protection at any time since the date the Eligible Claimant (or *Wave Case Claimant*) contacted an attorney regarding his/her use of the CAE (YES or NO)? Or,
 - Is there a bankruptcy action currently pending in which you are seeking bankruptcy protection (YES or NO)?
 - If YES to either question, the Eligible Claimant is required to provide Bankruptcy Court/Jurisdiction, Case Number, & Date Filed.
- ARCHER will work in conjunction with Plaintiffs' & Defendants' Leadership and the Court to develop a Bankruptcy Coordination Protocol on behalf of debtor Eligible Claimants

ARCHER PROBATE COORDINATION RESPONSIBILITIES

- ARCHER shall coordinate the estates of deceased Eligible Claimants.

>\$75,000

The Release shall not be effective until executed by a representative for the deceased Eligible Claimant appointed in accordance with applicable state law representative for the deceased Eligible Claimant appointed in accordance with applicable state law

<\$75,000

The Release shall be effective if signed by all beneficiaries identified in a family settlement affidavit or the representative satisfies the small estate administration rules consistent with applicable state law.

- Moreover, in the event that a motion for substitution of parties under Rule 25, Federal Rules of Civil Procedure, is made and granted by the MDL Court, such new party shall be entitled to register and participate in the settlement as if the deceased Eligible claimant were still alive.
- Release shall be signed by a beneficiary recognized under state law. Such Release shall be deemed sufficient for satisfying such deceased Eligible Claimants' Release execution; ARCHER shall not, however, distribute any funds on behalf of a deceased Eligible Claimant until ARCHER, as Claims Administrator, confirms that the Release has been executed in accordance with the Parties' MSA.

ARCHER QSF ADMINISTRATION RESPONSIBILITIES

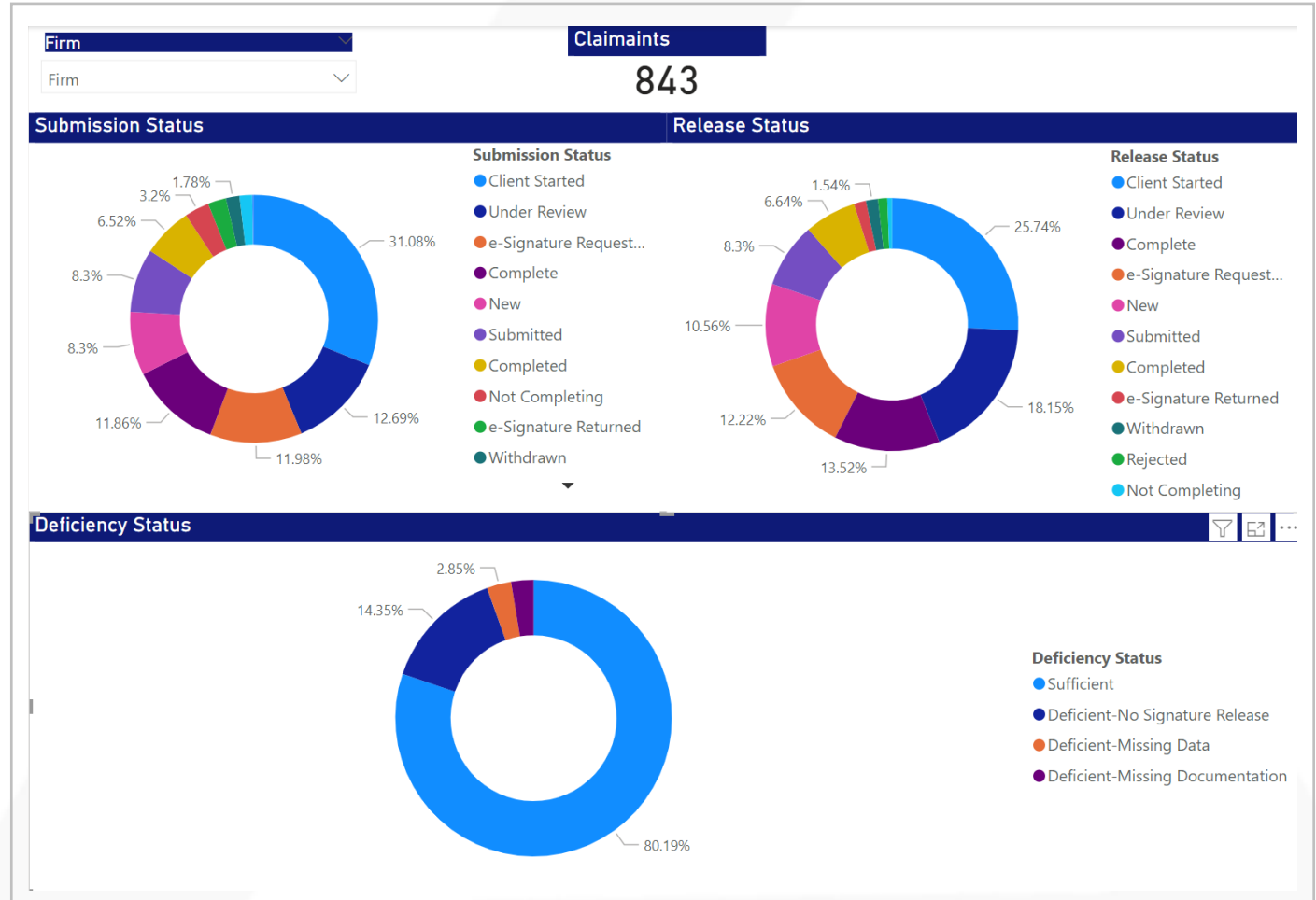
- ARCHER, as QSF Administrator, shall be solely responsible for payments directly to all Eligible Claimants, their healthcare lienholders, and CAE Counsel for attorneys' fees and costs upon the satisfaction of all conditions precedent to the distribution of settlement proceeds.
 - Upon ARCHER's request, CAE Counsel shall provide ARCHER with all attorneys' fees, expenses and lien information in their possession.
- Disbursements for MSA I Expedited Pay will be made on a first in/first out basis as funds are available over time.
- Disbursements for MSA I Full Evaluation will be made in annual partial disbursements for a period up to five (5) years pursuant to the MSA.
- Disbursement approval process to be developed in concert with Special Master and Co-Trustee/Court-Appointed CPA, Randy Sansom.
- Payments will be made on a rolling basis as Registered Claimants become eligible to receive their net awards:
 - Eligible Claimants may elect to receive their net awards via electronic payment(s).
 - ARCHER will work with the QSF custodial bank to establish procedures for fraud prevention.
- Claimant-related attorneys' fee payments and expense reimbursements will be made on a rolling basis as their Eligible Claimants become qualified for payment.

