

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

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

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MDL NO. 2:18-2873-RMG

ORDER

This Order Applies to All Cases

By order dated June 2, 2026, the Court gave notice to the parties that it was considering the appointment of the Hon. Margaret B. Seymour (Ret.) (hereafter “Ms. Seymour”) as Master to address the voluminous number of recently filed motions to dismiss—soon to exceed 8,000—and subsequently filed motions to dismiss based on alleged non-compliance with CMO’s 5, 35 and/or 37. (Dkt. No. 9584). The Court provided the parties 10 days to file objections to the appointment of Ms. Seymour and/or to offer other names for possible appointment. (*Id.*). No party filed objections to the appointment of Ms. Seymour as Master or recommended the appointment of any other person. Ms. Seymour has filed with the Court an affidavit confirming that she has no ground for disqualification under the standards set forth in 28 U.S.C. § 455, as required by Fed. R. Civ. P. 53(b)(3)(A).

Based on the foregoing, the Court finds and orders as follows:

1. The appointment of a Master in this case is necessary because the volume of motions to dismiss which have been filed and which are expected to be filed in the near future is so extensive that addressing and ruling upon these motions to dismiss cannot be effectively and timely completed by the Court or its magistrate judges. Fed. R. Civ. P. 53(a)(1)(C). The Court has made this appointment after carefully considering the possible expense under Fed. R. Civ. P. 53(a)(3).

2. The Court hereby appoints Ms. Seymour to serve as a Master in this matter.
3. Ms. Seymour is directed to address and prepare a Report and Recommendation to the Court on all presently filed and subsequently filed motions to dismiss which are based upon alleged non-compliance with CMO's 5, 35, and/or 37. The Court reserves the right to amend this order, as needed, if additional matters require the services of the Master. Fed. R. Civ. P. 53(b)(4).
4. The Master is directed to proceed with all reasonable diligence with the goal of issuing Reports and Recommendations within 90 days or less of this Order.
5. The parties will have the right to file objections to any of the Master's Reports and Recommendations within 21 days of the issuance of the challenged Reports and Recommendations, and such objections will be addressed by the Court in accord with the procedures set forth in Fed. R. Civ. P. 53(f).
6. The Master's compensation is fixed at \$400.00 per hour. The Court initially orders that the Master's fees will be divided equally between the Plaintiff and the Defendants. The Court reserves the right, however, to adjust the allocation pursuant to the standards set forth in Fed. R. Civ. P. 53(g)(3).
7. The Court urges counsel to exercise their best efforts to resolve the voluminous number of motions to dismiss, particularly where the motions are directed at parties which have clearly failed to comply with the production of documents and/or information required under CMO's 5, 35 and/or 37.

AND IT IS SO ORDERED.

s/Richard Mark Gergel
Richard Mark Gergel
United States District Judge

June_15, 2026
Charleston, South Carolina