

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

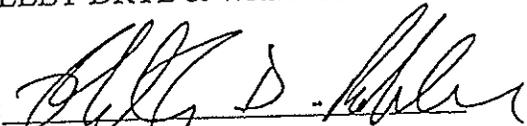
THIS DOCUMENT APPLIES TO ALL LATEX GLOVE
PRODUCTS LIABILITY ACTIONS FILED IN THE
SUPREME COURT OF THE STATE OF NEW YORK

NOTICE OF ENTRY

PLEASE TAKE NOTICE that annexed hereto is a true copy of Case
Management Order No. 2, without exhibits, entered in the Clerk's Office of the Supreme Court
of the State of New York, County of New York, on September 8, 2000.

DATED: New York, New York
September 25, 2000

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

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IN RE: NEW YORK STATE LATEX GLOVE PRODUCTS LIABILITY
LITIGATION

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CASE MANAGEMENT ORDER NO. 2

**Discovery and Scheduling Order
Governing Merits Discovery**

This Case Management Order will govern the remaining discovery to be conducted in this litigation on the issues of liability, causation, damages and defenses ("merits discovery"). It 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").

Coordination with MDL 1148

As with the product identification phase of discovery, in the interest of justice, judicial economy and efficiency, merits discovery will be coordinated to the extent possible with the multi-district litigation proceeding pending in the United States District Court for the Eastern District of Pennsylvania, styled *In re: Latex Gloves Products Liability Litigation*, No. MDL 1148 ("MDL 1148"). The following procedures are designed to ensure continued coordination with MDL 1148.

19. The depositions of the plaintiffs in the eight cases referenced in paragraph 34 herein shall be completed on or before November 15, 2000.

20. The depositions of the plaintiffs in the remaining cases listed on Schedule A, attached as Exhibit A to CMO No. 1 shall be completed on or before January 15, 2001.

21. The parties may depose any non-party fact witness including the treating physicians of each plaintiff without further leave of court.

22. Unless all parties otherwise agree, all objections raised during the course of any deposition, except as to the form of the question, shall be reserved until the time of trial. Any objection as to form shall be clearly stated, and upon request, the reasons given in order to enable the questioner to amend or change the question or correct any possible error as to form. Further, an objection by one defendant at a deposition shall serve as an objection by all defendants.

23. Questioning of witnesses shall not be unnecessarily repetitive. Reasonable efforts shall be made to conduct each deposition efficiently and to avoid the unnecessary expenditure of time. Attorneys in cases which are cross-noticed shall have a reasonable opportunity to question the deponent.

24. Deposition notices shall state whether the deposition is to be videotaped and, if so, the name, firm, and address of the videographer or videography firm shall be set forth in the notice. All videotaped depositions shall proceed pursuant to the CPLR and Section 202.15 of the Uniform Rules for the Trial Courts of the State of New York and Orders of this Court.

25. Cameras and microphones shall accurately reproduce the appearance of the deponent and assure clear reproduction of the deponent's testimony and the statements of counsel. The camera shall at all times remain focused only on the deponent. The video technician shall not use any zoom or wide angle lens feature on the camera.

26. The deponent, or any party, may place upon the record any objection to the video technician's handling of the video recording procedures. Such objections shall be considered by the Court in ruling on the admissibility of the video record.

27. The stenographic transcript shall constitute the official transcript of the deposition. In the event of any material discrepancy between the video record and the stenographic transcript, there shall be a presumption that the stenographic transcript shall control unless the Court rules otherwise.

28. Counsel for plaintiffs and defendants shall consult in advance in an effort to schedule depositions of witnesses at mutually convenient times.

Expert Discovery

29. (a) "Expert material" as used herein means the qualifications of the witness, including a list of all publications authored or co-authored by the witness within the preceding ten years (which may be satisfied by production of a current *curriculum vitae*) and a list of all medical records, medical or scientific literature and all other documents or data upon which the expert has relied in formulating his or her opinion.

(b) "Expert's report" as used herein means a written report prepared and signed by the expert, which contains a complete statement of all opinions to be expressed at trial by the expert and the basis and reasons therefor.

(c) Plaintiffs in the eight cases referenced in paragraph 34 herein shall designate all of his or her experts no later than December 5, 2000, 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 1, 2001, plaintiffs in the aforementioned eight cases shall make available and present their designated expert witnesses for depositions.

(d) Defendants in the eight cases referenced in paragraph 34 herein shall designate their experts no later than January 15, 2001, 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 15, 2001, defendants in the aforementioned eight cases shall make available and present their designated expert witnesses for depositions.

(e) Plaintiffs in all the remaining cases listed on Schedule A, attached as Exhibit A to CMO No. 1, excluding the eight cases referenced in paragraph 34 herein, shall designate all of their experts no later than February 5, 2001, 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 April 15, 2001, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions.

(f) Defendants in all the remaining cases listed on Schedule A, attached as Exhibit A to CMO No. 1, excluding the eight cases referenced in paragraph 34 herein, their experts no later than March 9, 2001, 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 May 15, 2001, 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. On or before February 1, 2001, any party in the eight cases referenced in paragraph 34 herein shall submit its supplemental expert reports. On or before March 25, 2001, any party in all the remaining cases listed on Schedule A, attached as Exhibit A to CMO No. 1, excluding the eight cases referenced in paragraph 34 herein, shall submit its supplemental expert reports. 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. (h)

(h) Depositions of plaintiffs' and defendants' experts in the MDL on common issues have been and are continuing to be taken. The transcript(s) of any such deposition that are produced pursuant to this provision, and that has been cross-noticed as set forth in CMO No. 1, Section VII.3, may be used in the case in which it is produced by all parties in that case to the same extent as if it had been taken in that case. Any further expert depositions taken in MDL 1148 on common issues may be cross-noticed in these cases. Counsel for defendants shall be responsible for cross-noticing depositions of their experts for use in these cases and counsel for plaintiffs shall be responsible for cross-noticing depositions of their experts for use in these cases. Any depositions that are cross-noticed may be used in these actions by all parties to the same extent as if they had been taken in these actions by all parties to the same extent as if they had been taken in these actions

(i) Should an expert who has previously been deposed in MDL 1148 or as a common issue expert in any individual case in this coordinated litigation be designated by any party in a given case subject to this order, the deposition that the parties shall be entitled to take will be non-repetitive of any deposition previously taken of such expert, pertaining to issues that were not covered by prior deposition(s) of that witness. Such deposition shall proceed in accordance with the time schedules set forth in subparagraphs (c) through (f), hereof. Objections, if any, to conducting such depositions, shall be served within 10 days of service of a deposition notice for the deposition of such a witness. Counsel shall discuss such objections and attempt to reach a good faith resolution of any differences. In the event a resolution of all objections cannot be achieved by agreement of counsel, any party may seek leave of Court, by motion, to conduct a non-repetitive deposition of such expert witness pertaining to issues that were not covered by prior depositions of that expert witness.

(j) The designation and deposition of an expert on generic issues in MDL 1148 shall not preclude the designation of additional or substitute expert witnesses on such issues for trial, subject to the deadlines set forth in the preceding subparagraphs of paragraph 29.

Discovery Disputes

30. The parties agree that disputes relating to confidentiality will be governed by the determinations, orders and recommendations made in the MDL proceedings. The parties further agree that disputes relating to discoverability will be governed by New York law, and the determinations, orders and recommendations made in the MDL proceedings. As is necessary, a producing party, in response to a discovery request, may assert a claim of privilege consistent with New York law, and determinations, orders and recommendations made in the MDL proceedings, and shall provide a privilege log as provided for in CPLR 3122(b). If any other dispute arises between the parties concerning discovery, parties shall meet and confer in good faith in an effort to resolve the dispute informally.

Other Discovery

31. Nothing in this Order shall be construed to limit the parties from seeking discovery from non-parties as provided for in the CPLR.

Discovery Deadline, Pleadings and Pretrial Matters

32. All cross-claims and third-party claims shall be served and filed no later than 30 days before the filing of a Note of Issue in each case. All amended pleadings shall be served and filed no later than 30 days before the filing of a Note of Issue and Certificate of Readiness in each case.

33. A conference will be conducted 30 days after the filing of a Note of Issue and Certificate of Readiness in each case, or as otherwise scheduled by the Court. At the conference, the Court shall

consider all outstanding motions and will consider proposals for narrowing the issues at trial. At the conference, the Court will also set deadlines for filing and exchange of exhibit and witness lists, designation of deposition testimony and objections to deposition testimony, motions in limine and proposed jury questions and instructions.

34. On October 12, 2000, by the close of business, Plaintiffs' and Defendants' Liaison Counsel will each submit the names of four cases taken from the list of Schedule A cases, attached as Exhibit A to CMO No. 1, to be trial ready on April 3, 2001. The respective case selections are to be forwarded via facsimile, only by each respective Liaison Counsel to the respective opposing Liaison Counsel and to the Court.

35. Motions relating to appropriate trial venue for any of the eight cases selected by the parties and referenced in paragraph 34 shall be made returnable January 25, 2001 and the Court shall hear oral arguments on any such motions on February 8, 2001.

36. On February 5, 2001, plaintiffs shall file Notes of Issue in the eight cases selected by the parties and referenced in paragraph 34.

37. On February 12, 2001, the Court shall set trial dates, beginning with April 3, 2001, for those of the eight cases selected by the parties and referenced in paragraph 34 that are properly venued for trial in New York County or in any county under this Court's jurisdiction.

38. On May 4, 2001, plaintiffs shall file Notes of Issue in the remaining cases listed on Schedule A, attached as Exhibit A to CMO No. 1.

Continuing Product Identification Discovery

39. Nothing in this Order shall preclude further product identification discovery.

Service

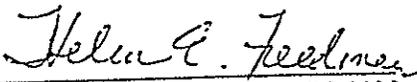
40. All papers and correspondence in this litigation shall be served pursuant to the terms set forth in Section III., 1 and 3 of CMO No. 1. To the extent any party is represented by more than one law firm and/or lawyer, counsel for that party shall designate in writing to all other parties which lawyer at which law firm shall receive papers on the party's behalf. If no such designation is made, service on any single lawyer or law firm representing a party shall constitute service on that party.

Amendments

41. Upon the consent of all parties and approval of the Court, or upon the showing of good cause, the Court may amend this Order as justice requires.

Dated: August 24, 2000

SO ORDERED,


JUSTICE HELEN E. FREEDMAN

Written Discovery

2. No later than (i) October 2, 2000 for cases referenced on Exhibit A attached to CMO No. 1, or (ii) in all other cases, 120 days from the Start Date in each case, as defined in Section VII. 2, n. 2 of CMO No. 1, in which the Start Date has not begun to run as of the date that this order is entered, the plaintiff shall respond to the following sets of discovery propounded by the defendants to plaintiffs in MDL 1148: Revised Defendants' Merits Interrogatories to All Plaintiffs - First Set and the Revised Defendants' Merits Requests For Production of Documents to All Plaintiffs - First Set, Defendants' Second Set of Merits Interrogatories Concerning Plaintiffs' Alternative Theories of Liability and Defendants' Second Set of Requests for Production of Documents Concerning Plaintiffs' Alternative Theories of Liability. Copies of these discovery requests are attached as Exhibit A hereto. Plaintiffs answers to this discovery shall comply with the guidelines set forth in MDL 1148 CMO No. 58, insofar as it does not require answers that are inconsistent with New York law, and except as the Court otherwise directs upon application by a plaintiff. A copy of MDL 1148 CMO No. 58 is attached hereto as Exhibit B.

3. No later than (i) October 2, 2000 for cases referenced on Exhibit A attached to CMO No. 1, or (ii) in all other cases, 120 days from the Start Date in each case, as defined in Section VII. 2, n. 2 of CMO No. 1, in which the Start Date has not begun to run as of the date that this order is entered, each manufacturer defendant shall respond to the following sets of discovery propounded by the plaintiffs to the defendants in MDL 1148: Merits Interrogatories of Plaintiffs Addressed to All Defendants - First Set and the Merits Request for Production of Documents of Plaintiffs Addressed to All Defendants - First Set, Plaintiffs' Revised Interrogatories (Contention) To All Defendants - Second Set, and Merits Interrogatories of Plaintiffs Addressed to All Defendants - Third Set. Copies of these discovery requests are attached as Exhibit C.

4. No later than (i) October 2, 2000 for cases referenced on Exhibit A attached to CMO No. 1, or (ii) in all other cases, 120 days from the Start Date in each case, as defined in Section VII. 2, n. 2 of CMO No. 1, in which the Start Date has not begun to run as of the date that this order is entered, each distributor defendant shall also respond to the following sets of discovery propounded by the plaintiffs to the defendants in MDL 1148: Merits Interrogatories and Requests for Production of Documents of Plaintiffs Addressed to Distributor Defendants. Copies of these discovery requests are attached as Exhibit D.

5. On or before October 2, 2000, each manufacturer and distributor defendant shall serve all parties with written responses to the questions set forth at MDL 1148 CMO No. 41. A copy of MDL 1148 CMO No. 41 is attached hereto as Exhibit E.

6. Each party shall amend and/or supplement its discovery responses in each case as required under CPLR 3101(h).

7. In addition to the MDL discovery set forth above, plaintiffs as a group and the manufacturer defendants as a group may serve upon each other an additional 25 nonduplicative, supplemental written interrogatories, excluding notices to admit and interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory. The parties by agreement or the Court upon motion may modify this limit.

8. In addition to the MDL discovery set forth above, plaintiffs as a group and the distributor defendants as a group may serve upon each other an additional 25 nonduplicative, supplemental written interrogatories, excluding notices to admit and interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory. The parties by agreement or the Court upon motion may modify this limit.

Document Production

9. **Plaintiff:** The plaintiff(s) in each case shall produce documents that are responsive to the MDL 1148 merits discovery requests, as more fully set forth in paragraph 2 of this CMO, by producing the documents directly to all counsel of record in that plaintiff's case, or in the alternative, by making the documents available for inspection and copying at reasonable times at the offices of that plaintiff's counsel. The defendants may arrange for copies to be made by an independent copy service.

10. **Defendants:** In response to any of the above-referenced discovery requests, as more fully set forth in paragraphs 3, 4 and 5, that have been previously propounded in MDL 1148, any defendant may serve plaintiffs with its discovery answers served previously in MDL 1148; however such service must be accompanied with a separate pleading, captioned as set forth in Section II.B of CMO No. 1, which identifies the specific MDL discovery responses being adopted and/or incorporated by reference and which is signed by counsel for that defendant. Such responses are subject to the supplementation requirements of the CPLR. No MDL defendant shall be compelled to produce the following: (i) any document previously produced in the MDL proceedings; or (ii) any information previously produced in the MDL proceedings. To the extent MDL defendants refer plaintiffs to documents or interrogatories produced in the MDL proceedings, defendants agree to: 1) identify documents by specific bates numbers; and, 2) interrogatories by case name, bates number and interrogatory number. To the extent that plaintiffs are unable to obtain or retrieve copies of any documents or interrogatories produced in the MDL proceedings, defendants agree to produce copies to plaintiffs, with plaintiffs agreeing to pay for the cost of these copies. The defendants that have not previously produced documents in response to the MDL 1148 merits discovery requests shall produce responsive documents by making them available for inspection and copying at reasonable times at the offices of its counsel. As set forth in CMO No. 1, the plaintiff(s) in each case shall have access to the documents maintained in the Plaintiff's Document Depository in connection with MDL 1148, subject the provisions of Case Management Orders 7 and 7A,

Protective Orders Governing Confidentiality, Stipulations, and Case Management Order 27 entered in MDL 1148, and all modifications and revisions to those orders and stipulations. Any documents produced in this litigation that have not been previously produced are subject to the terms of the Protective Order entered by the Court as part of CMO No. 1.

Authorizations

11. Pursuant to Section VII. 2 of CMO No. 1, plaintiffs in each case were required to produce original executed authorizations during the product identification phase of discovery. In the course of discovery, defendants may determine the need to obtain supplemental and/or additional authorizations. Further, certain non-parties may require execution of form authorizations other than those attached as Exhibit G to CMO No. 1. Plaintiffs in each case shall provide any necessary authorizations to lead defense counsel in each case within 14 days of a written request for such authorizations

12. Nothing in this Order shall preclude the parties from issuing subpoenas on non-parties for any records. The parties consent that all documents obtained via subpoena will be provided to an agreed upon record copy/retrieval service, and to designated Lead Defense Counsel in the particular case, if the subpoenaing party is the plaintiff (and to an agreed upon record copy/retrieval service and plaintiff's counsel if the subpoenaing party is not the plaintiff), within one week of receipt of such records. In addition, the party issuing the subpoena shall notify all parties that such documents are available for copying. Failure to comply with production of nonparty documents will result in preclusion of the use of those documents for any and all dispositive motions and/or at trial.