ARCHER REPORTING

Plaintiff Law Firms will have access to the ARCHER Reporting Portal as well as a document-sharing platform.

Plaintiff Law Firms will have access to claimant status across registration, lien resolution, bankruptcy coordination (if applicable), probate coordination (if applicable), and QSF administration.

Sample Dashboard



Illustrative Only. Not Actual Data

SAMPLE VIEW – BY SUBMISSION STATUS

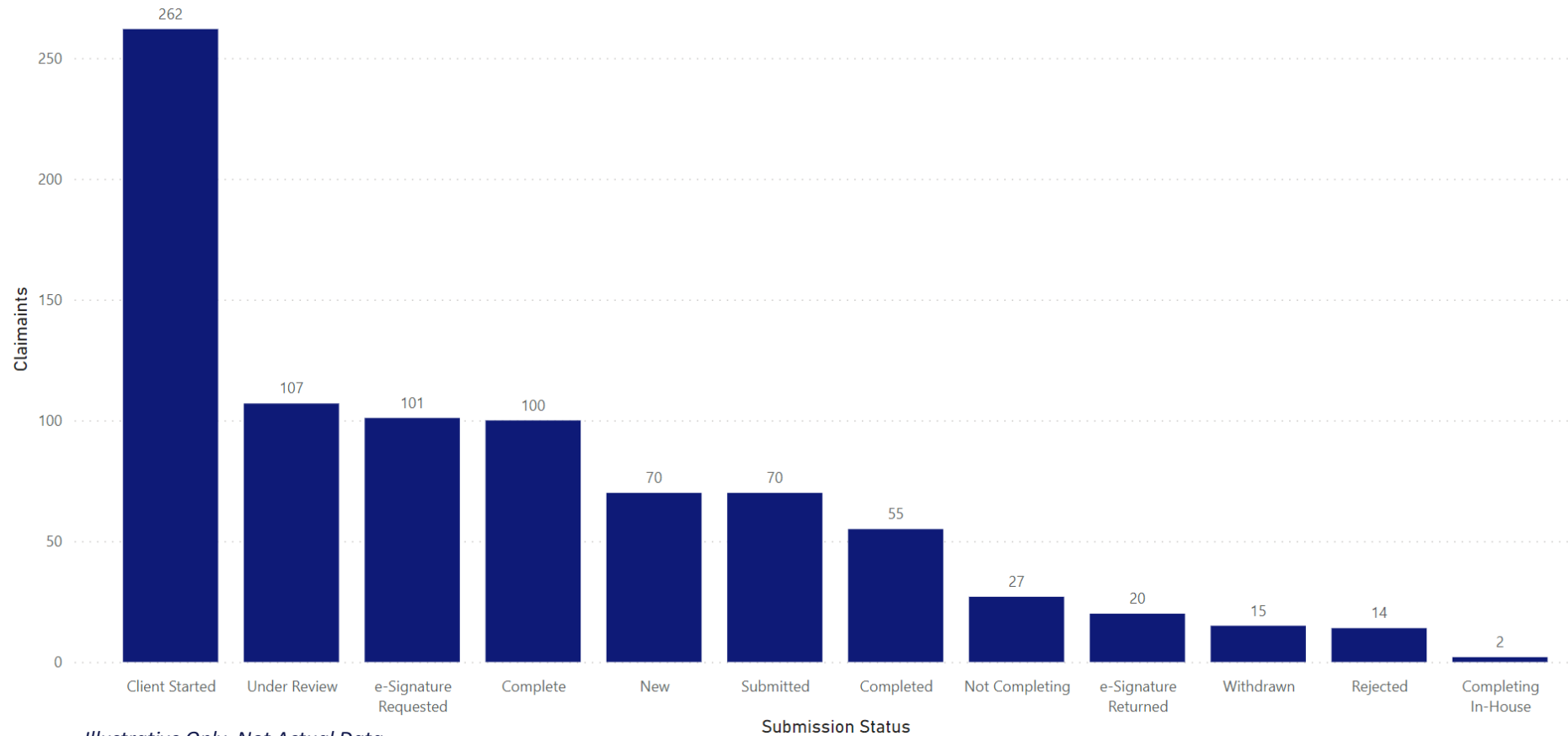
Claimants

843

Firm

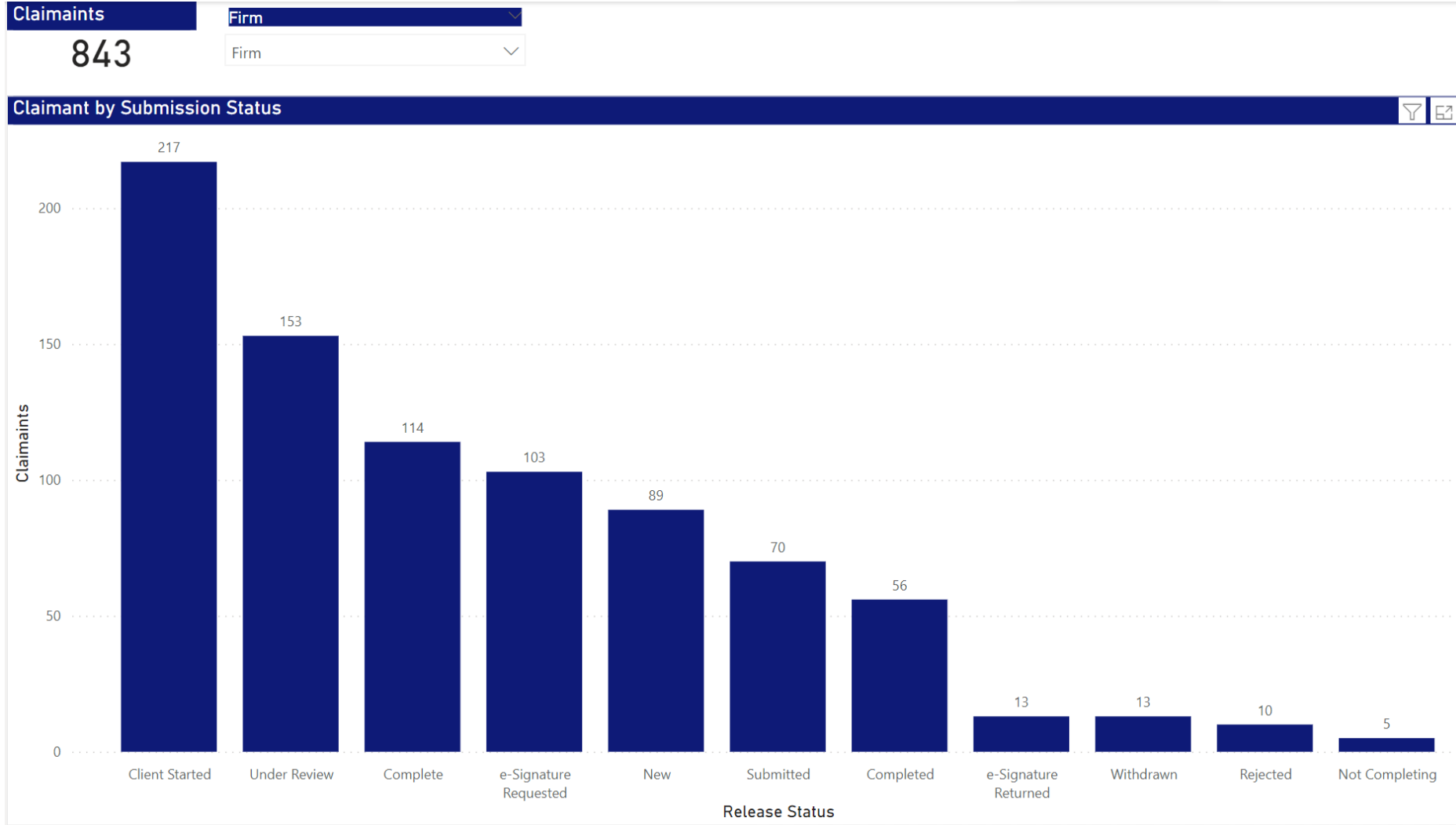
Firm

Claimant by Submission Status



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SAMPLE VIEW - BY RELEASE STATUS

