

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>IN RE LATEX GLOVES</b>	]	
<b>PRODUCTS LIABILITY</b>	]	<b>MDL DOCKET No. 1148</b>
<b>LITIGATION</b>	]	

**CASE MANAGEMENT ORDER GOVERNING POST-REMAND  
DISCOVERY AND MOTION PRACTICE**

**1. Consolidation.** All the latex glove cases are consolidated for pretrial purposes under District of Maine docket number CV97-79-B-H.

**2. Tracking of Cases.** For the purpose of merits discovery and motions deadlines, the remanded cases shall be divided into three (3) groups, as identified in Exhibit A. The discovery deadlines established herein shall apply to each case in the designated groups.

**3. Discovery Start Dates.** It is the desire of this court to stagger discovery in each case. All discovery deadlines set forth herein shall be measured by the discovery start date in each case. The discovery start dates are as follows:

Group 1:	July 14, 2003
Group 2:	September 1, 2003
Group 3:	December 1, 2003

Discovery in each case shall be stayed until the discovery start date except with regard to (1) records collection and (2) completion of remaining pre-remand discovery permitted in the MDL.

**4. Additional Parties.** Motions to add additional parties and to file crossclaims shall be filed no later than 30 days after the discovery start date.

**5. Dismissals.** Parties seeking a dismissal in a particular case shall file and serve an order of dismissal on all parties remaining in that case. If no objection to the dismissal is made within 10 days of filing of the dismissal, the court will enter the final order of dismissal.

**6. Product Identification.** Any remaining product identification discovery shall be propounded within 30 days of the discovery start date. At the conclusion of remaining product identification discovery, defendants may seek a bright-line dismissal pursuant to the Bright-Line Dismissal Order adopted by the MDL.

**7. Updated Authorizations.** Within 14 days of discovery start date, plaintiffs shall provide defendants with executed authorizations where necessary to permit defendants to obtain medical, employment, social security, health insurance and income tax records. Defendants shall provide individual authorizations for each medical provider, consistent with HIPAA requirements.

**8. Written Discovery.** All written discovery and production of documents has been completed in the MDL, with the following exceptions: (1) the parties may serve requests for admission; and (2) plaintiffs may serve case-specific discovery demands to identify defendants' sales representatives and any "warnings" materials provided by a defendant to a plaintiff's employer(s).

**9. Merits Depositions.** Defendants may take the following depositions, to the extent they have not previously been completed, without further leave of court:

- (a) plaintiffs;
- (b) plaintiffs' treating physicians;

- (c) five additional depositions (a non-plaintiff spouse shall count as one of the five depositions, if taken);
- (d) all experts; and
- (e) any trial witness identified by plaintiffs who has not been deposed.

A plaintiff's deposition shall last no more than 12 hours without further leave of court. All other depositions shall comply with applicable Local Rules. Depositions of nonparty witnesses shall be completed no later than 90 days from the discovery start date.

**10. Alternative Dispute Resolution.** Within 60 days of the conclusion of merits depositions, the parties in each case shall participate in mediation with a mediator to be appointed by the court. No more than thirty (30) days prior to mediation, plaintiffs shall serve a settlement demand on each defendant. No more than 15 days prior to the mediation each defendant shall provide plaintiffs with a response to the settlement demand.

**11. Plaintiffs' Expert Designations.** Plaintiffs shall serve all generic and case-specific expert designations and expert reports (in the form and manner established in the MDL as set forth in CMO No. 53 entered on November 5, 1999), together with all disclosures pursuant to Fed. R. Civ. P. 26(a)(2), no later than 90 days from the discovery start date.

**12. Defendants' Requests for Examinations of Plaintiffs.** All examination of plaintiffs, if agreed upon by plaintiffs or ordered by the court, shall be completed no later than 90 days after the discovery start date.

**13. Defendants' Expert Designations.** Defendants shall serve all generic and case-specific expert designations and expert reports, including reports of

examinations of plaintiffs (in the form and manner established in the MDL as set forth in CMO No. 53 entered on November 5, 1999), together with all disclosures pursuant to Fed. R. Civ. P. 26(a)(2), no later than 150 days from the discovery start date. Such service of reports by defendants does not constitute a waiver of relevant privileges by plaintiffs.

**14. Depositions of Plaintiffs' Experts.** Depositions of plaintiffs' case-specific experts shall be completed no later than 120 days after the discovery start date (30 days after plaintiffs' deadline to serve expert designations, reports and Rule 26(a)(2) disclosures). All generic experts were disclosed and deposed in the MDL.

