

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING  
FOAMS PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2:18-mn-2873-RMG

**Case Management Order No. 9**

**This Order relates to  
ALL CASES**

**PROCEDURE FOR EXCHANGE OF THIRD-PARTY SUBPOENA DOCUMENTS**

1. This Order shall govern the procedure for the exchange of documents received pursuant to subpoenas issued to third parties in this MDL.

2. The Plaintiffs' Executive Committee (PEC) shall produce to Defendants any documents received from a third-party subpoena issued pursuant to Paragraph 13(c)(iii) of Case Management Order No. 2 within twenty-eight (28) days of receipt by emailing the documents to the following email address: [afffmdlproductions@duffyandyoung.com](mailto:afffmdlproductions@duffyandyoung.com). To the extent production by another means (not email) is necessary or prudent the parties will meet and confer over the best way to accommodate said alternative production. Such documents shall be produced to Defendants in their entirety (including metadata) in the same format they were provided to Plaintiffs, except that Plaintiffs may, but are not required to, add Bates-stamps to the documents. In the event Plaintiffs add Bates-stamps to such documents, they shall notify Defendants that they did such concurrently with the production.

3. The Defense Coordination Committee (DCC) shall produce to Plaintiffs any documents received from a third-party subpoena issued pursuant to Paragraph 27(g)(iii) of CMO No. 2 within twenty-eight (28) days of receipt by emailing them to the following email address:

afffmdlproductions@baronbudd.com. To the extent production by another means (not email) is necessary or prudent the parties will meet and confer over the best way to accommodate said alternative production. Such documents shall be produced to Plaintiffs in their entirety (including metadata) in the same format they were provided to Defendants, except that Defendants may, but are not required to, add Bates-stamps to the documents. In the event Defendants add Bates-stamps to such documents, they shall notify Plaintiffs that they did such concurrently with the production.

4. Any documents received by the PEC or DCC from a third-party subpoena prior to the entry of this Order shall be produced pursuant to Paragraphs 2 and 3 above within twenty-eight (28) days of the entry of this Order.

5. Nothing in this Order shall prevent the PEC and DCC from mutually agreeing to change or modify the methods for exchanging documents in the future without seeking further court order.

**AND IT SO ORDERED.**



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Richard Mark Gergel  
United States District Judge

March 17, 2020  
Charleston, South Carolina