

**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. 26L

This Order Relates to All Actions

**ORDER SELECTING ADDITIONAL GROUP B ULCERATIVE COLITIS CASES FOR
TIER 2 DISCOVERY PER CMO26K**

Pursuant to Case Management Order 26K, ¶4 (Dkt. No 7713), the Plaintiff and Defense Co-Leads have mutually proposed that the Court select the following three Additional Group B Personal Injury Bellwether Plaintiffs, who have asserted claims for ulcerative colitis, to move forward into Tier 2 Discovery:¹

1. Tracy Gutierrez (*Stacy et al. v. The 3M Company et al.*, 18-cv-03402)
2. Mary Shuman (*Mann et al. v. The 3M Company et al.*, 18-cv-03378)
3. Sylvia Smith (*Baker et al. v. The 3M Company et al.*, 18-cv-03392)

The Court hereby affirms these selections and orders that the above-listed Additional Group B Personal Injury Bellwether Plaintiffs shall move forward into Tier 2 Discovery.

The parties have further agreed that one of the above three Plaintiffs shall be selected to move into expert discovery at the close of Tier 2 Discovery. The parties shall confer at the close of Tier 2 Discovery and submit their proposed selection(s) (whether as a single agreed proposal or two competing proposals) for the Court's review. Plaintiff James Zajicek (having already been

¹ Plaintiff James Zajicek (*Gokey et al. v. The 3M Company et al.*, 18-cv-03385) has already been selected by the Court to proceed with Tier 2 Discovery by Order Dated July 19, 2024. [Dkt No. 5361].

submitted to and approved by the Court) will move forward to expert discovery at the close of Tier 2 Discovery.

Should Plaintiffs' counsel seek to remove any of the four Plaintiffs alleging Ulcerative Colitis from the Tier 2 Discovery Pool prior to the Court's selection of cases to move into expert discovery (by voluntary dismissal or otherwise), Defendants shall have the right and option to seek to remove one of the remaining Plaintiffs alleging Ulcerative Colitis from proceeding further in this bellwether process. This provision shall not apply if the parties agree or the Court finds that good cause exists to remove a plaintiff from the Tier 2 Discovery pool such as a serious medical condition which makes it unreasonably difficult or burdensome for a Plaintiff to proceed with Tier 2 Discovery.

The deadlines set forth in CMO 26K for completion of Tier 2 discovery remain in place unless modified by further Court Order.

IT IS SO ORDERED.

Dated: September 10 , 2025
Charleston, South Carolina

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