Independent Medical Examinations

13. Upon notice and request by the defendants, the plaintiff in each case shall submit to one independent medical examination ("IME") in each of the areas of medical specialty at issue in that

plaintiff's case. The IME's shall be performed within the plaintiff's county of residence, one of the contiguous counties or if the plaintiff is a resident of a county in New York City, in the New York City metropolitan area. As per CPLR 3121(b), reports shall be prepared and served on all counsel of record in a particular case after the completion of each IME of the plaintiff in that case.

Depositions

14. As with the product identification phase of discovery, the Court intends to limit duplicative or repetitive examination of party and non-party witnesses unless necessary in the context of a particular case.

15. In response to a deposition notice, a MDL defendant shall have the option of producing the representative(s) identified in the deposition notice (or if none is identified, an appropriate representative), or in lieu of making the witness available for deposition, producing a transcript of any latex glove products liability litigation deposition (pursuant to the Protective Order entered as part of CMO No. 1) given by a representative in the MDL proceedings or in another state court latex glove product liability action, or a different representative with knowledge of the subject of the deposition notice. Plaintiffs may request (and defendant shall provide) copies of transcripts of all latex glove products liability litigation depositions of a particular witness if a transcript is identified in lieu of testimony as described above. The transcript(s) of any such deposition that are produced pursuant to this provision, and that has been cross-noticed as set forth in CMO No. 1, Section VII.3, may be used in the case in which it is produced by all parties in that case to the same extent as if it had been taken in that case. If the party who noticed the deposition determines that the prior deposition testimony is insufficient for purposes of the particular case in which the deposition notice was served and if the parties cannot agree that a further deposition of the witness should be obtained, then the requesting counsel may seek an

order of the Court, by filing a motion which shall set forth the reason(s) additional discovery is needed and all of the subject areas about which the requesting party seeks supplemental testimony.

16. If a MDL defendant's witness has not been deposed on merits issues in the MDL proceedings and a plaintiff in this litigation wishes to depose such a representative, counsel shall attempt to coordinate such deposition(s) with the appropriate defense counsel in the MDL proceedings. If a defendant's witness is to be deposed by a plaintiff, counsel for the defendant shall be responsible for cross-noticing the deposition. All parties shall cooperate with cross-noticing efforts, including providing ample time and notice for non-parties to this action to participate.

17. Merits depositions of the MDL defendants and their representatives have been occurring in the MDL proceedings and in other state court natural rubber latex glove product liability actions simultaneous with product identification discovery in this litigation. The transcript(s) of any such deposition that are produced pursuant to this provision, and that has been cross-noticed as set forth in CMO No. 1, Section VII.3, may be used in the case in which it is produced by all parties in that case to the same extent as if it had been taken in that case. Any further merits depositions taken in MDL 1148 and in other state court natural rubber latex glove product liability actions should be cross-noticed in this litigation. Counsel for each MDL defendant shall be responsible for cross-noticing depositions of their representatives or witnesses for use in this litigation. Any depositions that are cross-noticed may be used in this litigation by all parties to the same extent as if they had been taken in this litigation. Failure of counsel for an MDL defendant to cross-notice a deposition will not preclude plaintiffs from using the deposition as if it had been taken in this litigation.

18. Except as in provided in paragraph 19, a deposition of the plaintiff(s) in each case shall be taken during the merits phase of discovery. This deposition will cover all matters at issue in each case, including product identification issues, unless a separate product identification deposition of plaintiff(s) was previously completed.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES
PRODUCTS LIABILITY
LITIGATION
(All Cases)

MDL NO. 1148
(All Cases)

Judge Edmund V. Ludwig

REVISED DEFENDANTS' MERITS INTERROGATORIES
TO ALL PLAINTIFFS - FIRST SET

Defendants, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that Plaintiffs answer the following interrogatories under oath and in full accordance with the applicable provisions of the Federal Rules of Civil Procedure on or before February 28, 1999.

I. INSTRUCTIONS

1. These interrogatories are continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure. You shall be required to supplement your responses as the existence of additional information becomes known to you or your counsel. You shall also be required to correct any response if you learn that it is incorrect, incomplete, or inaccurate.
2. If you object to, or otherwise decline to respond to any portion of an interrogatory, pursuant to Case Management Order No. 20, you must provide all information that you do not consider objectionable. If you object to an interrogatory on the ground that it is too broad (i.e., that it calls both for information which is relevant to the subject matter of the action and information which is not), provide such information as is concededly relevant.



If you object to an interrogatory on the ground that to provide information would constitute an undue burden, provide such requested information as can be supplied without undertaking an undue burden.

3. These interrogatories seek the disclosure of evidence, if any, which supports your contentions in this action, and any of the Defendants may seek a preclusionary order barring the admission of any evidence at trial which is not fully set forth in advance of trial to enable the Defendants to respond thereto.

4. All objections or answers to these interrogatories which fail or refuse fully to respond to any interrogatory on the ground of any claim of privilege of any kind shall:

- a. state the nature of the claim of privilege;
- b. state all facts relied upon in support of the claim of privilege or related thereto;
- c. identify all information related to the claim of privilege;
- d. identify all persons having knowledge of any facts related to the claim of privilege; and
- e. provide a description of the information withheld sufficient to validate the privilege claimed.

5. In answering each interrogatory, identify and produce all documents in your possession or control or in the possession or control of your employees or agents and all other persons acting or purporting to act on your behalf which contain the information used to answer the interrogatories.

6. If documents are not attached to the answers to these interrogatories, state the substance of such document and give an explanation as to why the document or documents are not being attached.

7. These interrogatories seek all information in your possession or subject to your custody or control. If any information described in the interrogatories or responses thereto was, but no longer is, in your custody or control, or in existence, state whether:

- a. it is missing or lost;
- b. it has been destroyed;
- c. it has been transferred, voluntarily or involuntarily, to others; or
- d. it has been disposed of otherwise.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing same, and the date(s) thereof. Identify any document by listing its author, the author's address, type of document, date, subject matter, present location(s) and custodian(s), and state whether the document (or copies) are still in existence.

8. The singular shall include the plural and the plural shall include the singular.

9. A masculine, feminine, or neuter pronoun shall not exclude the other genders.

10. The time period covered by these interrogatories shall be January 1, 1978 through the present, unless otherwise specified herein.

DEFINITIONS

1. "Document" shall be given the broadest meaning possible under the Federal Rules of Civil Procedure. By way of example, "document" means any written, recorded, or graphic material, whether prepared by you or by any other person, that is in your possession, custody, or control, including memoranda, reports, letters, telegrams, electronic mail, other electronic correspondence, and any other communications or information recorded in any form or medium; notes, minutes, and transcripts of conferences, meetings and telephone or other communications; transparencies, view-graphs, foils, slides, handouts, and multimedia presentations; contracts and other agreements; statements, ledgers, and other records of financial matters or commercial transactions; notebooks and diaries; plans and specifications; publications; photographs; diagrams, graphs, charts, and other drawings; photocopies, microfilm, and other copies or reproductions; audio and video recordings; tape, disk (including all forms of magnetic, magneto-optical, and optical disks), and other electronic recordings; financial models, statistical models and other data compilations; and computer printouts. The term includes all drafts of a document; the original document (or a copy thereof if the original is not available); and all copies that differ in any way from the original (including as to any notations, underlining, or other markings). The term also includes information stored in, or accessible through, computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations.

2. "Tangible thing" or "tangible item" shall mean any physical object, physical evidence, laboratory exhibit, clothing, item, utensil, tool, specimen, and the like.

3. "Related to" or "relating to" means consisting of, referring to, pertaining to, reflecting, supporting, prepared in connection with, used in preparation for, or being in any way legally or logically connected with the matter discussed.

4. "Including" shall mean "including but not limited to."

5. "And" shall include "or" and "or" also shall include "and."

6. "Identify" or "identity" with respect to a document or tangible thing shall mean to set forth the type of document or tangible thing (e.g., letter), its date of creation, author(s), recipient(s), title, if any, and subject matter. If a document is no longer in your possession, custody or control, so state and identify the document to the best of your knowledge and state what disposition was made of it, when and by whom.

7. "Identify" or "identity" with respect to a natural person shall mean to set forth his or her name, his or her business position and affiliation at the time in question, his or her last known business position and affiliation, and if he or she is not currently employed by you, his or her last known business and home addresses, including telephone numbers. Once a person has been fully identified in your answer, such person may be identified thereafter by name alone.

8. "Identify" or "identity" with respect to a person other than a natural person shall mean to set forth its name and principal business address, the nature of its business and the name and position of the individual purporting to act or speak for it or on its behalf

9. "Communication" refers to any transfer of information, ideas, opinions or thoughts by any means, at any time or place, under any circumstances, and is not limited to written or verbal transfers between natural persons, but includes all other transfers, including

electronic transfers, transfers of information stored on computer disk or computer memory, and memoranda to file.

10. The term "identify" as used herein in connection with a "communication" requires that you state (a) the date of the communication, (b) its type (e.g., letter, phone call, or face to face meeting), (c) the identity of each participant (see the definitions of "identify" as used in connection with persons, above), (d) its place, if a face to face meeting, (e) the identity of each document constituting or reflecting the communication (see the definitions of "identify" as used in connection with documents, above) and (f) the substance of the communication.

11. "You" and "Your" shall mean the Plaintiff, individually and, where appropriate, any representative, agent, or attorney or prior attorney of the Plaintiff.

12. "Plaintiff" or "Plaintiffs" shall mean the Plaintiff or Plaintiffs herein individually and, where appropriate, any representative, agent, or attorney or primary attorney of the Plaintiff.

13. "Defendant" or "Defendants" shall mean any of the Defendants named in the instant action and, where appropriate, any director, officer, employee, agent or attorney therefor.

14. "Health or mental care provider" shall mean any person who is or has in the past been licensed or certified in the health or mental care profession, including, but not limited to, physicians, doctors, surgeons, obstetricians, pediatricians, dermatologists, psychiatrists, psychologists, psychotherapists, allergists, nurses and chiropractors.

15. "Latex glove" shall mean any product which is or was used to fully or partially cover the hand and which was produced, in whole or part, from natural rubber latex.

16. "Latex product" shall mean any product or item manufactured, in whole or any part, from natural rubber latex.

17. The plaintiffs and defendants have a disagreement as to the proper definition of the terms "Type I latex allergy" or Type I latex hypersensitivity." Plaintiffs and defendants will work upon an agreed definition of that term. For purposes of discovery only, plaintiffs will respond to any discovery requests relating to "latex allergy" by treating the term in a plain English sense, that is, any adverse physical reaction caused by exposure to latex. Defendants recognize that the plaintiffs in MDL 1148 claim that they are suffering from Type I latex allergy or Type I latex hypersensitivity. Defendants also recognize that plaintiffs do not concede that a cause of action accrues in the respect of a claim based on the above definition of "latex allergy."

INTERROGATORY NO. 1:

Identify each and every person who participated in the process of answering these interrogatories and describe the nature of their relationship, if any, to you.

INTERROGATORY NO. 2:

State your full name, sex, current address, date of birth, place of birth, and social security number. Also, set forth your maiden name and any other name(s) you have used in the past.

INTERROGATORY NO. 3:

State whether you have ever been married, and if so, state the full name and address of each spouse, the date and place of each such marriage and, if applicable, the date and manner of termination of the marriage.

INTERROGATORY NO. 4:

State the full name, current address and date of birth of each of your children.

INTERROGATORY NO. 5:

State the address of each of your residences. If you have ever changed or moved from your residence due to any health reasons, please state the following:

- (a) the conditions for which you changed or moved from your residence;
- (b) the date you changed or moved from your residence; and,
- (c) the name and address of the person or organization who advised you to change or move from your residence.

INTERROGATORY NO. 6:

For every school or other training course you have ever attended, including high schools, technical institutes, colleges, universities, in-house seminars, outside seminars and specialty training courses, state:

- (a) name;
- (b) address;
- (c) dates of attendance;
- (d) degrees, diplomas, and highest levels of education completed;
- (e) field of study;
- (f) honors;

- (g) awards;
- (h) citations; and
- (i) [withdrawn]

Answer these sections only as they apply to high school and later. Plaintiffs agreed to provide a signed authorization to photocopy and release school records.

INTERROGATORY NO. 7:

If you have ever been a member of the Armed Forces of the United States or any other sovereignty, state the following:

- (a) the inclusive dates, branch of service, your service or serial number, and, if you received a medical discharge, the basis therefor;
- (b) whether you ever claimed or received benefits from the Veteran's Administration for injury or disability, listing those benefits, and the name and address of each doctor and institution that examined and treated you;
- (c) whether you ever used or were exposed to latex gloves while in the Armed Forces, identifying all such gloves by manufacturer; and
- (d) identify all documents, communications or tangible items which refer or relate to the above subjects with regard to your membership in the Armed Forces.

INTERROGATORY NO. 8:

If you are currently employed, whether part-time, full-time, or self-employed, provide the following information:

- (a) employer's name, address, and telephone number;
the month and year you started your current employment;
- (c) the nature of business;
- (d) salary or hourly rate;
- (e) benefits, including insurance (health, dental life), 401K, pension plan, profit sharing, performance bonus, stock options, automobile allowance, other;

- (f) description of the job;
- (g) the minimum educational requirements for the job;
- (h) duties;
- (i) responsibilities;
- (j) any promotions received;
- (k) any demotions received;
- (l) your current job title;
- (m) any past job titles or positions and primary duties, including the dates that you held such job titles or positions;
- (n) identify your current and past supervisors for your present employer, including the dates that those individuals were your supervisors; and
- (o) [withdrawn]

INTERROGATORY NO. 9:

Identify (a) any offers of employment which you have had since the date of your alleged injury but which you rejected; (b) any corresponding salary or wage offers; and (c) your reasons for rejecting the offers of employment.

INTERROGATORY NO. 10:

If you are not currently employed, please identify the reasons why you are not currently employed.

INTERROGATORY NO. 11:

Please identify all prior employment. Include full-time, part-time, or self-employment. For each prior employment, provide the following employment history;

- (a) employer's name, address, and telephone number;
- (b) month and year you started and ended employment;

- (c) nature of business;
- (d) salary or hourly rate;
- (e) benefits, including insurance (health, dental, life), 401K pension plan, profit sharing, performance bonus, stock options, automobile allowance, other;
- (f) description of job;
- (g) whether you had any expectations during this employment concerning the growth of your salary or other compensation; if so, state what your expectations were in this regard, and identify any document, including but not limited to employment contracts or collective bargaining agreements, upon which your expectations were based;
- (h) duties;
- (i) responsibilities;
- (j) promotions;
- (k) demotions;
- (l) past job titles and positions, including dates that the respective job titles or positions were held;
- (m) identify your current and past supervisors, including the dates that they were your supervisors;
- (n) reasons for leaving; and
- (o) ~~withdrawn~~

INTERROGATORY NO. 12:

If you are currently self-employed, have been self-employed in the past, or worked for a business entity which you or a member of your immediate family owned part or all of, provide the following information:

- (a) state and federal tax returns for the seven years prior to the date of diagnosis of your alleged latex injury (and for the year in which the injury occurred, as well as all subsequent years) for the legal entity by which you are or were employed;

- (b) year-end detailed payroll summaries as reported to the IRS for the legal entity by which you are or were employed for all years listed in (a); and
- (c) complete financial statements for all years listed in (a) for the legal entity by which you are or were employed.

Plaintiffs may respond to this interrogatory by identifying and producing federal and state tax returns and/or other documents identifying their taxable income. If tax returns are unavailable to plaintiffs, they may produce signed authorizations for the release to defendants of the tax returns.

INTERROGATORY NO. 13:

Please provide your annual earnings (from all sources) for the past seven years. If you worked at two or more occupations during any annual period, please identify the periods for which you worked the different occupations, the occupations and the salary or income attributable to each occupation. If the occupations were in different industries, identify the respective industries. If earnings are for less than a full year, please identify the portion of the year for which you received the earnings.

INTERROGATORY NO. 14:

State whether you have ever been convicted of a crime, including a misdemeanor or felony, and, if so, set forth the date, the nature and location of the offense, and the court in which you were convicted.

Plaintiffs shall submit any felony or misdemeanor convictions in camera to the Special Master, who will rule on their disclosure under Fed. R. Evid. 609.

