

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

IN RE: AQUEOUS FILM-FORMING FOAMS	)	Master Docket No.:
PRODUCTS LIABILITY LITIGATION	)	2:18-mn-2873-RMG

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CITY OF CAMDEN, et al.,	)	Civil Action No.:
	)	2:23-cv-03230-RMG

*Plaintiffs,*

-vs-

E.I. DUPONT DE NEMOURS AND COMPANY (n/k/a  
EIDP, Inc.), et al.

*Defendants.*

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**JOINT MOTION TO AMEND JOINT INTERPRETIVE GUIDANCE**

Plaintiffs, City of Camden, City of Brockton, City of Sioux Falls, California Water Service Company, City of Del Ray Beach, Coraopolis Water & Sewer Authority, Township of Verona, Dutchess County Water & Wastewater Authority and Dalton Farms Water System, City of South Shore, City of Freeport, Martinsburg Municipal Authority, Seaman Cottages, Village of Bridgeport, City of Benwood, Niagara County, City of Pineville, and City of Iuka (collectively, “Plaintiffs”), by and through Class Counsel, and with the consent of The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company (n/k/a EIDP, Inc.) (“Settling Defendants,” and with Plaintiffs, the “Parties”), move to amend the Joint Interpretive Guidance dated December 6, 2023 (ECF No. 142-1). The grounds for this motion are as follows:

1. On July 10, 2023, Plaintiffs filed a Motion for Preliminary Approval of Class Settlement, for Certification of Settlement Class and for Permission to Disseminate Class Notice (ECF No. 3).

2. On August 7, 2023, the Parties submitted a Consent Motion to Amend Exhibits to Motion for Preliminary Approval (ECF No. 30).

3. On August 22, 2023, the Court granted preliminary approval of the Settlement Agreement, as revised. (ECF No. 33).

4. Since granting preliminary approval, the Court has approved certain further amendments, supplements, and clarifications to the Settlement Agreement.

5. The Settlement Agreement specifies, among other things, a process for requesting exclusion from the Settlement. (ECF No. 4-2, ¶ 9.7).

6. On December 6, 2023, the Parties submitted Joint Interpretive Guidance providing, among other things, as follows: “A Settlement Class Member that has elected to opt out may withdraw its Request for Exclusion at any time on or before March 1, 2024.” (ECF No. 142-1).

7. On December 7, 2023, the Court issued an order adopting the Joint Interpretive Guidance and setting a deadline of March 1, 2024 for withdrawal of Requests for Exclusion. (ECF No. 144).

8. On February 8, 2024, the Court issued an Order and Opinion granting Class Counsel’s motion for final approval of the Settlement Agreement. (ECF No. 175). On February 26, 2024, the Court entered a Final Order and Judgment Approving Settlement Agreement. (ECF No. 181-1). In such Final Order and Judgment, the Court retained continuing and exclusive jurisdiction to interpret, implement, administer, and enforce the Settlement Agreement. *Id.* ¶ 17.

9. The Settling Defendants, Class Counsel, and counsel for certain water systems are currently engaged in discussions relating to those systems’ decisions to opt out of the Settlement and would benefit from a short additional extension of the deadline to withdraw Requests for Exclusion.

10. Accordingly, the Parties now move to extend the deadline by which a Person that has elected to opt out may withdraw its Request for Exclusion until March 15, 2024.

11. Specifically, the Parties request that the Court amend the Joint Interpretive Guidance dated December 6, 2023 to provide that “A Settlement Class Member that has elected to opt out may withdraw its Request for Exclusion at any time on or before March 15, 2024” and to replace all references to “March 1, 2024” therein with “March 15, 2024.”

Dated: February 29, 2024

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 29<sup>th</sup> day of February, 2024 and was thus served electronically upon counsel of record.

*/s/ Michael A. London*

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**[PROPOSED] ORDER GRANTING JOINT MOTION TO AMEND**  
**JOINT INTERPRETIVE GUIDANCE**

Before the Court is the Parties’ joint motion to amend the Joint Interpretive Guidance dated December 6, 2023 (ECF No. 142-1), which the Court adopted by Order dated December 7, 2023 (ECF No. 144). For good cause shown, the Court GRANTS the Parties’ motion.

The Joint Interpretive Guidance is hereby amended to provide as follows: “A Settlement Class Member that has elected to opt out may withdraw its Request for Exclusion at any time on or before March 15, 2024.” All references to “March 1, 2024” in the Joint Interpretive Guidance are hereby replaced with “March 15, 2024.”

**AND IT IS SO ORDERED.**

Charleston, South Carolina, this \_\_\_ day of \_\_\_\_\_, 2024.

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Richard M. Gergel  
UNITED STATES DISTRICT JUDGE