

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

BRENT NIX, <i>et al.</i>)	Case No.: 7:17-CV-00189-D
)	
Plaintiffs,)	
)	
v.)	
)	
THE CHEMOURS COMPANY FC, LLC, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

CAPE FEAR PUBLIC UTILITY)	Case No.: 7:17-CV-00195-D
AUTHORITY,)	
)	
Plaintiff,)	
)	
v.)	
)	
THE CHEMOURS COMPANY FC, LLC, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
)	
)	

ROGER MORTON, <i>et al.</i> ,)	Case No.: 7:17-CV-00197-D
)	
Plaintiffs,)	
)	
v.)	
)	
THE CHEMOURS COMPANY, <i>et al.</i> ,)	
)	
Defendants.)	
)	

VICTORIA CAREY, <i>et al.</i> ,)	Case No.: 7:17-CV-00201-D
Plaintiffs,)	
v.)	
E.I. DU PONT DE NEMOURS AND COMPANY, <i>et al.</i> ,)	
Defendants.)	
BRUNSWICK COUNTY)	Case No.: 7:17-CV-00209-D
Plaintiff,)	
v.)	
DOWDUPONT, INC., <i>et al.</i> ,)	
Defendants.)	

**PROTECTIVE ORDER REGARDING THE COLLECTION OF
WATER SAMPLES FROM THE FAYETTEVILLE WORKS FACILITY**

Pursuant to the Court’s May 25, 2018 Order, the parties submit this proposed Protective Order addressing and governing the Plaintiffs’ three sampling events (“Sampling Events”) at the Chemours Fayetteville Works facility (the “Facility”).

The following provisions shall apply to all Plaintiffs and their counsel in the above-captioned actions (“Actions”), as well as to their consultants, laboratories and any third party involved in the collection, analysis or permitted use of the information set forth in Paragraph 2.

1. Plaintiffs will be permitted to sample each of the five (5) process streams on three (3) separate occasions.

2. Plaintiffs' use of information obtained by virtue of the Sampling Events (including, but not limited to, the analytical results and data analysis of the Sampling Events), shall be solely for: (i) the litigation of the claims and/or potential future claims in the Actions; (ii) any appeal therefrom; and (iii) in the case of the water authorities, conducting pilot studies for purposes of evaluating treatment technologies with respect to the Cape Fear Public Utility Authority and Brunswick County plaintiffs. Plaintiffs shall not disseminate information obtained pursuant to the Sampling Events for any other purpose, absent leave of Court. In the event Plaintiffs intend to include information obtained from the Sampling Events in any Court proceeding, such information will be submitted under seal pursuant to the Court's local rules or as otherwise directed by the Court.


3. Photography and videography shall be allowed to document the Sampling Events. No videotaping or photography shall be taken of anything other than the recording of the physical process of the personnel collecting and handing the samples to Plaintiffs. Said photography and videography shall only be used for the litigation and shall be deemed "confidential" and shall only be shared with consultants, and experts, absent leave of court. A copy of said photography and videography shall be provided to Defendants. There shall be no interviews or other communications with any Facility employee or other on-site personnel during the Sampling Events.

4. All parties, *i.e.*, both Plaintiffs and Defendants, agree, without undue delay, to exchange the full analytical results and methods from each of their respective laboratories (after standard quality assurance / quality control (QA/QC) practices) for each sample and each analyte. The parties agree to mutually and simultaneously exchange the sampling results for

each of the three separate sampling dates after all parties are in possession of the analytical results from their respective laboratories.

5. Nothing contained in this Protective Order shall waive any arguments and defenses the parties may have as to the admissibility, weight, integrity, and interpretation of the analytical results if offered as evidence in these Actions or any other legal proceeding.

SO ORDERED. This 1 day of June, 2018.



JAMES C. DEVER III
Chief United States District Judge

Dated: June 1, 2018

Respectfully submitted by:

/s/ George W. House
Joseph A. Ponzi
N.C. State Bar No. 36999
George W. House
N.C. State Bar No. 7426
William P.H. Cary
N.C. State Bar No. 7651
V. Randall Tinsley
N.C. State Bar No. 14429
**BROOKS, PIERCE, McLENDON
HUMPHREY & LEONARD, L.L.P.**
P.O. Box 26000
Greensboro, NC 27420-6000
Phone: (336) 373-8850
Fax: (336) 232-9114
ghouse@brookspierce.com
jponzi@brookspierce.com
wcary@brookspierce.com
rtinsley@brookspierce.com

/s/ John K. Sherk
John K. Sherk III
CA State Bar. No. 295838
SHOOK, HARDY AND BACON, LLP
One Montgomery, Suite 2700
San Francisco, CA 94104
Phone: (415) 544-1900
Fax: (415) 391-0281
jsherk@shb.com