INTERROGATORY NO. 15:

For each illness, injury, sickness, disease, disorder (including but not limited to allergies or asthma, but excluding mental, psychiatric or psychological disorders) or surgical operation

that you have experienced at any time in your life, other than those at issue in this lawsuit, please state the following:

- (a) The nature, extent and specific location of each such injury, illness, sickness, disease, disorder, or operation;
- (b) the date and place of each injury, illness, sickness, disease, disorder, or operation;
- (c) a detailed description of your symptoms, and/or surgery performed;
- (d) a brief description of where and how you sustained the injury, illness, sickness, disease, disorder, or operation;
- (e) the approximate date of your recovery in each such case;
- (f) if you did not fully recover, the date your condition became stable and a description of your condition at that time; and
- (g) the identity of each document or tangible thing relating to each such injury, illness, sickness, disease, or operation.

INTERROGATORY NO. 16:

For each condition for which you sought consultation or treatment in response to Interrogatory No. 15, and for routine pediatric and gynecological care, identify the name and address of each health care provider whom you have ever seen for consultation, examination, or treatment. With respect to each such consultation, examination, or treatment, identify the dates of each such consultation, examination, or treatment and each document or tangible thing relating to each consultation, examination, or treatment.

INTERROGATORY NO. 17:

Prior to your exposure to Defendants' latex gloves, have you ever, at any time, either actually suffered from or been told that you have suffered from any complaint, injury, sickness, disease, condition, illness, or disorder (including but not limited to allergies or

asthma) related in any way to the parts, systems or functions of your body which you claim were injured as a result of exposure to defendants' latex gloves. If so, state for each such complaint, injury, sickness, disease, condition, illness, or disorder the following:

- (a) its type, nature, and extent;
- (b) the inclusive dates when you suffered or experienced each;
- (c) the names and addresses of all health or mental care providers or hospitals examining or treating you with regard to each;
- (d) whether or not you have completely recovered from each, and if so, provide the date of such recovery;
- (e) if you have not recovered from each, indicate your present complaints;
- (f) if you claim that any such pre-existing condition was aggravated or worsened as a result of your exposure to defendants' latex gloves, specify the nature of the aggravation or the pre-existing condition; and
- (g) identify all documents or tangible things that relate to each such complaint, injury, sickness, disease, condition, illness, or disorder.

INTERROGATORY NO. 18:

Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your Complaint, including the following:

- (a) the nature, extent, and specific location of each such injury or illness;
- (b) the inclusive dates and duration you suffered from each such injury or illness;
- (c) whether the injury or illness arose immediately with exposure to latex gloves or at some later time;
- (d) which Defendants' latex gloves were allegedly involved in each such injury or illness;
- (e) the nature, duration, and severity of the symptoms and pain, if any;
- (f) whether the injury or illness was temporary or is permanent;

- (g) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse; and
- (h) the identity of each document or tangible thing that relates to each such injury or illness.

INTERROGATORY NO. 19:

For each condition for which you sought consultation or treatment in response to Interrogatory No. 18, identify the name and address of each health care provider whom you have seen for consultation, examination, or treatment. With respect to each such consultation, examination, or treatment, identify the dates of each such consultation, examination, or treatment, state whether such health care provider was identified or suggested by an attorney (including your counsel in this matter), and identify each document or tangible thing relating to each consultation, examination or treatment.

INTERROGATORY NO. 20:

State whether any of your health or mental care providers, in a professional setting, at any time, stated or suggested to you or your attorney, verbally or in writing, that any of the injuries, reactions, restrictions, side effects, or symptoms described in your answers to these interrogatories may have been caused by any factors or reasons other than those alleged in your Complaint. If so, please state the following:

- (a) the full name and address of all persons who made such communications;
- (b) the substance of each such communication;
- (c) whether each such communication was made in writing and if so, identify the writing(s); and
- (d) the date(s) of each communication.

INTERROGATORY NO. 21:

State whether you have undergone testing for latex allergens or proteins, including, but not limited to, testing of your body tissue, blood serum, or body fat. If so, state the following:

- (a) the name and the type of test(s) performed;
- (b) the individual or entity who performed such testing;
- (c) the date(s) of said testing;
- (d) the results of any such testing;
- (e) the present custodian of any records, reports, summaries, analyses, or synopses of any such testing; and
- (f) the identity of each document or tangible thing that relates to each such test.

INTERROGATORY NO. 22:

Objections sustained.

INTERROGATORY NO. 23:

State whether you have ever suffered from any allergy or an allergic or adverse reaction to any latex glove or other latex containing product and, if so, specify the following:

- (a) the latex product to which you have been allergic or had an allergic or adverse reaction;
- (b) a description of the symptoms suffered from each such allergy or reaction;
- (c) the date(s) and duration(s) for each such allergy or reaction;
- (d) the name and address of any health or mental care provider consulted in connection with such allergy or reaction;
- (e) the dates of each such consultation;
- (f) a description of any treatment rendered or medical advice given in connection with such allergy or reaction; and,

- (g) if any claim and/or lawsuit was brought by you or on your behalf pertaining to any such reaction identify the person and/or company against whom each claim was made, the matter in which each claim was made and, if a lawsuit was involved, the court, term, and case number of said lawsuit and the names and addresses of all attorneys of record in the lawsuit.

INTERROGATORY NO. 24:

State whether you have ever suffered from an allergy or an allergic or adverse reaction to any substance other than latex gloves or other latex products, including, but not limited to, food, animals, metal, or bacterial agents and if so, specify the following:

- (a) the substance to which you have been allergic or had an allergic or adverse reaction;
- (b) a description of the symptoms suffered from each such allergy or reaction;
- (c) the date(s) and duration(s) for each such allergy or reaction;
- (d) the name and address of any health or mental care provider consulted in connection with such allergy or reaction;
- (e) the dates of each such consultation;
- (f) a description of any treatment rendered or medical advice given in connection with such allergy or reaction; and
- (g) if any claim and/or lawsuit was brought by you or on your behalf pertaining to any such reaction identify the person and/or company against whom each claim was made, the matter in which each claim was made and, if a lawsuit was involved, the court, term, and case number of said lawsuit and the names and addresses of all attorneys of record in the lawsuit.

INTERROGATORY NO. 25:

Deferred by agreement of counsel.

INTERROGATORY NO. 26:

Objections sustained.

INTERROGATORY NO. 27:

Objections sustained.

INTERROGATORY NO. 28:

State whether you smoke or have ever smoked cigarettes, pipes, or cigars. If so, state the following:

- (a) the inclusive dates during which you smoked cigarettes, pipes, or cigars.
- (b) the average number of cigarettes, pipes, or cigars you smoked each day;
- (c) the brand of cigarettes, tobacco, or cigars predominantly smoked by you; and
- (d) whether any health care provider ever advised or warned that you should stop or cut back on smoking cigarettes, and, if so, identify each such provider and the date(s) when he or she so warned or advised you.

INTERROGATORY NO. 29:

Objections sustained.

INTERROGATORY NO. 30:

State whether you have ever been denied life insurance coverage. If so, state the name of the insurance company, the date of your application and the reason for the denial.

Plaintiff will submit information to the Special Master, who will rule on discoverability.

INTERROGATORY NO. 31:

If, as the result of the injuries alleged in your Complaint, you claim to have sustained a loss of wages, earnings, income, or profit, state the following:

- (a) the calendar dates you were unable to work due to the injuries, and the total number of days you were unable to work due to the injuries;
- (b) the name and address of your employer at the time you learned of the injury of which you complain;

- (c) the name and address of each person who recommended that you not work during such period;
- (d) whether you asked an employer to make changes in your work environment as a result of the injuries of which you complain, and if so, what changes were requested and what changes, if any, were made;
- (e) the name of any potential employer who refused you work because of the injuries of which you complain;
- (f) the inclusive dates you sought work but were unable to work for reasons not related to the injuries of which you complain;
- (g) your rate of pay at the time of each injury-related absence from work; and
- (h) the identity of each document or tangible thing relating to and/or in support of your loss of earnings.

INTERROGATORY NO. 32:

As a result of your alleged allergy to latex, please identify any type of occupation or work that you are restricted from doing in the future. For each such occupation or work identified, state the following:

- (a) the reason for the restriction;
- (b) the nature of the restriction;
- (c) all facts in support of your claim that you are restricted;
- (d) the estimated period of time the restriction will last;
- (e) whether you are aware of any circumstances under which the restriction might be lifted, permitting you to continue that occupation or work, and if so, identify those circumstances;
- (f) the name and address of each person who has recommended that you be restricted from the occupation or work identified;
- (g) the identity of each document or tangible thing in support of and/or relating to the restrictions you have claimed in response to this interrogatory; and
- (h) the date when you first became aware of its restriction.

INTERROGATORY NO. 33:

To the extent that any restriction you have identified in response to Interrogatory No. 32 was first identified by a doctor or other healthcare provider, please provide the name of the doctor or healthcare provider, identify the type of doctor or healthcare provider (i.e., family doctor, allergist, internist, etc.), current address and telephone number.

INTERROGATORY NO. 34:

State whether you have suffered any impairment of earning capacity or loss of future earnings as a result of the injuries alleged in your Complaint. If so, state the following:

- (a) the amount claimed as damages;
- (b) the method of computation;
- (c) the facts relied upon for any such computation; and
- (d) the identity of each document or tangible thing which refers or relates to any such claim.

INTERROGATORY NO. 35:

State whether as a result of the injuries alleged in your Complaint, you claim an inability to resume work in your profession. If so, state the following:

- (a) the reason why you are unable to work in your profession;
- (b) all facts in support of your claim that you are unable to work in your profession;
- (c) the name and address of each person who has recommended that you not work in your profession;
- (d) any and all accommodations and/or attempts made by your employer to accommodate your condition so that you could work in your profession; and
- (e) the identity of each document or tangible thing in support of and/or relating to this claim.

INTERROGATORY NO. 36:

Identify all damages or losses that you claim as a result of the injuries alleged in your Complaint. Include a detailed statement of the elements of such damages or losses, the amounts attributed to each element, identify the amount written off pursuant to any agreement or contract between the healthcare provider and any insurer or managed care agency (including the federal government), and identify all documents or tangible things that relate to any such expense, loss, or damages.

Plaintiff will submit information to the Special Master, who will rule on discoverability.

INTERROGATORY NO. 37:

State whether you have ever made a claim and/or received benefits, based on any personal injury, disability, or disease alleged in your Complaint, under any health or accident insurance, or workman's compensation, social security or veteran's disability programs. If so, state for each the following:

- (a) the date, location of and circumstances leading to the claim;
- (b) the disposition or current status of any such claim;
- (c) the circumstances under which you received benefits, awards, or payments;
- (d) the amounts of the benefits, awards, or payments;
- (e) the dates during which you received the benefits, awards, or payments;
- (f) the name and address of the person(s) or entity against whom the claim was made;
- (g) the agencies or insurance companies from whom you received the benefits, awards, or payments; and
- (h) if any lawsuit was brought by you or on your behalf pertaining to said claim, identify the person and/or company against whom each lawsuit was made, the matter in which each lawsuit was made, the court, term, and case number of

said lawsuit, and the names and addresses of all attorneys of record in the lawsuit.

INTERROGATORY NO. 38:

If you claim to have sustained economic damages as a result of the acts or omissions alleged in your Complaint including, but not limited to, housekeeping services, baby-sitting services, or medical expenses, for each such economic damage, identify the following:

- (a) the name and address of each person(s) or entity who provided the services;
- (b) the dollar amount claimed for each such damage;
- (c) the inclusive dates and nature of the services provided;
- (d) the nature of the expense;
- (e) the estimated total cost of future expenses; and

INTERROGATORY NO. 39:

State whether you ever filed any other lawsuit for personal injuries and, if so, for each lawsuit state the following:

- (a) the name of the court in which it was filed;
- (b) the year it was filed;
- (c) the title and docket number;
- (d) the nature of the alleged personal injury (including the date, location, and circumstances of the occurrence causing the injury);
- (e) the name and address of each party against whom the suit was filed; and
- (f) the disposition or current status of each lawsuit.

Plaintiff will submit information to the Special Master, who will rule on discoverability.

INTERROGATORY NO. 40:

State when and how you first learned about latex allergy and its association with latex gloves and/or powder.

INTERROGATORY NO. 41:

Withdrawn.

INTERROGATORY NO. 42:

After learning that you were suffering from an injury and/or illness caused by your use and/or exposure to latex gloves as alleged in your Complaint, did you continue to engage in any activity or occupation in which you encountered subsequent exposure to natural rubber latex? If so, identify the latex product, state the nature and description of such activity or occupation, and the location, duration, and the nature and extent of your continued participation in such activity or occupation in which you encountered subsequent exposure to latex gloves, or other latex products.

INTERROGATORY NO. 43:

State whether you have ever reported any reaction to latex gloves or other latex products to your employer(s). If so, identify the person(s) to whom you made the report(s) or who otherwise have knowledge of your report(s), the date of your report(s), whether your report was written or oral, and the substance of any reports to your employer(s).

INTERROGATORY NO. 44:

State whether you have ever attended, participated in and/or contributed written materials to any training programs, classes, seminars and/or meetings regarding alleged latex sensitivity, allergies, adverse reactions, alternate glove use or glove liner use and, if so, set forth the date(s) of the session, the identity of the person(s) or entities sponsoring or

participating in the session, and the identity of any documents or tangible things which relate to such programs, classes, seminars, or sessions.

INTERROGATORY NO. 45:

Prior to the filing of your Complaint herein, were you a member of or did you subscribe to any support groups or information services, including, but not limited to, subscriptions received by mail or on-line computer services, regarding latex gloves or alleged latex allergies? If so, give the name and mailing address of each such group and the names and addresses of the officers of those groups.

INTERROGATORY NO. 46:

Identify all communications which you have had with any of the following persons or entities, prior to the filing of your Complaint herein, concerning latex gloves or alleged latex allergies:

- (a) OSHA;
- (b) CDC;
- (c) NIOSH;
- (d) FDA;
- (e) consumers' groups or advocates support groups;
- (g) members of Congress or Congressional staff;
- (h) members of State Representatives/Legislators;
- (i) professional organizations;
- (j) trade associations;
- (k) any Defendants or Additional Defendants in this case;

- (l) any manufacturer or distributor of latex gloves, even if not a Defendant or Additional Defendant in this case;
- (m) lawyers other than your counsel in this lawsuit; and
- (o) members of the press, television, or radio.

Also, identify any such communications which you initiated after the date of filing of your Complaint herein with any of the above listed persons or entities.

INTERROGATORY NO. 47:

State whether you have ever given a speech or written a letter, essay, or article on the subject of latex gloves or alleged latex allergies that was published in a magazine, periodical, newsletter, book, or placed onto a computer bulletin board or the Internet. If so, state the name and date of the appearance or publication and the title of the letter, essay, or article.

INTERROGATORY NO. 48:

State whether you have ever made or been requested to make any television and/or radio appearance(s) on the subject of latex gloves or alleged latex allergies. If so, identify the television or radio program, the date(s) of your appearance(s), and any documents or tangible things relating to your requested or actual appearance.

INTERROGATORY NO. 49:

Identify each medical, scientific, professional, nursing-related and/or vocational organization of which you have been a member, the dates of your membership in each such organization, and whether you have held any office in each such organization or in any committee in any such organization.

INTERROGATORY NO. 50:

State the name of each medical, scientific, professional, nursing-related or vocational journal, periodical, newspaper, newsletter or other publication to which you or any member of your household have subscribed, or which you have read or received, prior to the date your Complaint was filed. Include in your answer the dates for which you subscribed to, read or received each such journal, periodical, newspaper, newsletter, or publication.

INTERROGATORY NO. 51:

Identify all persons or entities from whom you have ever received any training, warnings, advice, or instructions concerning allergic or adverse reactions allegedly arising from the use of or exposure to latex gloves or other latex containing products. Also, identify the dates you received such information and identify all documents and communications relating to such training, warnings, advice, and/or instructions.

INTERROGATORY NO. 52:

State whether you or anyone on your behalf have kept any diaries, written list of events, tape recordings, videotapes, notes, and/or photographs concerning your alleged injuries, condition, medical treatment, or conversations with physicians, nurses, or other medical personnel relating to the claims alleged in your Complaint. If so, identify the document or tangible thing, state the name(s) of the author and persons with knowledge of the document or tangible thing, and the current location of the document or tangible thing.

INTERROGATORY NO. 53:

State whether you, or anyone acting on your behalf, have ever obtained any statement, report, memorandum or testimony from any person, concerning matters set forth in your Complaint or who was or claims to have been a witness to the latex exposure alleged by you.