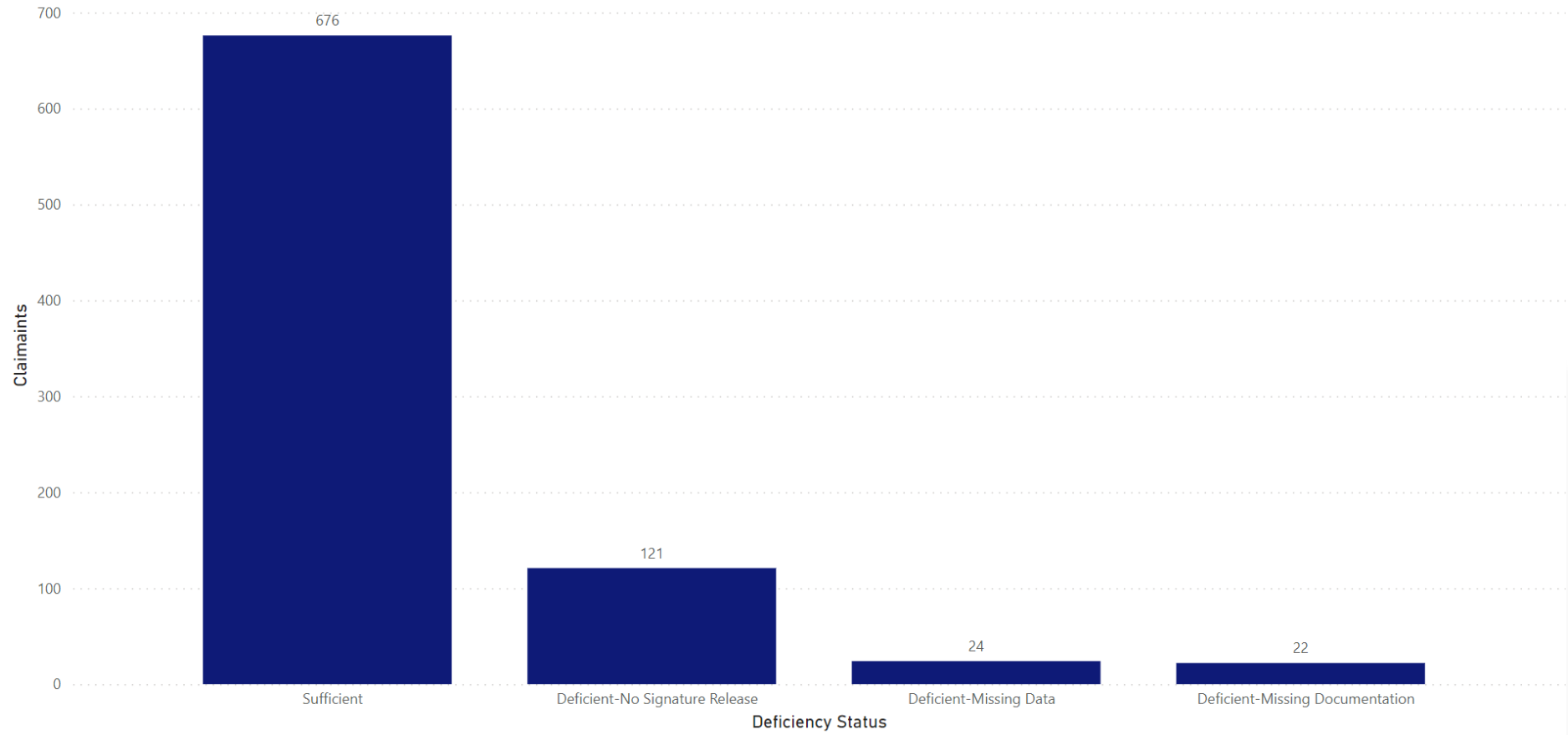


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SAMPLE VIEW – BY DEFICIENCY STATUS

Claimants **843** Firm Firm

Claimant by Submission Status Filter Export More



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CONTACT

ARCHER SYSTEMS

Archer Email: 3MCAECounsel@archersystems.com

Archer Website: www.archersystems.com

Settlement Website: www.3m-earplugsettlement.com



WWW.ARCHERSYSTEMS.COM