**15. Depositions of Defendants' Experts.** Depositions of defendants' case-specific experts shall be completed no later than 180 days after the discovery start date (30 days after defendants' deadline to serve expert designations, reports and Rule 26(a)(2) disclosures). All generic experts were disclosed and deposed in the MDL.

**16. Requests for Admissions.** Any party may serve requests for admissions no later than 200 days after the discovery start date (20 days after completion of depositions of all case-specific experts). Responses to requests for admissions, including objections thereto, shall be served no later than 30 days thereafter in accordance with Fed. R. Civ. P. 36(a).

**17. Dispositive Motions.** All dispositive motions shall be filed no later than 210 days after the discovery start date (30 days after completion of case-specific expert discovery), with opposition papers to be filed and served no later

than 30 days after receipt of each motion. Reply papers, if any, shall be filed and served no later than 10 days thereafter.

**18. Venue Motions.** Defendants may file and serve a motion to change venue no later than 60 days from the discovery start date.

**19. Pretrial Conferences.** At the conclusion of merits/expert discovery in each discovery track, the court shall schedule a pretrial conference for all cases in that track.

**20. Liaison Counsel.** I hereby appoint the following liaison counsel:

For Plaintiffs:                      Amy Carter  
    Baron & Budd  
    3102 Oak Lawn Avenue, Suite 100  
    Dallas, TX 75219

For Defendants:                      Theodore H. Kirchner  
    Norman, Hanson & DeTroy, LLC  
    P.O. Box 4600  
    Portland, ME 04112-4600

The responsibilities of liaison counsel are as follows:

- A. Receive orders and notices from this court and the Multidistrict Panel on behalf of all parties within their liaison group;
- B. Transmit copies of orders and notices to the parties within their liaison group;
- C. Keep the respective members of their liaison group apprised of the nature of all papers filed;
- D. Maintain and distribute to co-counsel within their liaison group and to other liaison counsel an up-to-date service list;
- E. Maintain and make available to co-counsel within their liaison

group at reasonable hours a complete file of all documents served by or upon each party.

**SO ORDERED.**

**DATED THIS \_\_\_\_ DAY OF JULY, 2003.**

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**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**Exhibit A**

**Group 1:** Albrecht  
Butler  
Carazza (I and II)  
Collington  
Kengott  
Matera-Minardi  
Rowley  
Skelly  
Stark  
Steiner

**Group 2:** Baker  
Evans  
Klassen  
Locurto  
Landrith  
Plocharczyk  
Pringle  
Raulston  
Tschaepe  
Wilson

**Group 3:** Hilt  
Hunnicut  
Metz  
Knabel  
Martell  
Nichting  
Pruitt  
Rhudy  
Ryan  
Watters

In re Latex Gloves Products Liability Litigation

MDL Docket No. 1148

List of Parties/Attorneys

<b>Law Firm</b>	<b>Attorneys</b>	<b>Party Affiliation</b>
Brann & Isaacson PO Box 3070 Lewiston, ME 04243-3070	David Bertoni	Plaintiffs: Albrecht, Asman, Batra, Bowen, Butts, Carazza, Collard, Collington, Fengers, Geiger, Hunnicut, Kaltreider, Kelner, Klassen, Kenngott, Knowles, Lacich, Locurto, Martell, Matera, Metz, Minardi, Moussette, Nichting, Parker, Plocharczyk, Pringle, Ralston, Rhudy, Rowley, Ryan, Skelly Spencer, Stark, Stern, Tschaepe, Ward
Doffermyre, Shields, Canfield, et al. 1355 Peachtree Street Suite 1600 Atlanta, GA 30309	Martha Fessenden	Plaintiff: Steiner
Baron & Budd 3102 Oak Lawn Avenue Suite 100 Dallas, TX 75219	Amy Carter Ellen Presby Alicia Butler Renee Melancon Thomas Sims Robert Ashkin	Plaintiffs: Albrecht, Asman, Batra, Butts, Carazza, Collard Kaltreider, Kelner, Knowles, Lacich, Locurto, Matera, Minardi, Moussette, Nichting, Parker, Plocharczyk, Pringle, Rowley, Skelly Spencer, Stark, Stern, Ward
Lipman, Katz & McKee PO Box 1051 Augusta, ME 04332-1051	Robert Stolt	Plaintiffs: Albrecht, Ardoin, Asman, Batra, Buotte, Butts, Carazza, Collard Kaltreider, Kelner, Knabel, Knowles, Lacich, Landrith, Locurto, Matera, Minardi, Moussette, Nichting, Parker, Plocharczyk, Pringle, Pruitt, Rowley, Skelly Spencer, Stark, Steiner, Stern, Ward, Watters
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