If so, state the following:

- (a) the name and address of the person making such statement, report, memorandum, or testimony;
- (b) when, where, and by whom each such statement, report, memorandum, or testimony was obtained; and
- (c) the form of each such statement, report, memorandum, or testimony, whether in writing or oral or a substantially verbatim transcription of same, whether signed or unsigned, and identify the person having custody of any such writings.

INTERROGATORY NO. 54:

State whether you or your attorneys or agents know of the existence of any statements, signed or unsigned, oral, written or court reported from or by any person including any party hereto, who has or claims to have knowledge concerning the matters alleged in your Complaint, or who was or claims to have been a witness to the latex exposure alleged by you.

If so, state the following:

- (a) the identity and last known address of the person who gave the statement and identify whether the statement was written, oral, recorded, reported, reported by shorthand, or otherwise preserved;
- (b) the full name and current or last known address of the person or persons, or entity, who took the statements and the date such statement was made;
- (c) the full name and current or last known address of each person, firm, or entity who has possession of the statement or copies thereof; and
- (d) how such statements were obtained.

INTERROGATORY NO. 55:

Identify all persons who have or claim to have knowledge relevant to the facts alleged in your Complaint and/or any facts relevant to this action, the nature of each person's knowledge of such facts, and your relationship with each person.

Answer this interrogatory only as it applies to lay witnesses and treating physicians.

INTERROGATORY NO. 56:

State whether your representatives or your attorney has made or caused to be made any tests, examinations, or inspections, of any nature whatsoever, on any latex glove allegedly causing or contributing to the injuries alleged in your Complaint. If so, state the following:

- (a) identify the glove(s) by manufacturer and brand name;
- (b) the date or dates upon which each such test was conducted;
- (c) identify by whom each such test was conducted;
- (d) identify the name, address, and telephone number of each person present while each such test was conducted; and
- (e) the identity of any tangible thing or document that was prepared in connection with each such test.

INTERROGATORY NO. 57:

Identify all books, documents, or tangible things which evidence any fact or circumstance upon which your allegations of liability or damages alleged in your Complaint are based, including for each, its nature and form, its subject, contents, present location, and the name and address of the person(s) having possession, custody, or control thereof.

INTERROGATORY NOS. 58-62:

Expert discovery. Deferred by agreement to expert discovery phase of MDL.

INTERROGATORY NO. 63:

State whether any hospital or healthcare facility at which you were employed had a policy mandating or suggesting the use of latex gloves by its employees. If so, state the following:

- (a) the policy;
- (b) the date the policy went into effect;
- (c) the identity of the hospital or facility at which the policy was in effect; and
- (d) the identity of all documents or tangible things reflecting or relating to this policy.

INTERROGATORY NO. 64:

If you are personally aware that any party to this litigation made any statements with respect to the allegations in your Complaint, state the following:

- (a) the date, time, and place of such statement;
- (b) by whom and to whom such statement was made;
- (c) the names and addresses of any persons present when the statement was made;
- (d) the content or substance of the statement; and
- (e) the identity of all documents or tangible things which contain, refer, or relate to such statements.

INTERROGATORY NO. 65:

Identify all meetings, conversations, or communications you had with any representative from any Defendant and for each such contact, state the following:

- (a) each person who participated in such meeting, conversation, or communication;
- (b) the time, date, and place of each meeting, conversation, or communication;
- (c) the participation at each such meeting, conversation, or communication;

- (d) the substance of the discussion at each meeting, conversation, or communication; and
- (e) the identity of all documents or tangible things which refer or relate to each meeting, conversation, or communication.

INTERROGATORY NO. 66:

State whether any Defendant is alleged to have breached any latex glove warranty, express or implied. If so, please identify the Defendant, the glove, and the specific warranty. If the warranty is alleged to be an express warranty, identify the maker of the warranty, the date it was made, the terms of the warranty including any limitations as to time or date, and whether the warranty was oral, in writing, or some other form.

INTERROGATORY NO. 67:

State whether any notice was given by you, or by anyone else on your behalf, to any Defendant regarding an alleged breach of warranty. If so, state the following:

- (a) the substance of the notice;
- (b) the method and date such notice was given;
- (c) the identity of the person(s) who gave and received the notice;
- (d) whether the notice was oral or in writing; and
- (e) the identity of any documents or tangible things which refer, relate to, or contain said notice.

INTERROGATORY NO. 68:

State whether any glove manufactured or sold by any Defendant is alleged to have violated any industry or governmental standard, regulation, specification, ordinance, or any other manufacturing practice. If so, for each Defendant and latex glove, identify the standard, regulation, specific action, ordinance, or manufacturing practice, the name and address of

persons having knowledge of this violation, and any documents or tangible things relating to these alleged violations.

INTERROGATORY NO. 69:

Do you contend that there was a safer, more suitable, or more appropriate design for any of the latex gloves which are the subject of this lawsuit? If so, describe the more suitable or appropriate design.

INTERROGATORY NO. 70:

Describe or identify the warning or instruction you contend should have been contained on any of the latex gloves which you claim caused you to suffer the damages and injuries alleged in your Complaint.

INTERROGATORY NO. 71:

Do you contend that you have been diagnosed with Type 1 latex allergy? If so, state the following:

- (a) the basis for your contention in this regard;
- (b) the date(s) and identity of each diagnosis in support of your contention;
- (d) the identity of each healthcare provider who has tested you for and/or has knowledge of your Type 1 latex allergy; and
- (e) the identity of each document or tangible thing in support of your contention.

INTERROGATORY NO. 72:

Do you contend that non-powdered latex gloves caused or contributed to the injuries alleged in your Complaint? If so, state the following:

- (a) the basis for your contention in this regard;

- (b) the brands, description of all such non-powdered latex gloves, and description of the specific characteristics of all such non-powdered latex gloves (e.g. sterile or non-sterile, color, cuff style, etc.);
- (c) the dates, times, and places of your use and/or exposure for each non-powdered latex glove;
- (d) the method of your use and/or exposure for each non-powdered latex glove; and
- (e) the frequency and duration of your use and/or exposure for each non-powdered latex glove.

INTERROGATORY NO. 73:

Do you contend that any Defendant was in possession of documents, including but not limited to, articles, journals, studies, reports, or bulletins regarding latex allergy? If so, for each Defendant, identify the name and date of the document, and the date you contend each Defendant came into possession of said document.

INTERROGATORY NO. 74:

Do you contend that any Defendant made changes in its manufacturing process to increase the speed of production of latex gloves which resulted in higher protein levels? If so, for each manufacturer and brand name identify each process or technique, the inclusive dates of the process or technique, all person(s) with knowledge of your claim, and all documents or tangible things in support thereof.

INTERROGATORY NO. 75:

For each theory of recovery asserted in your Complaint (or any amendments thereto), including but not limited to fraud and misrepresentation, state the following:

- (a) identify every Defendant against whom the theory is directed.
- (b) identify every product manufactured, packaged, distributed, or sold by each Defendant on which you base, in whole or in part, such theory.

- (c) describe in detail the legal basis for such theory.
- (d) describe in detail every fact supporting or concerning, in whole or in part, such theory.
- (e) identify each document relating to or concerning each such fact, and specify the fact(s) which each such document concerns.
- (f) identify each person having knowledge of each such fact, and specify the fact(s) about which each such person has knowledge.
- (g) specify which of the documents, if any, identified in the answer to subparagraph (e) of this interrogatory Plaintiffs intend to offer in evidence, specifying the fact(s) concerning which the offer is to be made.
- (h) specify which of the persons, if any, listed in the answer to subparagraph (f) of this interrogatory Plaintiffs intend to call as a witness, indicating the fact(s) concerning which each such person is expected to testify.

INTERROGATORY NO. 76:

Objections sustained.

INTERROGATORY NO. 77:

Objections sustained.

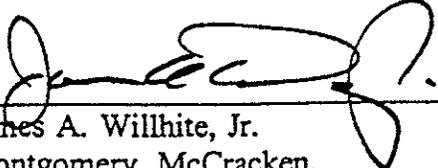
INTERROGATORY NO. 78:

Do you claim that you are suffering from a clinical, mental, psychiatric or psychological health disorder ("Mental Health Disorder") as a result of your exposure to defendants' latex gloves? If your answer is anything other than an unqualified "no," answer the following questions:

- (a) What is the nature of the Mental Health Disorder?
- (b) Have you been under the care of any medical provider in connection with the Mental Health Disorder?
- (c) Do you intend to have any medical providers, including any experts, testify on your behalf at trial in connection with the Mental Health Disorder?

(d) Do you intend to claim damages in connection with the Mental Health Disorder?

Date: Feb 2, 1999



James A. Willhite, Jr.
Montgomery, McCracken,
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Defendants' Liaison Counsel - Service

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Defendants' Liaison Counsel - Spokesperson

CERTIFICATE OF SERVICE

I, James A. Willhite, Jr., hereby certify that on this 2nd day of February, 1998, I caused a true and correct copy of Revised Defendants' Merits Interrogatories To All Plaintiffs - First Set to be served as follows:

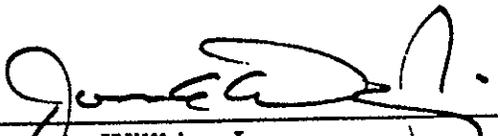
VIA HAND DELIVERY

David S. Shrager, Esquire
Joanna Hamill Flum, Esquire
Shrager, McDaid, Loftus, Flum & Spivey
Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

VIA FACSIMILE AND FEDERAL EXPRESS

Dianne M. Nast, Esquire
Roda & Nast, P.C.
801 Estelle Drive
Lancaster, Pennsylvania 17601

In addition, I have today caused service to be made upon all defendants on the MDL Service List by delivering a copy of said document to Robert Keown of RecordTrak, 501 Allendale Road, King of Prussia, PA 19406, with instructions that he copy said document and distribute copies to defense counsel by the mode specifically selected by each defendant (i.e., by mail, fax or overnight delivery).


James A. Willhite, Jr.
Defendants' Liaison Counsel -- Service

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES
PRODUCTS LIABILITY
LITIGATION
(All Cases)

MDL NO. 1148
(All Cases)

Judge Edmund V. Ludwig

REVISED DEFENDANTS' MERITS REQUESTS FOR
PRODUCTION OF DOCUMENTS TO ALL PLAINTIFFS - FIRST SET

Defendants, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, hereby request that Plaintiffs produce for inspection and copying, on or before February 28, 1999, the documents identified herein, in accordance with the following Instructions and Definitions.

INSTRUCTIONS

1. The singular shall include the plural and the plural shall include the singular. A masculine, feminine, or neuter pronoun shall not exclude the other genders.
2. If you object to, or otherwise decline to respond to any portion of a document request, pursuant to Case Management Order No. 20, please provide all documents called for by that portion of the request to which you do not object or to which you do not decline to answer. If you object to a request on the ground that it is too broad (i.e., that it calls both for documents which are relevant to the subject matter of the action and documents which are not), please provide such documents as are concededly relevant. If you object to a request

on the ground that to provide documents would constitute an undue burden, please provide such requested documents as can be supplied without undertaking an undue burden.

3. These document requests seek the disclosure and production of evidence, if any, which supports your contentions in this action, and any of the Defendants may seek a preclusionary order barring the admission of any evidence at trial which is not fully set forth in advance of trial to enable the Defendants to respond thereto.

4. All objections or answers to these requests which fail or refuse fully to respond to any document request on the ground of any claim or privilege of any kind shall, in the form previously agreed upon by the parties:

- a) state the nature of the claim of privilege;
- b) state all facts relied upon in support of the claim of privilege or related thereto;
- c) identify all documents related to the claim of privilege;
- d) identify all persons having knowledge of any facts related to the claim of privilege; and
- e) provide a description of each document withheld sufficient to validate the privilege claimed, including the date of each document, its author and all recipients.

5. These requests are continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure. You shall be required to supplement your responses and production of documents as the existence of additional information or

documents becomes known to you or your counsel. You shall also be required to correct any response if you learn that it is incorrect, incomplete, or inaccurate.

6. These requests are intended to cover all documents and tangible things in your possession or subject to your custody or control. If any document or tangible thing described in the requests or responses thereto was, but no longer is, in your custody or control, or in existence, state whether:

- a) it is missing or lost;
- b) it has been destroyed;
- c) it has been transferred, voluntarily or involuntarily, to others; or
- d) it has been disposed of otherwise.

In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing same, and the date(s) thereof. Identify each document by listing its author, the author's address, type of document, date, subject matter, present location(s) and custodian(s), and state whether the document (or copies) are still in existence.

7. The time period covered by these requests shall be January 1, 1978 through the present, unless otherwise specified herein.

DEFINITIONS

Defendants specifically incorporate the definitions set forth in Defendants' Merits Interrogatories to All Plaintiffs -- First Set (served herewith), as though fully set forth herein.

REQUESTS

REQUEST NOS. 1-4.

Objections sustained.

REQUEST NO. 5.

All photographs which document, reflect, or show any injuries referenced in your Complaint or any other injuries you allege were caused, or exacerbated by, exposure to latex gloves.

REQUEST NO. 6.

All x-rays or MRIs which document, reflect, or show any injuries referenced in your Complaint or any other injuries you allege were caused, or exacerbated by, exposure to latex gloves.

REQUEST NO. 7.

All of your medical records from the date of your birth to the present.

REQUEST NO. 8.

All documents concerning your use of, or exposure to, latex gloves.

REQUEST NO. 9.

All documents concerning your use of, or exposure to, gloves made from a material or substance other than latex.

REQUEST NO. 10.

Deferred by agreement of counsel.

REQUEST NO. 11-12.

Objections sustained.

REQUEST NO. 13.

All documents reflecting the cost to you to participate in any employer-sponsored health insurance or dental insurance plans for the employers listed in your response to Defendants' Merits Interrogatory Nos. 8 and 11 to All Plaintiffs -- First Set.

REQUEST NO. 14.

All records from any agency with which you have dealt concerning unemployment compensation.

REQUEST NO. 15.

Objections sustained.

REQUEST NO. 16-18.

All federal and state tax returns, or authorizations for same, for the seven years preceding your diagnosis with latex allergy, to the present. If unavailable, social security earnings information, or signed authorizations for same, shall be given for the same period.

REQUEST NO. 19.

Your calendars, appointment books, date books, journals, or similar appointment maintenance documents from January 1, 1975 to the present.

Plaintiff may submit information to the Special Master for redaction of unnecessary information.

REQUEST NO. 20.

All documents concerning any lawsuit, claim, or legal proceeding other than this one, including insurance claims, in which you have claimed or asserted that you suffered any injury or condition.

Plaintiff may submit documents to the Special Master for redaction of unnecessary information.

REQUEST NO. 21.

Objection sustained.

REQUEST NO. 22.

All documents in your possession or control relating to any latex gloves manufactured by any defendant.

REQUEST NO. 23.

Objection sustained.

REQUEST NO. 24.

All communications prior to the date your Complaint was filed to or from your employer(s) concerning latex allergy or, more specifically, any physical reactions you experienced and attributed to latex allergy.

REQUEST NO. 25.

All documents obtained by you prior to the date your Complaint was filed, and all documents written or created by you at any time, concerning or referencing: (a) latex hypersensitivity; (b) allergic reactions to latex; (c) sensitivities to latex; (d) sensitivities and/or reactions to additives and/or chemicals in latex products.

Plaintiffs will be allowed to identify documents (such as an article in a magazine) rather than having to produce them for inspection and copying, so long as plaintiffs identify the documents with particularity and the documents are reasonably accessible by defendants.

REQUEST NO. 26.

All documents obtained by you prior to the date your Complaint was filed, and all documents written or created by you at any time, concerning your awareness or belief that the use of, or exposure to, latex gloves or other latex products could cause a physical reaction or manifestation of any kind.

Plaintiffs will be allowed to identify documents (such as an article in a magazine) rather than having to produce them for inspection and copying, so long as plaintiffs identify the documents with particularity and the documents are reasonably accessible by defendants.

REQUEST NO. 27.

All documents obtained by you prior to the date your Complaint was filed, and all documents written or created by you at any time, discussing alleged risks of safety concerning exposure to latex containing products, or any alleged impact it may or may not have on humans, including but not limited to newspaper articles, scientific studies, health and fitness publications, union or other organizational newsletters, bulletins, or brochures.

Plaintiffs will be allowed to identify documents (such as an article in a magazine) rather than having to produce them for inspection and copying, so long as plaintiffs identify the documents with particularity and the documents are reasonably accessible by defendants.

REQUEST NO. 28.

