

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: AQUEOUS FILM-FORMING FOAMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2873

ORDER DENYING TRANSFER

Before the Panel:* Defendant 3M Company moves under 28 U.S.C. § 1407(c) to transfer the *State of Maine* action listed on Schedule A to the District of South Carolina for inclusion in MDL No. 2873. Plaintiff opposes the motion.

MDL No. 2873 involves allegations that aqueous film-forming foams (AFFFs) used at airports, military bases, or other locations to extinguish liquid fuel fires caused the release of perfluorooctane sulfonate and/or perfluorooctanoic acid (collectively, these and other per- or polyfluoroalkyl substances are referred to as PFAS) into local groundwater and contaminated drinking water supplies. *See In re Aqueous Film-Forming Foams Prods. Liab. Litig.*, 357 F. Supp. 3d 1391, 1394 (J.P.M.L. 2018). The parties in *State of Maine* disagree as to whether this action, which is brought by the State as *parens patriae* to hold defendants liable for PFAS contamination of Maine's natural resources, implicates AFFFs.

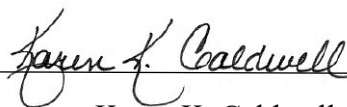
We need not resolve the parties' dispute, however, given procedural developments in the underlying action. On July 26, 2023, the assigned judge in the District of Maine granted the State's motion to remand the action to state court. *See* Order on Mots. to Remand and Stay, *Maine v. 3M Co.*, C.A. No. 2:23-00210 (D. Me. July 26, 2023), ECF No. 47. Although the court will not effectuate remand until thirty days after issuance of the remand order (to allow the removing party an opportunity to move for a stay, to seek reconsideration, and/or to appeal the order and seek relief from the court of appeals), transfer at this time would only introduce procedural inefficiencies with respect to this action. Accordingly, we deny defendant's motion to transfer. Should *State of Maine* remain in federal court once all proceedings relating to the remand order are concluded, the parties can notify the Panel at that time.

* Judge David C. Norton did not participate in the decision of this matter.

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IT IS THEREFORE ORDERED that the motion to transfer the action listed on Schedule A to MDL No. 2873 is denied.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell", is positioned above a horizontal line.

Karen K. Caldwell
Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

Matthew F. Kennelly
Dale A. Kimball

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

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SCHEDULE A

District of Maine

STATE OF MAINE v. 3M COMPANY, ET AL., C.A. No. 2:23-00210