

**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
All Cases

Judge M. Casey Rodgers
Magistrate Judge Hope T. Cannon

**CASE MANAGEMENT ORDER NO. 76
(Loss of Consortium Claims)**

This Order addresses the procedures for resolving loss of consortium claims (“LOC”) in connection with the settlement program. While LOC is a derivative claim, it nonetheless is distinct from the injury claim of the Eligible Claimant. Consequently, an Eligible Claimant may *not* execute a Registration Form/Release releasing his or her spouse’s LOC claim. The following procedures govern the resolution of spousal LOC claims.

A. Living Spouse. LOC claims involving a living spouse (including estranged spouses or divorces), must be resolved by either: (1) the filing of a voluntary dismissal with prejudice of the LOC claim by counsel; or (2) the Eligible Claimant’s living spouse personally executing the Release. ARCHER’s Spouse Signature Guide, which is attached as Exhibit A, details the steps for providing the spouse’s signature.

B. Deceased Spouse. LOC claims involving a now-deceased spouse must be resolved either by: (1) counsel filing a voluntary dismissal with prejudice of the LOC claim; or (2) counsel filing a motion to substitute a duly appointed personal representative of the deceased spouse as the proper party under Federal Rule of Civil Procedure 25, the Court ordering substitution of that party, and that party thereafter executing a Release.

SO ORDERED, on this 20th day of November, 2023.

M. Casey Rodgers

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

EXHIBIT A



3M Registration Form - Spouse Signature Guide

As part of the 3M Earplugs Settlement, claimants are required to complete and submit a Registration Form.

While completing the Registration Form, a claimant is asked to respond to questions regarding the Eligible Claimant's Spouse.

The purpose of this guide is to help explain these questions and assist with common mistakes associated with them.

Section 1.A - Question 8

Question: Was there a lawsuit filed on behalf of the claimant's spouse?

Explanation: If the spouse was included in the Complaint or if a Loss of Consortium claim was considered, this field should be marked as "Yes."

8. Was there a lawsuit filed on behalf of the eligible claimant's spouse? *

Yes

No

Section 1.A - Question 8.a.

Question: Spouse Name

Explanation: This is the space provided for the name of the Spouse of the Eligible Claimant and should be prepopulated.

8.a. Spouse Name

Jane S
.....



Section 7 - Certification and Signature

Explanation

If "Yes" is selected for question 8 in Section 1.A (referenced above), an additional signature from the spouse of the Eligible Claimant will be required. For the purposes of this section, and in the interest of clarity, this is the signature of the same spouse referenced in response to Section 1.A - Question 8.a..

The Eligible Claimant should **NOT** sign a second time.

ONLY THE SPOUSE SHOULD SIGN.

3M-MSA | Registration Form

Yes No Reset

VII. CERTIFICATION AND SIGNATURE

This Registration Form must be signed and dated by the Eligible Claimant (or his/her Representative). The electronic signature of an Eligible Claimant (or his/her Representative) is sufficient and will be accepted.

By signing below, I declare under penalty of perjury subject to 28 U.S.C. § 1746 that all of the information provided in this Registration Form is true and correct.

I understand and agree that the submission of a Release is irrevocable. No Eligible Claimant may under any circumstances or reason withdraw a Registration Form electing to participate in the Settlement, request the return of his/her Release or Dismissal with Prejudice, or otherwise withdraw from the Settlement, unless Defendants exercise their Walkaway Right or absent consent of Defendants in their sole discretion. By submitting a Registration Form, CAE Counsel, and the Eligible Claimant covered by such Registration Form, shall be deemed to have agreed to be bound by all of the terms and conditions of this Settlement. Further, the submission of a Registration Form, CAE Counsel, and the Eligible Claimant shall affirmatively accept and acknowledge the jurisdiction of the Special Master and the MDL Court (or, if the MDL Court does not have subject matter jurisdiction, to the jurisdiction of the Minnesota State Court) for all matters and decisions related to the Settlement Agreement.

Signature of Eligible Claimant (or Representative) - Printed Name - Executed on Date

 You will be requested to electronically sign this document after submission and review.

Please enter name and email address of the eligible Claimant spouse, for whom a lawsuit was filed, in the section below to obtain electronic signature.

DERIVATIVE CLAIMANT SIGNATURE ?

Signer's Name (John Doe) Signer's Email (username@provider.com)

SUBMIT FOR REVIEW