All documents obtained by you prior to the date your Complaint was filed, and all documents written or created by you at any time, concerning any guidelines, procedures, requirements, recommendations, protocols, or precautions for the use of:

- a) gloves or other barrier protection devices for the hands:

- b) natural rubber latex;
- c) latex gloves;
- d) synthetic gloves;
- e) vinyl gloves;
- f) nitrile gloves; and
- g) glove liners.

Plaintiffs will be allowed to identify documents (such as an article in a magazine) rather than having to produce them for inspection and copying, so long as plaintiffs identify the documents with particularity and the documents are reasonably accessible by defendants.

REQUEST NO. 29.

All documents relating to ELASTIC or any other support or information group concerning latex allergies, including but not limited to communications from you, or received by you, from such groups concerning latex allergies.

Plaintiffs will be allowed to identify documents (such as an article in a magazine) rather than having to produce them for inspection and copying, so long as plaintiffs identify the documents with particularity and the documents are reasonably accessible by defendants.

REQUEST NO. 30.

Each and every issue of Latex Allergy News.

Plaintiffs should produce each issue of Latex Allergy News in his/her possession, custody or control. However, once a full set of Latex Allergy News have been produced to defendants, plaintiffs may respond simply by identifying those issues in their possession, custody or control.

REQUEST NO. 31.

All documents concerning latex allergy issued or distributed by public or private organizations, including without limitation, the American Nursing Association, the Food and Drug Administration, the Center for Disease Control, the American Medical Association, the Occupational Safety and Health Administration, NIOSH, the Health Industry Manufacturing Association, and the Academy of Immunology and Allergy.

Plaintiffs will be allowed to identify documents (such as an article in a magazine) rather than having to produce them for inspection and copying, so long as plaintiffs identify the documents with particularity and the documents are reasonably accessible by defendants.

REQUEST NO. 32.

Any documents concerning, constituting, or containing statements of witnesses, or any persons purporting to have been witnesses, relating to any allegation of your Complaint.

REQUEST NO. 33.

Expert discovery. Deferred by agreement to expert discovery phase of the MDL.

REQUEST NO. 34.

Objections sustained.

REQUEST NO. 35-36.

Expert discovery. Deferred by agreement to expert discovery phase of the MDL.

REQUEST NO. 37.

All documents not previously produced concerning any communications between you and anyone else regarding latex hypersensitivity, use of, or exposure to, latex gloves, allergic reactions, this lawsuit, or any claim in this lawsuit.

REQUEST NO. 38.

All pictures, photographs, audio tapes, videotapes, drawings, charts or maps not previously produced which were prepared or generated by any person and which refer directly or indirectly to the incidents, acts, or omissions described in your Complaint, including any recordings or references to of any media appearances you have made, or articles you have written, concerning latex gloves or latex allergy.

REQUEST NO. 39.

All documents concerning the injuries you allegedly suffered in connection with your use of, or exposure to, latex gloves.

REQUEST NO. 40.

All documents concerning any damages which you claim or will claim in this action.

REQUEST NO. 41.

Copies of W-2s for the earnings history identified by you in response to Defendants' Merits Interrogatory Nos. 8 and 11 to All Plaintiffs -- First Set.

REQUEST NO. 42.

All documents concerning any loss of earnings claim alleged in your Complaint.

REQUEST NO. 43.

All documents concerning any benefits received from any of your employers, including, but not limited to, 401K, pension plans, stock options, profit sharing, insurance (including health, dental and life), etc. Such documentation should include, but not be limited to, documents necessary to determine the present value of any such benefits, benefit

vesting schedules, or other documents reflecting when you will receive any identified benefits.

REQUEST NO. 44.

All documents concerning any matching contributions that have been made or will be made by any of your past or present employers pursuant to any type of benefits plan, including but not limited to, a 401K pension plan, profit sharing, or stock option plan.

REQUEST NO. 45.

Objections sustained.

REQUEST NO. 46.

All documents concerning any efforts taken by you, or on your behalf, to mitigate any loss of earnings damages alleged in your Complaint including, but not limited to, employment application forms, letters, and resumes.

REQUEST NO. 47.

All documents concerning any education or training expenses incurred by you in order to pursue different employment or an alternative career track because of your alleged latex allergy.

REQUEST NO. 48.

All documents concerning your claim that you are, or for a period of time were, unable to work in the health care profession as a result of injuries alleged in your Complaint.

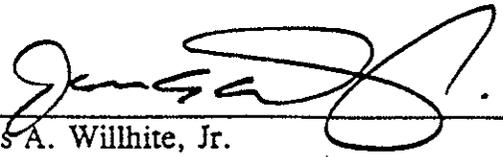
REQUEST NO. 49.

All documents concerning any allergy from which you have ever suffered or any allergic reaction you have ever experienced.

REQUEST NO. 50.

All documents concerning any Type I latex allergic response you have experienced.

Date: February 2, 1999


James A. Willhite, Jr.
Montgomery, McCracken,
Walker & Rhoads, LLP
123 South Broad Street
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(215) 772-1500
Defendants' Liaison Counsel - Service

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Defendants' Liaison Counsel - Spokesperson

CERTIFICATE OF SERVICE

I, James A. Willhite, Jr., hereby certify that on this 2nd day of February, 1998, I caused a true and correct copy of Revised Defendants' Merits Requests for Production of Documents To All Plaintiffs - First Set to be served as follows:

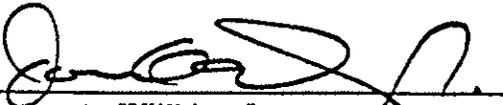
VIA HAND DELIVERY

David S. Shrager, Esquire
Joanna Hamill Flum, Esquire
Shrager, McDaid, Loftus, Flum & Spivey
Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

VIA FACSIMILE AND FEDERAL EXPRESS

Dianne M. Nast, Esquire
Roda & Nast, P.C.
801 Estelle Drive
Lancaster, Pennsylvania 17601

In addition, I have today caused service to be made upon all defendants on the MDL Service List by delivering a copy of said document to Robert Keown of RecordTrak, 501 Allendale Road, King of Prussia, PA 19406, with instructions that he copy said document and distribute copies to defense counsel by the mode specifically selected by each defendant (i.e., by mail, fax or overnight delivery).


James A. Willhite, Jr.
Defendants' Liaison Counsel - Service

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVE PRODUCTS : MDL DOCKET NO. 1148
LIABILITY LITIGATION :
: ALL CASES

INTERROGATORIES

PROPOUNDING PARTY: LATEX DEFENDANTS

RESPONDING PARTIES: LATEX ALLERGY PLAINTIFFS

SET NO: TWO (2)

Pursuant to Federal Rule of Civil Procedure 33, you are requested to answer the following interrogatories, under oath, within the time limit set forth in the Rule.

DEFINITIONS

As used in these interrogatories, the following definitions shall apply unless otherwise specifically noted:

1. Where the word "IDENTIFY" is used in connection with a request for information about persons with knowledge of facts supporting plaintiffs' contentions, plaintiffs are asked to provide the name, address, job title and telephone number of each such person.
2. Where the word "IDENTIFY" is used in connection with a request for information about documents supporting plaintiffs' contentions, plaintiffs are asked to provide a description of the document including the type of document, the names of the authors and recipients, the date of the document, the subject matter of the document and the current location of the document.
3. The words "PLAINTIFF" or "PLAINTIFFS" mean the plaintiff or plaintiffs to whom these interrogatories are directed, including all agents and representatives acting on their behalf.

4. The word "DOCUMENT" means the original, all drafts and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawing, graph, chart, photograph, phono record, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes reflecting on oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, videotape, disc, electronic mail, e-mail, Internet communication, data sheet, data processing card, computer printout, data compilation and every other written, typed, recorded, transcribed, filed or graphic matter, except such documents as immune from production under applicable provisions of law. The word "DOCUMENT" also includes any requested documents which are in the possession and/or control of any person or organization whom you retained by contract or otherwise. The word "DOCUMENT" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or Federal lawsuit involving latex allergies wherein you are, or were, a party. The phrase "data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

INTERROGATORIES

CONCERT OF ACTION AND CONSPIRACY

INTERROGATORY NO. 1:

Do you contend that defendants are liable to you based on a theory of concert of action or conspiracy? If your response is anything other than an unqualified no,

- a. State the name of each defendant you contend is liable to you based on a theory of conspiracy or concert of action.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HEALTH INDUSTRY MANUFACTURERS ASSOCIATION ("HIMA") is liable to you based on a theory of concert of action or conspiracy?

If your response is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 3:

Do you contend that any of the named defendants aided, abetted, or acted in concert or conspired with each other or with others including trade associations, to conceal any health risks of latex gloves from the public? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant you contend aided, abetted, acted in concert or conspired with each other or with others.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 4:

Do you contend that defendant HIMA aided, abetted, or acted in concert or in common plan with any person or entity, including trade associations, to conceal any health risks of latex gloves from the public? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.
- d. IDENTIFY each individual or entity you contend HIMA aided or abetted, and each individual or entity with whom HIMA acted in concert or common plan.

INTERROGATORY NO. 5:

Do you contend that defendant HIMA organized or coordinated the interests or activities of others or took affirmative steps or acts as part of a concert of action or conspiracy to cause the FDA not to further regulate the manufacture, sales or labeling of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 6:

Do you contend that two or more of the defendants were joint venturers with each other in the manufacture, distribution or sale of latex gloves rendering defendants liable for the acts of other defendant(s)? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the names of all defendants you contend were joint venturers in the manufacture, distribution or sale of latex gloves.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 7:

Do you contend that any defendant had the right to control the activities of one or more other defendants and, therefore, may be held liable under a theory of agency? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant you contend acted as an agent.

b. State the name of each defendant you contend acted as a principal.

c. For each defendant identified, separately state each fact upon which you base your contention.

d. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

e. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 8:

Do you contend that defendants engaged in a scheme that concealed information about latex glove health risks from the public? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant you contend participated in this scheme.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 9:

Do you contend that any defendants collectively agreed not to warn users about any health risk associated with latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant you contend agreed not to warn users about a health risk associated with latex gloves.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 10:

Do you contend that any defendants agreed with other defendants not to modify manufacturing methods of latex gloves so as to reduce or eliminate any health risks of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against which you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, describe in detail each health risk which you contend the defendant could have reduced or eliminated by modifying its manufacturing methods.

d. For each defendant identified, describe in detail, by health risk identified above, each modification of manufacturing method which you contend would have reduced or eliminated said health risk.

e. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

f. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 11:

Do you contend that any defendant obstructed or opposed inquiries by the FDA into any health risk of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base this contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 12:

Do you contend that any defendants collectively obstructed or opposed requests by the FDA to change methods of the manufacturing or labeling of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant you contend collectively obstructed or opposed requests by the FDA to change the methods of manufacturing or labeling of latex gloves.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 13:

Do you contend that any defendants collectively withheld from public use latex gloves which could have been designed or manufactured in such a way as to reduce any health risks of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base this contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 14:

Do you contend that any defendants collectively withheld information from governmental agencies or the public regarding any health risk associated with latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 15:

Do you contend that any defendants collectively failed or intentionally refused to act upon medical or scientific data concerning any health risks of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base this contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 16:

Do you contend that any defendants collectively failed to take the reasonable precautions necessary to decrease any dangers or health risks of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 17:

Do you contend that any defendants collectively misled users, purchasers, physicians or the FDA regarding the safety of latex gloves by labeling the gloves with the word "hypoallergenic?" If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this.
- b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 18:

Do you contend that any defendants collectively led the public to believe that latex gloves were safe to use even though they knew of some health risks associated with their use? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 19:

Do you contend that any defendants collectively withheld information from governmental or public agencies about the environmental health risks of airborne, protein-laden

cornstarch? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 20:

Do you contend that any defendants collectively withheld medical knowledge, research or studies from governmental or public agencies regarding any health risks of latex or latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY the medical knowledge, research or studies regarding the health risks associated with latex gloves you contend defendants collectively withheld from governmental or public agencies.

d. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

e. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 21:

Do you contend that any of the defendants' actions or omissions, identified in your responses to Interrogatories 1--20 above, were committed in furtherance of a conspiracy among the defendants? If your response is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 22:

With regard to any conspiracy or concert of action identified in Interrogatory numbers 1-21 above, if you contend that you suffered damages or losses as a result of such conspiracy or concert of action, then separately, for each defendant and alleged conspiracy or concert of action, state the following:

a. Describe in detail every fact supporting or concerning, in whole or in part, your contention that you suffered damages or losses.

b. Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your responses to the contention interrogatories above by providing the following information:

(1) the nature, extent, and specific location of each such injury or illness;

(2) the inclusive dates and duration you suffered from each such injury or illness;

(3) whether the injury or illness arose contemporaneously with exposure to latex gloves or at some later time;

(4) which defendants' latex gloves were allegedly involved in each such injury or illness;

(5) the nature, duration and severity of the symptoms;

(6) whether the injury or illness was temporary or is permanent;

(7) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse;

(8) IDENTIFY with sufficient particularity for a request for production of documents all documents or tangible things that relate to each such injury or illness; and

(9) IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. Identify all damages or losses that you claim as a result of the injuries and/or illnesses alleged in your response to (b). Include a detailed statement of:

(1) the elements of such damages or losses;

(2) the amounts attributed to each element;

(3) any amount written off pursuant to any agreement or contract between any health care provider and any insurer or managed care agency (including the federal government); and

(4) all documents or tangible things that relate to any such expense, loss or damage.

ALTERNATIVE LIABILITY

INTERROGATORY NO. 1:

Do you contend that any defendant is liable to you based on a theory of alternative liability? If your response to the preceding interrogatory is anything other than an unqualified no, for each alternative liability theory, separately provide the following information:

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HIMA is liable to you based on a theory of alternative liability? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 3:

Do you contend that latex gloves are fungible items? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State each fact upon which you base your contention.

b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 4:

Do you contend that any defendant marketed latex gloves as a generic item? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 5:

Do you contend that all defendants that could have caused harm to you have been named in the litigation? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 6:

Do you contend that any defendant's conduct has made it impossible for you to determine the identity of the actual defendants that have caused the harm to you? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 7:

Do you contend that any defendant is in a superior position to offer evidence of the identification of the actual defendants that caused harm to you? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 8:

Do you contend that, despite diligent and genuine attempts on your part to locate and identify the specific defendant(s) whose latex gloves allegedly harmed you, you have been unable to determine which manufacturer's products are responsible for your injuries? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 9:

Do you contend that each of the defendants' latex gloves exposed you and others to the same risk of harm because each latex glove was produced by the same or substantially the same method and could be used interchangeably? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 10:

Do you contend that it is impossible for you to identify with certainty the specific latex gloves which caused harm to you? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State each fact upon which you base your contention.

b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 11:

Do you contend that it is impossible to identify the particular latex gloves to which you were exposed because of the manufacturing or marketing practices used by defendants in producing or selling their latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 12:

Do you contend that it is impossible to identify the particular latex gloves to which you were exposed because of any delayed harmful effect of latex allergy? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 13:

With regard to any alternative liability identified in interrogatory numbers 1-12 above, if you contend that you suffered damages or losses as a result of such alternative liability, then separately, for each defendant and alleged alternative liability, state the following:

- a. Describe in detail every fact supporting or concerning, in whole or in part, your contention that you suffered damages or losses.

b. Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your responses to the contention interrogatories above by providing the following information:

(1) the nature, extent, and specific location of each such injury or illness;

(2) the inclusive dates and duration you suffered from each such injury or illness;

(3) whether the injury or illness arose contemporaneously with exposure to latex gloves or at some later time;

(4) which defendants' latex gloves were allegedly involved in each such injury or illness;

(5) the nature, duration and severity of the symptoms;

(6) whether the injury or illness was temporary or is permanent;

(7) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse;

(8) IDENTIFY with sufficient particularity for a request for production of documents all documents or tangible things that relate to each such injury or illness; and

(9) IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. Identify all damages or losses that you claim as a result of the injuries and/or illnesses alleged in your response to (b). Include a detailed statement of:

- (1) the elements of such damages or losses;
- (2) the amounts attributed to each element;
- (3) any amount written off pursuant to any agreement or

contract between any health care provider and any insurer or managed care agency (including the federal government); and

- (4) all documents or tangible things that relate to any such expense, loss or damage.

