

**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 the
Claimants Identified on Exhibit A

Judge M. Casey Rodgers
Magistrate Judge Hope T. Cannon

ORDER

The claimants identified on Exhibit A were dismissed with prejudice prior to the settlement date of August 29, 2023, and thus are not Eligible Claimants, as that term is defined in the Combat Arms Master Settlement Agreement (“MSA”), for purposes of the settlement program. Notwithstanding that court order, Primary Counsel for those cases listed the respective claimants as Eligible Claimants on an Identification Order Declaration. This is a violation of the MSA and Case Management Order No. 60 (Identification Order), ECF No. 3814.¹ Accordingly, the claimants identified on Exhibit A will be stricken from the Identification Order

¹ See MSA, ECF No. 3809-1 at 3 (“For the avoidance of doubt, any Person with a CAE Claim that was dismissed with a CAE Claim that was dismissed with prejudice prior to the Settlement Date is not an Eligible Claimant.”); *id.* at 8 (requiring Primary Counsel to submit an Identification Order Declaration identifying only “Eligible Claimants” represented and emphasizing that “CAE Claims that have been dismissed with prejudice prior to the Settlement Date are not Eligible Claimants”); See CMO 60, ECF No. 3814 at 2-3 (requiring Primary Counsel to identify only Eligible Claimants on an Identification Order Declaration and emphasizing that “plaintiffs asserting CAE Claims that have been dismissed with prejudice prior to the Settlement Date are not Eligible Claimants”).

Report. The Settlement Special Master is directed to amend the Identification Order Report to remove these claimants. The Court is still processing Short Form Complaints added to the Administrative Docket pursuant to Case Management Order Nos. 59 (docketing procedures), and 62-65 (filing requirements and deadlines for the Administrative Docket). To the extent it is determined that a new case was filed on the Administrative Docket for a claimant identified on Exhibit A, the new case will be closed by order of the Court and counsel will be sanctioned for attempting to refile a case previously dismissed with prejudice.

SO ORDERED, on this 4th day of October, 2023.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

Exhibit A

Row	MDLC Plaintiff ID	Claimant First Name	Claimant Last Name	Case Number	Primary Counsel
1.	66966	Reynaldo	Crespo	8:20-cv-12704	Bernstein Liebhard LLP
2.	67885	William	Hackett	8:20-cv-15474	Bernstein Liebhard LLP
3.	381154	Colton	Davis	3:23-cv-04381	Cory Watson
4.	381156	Steven	Eckmeyer	3:23-cv-04386	Cory Watson
5.	381141	Elijah	Martinez	3:23-cv-04505	Cory Watson
6.	381444	Richard	Muldoon	3:23-cv-04394	Cory Watson
7.	380556	Carlomar	Negron Vazquez	3:23-cv-04510	Cory Watson
8.	381463	Joaquin	Ortiz-Espinal	3:23-cv-04395	Cory Watson
9.	381582	Robert	Paternostro	3:23-cv-04519	Cory Watson
10.	381416	Shaun	Reeves	3:23-cv-04530	Cory Watson
11.	380921	Matthew	Snyder	3:23-cv-04515	Cory Watson
12.	381009	Kanita	Wilburn	3:23-cv-04377	Cory Watson
13.	242426	Marshall	Bourgeois	3:23-cv-00700	Keller Postman
14.	138549	Stacie	Dansby	8:20-cv-37445	Keller Postman
15.	248604	Andre	Rousseau	3:23-cv-05191	Keller Postman
16.	379569	James	Brewster	3:23-cv-21112	Law Offices of Donald G. Norris, A Law Corporation
17.	183135	Michael	Wilson	7:20-cv-85009	Levin Papantonio Rafferty
18.	392979	Ryan	Blitch	3:23-cv-13109	Quinn Emanuel Urquhart & Sullivan LLP
19.	370307	Justin	Bramlett	3:22-cv-16410	Quinn Emanuel Urquhart & Sullivan LLP
20.	392953	Marquis	Butts	3:23-cv-12901	Quinn Emanuel Urquhart & Sullivan LLP

Exhibit A

Row	MDLC Plaintiff ID	Claimant First Name	Claimant Last Name	Case Number	Primary Counsel
21.	372550	Devin	Candella	3:22-cv-15464	Quinn Emanuel Urquhart & Sullivan LLP
22.	371032	Vincent	Cuello	3:22-cv-14724	Quinn Emanuel Urquhart & Sullivan LLP
23.	392982	Jerry	Deering	3:23-cv-13118	Quinn Emanuel Urquhart & Sullivan LLP
24.	385854	Nicholas	Densman	3:23-cv-04839	Quinn Emanuel Urquhart & Sullivan LLP
25.	367751	Jason	Fuller	3:22-cv-11804	Quinn Emanuel Urquhart & Sullivan LLP
26.	392986	Jonathan	High	3:23-cv-13202	Quinn Emanuel Urquhart & Sullivan LLP
27.	370495	Marshal	Larkey	3:22-cv-15580	Quinn Emanuel Urquhart & Sullivan LLP
28.	370189	Dakota	Miles	3:22-cv-16384	Quinn Emanuel Urquhart & Sullivan LLP
29.	392971	Megann	Miller	3:23-cv-13067	Quinn Emanuel Urquhart & Sullivan LLP
30.	219195	Jason	Okeefe	8:20-cv-70056	Quinn Emanuel Urquhart & Sullivan LLP
31.	392983	Nicholas	Paulin	3:23-cv-13125	Quinn Emanuel Urquhart & Sullivan LLP
32.	392964	George	Reyna	3:23-cv-12683	Quinn Emanuel Urquhart & Sullivan LLP
33.	367221	Robert	Shearer	3:22-cv-11371	Quinn Emanuel Urquhart & Sullivan LLP
34.	370639	Christopher	Smith	3:22-cv-15293	Quinn Emanuel Urquhart & Sullivan LLP
35.	372814	Timothy	Walsh	3:23-cv-14762	Quinn Emanuel Urquhart & Sullivan LLP
36.	370988	Scott	Wares	3:22-cv-14665	Quinn Emanuel Urquhart & Sullivan LLP
37.	392962	David	Waytus	3:23-cv-12954	Quinn Emanuel Urquhart & Sullivan LLP
38.	392976	Wayne	Whipple	3:23-cv-12685	Quinn Emanuel Urquhart & Sullivan LLP
39.	392951	Seth	Yates	3:23-cv-12690	Quinn Emanuel Urquhart & Sullivan LLP
40.	392975	Tim	Zbaracki	3:23-cv-13094	Quinn Emanuel Urquhart & Sullivan LLP
41.	179047	Karl	Mitchell	3:20-cv-04418	Singleton Schreiber, LLP

Exhibit A

Row	MDLC Plaintiff ID	Claimant First Name	Claimant Last Name	Case Number	Primary Counsel
42.	149195	Benjaman	Arata	7:20-cv-30654	Thomas J Henry
43.	416847	Benjaman	Arata		Thomas J Henry
44.	208308	Tim	Birt	8:20-cv-57654	Thomas J Henry
45.	416854	Tim	Birt		Thomas J Henry
46.	136151	Quent	Bourg	3:19-cv-01850	Thomas J Henry
47.	208437	Jonathan	Charney	8:20-cv-53443	Thomas J Henry
48.	416865	Jonathan	Charney		Thomas J Henry
49.	175593	James	Thompson	7:20-cv-40303	Thomas J Henry
50.	416866	James	Thompson		Thomas J Henry