

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

EARL PARRIS, JR., individually, and)
on behalf of a Class of persons similarly)
situated,)

Plaintiff,)

CITY OF SUMMERVILLE,)
GEORGIA,)

Intervenor-Plaintiff,)

v.)

3M COMPANY, et al.,)

Defendants.)

CIVIL ACTION NO.:
4:21-CV-00040-TWT

**DEFENDANTS E.I. DU PONT DE NEMOURS AND COMPANY,
THE CHEMOURS COMPANY, 3M COMPANY, DAIKIN
AMERICA INC., PULCRA CHEMICALS LLC, AND TOWN OF TRION,
GEORGIA’S MOTION TO TEMPORARILY STAY THIS CASE IN ITS
ENTIRETY PENDING TERMINATION OF MDL STAY ORDERS**

Defendants E.I. du Pont de Nemours and Company (“EIDP”), The Chemours Company (“Chemours”) (together “EIDP/Chemours”), 3M Company (“3M”), Daikin America, Inc. (“Daikin”), Pulcra Chemicals, LLC (“Pulcra”), and Town of Trion, Georgia (“Town of Trion”) (collectively “Defendants”) move¹ to temporarily

¹ Because Intervenor-Plaintiff the City of Summerville, Georgia’s action is already stayed as to EIDP/Chemours and 3M, these Defendants are movants only as to Plaintiff Parris’s action.

stay this action in its entirety, pursuant to this Court’s discretion. *See Tomco Equip. Co. v. Se. Agri-Sys., Inc.*, 542 F. Supp. 2d 1303, 1307 (N.D. Ga. 2008).

As set forth in the accompanying Memorandum of Law, Defendants state:

1. Intervenor-Plaintiff the City of Summerville, Georgia’s (“City of Summerville”) claims against EIDP/Chemours and 3M are stayed as a result of the Injunction and Stay Orders recently entered by the United States District Court for the District of South Carolina (“MDL Court”) in *In re: Aqueous Film-Forming Foams Products Liability Litigation*, Master Docket No. 2:18-mn-2873-RMG (“AFFF MDL”), pending resolution of the Public Water System settlement agreements reached with EIDP/Chemours and 3M. *See* Notice of Stay as to the Claims of Intervenor-Pl. Summerville (ECF No. 414); Notice of Am. Stay Order (ECF No. 419); Notice of Inj. and Stay (ECF No. 417).

2. The City of Summerville may therefore proceed with its claims against Defendants *other than* EIDP/Chemours and 3M, and Plaintiff Parris may proceed with all of his claims.

3. The Final Fairness Hearing for the EIDP/Chemours settlement is December 14, 2023 (Ex. A to EIDP/Chemours’s Notice at 11 (ECF No. 414-1)), and the Final Fairness Hearing for the 3M settlement is February 2, 2024 (3M’s Notice of Injunction and Stay at 1 (ECF No. 417)).

4. Defendants ask that this action be stayed in its entirety until the February 2, 2024 3M Final Fairness Hearing proceedings conclude, after which any plaintiff opting out of the settlement may proceed² and a new Scheduling Order can be entered in this matter that applies to all Parties.

5. The requested temporary stay will not unduly prejudice or present any tactical disadvantage to Plaintiff or Intervenor-Plaintiff.

6. Staying this case in its entirety while the MDL Court resolves the scope of the Public Water System settlement agreements with EIDP/Chemours and 3M allows for simplification of the case, streamlines the issues and defenses for trial, and avoids wasting resources.

7. The requested temporary stay will also be effective because discovery is ongoing, and no trial date has been set.

8. All parties have conferred on this Motion. Plaintiffs and Defendant Mount Vernon Mills, Inc. oppose the requested stay; Defendant Huntsman International, LLC, takes no position; and all other Defendants join in this Motion.

Dated: September 25, 2023

Respectfully submitted,

/s/ Robert B. Remar

Robert B. Remar

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² Preliminary Approval Order §§ VI, VIII (ECF No. 417-1).

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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

/s/ Robert B. Remar

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **MOTION TO TEMPORARILY STAY THIS CASE IN ITS ENTIRETY PENDING TERMINATION OF MDL STAY ORDERS** has been filed electronically with the Clerk of Court by using the CM/ECF system which will automatically email all counsel of record.

This 25th day of September, 2023.

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