ENTERPRISE LIABILITY

INTERROGATORY NO. 1:

Do you contend that defendants are liable to you based on a theory of industry-wide or enterprise liability? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HIMA is liable to you based on a theory of enterprise liability? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 3:

Do you contend that any defendants created, adhered to or encouraged industry-wide standards regarding the manufacture, marketing or distribution of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 4:

Do you contend that defendants adhered to or encouraged industry-wide standards for latex gloves created and perpetuated by the other defendants? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant you contend adhered to or encouraged industry-wide standards created and perpetuated by the other defendants.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 5:

Do you contend that any defendants jointly controlled any health risks created by the use of latex gloves? If your response to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 6:

Do you contend that any defendant is liable as an actor in any unlawful enterprise? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 7:

With regard to any enterprise liability identified in interrogatory numbers 1-5 above, if you contend that you suffered damages or losses as a result of such enterprise liability, then separately, for each defendant and alleged enterprise liability, state the following:

- a. Describe in detail every fact supporting or concerning, in whole or in part, your contention that you suffered damages or losses.

b. Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your responses to the contention interrogatories above by providing the following information:

(1) the nature, extent, and specific location of each such injury or illness;

(2) the inclusive dates and duration you suffered from each such injury or illness;

(3) whether the injury or illness arose contemporaneously with exposure to latex gloves or at some later time;

(4) which defendants' latex gloves were allegedly involved in each such injury or illness;

(5) the nature, duration and severity of the symptoms;

(6) whether the injury or illness was temporary or is permanent;

(7) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse;

(8) IDENTIFY with sufficient particularity for a request for production of documents all documents or tangible things that relate to each such injury or illness; and

(9) IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. Identify all damages or losses that you claim as a result of the injuries and/or illnesses alleged in your response to (b). Include a detailed statement of:

- (1) the elements of such damages or losses;
- (2) the amounts attributed to each element;
- (3) any amount written off pursuant to any agreement or

contract between any health care provider and any insurer or managed care agency (including the federal government); and

- (4) all documents or tangible things that relate to any such expense, loss or damage.

MARKET SHARE

INTERROGATORY NO. 1:

Do you contend that any defendants are liable to you based on a theory of market share liability? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. Identify with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HIMA is liable to you based on a theory of market share liability? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 3:

Do you contend that any defendants produced or marketed the latex gloves that allegedly harmed you? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 4:

Do you contend that defendants supplied latex gloves to facilities where you used or were exposed to latex gloves? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. IDENTIFY the facilities where you used or were exposed to latex gloves.
- b. State the name of each defendant you contend supplied latex gloves to the facilities identified above.

c. For each defendant identified, separately state each fact upon which you base your contention.

d. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

e. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 5:

Do you contend that defendants distributed latex gloves to facilities where you used or were exposed to latex gloves during the time period you claim you were injured? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant you contend distributed latex gloves to the facilities where you used or were exposed to latex gloves during the time period you claim you were injured.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 6:

Do you contend that any defendants' latex gloves are produced from an identical or virtually identical formula? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. state the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 7:

Do you contend that any defendants used identical or virtually identical methods for manufacturing their latex gloves? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 8:

Do you contend that any defendants participated in identical or virtually identical conduct in marketing, advertising or promoting their latex gloves? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 9:

Do you contend that you cannot identify some or all of the manufacturers of latex gloves which you used or to which you were exposed? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.
- d. Describe in detail each and every attempt by you to identify some or all of the manufacturers of latex gloves which you used and to which you were exposed.

INTERROGATORY NO. 10:

Do you contend that you may not be able to identify some or all of the latex gloves which caused your latex allergy? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 11:

Do you contend that you have been able to identify any of the manufacturers of latex gloves which you used or to which you were exposed? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 12:

Do you contend that the manufacturing practices used by defendants in producing their latex gloves have made it impossible to identify any particular defendant's latex gloves which caused harm to you? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 13:

Do you contend that the marketing, advertising or promotion practices used by defendants in selling their latex gloves have made it impossible to identify any particular defendant's latex gloves which caused harm to you? If your answer to the preceding interrogatory is anything other than an unqualified no.

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 14:

Do you contend that the delayed harmful effect of latex sensitization or latex allergy has made it impossible to identify any particular defendant's latex gloves which caused harm to you? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 15:

Do you contend that defendants' latex gloves could be used interchangeably? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 16:

Do you contend that defendants marketed latex gloves as a generic item? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 17:

Do you contend that latex gloves manufactured or sold by defendants in this action share the same defective qualities? If your answer to the preceding interrogatory is anything other than an unqualified no, for each defective quality provide the following information:

a. Describe the defective quality.

b. State the name of each defendant against whom you make this contention.

c. For each defendant identified, separately state each fact upon which you base your contention.

d. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

e. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 18:

Do you contend that the defendants named in the complaint controlled any market, or a substantial share of the market, pertaining to latex gloves? If your answer to the preceding interrogatory is anything other than an unqualified no, for each market, provide the following information:

- a. Describe the market.
- b. State what percentage of the market was controlled by each defendant named in the complaint.
- c. State each fact upon which you base your contention.
- d. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- e. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 19:

Do you contend that defendants are in a superior position to offer evidence of the identification of latex gloves which you used or to which you were exposed? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. For each defendant identified, separately state the name of each defendant against whom you make this contention.

b. State each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each

individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with

sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 20:

With regard to any market share liability identified in Interrogatory Nos. 1-17 above, if you contend that you suffered damages or losses as a result of such market share liability, then separately, for each defendant and alleged market share, state the following:

a. Describe in detail every fact supporting or concerning, in whole or in part, your contention that you suffered damages or losses.

b. Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your responses to the contention interrogatories above by providing the following information:

(1) the nature, extent, and specific location of each such injury

or illness;

(2) the inclusive dates and duration you suffered from each

such injury or illness;

(3) whether the injury or illness arose contemporaneously with

exposure to latex gloves or at some later time;

(4) which defendants' latex gloves were allegedly involved in each such injury or illness;

(5) the nature, duration and severity of the symptoms;

(6) whether the injury or illness was temporary or is permanent;

(7) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse;

(8) IDENTIFY with sufficient particularity for a request for production of documents all documents or tangible things that relate to each such injury or illness; and

(9) IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. Identify all damages or losses that you claim as a result of the injuries and/or illnesses alleged in your response to (b). Include a detailed statement of:

(1) the elements of such damages or losses;

(2) the amounts attributed to each element;

(3) any amount written off pursuant to any agreement or contract between any health care provider and any insurer or managed care agency (including the federal government); and

(4) all documents or tangible things that relate to any such expense, loss or damage.

MISREPRESENTATION/FRAUD

INTERROGATORY NO. 1:

Do you contend that any defendant is liable to you based on a theory of misrepresentation or fraud? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HIMA is liable to you based on a theory of misrepresentation or fraud? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 3:

Do you contend that any defendant made representations to you that latex gloves did not pose any health risks to users or those in proximity to users? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 4:

Do you contend that any defendant intentionally withheld or concealed information from you that latex gloves posed health risks to users or those in proximity to users? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 5:

Do you contend that any defendant knew through medical and scientific data that their latex gloves posed health risks to persons who used or were exposed to latex gloves? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you based your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response, including but not limited to names of the author(s) and journal(s) of any published articles or documents.

INTERROGATORY NO. 6:

Do you contend that defendants intentionally withheld or concealed medical or scientific information regarding any health risks of latex gloves from users or those in proximity to users? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant you contend intentionally concealed medical or scientific information regarding the risks of latex gloves from users or those in proximity to users.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 7:

Do you contend that defendants labeled, or caused latex gloves to be labeled, in such a manner as to give users a false sense of safety? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 8:

Do you contend that any defendant misrepresented its latex gloves as safe by labeling its latex gloves "hypoallergenic?" If your answer to the preceding interrogatory is anything other than an unqualified no,

a. State the name of each defendant against whom you make this contention.

b. For each defendant identified, separately state each fact upon which you base your contention.

c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.

d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 9:

Do you contend that any defendant intended to induce you to act in ignorance of any health risks posed by latex gloves when buying or using latex gloves? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant against whom you make this contention.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 10:

Do you contend that you reasonably relied on each of defendants' alleged representations referred to in your responses to Interrogatory Nos. 1 through 10? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. For each alleged representation, separately state each fact upon which you base your contention.
- b. For each alleged representation, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. For each alleged representation, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 11:

Do you contend that you reasonably relied on each of defendants' alleged concealment or alleged withholding of information referred to in your responses to Interrogatory Nos. 1 through 10? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. For each alleged concealment or alleged withholding of information, separately state each fact upon which you base your contention.

b. For each alleged concealment or alleged withholding of information, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. For each alleged concealment or alleged withholding of information, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 12:

With regard to your responses to Interrogatory Nos. 1 through 10, were you made aware of, or did you make an attempt to discover, the truth of the facts that were allegedly concealed, withheld or misrepresented by defendant(s)? If your answer to the preceding interrogatory is anything other than an unqualified no,

a. For each alleged concealment or misrepresentation, separately state each fact upon which you base your response.

b. For each alleged concealment or misrepresentation, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject of each person's knowledge.

c. For each alleged concealment or misrepresentation, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 13:

With regard to any misrepresentation, concealment or withholding of information identified in Interrogatory Nos. 1-11 above, if you contend that you suffered damages or losses as a result of such misrepresentation, concealment or withholding of information, then separately, for each defendant and alleged misrepresentation, concealment or withholding of information, state the following:

a. Describe in detail every fact supporting or concerning, in whole or in part, your contention that you suffered damages or losses.

b. Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your responses to the contention interrogatories above by providing the following information:

(1) the nature, extent, and specific location of each such injury or illness;

(2) the inclusive dates and duration you suffered from each such injury or illness;

(3) whether the injury or illness arose contemporaneously with exposure to latex gloves or at some later time;

(4) which defendants' latex gloves were allegedly involved in each such injury or illness;

(5) the nature, duration and severity of the symptoms;

(6) whether the injury or illness was temporary or is permanent;

(7) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse;

(8) IDENTIFY with sufficient particularity for a request for production of documents all documents or tangible things that relate to each such injury or illness; and

(9) IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. Identify all damages or losses that you claim as a result of the injuries and/or illnesses alleged in your response to (b). Include a detailed statement of:

(1) the elements of such damages or losses;

(2) the amounts attributed to each element;

(3) any amount written off pursuant to any agreement or contract between any health care provider and any insurer or managed care agency (including the federal government); and

(4) all documents or tangible things that relate to any such expense, loss or damage.

BREACH OF WARRANTY

INTERROGATORY NO. 1:

Do you contend that defendants are liable to you based on a theory of either express or implied breach of warranty? If your answer to the preceding interrogatory is anything other than an unqualified no,

- a. State the name of each defendant you contend is liable to you based on a theory of breach of warranty.
- b. For each defendant identified, separately state each fact upon which you base your contention.
- c. For each defendant identified, separately IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.
- d. For each defendant identified, separately IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HIMA is liable to you based on a theory of either express or implied breach of warranty? If your response to the preceding interrogatory is anything other than an unqualified no,

- a. State each fact upon which you base your contention.
- b. IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 3:

With regard to any express or implied breach of warranty identified in interrogatory numbers 1-2 above, if you contend that you suffered damages or losses, as a result of such express or implied breach of warranty, then separately, for each defendant and alleged express or implied breach of warranty state the following:

a. Describe in detail every fact supporting or concerning, in whole or in part, your contention that you suffered damages or losses.

b. Describe with particularity each injury or illness you allegedly suffered as a result of the acts or omissions alleged in your responses to the contention interrogatories above by providing the following information:

(1) the nature, extent, and specific location of each such injury or illness;

(2) the inclusive dates and duration you suffered from each such injury or illness;

(3) whether the injury or illness arose contemporaneously with exposure to latex gloves or at some later time;

(4) which defendants' latex gloves were allegedly involved in each such injury or illness;

(5) the nature, duration and severity of the symptoms;

(6) whether the injury or illness was temporary or is permanent;

(7) the present nature and extent of each injury or illness and whether it appears to be subsiding or getting worse;

(8) IDENTIFY with sufficient particularity for a request for production of documents all documents or tangible things that relate to each such injury or illness; and

(9) IDENTIFY each individual with knowledge of the facts stated in your response, and generally state the subject matter of each person's knowledge.

c. Identify all damages or losses that you claim as a result of the injuries and/or illnesses alleged in your response to (b). Include a detailed statement of:

(1) the elements of such damages or losses;

(2) the amounts attributed to each element;

(3) any amount written off pursuant to any agreement or

contract between any health care provider and any insurer or managed care agency (including the federal government); and

(4) all documents or tangible things that relate to any such expense, loss or damage.

TRADITIONAL CLAIMS

INTERROGATORY NO. 1:

Do you contend that defendant HIMA is liable to you based on a theory of negligence? If your response is anything other than an unqualified no,

- a. State the negligence theory or theories under which you contend defendant HIMA is liable to you.
- b. State each fact upon which you base your contention.
- c. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

INTERROGATORY NO. 2:

Do you contend that defendant HIMA is liable to you based on a theory of strict liability? If your response is anything other than an unqualified no,

- a. IDENTIFY the strict liability theory or theories under which you contend defendant HIMA is liable to you.
- b. State each fact upon which you base your contention.
- c. IDENTIFY each individual with knowledge of the facts stated in your response and generally state the subject matter of each person's knowledge.
- d. IDENTIFY with sufficient particularity for a request for production of documents all documents which support the facts stated in your response.

DATED: _____, 1998

SEYFARTH, SHAW, FAIRWEATHER &
GERALDSON

ALAN L. UNIKEL
Defendants' Liaison Counsel -
Spokesperson

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVE PRODUCTS : MDL DOCKET NO. 1148
LIABILITY LITIGATION :
: ALL CASES

REQUEST FOR PRODUCTION OF DOCUMENTS

PROPOUNDING PARTY: LATEX DEFENDANTS

RESPONDING PARTIES: LATEX ALLERGY PLAINTIFFS

SET NO: TWO (2)

INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 34, you are requested to respond within thirty (30) days to the following requests and produce and permit inspection and copying of the following documents in your possession, custody or control. If you do not have possession, custody or control of any documents described in any one or more of the following requests, a written statement that you do not have possession, custody or control of any such documents and the name and address of the person who does have possession, custody or control of such documents is sufficient response to the request. However, production of such documents shall be required if possession, custody or control of the same is in or with any of your agents, employees, servants or representatives. Unless the request specifically directs production of the original documents, delivery of an accurate, legible and complete photocopy of the documents requested to the attorney is a sufficient response to the request.

Documents produced shall be organized and designated to correspond to the categories in the request or produced as they are kept in the usual course of business.

If privilege or work product protection is claimed as a ground for withholding production of one or more documents in whole or in part, the response shall identify the date of the document, its author, its subject matter, its attachments, if any, its present custodian and all recipients, whether indicated on the document or otherwise, and shall describe intelligently and with particularity the factual basis for the claim of privilege or work product protection in sufficient detail so as to permit opposing counsel to reply and the court to adjudicate the validity of the claim.

In the event that a document called for by these requests has been destroyed, the response shall identify the preparer of the document, its addressor (if different), addressee, each recipient, each person to whom distributed or shown, date prepared, date transmitted (if different), date received, a description of its contents and subject matter, the date of its destruction, the reason(s) for its destruction, the name, title and address of the person destroying the document and a description of efforts to locate the document and copies of it.

The requests for documents set forth below shall be deemed to be continuing so as to require supplemental responses in accordance with the Federal Rules of Civil Procedure if additional documents specified are obtained or discovered between the time of responding to these requests and the final disposition of this action.

DEFINITIONS

As used in these requests for production of documents, the following definitions shall apply unless otherwise specifically noted:

1. The words "PLAINTIFF" or "PLAINTIFFS" mean the plaintiff or plaintiffs to whom this request for production of documents is directed, including all agents and representatives acting on their behalf.
2. The word "DOCUMENT" means the original, all drafts and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes reflecting on oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, videotape, disc, electronic mail, e-mail, Internet communication, data sheet, data processing card, computer printout, data compilation and every other written, typed, recorded, transcribed, filed or graphic matter, except such documents as excused from production under applicable provisions of law. The word "DOCUMENT" also includes any requested documents which are in the possession and/or control of any person or organization whom you retained by contract or otherwise. The word "DOCUMENT" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or federal lawsuit involving latex allergies in which you are, or were, a party. The phrase

"data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

REQUEST FOR PRODUCTION OF DOCUMENTS

CONCERT OF ACTION AND CONSPIRACY

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 2(c), served herewith.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 3(d), served herewith.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 4(c), served herewith.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 5(c), served herewith.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 6(d), served herewith.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS identified in your response to defendants' Interrogatory 7(e), served herewith.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 8(d), served herewith.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 9(d), served herewith.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 10(f), served herewith.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 11(d), served herewith.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 12(d), served herewith.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 13(d), served herewith.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 14(d), served herewith.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 15(d), served herewith.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 16(d), served herewith.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 17(d), served herewith.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 18(d), served herewith.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 19(d), served herewith.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 20(e), served herewith.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 21(d), served herewith.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 22(b)(8) and/or 22(c)(4), served herewith.

