

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES OF NEW YORK

IN RE: NEW YORK STATE LATEX GLOVE PRODUCTS
LIABILITY LITIGATION

Index No.: 751000/99

THIS DOCUMENT APPLIES TO ALL LATEX GLOVE
PRODUCTS LIABILITY ACTIONS FILED IN
THE SUPREME COURT OF THE STATE OF NEW YORK

CASE MANAGEMENT ORDER NO. 11

**Procedure Governing
Stipulation of Discontinuances
Pursuant to Settlement**

This Case Management Order (“CMO”) serves to govern the procedures for filing a Stipulation of Discontinuance pursuant to Settlement:

A. When a plaintiff discontinues an action against any defendant in this action, such defendant shall serve written notice of the discontinuance upon all parties to the action and shall thereafter be deleted from the lawsuit unless, within twenty (20) days of service of the notice, a party serves a written objection to the defendant on the ground that it intends to pursue a cross claim and/or counter claim against that defendant.

B. If after twenty (20) days of service of notice of a discontinuance there are no written objections, the Stipulation of Discontinuance signed by counsel for plaintiff and defendant seeking a discontinuance shall be presented to the Court to be “so ordered” and the discontinued defendant shall be thereafter deleted from the lawsuit.

C. Consistent with New York General Obligations Law Section 15-108(b), a release given in good faith by the plaintiff to such defendant relieves the defendant from liability to any other person for contribution.

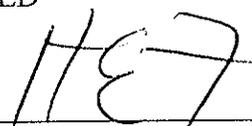
D. When a manufacturer defendant obtains a Stipulation of Discontinuance from a plaintiff, a distributor defendant shall not be held liable to plaintiff or any co-defendants for distributing that manufacturer defendant's products.

E. In the event that co-defendant intends to pursue a cross-claim and/or counter claim against a potentially dismissed defendant, and notice is received by such defendant, the objecting party, defendant and plaintiff shall conference these issues before the Court and a date and time to be set by the presiding judge.

F. Upon agreement by the settling parties in a particular case, settlement amounts shall remain confidential and can only be revealed upon court order.

Dated: November 7, 2001
New York, New York

SO ORDERED



JUSTICE HELEN E. FREEDMAN, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES OF NEW YORK

X

IN RE: NEW YORK STATE LATEX GLOVE PRODUCTS LIABILITY
LITIGATION

X

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X

CASE MANAGEMENT ORDER NO. 12

**Revisions to Discovery
and Scheduling Order
Governing Merits Discovery**

This Case Management Order serves to revise, amend and supersede portions of Case Management Order No. 10 ("CMO No. 10, and portions of other Case Management Orders entered in this litigation. Except for the revisions noted herein, all other provisions of previously entered Case Management Orders remain in full force and effect, and serve to control the procedures regarding the remaining discovery to be conducted in this litigation on the issues of liability, causation, damages and defenses ("merits discovery"). Along with CMO Nos. 2, 3, 4, 6, 8, 9 and 10, this CMO is intended to follow-up and finalize discovery activity which took place during the first phase, consisting of product identification discovery, which is the subject of New York State Court Latex Glove Products Liability Litigation Case Management Order No. 1 ("CMO No. 1"), entered on February 4, 2000.

1. The following case is hereby removed from the list of Fast Track Cases, which were so designated by operation of paragraph 6 of CMO No. 3: Lauster v. Allegiance, et al., Case No. 404276/99.

Depositions

2. The depositions of the plaintiffs in the following cases shall be completed on or before April 26, 2002: 1) Adelman v. ACH, et al., Case No. 100966/99; and 2) Cangro-Morrell v. ACH, et al., Case No. 119434/98. These cases, along with Lauster v. Allegiance, et al., Case No. 404276/99, are collectively referred to as the "Track 2 Cases" herein.

3. The depositions of the plaintiffs in the remaining Schedule A Cases, excluding the cases referenced in paragraph 1 of this CMO, paragraph 6 of CMO No. 3 and paragraph 2 of CMO No. 4, shall be completed on or before July 26, 2002. These cases are collectively referred to as the "Track 3 Cases" herein. A list of all cases designated as Track 3 Cases is attached hereto as Exhibit A. This paragraph serves to revise, amend and supersede paragraph 1 of CMO Nos. 10, 9, 8, and 6, paragraph 4 of CMO No. 4, paragraph 8 of CMO No. 3 and paragraph 20 of CMO No. 2.

4. The depositions of the plaintiffs in all other New York State Latex Glove Products Liability litigation matters pending as of the date of entry of this CMO, and not expressly addressed in paragraphs 2 and 3 of this CMO, and CMO No. 10, shall be completed on or before October 31, 2002. These cases are collectively referred to as the "Track 4 Cases" herein. A list of all cases designated as Track 4 Cases is attached hereto as Exhibit B.

