

# Army Vet Files Lawsuit Over Hearing Damage from Defective 3M Earplugs

An Army combat veteran in Utah has filed a lawsuit against 3M, seeking damages for permanent hearing loss caused by defective earplugs and alleging that the manufacturer doctored test results to win a government contract.

The lawsuit filed by Dallas-based **Fears Nachawati Law Firm** on behalf of Nathan Fortie seeks economic damages for permanent hearing loss and tinnitus allegedly caused when 3M Combat Arms Earplugs failed to protect him from loud combat noises including impulse noises and gunfire, mortar and cannon explosions. The suit also contends that 3M failed to provide key safety information to the soldiers.

“This company took advantage of the U.S. government by profiting from an inferior and defective product. But more significantly, it took advantage of U.S. troops who put their lives on the line to serve their country,” said Fears Nachawati cofounder Bryan Fears.

Originally created by Aearo, which was acquired by 3M in 2008, the “selective attenuation earplugs” were issued to soldiers between 2003 and 2015. In 2018, 3M paid more than \$9 million to resolve Justice Department claims that it violated the False Claims Act by knowingly selling the earplugs without disclosing defects, according to a release from Fears Nachawati.

Fortie’s suit says the earplugs are too short for proper insertion. Combined with a separate defect, they are prone to loosen, making them ineffective at protecting soldiers from harmful noises.

The Hearing Health Foundation estimates that 60 percent of returning Iraq and Afghanistan veterans suffer from tinnitus or hearing loss. Tinnitus is the No. 1 service-related disability, affecting more than 1.5 million veterans, according to the American Tinnitus Association.

The case is *Nathan Fortie v. 3M et al.*, Case No. 1:19-cv-00011-EJF in the U.S. District Court for the District of Utah. Similar lawsuits on behalf of injured veterans have been filed across the country. The Judicial Panel on Multidistrict Litigation is now considering a motion to transfer all related lawsuits to the U.S. District Court for the District of Minnesota where 3M is based.