ALTERNATIVE LIABILITY

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 2(c), served herewith.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 3(c), served herewith.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 4(d), served herewith.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 5(c), served herewith.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 6(d), served herewith.

REQUEST FOR PRODUCTION NO. 7

All DOCUMENTS identified in your response to defendants' Interrogatory No. 7(d), served herewith.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 8(c), served herewith.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 9(d), served herewith.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 10(c), served herewith.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 11(d), served herewith.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 12(d), served herewith.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 13(b)(8) and/or 13(c)(4), served herewith.

ENTERPRISE LIABILITY

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 2(c), served herewith.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 3(d), served herewith.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 4(d), served herewith.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 5(d), served herewith.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 6(d), served herewith.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 7(b)(8) or 7(c)(4), served herewith.

MARKET SHARE

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 2(c), served herewith.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 3(d), served herewith.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 4(e), served herewith.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 5(d), served herewith.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 6(d), served herewith.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 7(d); served herewith.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 8(d), served herewith.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 9(c), served herewith.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 10(c), served herewith.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 11(d), served herewith.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 12(d), served herewith.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 13(d), served herewith.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 14(c), served herewith.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 15(c), served herewith.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 16(d), served herewith.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 17(e), served herewith.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 18(e), served herewith.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 19(d), served herewith.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 20(b)(8) and/or 20(c)(4), served herewith.

MISREPRESENTATION/FRAUD

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

2(c), served herewith.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

3(d), served herewith.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

4(d), served herewith.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

5(d), served herewith.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

6(d), served herewith.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

7(d), served herewith.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 8(d), served herewith.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 9(d), served herewith.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 10(c), served herewith.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 11(c), served herewith.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 12(c), served herewith.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS identified in your response to defendants' Interrogatory No. 13(b)(8) and/or 13(c)(4), served herewith.

BREACH OF WARRANTY

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

2(c), served herewith.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

3(b)(8) and/or 3(c)(4), served herewith.

TRADITIONAL CLAIMS

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

1(d), served herewith.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS identified in your response to defendants' Interrogatory No.

2(d), served herewith.

DATED: _____, 1999

SEYFARTH, SHAW, FAIRWEATHER &
GERALDSON

ALAN L. UNIKEL
Defendants' Liaison Counsel -
Spokesperson

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

LATEX GLOVES PRODUCTS
LIABILITY LITIGATION

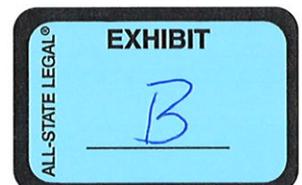
:
: MDL NO. 1148
:
: THIS DOCUMENT RELATES
: TO
: ALL ACTIONS

CASE MANAGEMENT ORDER 58 RE: GUIDELINES FOR
RESPONSES TO WRITTEN DISCOVERY REQUESTS

AND NOW, this 21 day of April, 2000, upon conference and agreement of the parties, the following is ORDERED:

Answers served by plaintiffs to the Defendants' Revised First Merits Interrogatories and Document Requests, and answers served by any of the parties to any other written discovery requests which have been subject to negotiations and agreed upon by the plaintiffs' lead counsel and defendants' liaison counsel in this MDL, shall conform to the following guidelines:

- The answers shall not interpose any objection (except an appropriate objection based upon privilege);
- The answers shall conform to all written agreements of plaintiffs' lead counsel and defendants' liaison counsel (and their designees) respecting such discovery request(s), including but not limited to those written agreements listed below and attached hereto;
- The answers shall not state, without more, that "discovery is continuing" or that "investigation is continuing" or that "information will be supplied" at a future time, or similar response, it being the obligation of the parties and counsel to supply information then known or available;
- The answers shall not refer to the language of the Complaint, except when specifically responsive to the written discovery and forming a part of a fuller answer;



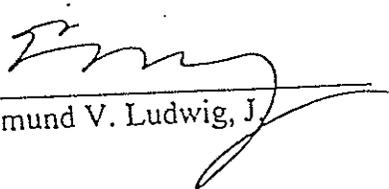
- The answers shall not state that the discovery seeks expert opinion, unless the written discovery expressly requests the content of expert opinion, in which event that much only of the written discovery may be responded to by making reference to any expert discovery already available or to become available in the case; however, facts known to the parties or counsel that do not require expert opinion must be disclosed; and
- The answers shall not state that a party is relying on certain documents if those documents have not already been produced.

When answering specific written discovery requests which have not been negotiated and agreed upon by the plaintiffs' lead counsel and defendants' liaison counsel, the parties shall observe the preceding guidelines; except that, nothing herein shall be construed to prohibit the parties from asserting appropriate and timely objections. Further, nothing herein shall be construed to prohibit the parties from supplementing or amending discovery responses pursuant to their obligations under Fed. R. Civ. P. 26(e).

The written agreements of counsel referred to above include but are not limited to the following (copies attached):

- regarding Plaintiffs' Product Identification Interrogatories and Requests for Production, the August 6, 1997 letter from Joanna Hamill Flum to Barry Epstein and Alan Unikel; and the response of August 8, 1997 from Barry Epstein to Joanna Hamill Flum;
- regarding Plaintiffs' First Merits Interrogatories and Document Requests, the February 23, 1998 letter from Beth Rose to Joanna Hamill Flum;
- regarding Defendants' First Merits Interrogatories and Document Requests, the January 26, 1999 letter from Alan Unikel to David Shrager; the response of January 27, 1999 from Joanna Hamill Flum to Alan Unikel; the response of January 28, 1999 from Alan Unikel to Joanna Hamill Flum; the response of January 29, 1999 from Alan Unikel to Joanna Hamill Flum; and such additional agreements as are incorporated into the Defendants' Revised First Merits Interrogatories and Document Requests;

- regarding Defendants' Second (Contention) Interrogatories and Document Requests, the December 2, 1999 letter from Beth Rose to Joanna Hamill Flum; and
- regarding Plaintiffs' Contention Interrogatories to All Defendants-Second Set and Plaintiffs' Merits Interrogatories to All Defendants-Third Set, the December 10, 1999 letter from Beth Rose to Joanna Hamill Flum.


Edmund V. Ludwig, J.

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES :
PRODUCTS LIABILITY : MDL DOCKET NO.: 1148
LITIGATION : (All Cases)
 : Judge Edmund V. Ludwig

MERITS INTERROGATORIES OF PLAINTIFFS
ADDRESSED TO ALL DEFENDANTS - FIRST SET

Plaintiffs, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that defendants answer the following interrogatories under oath and in full accordance with the applicable provisions of the Federal Rules of Civil Procedure within thirty (30) days after service of these interrogatories.

I. INSTRUCTIONS

1. Each interrogatory should be answered separately upon the knowledge or information and belief of defendant, and any answer based upon information and belief should state that it is given upon such basis.

2. These interrogatories are continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure.

3. If the complete answer to an interrogatory is not known, so state and answer as fully as possible each part of such



interrogatory to which an answer is known.

4. Where knowledge or information is requested, such request includes knowledge or information of the defendant's agents, representatives, employees, and its attorneys.

5. If any information is withheld in answer to an interrogatory under any claim of privilege, the following shall be provided with respect to such information: (a) every person to whom such information has been communicated by defendant and from whom such information was learned by defendant, (b) the date of such communication, (c) the subject matter of such information, and (d) the basis upon which such privilege is claimed.

6. Unless otherwise noted, these interrogatories seek information for the time period of January 1, 1978 through the present.

7. It is the specific intent of certain interrogatories to have the defendant identify specific documents, by bates stamp number(s), which support its answers. It is not sufficient, and violative of the Federal Rules of Civil Procedure, to respond to such requests for specific inquiries by referring to volumes of documents. See, e.g. Scripps Clinic & Research Foundation v. Baxter Travenol Laboratories, Inc., No. 87-140-CMW, 1988 US Dist. LEXIS 7495 (D. Del. June 21, 1988); Holben v. Coopervision, Inc., 120 F.R.D. 32, 33-34 (E.D. Pa. 1988); United States v. Chevron U.S., Inc., No. 88-6681, 1989 U.S. Dist. LEXIS 10236 (E.D. Pa. Aug. 30, 1989); Penza v. Drexel Burnham Lambert, Inc.,

No.88-6809, 1989 U.S. Dist. LEXIS 10193 (E.D. Pa. Aug. 28, 1989); Sabel v. Mead Johnson & Co., 110 F.R.D. 553 (D. Mass.), later proceedings 112 F.R.D. 211 (D. Mass. 1986); Derson Group, Ltd. v. Right Management Consultants, Inc., 119 F.R.D. 396 (N.D. Ill. 1988).

8. All definitions set forth below shall be carefully regarded.

II. DEFINITIONS

As used in these interrogatories, the following definitions shall apply unless otherwise specifically noted:

1. The word "defendant" means the defendant to whom these Interrogatories are directed including all departments, affiliations, divisions, subdivisions, parents and subsidiaries and all officers, directors, agents, employees and representatives, including attorneys, acting on each entity's behalf.
2. The words "plaintiff" or "plaintiffs" mean the plaintiff or plaintiffs herein including all agents and representatives acting on their behalf.
3. The words "you" or "your" means defendant as defined above.
4. The word "document" means the original, all drafts and non-identical copies (whether different from the original because

of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes reflecting an oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, videotape, disc, electronic mail, e-mail, Internet communication, data sheet, data processing card, computer printout, data compilation and every other written, typed, recorded, transcribed, filed or graphic matter, except such documents as are immune from production under applicable provisions of law. The word "document" also includes any requested documents which are in the possession and/or control of any person or organization whom you retained by contract or otherwise. The word "document" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or Federal lawsuit involving latex allergies wherein you are, or were, a party. The phrase "data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

5. The phrase "documents relating to" is intended to refer to documents which in whole or in part relate to the designated

category of information described.

6. The word "person" means individuals, firms, partnerships, corporations, proprietorships, associations, governmental units, and every other type of organization or entity.

7. The word "date" means the exact day, month, and year, if ascertainable; otherwise, the word "date" means the best available approximation (including relationships to other events).

8. The word "identify," when used in reference to:

(a) a person, means to state his or her full name, present or last known residence address (designating which) and present or last known (designating which) business affiliation, job title and employment addresses;

(b) a firm, partnership, corporation, proprietorship, association, or other organization or entity, means to state its full name and present or last known (designating which) address and telephone number;

(c) a document means to state (i) the title (if any), the date, author, sender, recipient, the identity of persons signing it, type of document (i.e., a letter, memorandum, book, telegram, chart, etc.) or some better means of identifying it; (ii) a summary of its contents; (iii) its present location or custodian; (iv) in the case of a document within the possession, custody, control or access of defendant, whether defendant will make it available to the undersigned attorneys for inspection

and/or copying; and (v) in the case of a document that was, but is no longer, in the possession, custody, or control of defendant, what disposition was made of it, when, why, and to whom; and

(d) a conversation, meeting or other communication, means (i) to state the date, location, and duration of such communication; (ii) to identify each person participating in such communication and each person who was present; (iii) to identify the subject matter of such communication; (iv) to summarize in as much detail as possible the content of any such communication; (v) to state whether there are any documents which set forth, summarize, or refer to any portion of such communication; and (vi) if such documents exist, to identify each document and each person having custody of the document.

9. "And" as well as "or" shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of any subparagraph all information which might otherwise be construed to be outside the scope.

10. Whenever necessary to bring within the scope of the interrogatory information which might otherwise be construed to be outside the scope, (i) the use of a verb in any tense shall be construed as a verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural, and vice versa; and (iii) "any" includes "all" and "all" includes "any."

III. SPECIFIC INTERROGATORIES

(Note time frame as set forth in instruction number I.6. above.)

1. Please state your full name and your business address.

2. Please identify each person you consulted in answering these interrogatories and identify the name of every person who assisted you with each interrogatory.

3. Describe the corporate organization of your company, including the identity and location of all divisions, branches, affiliates, subsidiaries, parents and related entities and the identity of each of its officers and directors.

4. (a) Identify each latex glove manufacturing facility from which you obtained latex gloves between 1978 and the present.

(b) Describe the corporate organization of each latex glove manufacturing facility identified in Interrogatory 4.(a).

(c) Identify all contracts which establish your relationship with any latex glove manufacturing facility, whether or not you obtained latex gloves from such a facility, between 1978 and the present including, without limitation, the title of the document, the date it was executed on behalf of your company and the name and title of the person, or persons, who signed the document.

5. Prior to the releasing of any of your latex and/or latex-containing products for sale, or prior to selling or distributing any latex and/or latex-containing products manufactured by any

latex products manufacturing facility from which you obtained such products, were any studies or tests conducted on same to determine potential health hazards involved in the use of materials contained therein?

If so, set forth in detail:

(a) the kinds and types of studies and/or tests that were conducted;

(b) the name, address, job classification or title and relationship to you of each individual or entity who conducted such studies and/or tests;

(c) the name, address, job classification or title, and relationship to you of each individual or entity who gave instructions for the performance of such studies and/or tests;

(d) the date each such test or study was conducted and how each was completed;

(e) the place each study and/or test was performed and the methodology of each such study and/or test; and

(f) the results of such study and/or test, and if such results were reduced to writing, attach copies of same hereto.

6. For each study, test, investigation, examination, review or analysis (hereinafter referred to collectively as "study") conducted by you or on your behalf or known to you relating to latex health hazards, diseases, allergies, allergens, illnesses, or injuries and/or the safety aspects concerning latex and/or latex containing products which you sold, manufactured and/or

distributed, identify the following:

(a) the date each study was commenced;

(b) the date and locations each study was concluded;

(c) the name(s) and address(es) of the person(s), association(s), organization(s) or agency(ies) authorizing the study;

(d) the name(s), address(es) and job title(s) of the person(s) in charge of the study;

(e) the name(s), address(es) and job title(s) of the person(s) participating in the study;

(f) the title and subject of the study;

(g) the result of each study;

(h) the statistical analysis made stating the result and describing the date and assumptions upon which they were based; and

(i) the name(s) and address(es) of the person(s) who has in his/her custody any and all reports (including attachments and exhibits thereto) of any such test, study, calculation or examination.

7. Have you ever given any warnings to your employees of the dangers of allergy, illness and/or disease by reason of their use, handling or exposure to latex and/or latex-containing products?

If so, state:

(a) the date of such warning;

(b) how such warnings were given;

(c) if such warnings were oral, state the names and addresses of the person(s) giving and receiving such warnings;
and

(d) if such warnings were written, state:

(i) the date(s) of such warning(s);

(ii) the present location of such warning(s);

(iii) the name(s) and address(es) of individuals who prepared such warnings; and

(iv) the reasons for such warnings.

8. Identify every person expected to be called as an expert witness at trial by defendant, the subject matter on which he or she is expected to testify, the substance of the facts and opinions to which he or she is expected to testify, and a summary of the grounds for each opinion.

9. Identify each person who has knowledge of the facts which you contend support your claims or defenses in this action. With respect to each such person, state the facts generally of which that person has knowledge.

10. List and describe each complaint or notice of problems or adverse events received by, or known to, you regarding the use of any of your latex glove products, including the date of the incident(s), the date you received notice, and the product in question. In response to this Interrogatory, you may redact the names of the reporters of adverse events in compliance with any

applicable FDA regulation only.

11. For each complaint or notice of problem or adverse event listed in the preceding interrogatory, please describe the actions you took in response to each such complaint or notice of problems or adverse event. (This interrogatory asks what actions were taken after receipt of such complaint or notice of problem or adverse event, not just whether defendant made any changes as a result of such complaint or notice of problem or adverse event.)

12. Did you ever form any committees, groups, panels, or boards in order to address the problem of latex allergies and/or latex sensitivity?

13. If the answer to interrogatory 12. is in the affirmative, state as to each committee, group, panel or board:

- (a) their names;
- (b) years of formation;
- (c) whether or not still active;
- (d) identity of all members; and
- (e) purpose.

14. Were you, or any of your employees, ever a member of any committees, groups, trade associations, panels, boards, or any other organizations which addressed the problem of latex allergies and/or latex sensitivity?

15. If the answer to interrogatory 14. is in the affirmative, state as to each such committee, group, trade

association, panel, board, or any similar organization:

- (a) its name;
- (b) by what entity it was formed or organized;
- (c) the date it was formed or organized;
- (d) identify the employees who were, or are, members;
- (e) its purpose; and
- (f) whether or not it still in operation.