Expert Discovery

5. (a). Plaintiffs in the Track 2 Cases shall designate all of his or her experts no later than **June 28, 2002**, by serving upon each defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before **August 23, 2002**, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions.

(b). Defendants in each of the Track 2 Cases shall designate their experts no later than **August 9, 2002**, by serving upon plaintiff and each co-defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before **September 20, 2002**, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions.

(c). Plaintiffs in the Track 3 Cases shall designate all of their experts no later than **September 27, 2002**, by serving upon each defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before **November 22, 2002**, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(c) of CMO Nos. 10, 9, 8, and 6, paragraph 5(c) of CMO No. 4, paragraph 9(c) of CMO No. 3 and paragraph 29(e) of CMO No. 2.

(d). Defendants in the Track 3 Cases shall designate their experts no later than **November 8, 2002**, by serving upon plaintiff and each co-defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before **December 20, 2002**, defendants in the aforementioned cases shall make

available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(d) of CMO Nos. 10, 9, 8, and 6, paragraph 5(d) of CMO No. 4, paragraph 9(d) of CMO No. 3 and paragraph 29(f) of CMO No. 2.

(e). Plaintiffs in the Track 4 Cases shall designate all of his or her experts no later than **December 31, 2002**, by serving upon each defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before **February 21, 2003**, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions.

(f). Defendants in each of the Track 4 Cases shall designate their experts no later than **February 7, 2003**, by serving upon plaintiff and each co-defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before **March 21, 2003**, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions.

(g). Any party may serve, upon plaintiff and each co-defendant in the case, supplemental expert report(s) from an expert previously designated as provided for in the CPLR. If the expert for whom the supplemental expert report has been served has already been deposed, he or she may be deposed a second time only on new material contained within such supplemental expert report. Said deposition shall taken place within 15 days of the receipt of the supplemental expert report. If the expert has not been previously deposed in this litigation, he or she may be deposed within 20 days of receipt of the supplemental expert report.

(i). On or before **August 16, 2002**, any party in the Track 2 Cases shall submit its supplemental expert reports.

(ii). On or before **November 15, 2002**, any party in the Track 3 Cases shall submit his, her or its supplemental expert reports. This paragraph serves to revise, amend and supersede portions of paragraph 2(e) of CMO Nos. 10, 9, 8, and 6, paragraph 5(e) of CMO No. 4, paragraph 9(e) of CMO No. 3 and paragraph 29(g) of CMO No. 2.

(iii). On or before **February 14, 2003**, any party in the Track 4 Cases shall submit its supplemental expert reports.

Discovery Deadline, Pleadings and Pretrial Matters

Track 2 Cases

6. Motions relating to appropriate trial venue for any of the Track 2 Cases shall be made returnable **August 29, 2002** and the Court shall hear oral arguments on any such motions on **September 12, 2002**.

7. On **September 4, 2002**, plaintiffs in the Track 2 Cases shall file Notes of Issue.

8. On **September 18, 2002**, the Court shall set trial dates, beginning with **October 14, 2002**, for the Track 2 Cases that are properly venued for trial in New York County or in any county under this Court's jurisdiction.

Track 3 Cases

9. Motions relating to appropriate trial venue for any of the Track 3 Cases shall be made returnable **November 29, 2002**, and the Court shall hear oral arguments on any such motions on **December 13, 2002**.

10. On December 4, 2002, plaintiffs in the Track 3 Cases shall file Notes of Issue. This paragraph serves to revise, amend and supersede paragraph 6 of CMO Nos. 10, 9, 8, and 6, paragraph 9 of CMO No. 4, paragraph 13 of CMO No. 3 and paragraph 38 of CMO No. 2.

11. On December 18, 2002, the Court shall set trial dates, beginning with January 20, 2003, for the Track 3 Cases that are properly venued for trial in New York County or in any county under this Court's jurisdiction.

Track 4 Cases

12. Motions relating to appropriate trial venue for any of the Track 4 Cases shall be made returnable February 28, 2003 and the Court shall hear oral arguments on any such motions on March 14, 2003.

13. On March 5, 2003, plaintiffs in the Track 4 Cases shall file Notes of Issue.

14. On March 19, 2003, the Court shall set trial dates, beginning with April 28, 2003, for the Track 4 Cases that are properly venued for trial in New York County or in any county under this Court's jurisdiction.

Dated: January , 2002

SO ORDERED,

JUSTICE HELEN E. FREEDMAN