Kenneth J. Reilly
FL State Bar No. 157082
SHOOK, HARDY AND BACON, LLP
201 S. Biscayne Boulevard
3200 Miami Center
Miami, FL 33131
Phone: (305) 960-6907
Fax: (305) 385-7470
kreilly@shb.com

*Attorneys for Plaintiff Cape Fear
Public Utility Authority*

J. Harold Seagle
N.C. State Bar No. 8017
SEAGLE LAW
P.O. Box 15307
Asheville, NC 28813
Phone: (828) 774-5711
haroldseagle@charter.net

Scott Summy
N.C. State Bar No. 27171
Cary McDougal (*Pro Hac Vice*)
TX State Bar No. 13569600
Stephen Johnston (*Pro Hac Vice*)
TX State Bar No. 00796839
M. Cristina Sanchez (*Pro Hac Vice*)
TX State Bar No. 24041856
Brett D. Land (*Pro Hac Vice*)
TX State Bar No. 24092664
BARON & BUDD, P.C.
3102 Oak Lawn Avenue
Suite 1100
Dallas, TX 75219-4281
Phone: (214) 521-3605
ssummy@baronbudd.com

*Attorneys for Plaintiff Brunswick
County and Cape Fear Public Utility
Authority*

Theodore J. Leopold
**COHEN MILSTEIN SELLERS
& TOLL PLLC**
2925 PGA Boulevard
Suite 220
Palm Beach Gardens, FL 33410
Phone: (561) 515-1400
Fax: (561) 515-1401
tleopold@cohenmilstein.com

Mark D. Anstoetter
MO State Bar No. 47638
SHOOK, HARDY AND BACON, LLP
2555 Grand Boulevard
Kansas City, MO 64108
Phone: (816) 474-6550
Fax: (816) 421-5547
manstoetter@shb.com

/s/ Stephen D. Feldman
Jonathan D. Sasser
N.C. State Bar No. 10028
Stephen D. Feldman
N.C. State Bar. No. 34940
ELLIS & WINTERS LLP
4131 Parklake Avenue
Suite 400
Raleigh, NC 27612
Phone: (919) 865-7005
Fax: (919) 865-7010
Stephen.Feldman@elliswinters.com

Counsel for Defendants

Jay Chaudhuri
N.C. Bar No. 27747
**COHEN MILSTEIN SELLERS
& TOLL PLLC**
150 Fayetteville Street
Suite 980
Raleigh, NC 27601
Phone: (919) 890-0560
Fax: (919) 890-0567
jchaudhuri@cohenmilstein.com

Andrew Whiteman
N.C. Bar No. 9523
WHITEMAN LAW FIRM
5400 Glenwood Avenue
Suite 225
Raleigh, NC 27612
Phone: (919) 571-8300
Fax: (919) 571-1004
aow@whiteman-law.com

S. Douglas Bunch
Douglas J. McNamara
Jamie Bowers
Alison Deich
**COHEN MILSTEIN SELLERS
& TOLL PLLC**
1100 New York Avenue, N.W.
Suite 500
Washington, D.C. 20005
Phone: (202) 408-4600
Fax: (202) 408-4699
dbunch@cohenmilstein.com
dmcnamara@cohenmilstein.com
jbowers@cohenmilstein.com
adeich@cohenmilstein.com

Vineet Bhatia
SUSMAN GODFREY, L.L.P.
1000 Louisiana Street
Suite 5100
Houston, TX 77002
Phone: (713) 651-3666
Fax: (713) 654-6666
vbhatia@susmangodfrey.com

Stephen Morrissey
Jordan Connors
Steven Seigel
SUSMAN GODFREY, L.L.P.
1201 Third Avenue
Suite 3800
Seattle, WA 98101
Phone: (206) 516-3880
Fax: (206) 516-3883
smorrissey@susmangodfrey.com
jconnors@susmangodfrey.com
sseigel@susmangodfrey.com

Gary W. Jackson
N.C. Bar No. 13976
**THE LAW OFFICES OF
JAMES SCOTT FARRIN, P.C.**
280 South Mangum Street
Suite 400
Durham, NC 27701
Phone: (919) 688-4991
Fax: (800) 716-7881
gjackson@farrin.com

Neal H. Weinfield
THE DEDENDUM GROUP
1956 Cloverdale Avenue
Highland Park, IL 60035
Phone: (312) 613-0800
Fax: (847) 478-0800
nhw@dedendumgroup.com

*Attorneys for Plaintiffs Carey, Morton, and
Nix*