

## 2022-2023 BOARD OF DIRECTORS

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## UPCOMING EVENTS

September 13, 2022

**Annual Judicial Reception**

5:30 p.m. – 7:00 p.m.

December 13, 2022

**Annual Holiday Luncheon and Silent Auction**

12:00 p.m. – 1:30 p.m.

February 14, 2023

**Membership Luncheon**

12:00 p.m. – 1:30 p.m.

### COAJ Mission

*To promote justice for individuals in all local, state, and federal courts; to support our membership; to assist the legal community; to improve the judicial system; and to serve the citizens of Central Ohio.*

## **BANKRUPTCY THRESHOLD ADJUSTMENT AND TECHNICAL CORRECTIONS ACT**

On June 21, 2022, President Biden signed into law the “Bankruptcy Threshold Adjustment and Technical Corrections Act”, which was passed by the US House on June 7<sup>th</sup> and by the Senate back in April. The Act increases the debt limit for individuals seeking relief under Chapter 13 to a combined amount of \$2,750,000 in liquidated, noncontingent debt. This new combined amount removes the distinction between secured and unsecured debts for the purposes of determining if the Debtor is under the debt limit. This change as to Chapter 13 cases is effective immediately but the Act does sunset 2 years after the enactment date.

The Act also adjusts the amount of debt for Subchapter V debtors to \$7,500,000, and makes some technical corrections to code sections relating to those Chapter 11 cases.

The text of the Act can be found at <https://www.congress.gov/bill/117th-congress/senate-bill/3823/text>.

## **3M COMBAT ARMS EARPLUG PRODUCTS LIABILITY LITIGATION**

*Case No. 3:19md2885 (N.D. Fla.)*

On June 10, 2022, Judge Rodgers entered an Order requiring Plaintiffs and Defendant to schedule a minimum of three days for mediation, beginning on or before July 15, 2022. See Order (Doc. No. 3188). The Court appointed Special Master Randi S. Ellis to mediate the case and ordered specific lawyers and party representatives for both parties to attend. As Judge Rodgers observed in her Order, “this matter has come to a critical juncture.”

In support of her Order, Judge Rodgers observed the extensive corporate, government, and case-specific discovery and resolution of evidentiary issues that have defined the landscape of the litigation. She and other Judges from the Northern District of Florida have conducted 16 bellwether trials and 19 verdicts that provide unparalleled insight into the strengths and weakness of the claims and defenses, how the jury responds to the evidence, and information regarding the risks and costs of the litigation. Her goal: provide the parties more data points about individual claims than any other litigants in the country.

If mediation proves unsuccessful, Judge Rodgers noted the waves of individual cases of up to 500 at a time that will proceed with plaintiff-specific discovery to prepare for trial. After adjudicating case-specific *Daubert* and summary judgment motions for each wave, the cases that remain will be remanded to their transferor courts for trial. This undertaking will be massive. As of June 10, 2022, the MDL contains 233,833 Plaintiffs with claims. This means that approximately 2,500 cases will be remanded for trial to each of the 94 districts nationwide, although they may not be spread evenly. Still, Judge Rodgers noted that no district will escape the burden of trying such a volume of cases.

## **NEW BOARD OPINIONS**

*Adv. Op. 2022-4, Adv. Op. 2022-5, and Adv. Op. 2022-6*

The Board approved three advisory opinions on June 10. Adv. Op. 2022-4 discusses the imputation of prosecutor conflicts and replaces former Adv. Op. 1998-15. Adv. Op. 2022-5 addresses the propriety of lawyers notarizing client affidavits, and Adv. Op. 2022-6 analyzes conflicts of interest where two lawyers represent opposing parties and are involved in a personal relationship. The latter opinion replaces Adv. Op. 1993-7 and expands the advice contained in the earlier opinion to address marital and nonmarital relationships.