

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

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

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

**CASE MANAGEMENT
ORDER NO. 5G**

This Order Relates to All Cases

**CASE MANAGEMENT ORDER NO. 5G GOVERNING THE FORM
AND PROCEDURE FOR THE COMPLETION OF AMENDED
PERSONAL INJURY PLAINTIFF FACT SHEETS**

1. The Court hereby issues the following Case Management Order to govern the form, procedure, and schedule for the completion and service of Amended Personal Injury Plaintiff Fact Sheets.

2. This Order applies to all personal injury plaintiffs with claims currently pending in this litigation, or subsequently filed in or transferred to this litigation, who have not served a completed Personal Injury Plaintiff Fact Sheet pursuant to Case Management Order No. 5 (“CMO 5”) as of the date of this Order.

3. Any and all law firms representing Plaintiff(s) in this MDL subject to this Order shall register with the vendor mutually agreed-to by the PEC and the DCC for purposes of submitting Amended Personal Injury Plaintiff Fact Sheets electronically (the “Portal Vendor”). Registration of all counsel for plaintiffs asserting personal injury claims currently in this MDL shall be required within 30 days of the date of the entry of an order approving the Portal Vendor. For any law firms representing plaintiffs asserting personal injury claims that have not previously registered, they must so register within 60 days of direct filing or transfer into this MDL.

4. As of the date of this Order, Exhibit 1 to CMO 5 (the “Superseded Personal Injury Plaintiff Fact Sheet”) is replaced by the Amended Personal Injury Plaintiff Fact Sheet attached hereto as Exhibit 1. The submission of a Superseded Personal Injury Plaintiff Fact Sheet after the date of this Order shall not satisfy the requirement to complete a Personal Injury Plaintiff Fact Sheet pursuant to CMO 5 ¶¶6-7.

5. Each plaintiff to whom this Order applies shall serve a completed and executed Amended Personal Injury Plaintiff Fact Sheet, together with all responsive, non-privileged documents requested therein via the Portal Vendor within the time required for the submission of a Personal Injury Plaintiff Fact Sheet pursuant to CMO 5. Any pro se plaintiff may serve their Amended Personal Injury Plaintiff Fact Sheet and accompanying documents via email to affmdlpfsservice@nelsonmullins.com. This shall constitute effective service of the Amended Personal Injury Plaintiff Fact Sheet upon Defendant(s). The DCC shall provide a copy of any pro se Amended Personal Injury Plaintiff Fact Sheets to the PEC via email at: AFFF_MDL_PFS@Douglasandlondon.com and shall upload same to the portal.

6. For avoidance of doubt, this Order supersedes CMO 5 ¶ 25 with respect to the submission of Amended Personal Injury Plaintiff Fact Sheets insofar as plaintiffs represented by counsel may not submit an Amended Personal Injury Plaintiff fact sheet via email. Attempts by plaintiffs represented by counsel to submit an Amended Personal Injury Plaintiff Fact Sheet via email shall not satisfy the requirement to complete a Personal Injury Plaintiff Fact Sheet pursuant to CMO 5 ¶¶6-7.

7. In completing the Amended Personal Injury Plaintiff Fact Sheet, every plaintiff is required to provide an Amended Personal Injury Plaintiff Fact Sheet that is substantially complete

in all respects. For an Amended Personal Injury Plaintiff Fact Sheet to be “substantially complete in all respects,” it must, at a minimum:

- a. Identify at least one location of exposure with associated approximate dates of exposure in response to Question 16.a and/or 17.c;
- b. Select either Yes or No in response to each of the subparts to Question 20;
- c. Answer every other question contained in the Amended Personal Injury Plaintiff Fact Sheet to the best of their ability and leave no blanks, even if the Plaintiff can only answer the question in good faith by indicating “not applicable,” “N/A,” or providing as much detail as the person can;
- d. Be accompanied by the medical records required by Question 22; and
- e. Contain a signed and dated Verification of Plaintiff.

The requirements of this Paragraph 7 shall supersede CMO 5 ¶ 9 with respect to Amended Personal Injury Plaintiff Fact Sheets.

8. Except as expressly superseded by this Order, all other aspects of CMO 5 shall govern with respect to Amended Personal Injury Plaintiff Fact Sheets.

9. All plaintiffs that timely serve an Amended Personal Injury Plaintiff Fact Sheet consistent with this Order are relieved of the obligation to submit a Personal Injury Plaintiff Profile Form under Case Management Order No. 31. And for the avoidance of doubt, a plaintiff who had already submitted a Superseded Personal Injury Plaintiff Fact Sheet and who submits a substantially complete Personal Injury Plaintiff Profile Form need not also complete the Amended Personal Injury Plaintiff Fact Sheet.

10. In recognition of the fact that the Parties are arranging for a digital Portal Vender, the Court hereby orders that no personal injury Plaintiff shall be deemed non-compliant under

CMO 5 for failing to submit a substantially complete Personal Injury Plaintiff Fact Sheet for 60 days from the entry of this Order.

IT IS SO ORDERED.

Dated: December 5, 2024
Charleston, South Carolina

s/Richard M. Gergel
Hon. Richard M. Gergel
United States District Judge