16. Did you ever form, or were you ever a part of, any group known as the "Latex Scientific Task Force," or a similar name, whether it was a part of your organization or any other organization?

17. If interrogatory number 16 is answered in the affirmative, please:

- (a) identify its chair or other leader;
- (b) indicate whether there were minutes kept at its meetings and state who has custody of such minutes now; and
- (c) the last known address for all people identified in this interrogatory.

18. Did you ever ask any previously existing committees, groups, panels, or boards to address the problem of latex allergies and/or latex sensitivity?

19. If interrogatory 18 is answered in the affirmative, please:

- (a) identify the name of the committee, group, panel, or board;

(b) its chair or other leader;

(c) indicate whether there were minutes kept at its meetings and state who has custody of such minutes now; and

(d) the last known address for all people identified in this interrogatory.

20. Please state whether you have ever been a party to a lawsuit based on products liability, breach of warranty or negligence involving reactions to latex proteins or allergens within latex gloves. If so, list each case by:

(a) style, court, and case number;

(b) counsel for the plaintiff; and,

(c) the disposition of the case.

21. Identify the date, time, place, purpose, content and participants of each communication within defendant, as well as any and all documents reflecting, referring to or evidencing any communications, regarding the following:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; and

(c) the manufacture of latex gloves to reduce allergens therein.

22. To the extent not listed in your responses to interrogatory number 21. and its sub-parts, identify the date, time, place, purpose, content and participants of each communication between defendant and any local, state or federal

government or governmental agency or organization, as well as any and all documents reflecting, referring to or evidencing any communications, regarding:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; and

(c) the manufacture of latex gloves to reduce allergens therein.

23. To the extent not listed in your responses to interrogatories numbers 21 and 22 and their sub-parts, identify the date, time, place, purpose, content and participants of each communication between defendant and the Health Industry Manufacturers Association, The Rubber Research Institute of Malaysia, The Malaysia Rubber Bureau, The Malaysian Rubber Producers' Research Association, The Malaysian Rubber Research and Developmental Board, the Latex Advisors Association or any similar trade organization or association, as well as any and all documents reflecting, referring to or evidencing any such communications, regarding:

(a) latex allergy or reactions;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reactions; and

(c) the manufacture of latex gloves to reduce allergens therein.

24. State whether you gave any written instructions and/or

warnings or mailed any "Dear Doctor" or "Dear Customer" letters or developed educational programs to or for purchasers or users of latex gloves which you manufactured or distributed and describe each such instructive warning, letter and/or program and the manner in which it was given and identify all documents evidencing same.

25. Please state whether you were lawfully obliged to adhere to any United States federal regulations in the design or manufacture of any of the latex glove brands you manufactured, or were manufactured on your behalf, and, if so, identify the regulations.

26. Please state whether you were lawfully obliged to adhere to any United States federal regulations in the wording or provision of labeling on any latex glove brands you manufactured or distributed, and, if so, identify the regulations.

27. Please identify the latex glove manufacturing plants you either owned, operated or controlled for the manufacture of latex gloves.

28. Describe in detail the manufacturing process used to make the latex gloves at each of the facilities identified in response to Interrogatory number 27, including but not limited to providing a list of the ingredients used in the process, the timing of each step of manufacturing process, and the timing of storage of the gloves before shipment. (It is not sufficient to answer this interrogatory by merely referencing documents

generally. This interrogatory requests the specific "recipes" or formulae for each manufacturing plant so identified.)

(a) What changes were made in the manufacturing process for the purpose of reducing the elutable proteins?

(b) When were such changes made?

(c) Why were such changes made?

(d) Who participated in the decision to make such changes?

(e) List all documents which contain information responsive to this interrogatory and its sub-parts.

29. Insofar as the latex glove manufacturing facilities identified in Interrogatory 4.(a) above, describe in detail the manufacturing process used to make the latex gloves, including but not limited to providing a list of the ingredients used in the process, the timing of each step of manufacturing process, and the timing of storage of the gloves before shipment. (It is not sufficient to answer this interrogatory by merely referencing documents generally. This interrogatory requests the specific "recipes" or formulae for each manufacturing plant so identified.)

(a) What changes were made in the manufacturing process for the purpose of reducing the elutable proteins?

(b) When were such changes made?

(c) Why were such changes made?

(d) Who participated in the decision to make such

changes?

(e) List all documents which contain information responsive to this interrogatory and its sub-parts.

30. Describe what you have done, from the first time you sold, manufactured and/or distributed latex gloves to the present, to stay abreast of the knowledge and research of latex allergies or reactions to latex proteins and of the safest methods of manufacture of latex products and identify all persons having knowledge of such actions or methods.

31. Identify all regulations, rules, laws, statutes or guidelines you contend that governed the manufacture, sale or distribution, or labeling requirements or guidelines for the manufacture of latex gloves.

32. State whether you sell or have sold "hypo-allergenic" gloves and, if so:

(a) identify those products by brand name;

(b) describe the differences between the hypo-allergenic gloves and non-hypo-allergenic gloves, explaining in particular why your hypo-allergenic gloves are supposedly safer for persons who are allergic to natural latex proteins; and,

(c) identify all persons having knowledge of the facts set forth in your answer and all documents evidencing or supporting such facts.

33. State whether you have made any changes in your

hypo-allergenic gloves since 1978. If so, describe such changes and the reasons for such changes and identify all persons having knowledge of the facts set forth in your answer and all documents reflecting such changes.

34. Identify all seminars, meetings or conferences known to you which your managing personnel have attended which concerned reactions or allergies to latex products or proteins or safe methods of manufacturing latex products and identify those persons from your company who attended those seminars, conferences or meetings and all documents evidencing said attendance at the seminar, conference or meeting.

35. Have you determined through investigation during the ordinary course of your business what percentage of the following groups of people are allergic to natural latex proteins: the general population, health care workers generally, operating and emergency room personnel, and people with spina bifida? If so,

(a) state such percentages;

(b) state which percentages of each group are at risk of latex sensitization; and

(c) whether people who display signs of mild allergies to latex are at greater risk of becoming sensitized to latex products containing natural latex proteins.

(d) Identify all persons having knowledge of, and all documents supporting, the facts forming the basis for your answer to this interrogatory.

36. Have you determined through the ordinary course of your business what percentage of the market share of latex gloves your company had from 1978 to the present? If so, please state:

- (a) the persons responsible for making this inquiry;
- (b) the results of said inquiries nationally;
- (c) the results of said inquiries on a state by state

basis; and

- (d) the specific documents which support your answer.

37. Please state in complete detail everything that defendant did to:

- (a) warn users of latex gloves regarding latex allergies or reactions;
- (b) prevent users of latex gloves from developing latex allergies or reactions; and
- (c) manufacture latex gloves to reduce allergens

therein.

38. At any time, did defendant, or any consultant for defendant, know of the existence of any hazard or danger in the continued use of latex gloves once a person has developed a latex allergy?

39. If the answer to the preceding interrogatory is in the affirmative, please state:

- (a) the nature of the hazard or dangerous condition;
- (b) how defendant or its consultant acquired such

knowledge;

(c) when defendant or its consultant first learned of such condition; and

(d) what action, if any, defendant took to correct such hazard or dangerous condition so as to safeguard the consumers of latex gloves.

40. Did defendant have any notice or knowledge of any occurrences of injury or death caused by latex gloves, even if such gloves were not manufactured by defendant? If so, list the date of each such notice or knowledge and the type of injury or date of death. Also list all actions you took in connection with such notice or knowledge.

41. Has defendant ever issued any warnings, taken any precautions, or conducted any recalls or market withdrawals as a result of complaints or occurrences involving latex gloves? If yes, please provide a complete description for each action taken including, but not limited to,

(a) the date the action was taken;

(b) the defect or hazard to which the action was addressed; and

(c) the name, address, and job title of the person who ordered, directed, or authorized such action.

42. When and how did you first learn about latex allergies and their association with latex gloves and/or powders?

43. Identify the people within defendant who were principally involved with, or responsible for, addressing the

problem of latex allergies including, but not limited to, people in the job categories, departments or who had responsibilities for the following: sales, distribution, marketing, regulatory affairs, research, manufacturing, compliance, complaint department, technical engineering, technical services, advertising, laboratories, quality control, operations, labeling, microbiology, scientific affairs, consumer affairs, product engineering, process engineering, production manager, plant manager, product development and/or development.

44. Identify the people within defendant who were principally involved in the decision whether to place warnings, if any, on packages of latex gloves.

45. Identify the people within defendant who were responsible for coordinating warning and labeling issues for your latex gloves with the federal government.

46. Identify all documents reflecting internal minutes of all meetings and notes therefrom where the issue of latex allergy was discussed.

47. Have you ever undertaken a cost analysis relative to latex allergies regarding the cost of remediation versus the cost of potential litigation?

(a) Even if you claim a privilege in response to this inquiry, was in-house counsel involved in such analysis, and if so, when?

(b) Specifically identify any such documents which

pertain to such analysis.

48. State whether there was, or is, in force and in effect one or more policies of public liability insurance, including excess, reinsurance policy, or otherwise, which would inure to the benefit of the plaintiffs should they be successful in the instant action.

49. If your answer to the preceding Interrogatory is in the affirmative, as to each policy, please identify the company issuing the policy, the policy number, the policy period and the debt limitations of liability under the said policy.

50. With reference to each policy identified in answer to the preceding Interrogatory, state whether the company issuing each policy has disclaimed or obtained a non-waiver agreement or reservation of rights agreement or any other such agreement.

51. With reference to each policy identified in answers to the preceding Interrogatories, state the self-insured retainage.

52. With reference to each policy identified in answers to the preceding Interrogatories, state whether or not there is any reason why each company identified would not be able to provide indemnification in the event of a covered loss.

53. Identify all companies with whom you have contracted to provide risk management services.

54. Describe your policies, procedures, protocols, rules and/or regulations relating to retention and/or preservation of documents, said description to include, but not be limited to,

the following:

(a) the manner and method by which documents are to be preserved;

(b) the place or places where documents are retained;

(c) under whose supervision and control documents are retained;

(d) under what circumstances documents may be put into storage;

(e) if documents are put into storage, identify those storage facilities;

(f) under what circumstances documents may be destroyed, and the method and manner of destruction;

(g) whether or not documents are ever transferred to microfilm, microfiche, computer, or any other like type process, and, if so, the policy pursuant to which said transfer is permitted; and

(h) if the documents are transferred to microfilm, microfiche, computer, or any like type process, where the microfilm, microfiche, computer tapes, or any like type process, are stored.

55. Identify every trade organization or association in which you are currently, or ever have been, a member, or with which you are currently, or ever have been, affiliated and set forth the dates of such membership or affiliation.

56. For each trade organization or association identified in

the preceding interrogatory, state:

- (a) the nature of your relationship;
- (b) the principal purpose of the trade association or organization; and
- (c) identify the person(s) who represented you in such trade association or organization and the time periods of such representation.

57. To the extent not covered by your response to any other Interrogatory herein, please state whether or not you are currently, or have ever been, a member or affiliated with any of the following groups:

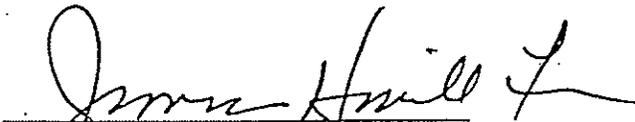
- (a) Health Industry Manufacturers Association;
- (b) The Rubber Research Institute of Malaysia;
- (c) The Malaysia Rubber Bureau;
- (d) The Malaysian Rubber Producers' Research Association;
- (e) The Malaysian Rubber Research and Developmental Board; and/or
- (f) The Latex Advisors Association.

58. If the answer to the preceding Interrogatory is in the affirmative, for each such group, state:

- (a) the nature of your relationship with the group;
- (b) the principal purpose of the group; and

(c) identify the person(s) who represented you in each group and the time periods of such representation.

SHRAGER, McDAID, LOFTUS, FLUM & SPIVEY

BY: 

David S. Shrager
Joanna Hamill Flum
32nd Floor, Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

ATTORNEYS FOR PLAINTIFFS

10/7/97

CERTIFICATE OF SERVICE

I certify that on the 8th day of October, 1997 the attached Merits Interrogatories of Plaintiffs Addressed to All Defendants - First Set was served on all counsel on the current service list.


Stephanie Carfley

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES :
PRODUCTS LIABILITY : MDL DOCKET NO.: 1148
LITIGATION : (All Cases)
 : Judge Edmund V. Ludwig

MERITS REQUEST FOR PRODUCTION OF DOCUMENTS OF PLAINTIFFS
ADDRESSED TO ALL DEFENDANTS - FIRST SET

Plaintiffs, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, hereby request that defendants supply within 30 days at the offices of Ralph Knowles, Jr., Esquire, Doffermyre, Shields, Canfield, Knowles & Devine, Suite 1600, 1355 Peachtree Street, Atlanta, Georgia 30309-3269, the originals or authentic and legible copies of the documents hereinafter identified.

I. INSTRUCTIONS

1. Each request should be responded to separately.
2. This request is continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure.
3. If any request is not responded to under any claim of privilege, the following shall be provided with respect to such information: (a) every person to whom such information or document has been communicated by defendant and from whom such information or document was learned by defendant, (b) the date of such communication, (c) the subject matter of such

information, or communication and (d) the basis upon which such privilege is claimed.

4. Unless otherwise noted, these requests seek documents for the time period of January 1, 1978 through the present.

5. It is the specific intent of these requests to have the defendant produce specific documents identified by bates stamp number(s). It is not sufficient, and violative of the Federal Rules of Civil Procedure, to respond to such requests for specific documents by referring to volumes of documents. See, e.g. Scripps Clinic & referring to volumes of documents. See, e.g. Scripps Clinic & Research Foundation v. Baxter Travenol Laboratories, Inc., No. 87-140-CMW, 1988 U.S. Dist. LEXIS 7495 (D. Del. June 21, 1988); Holben v. Coopervision, Inc., 120 F.R.D. 32, 33-34 (E.D. Pa. 1988); United States v. Chevron U.S., Inc., No. 88-6681, 1989 U.S. Dist. LEXIS 10236 (E.D. Pa. Aug. 30, 1989); Penza v. Drexel Burnham Lambert, Inc., No. 88-6809, 1989 U.S. Dist. LEXIS 10193 Aug. 28, 1989); Sabel v. Mead Johnson & Co., 110 F.R.D. 553 (D. Mass.), later proceedings 112 F.R.D. 211 (D. Mass. 1986); Derson Group, Ltd. v. Right Management Consultants, Inc., 119 F.R.D. 396 (N.D. Ill. 1988).

6. All documents shall be produced in separate groups of documents responsive to each separate request.

7. All definitions set forth below shall be carefully regarded.

II. DEFINITIONS

As used in these requests, the following definitions shall apply unless otherwise specifically noted:

1. The word "defendant" means the defendant to whom this Request is directed, including all departments, divisions, affiliations, parents and subdivisions and all officers, directors, agents, employees and representatives, including attorneys, acting on each entity's behalf.
2. The words "plaintiff" or "plaintiffs" mean the plaintiff or plaintiffs herein including all agents and representatives acting on their behalf.
3. The words "you" or "your" mean defendant as defined above.
4. The word "document" means the original and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, memorandum or notes reflecting an oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, disc, data sheet, data processing card,

computer printout, data compilation and every other written, typed, recorded, transcribed, filed or graphic matter, except such documents as are immune from production under applicable provisions of law. The word "document" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or Federal lawsuit involving latex allergies wherein you are, or were, a party. The phrase "data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

5. The phrase "documents relating to" is intended to refer to documents which in whole or in part relate to the designated category of information described.

6. The word "person" means individuals, firms, partnerships, corporations, proprietorships, associations, governmental units, and every other type of organization or entity.

7. The word "date" means the exact day, month, and year, if ascertainable; otherwise, the word "date" means the best available approximation (including relationships to other events).

8. "And" as well as "or" shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of any subparagraph all information which might otherwise be construed to be outside the scope.

9. Whenever necessary to bring within the scope of the request information which might otherwise be construed to be

outside the scope, (i) the use of a verb in any tense shall be construed as a verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural, and vice versa; and (iii) "any" includes "all" and "all" includes "any."

REQUESTED DOCUMENTS

(NOTE the following in addition to the other instructions set forth above: (a) time frame as set forth in instruction number I.4.; and (b) direction set forth in instruction number I.5. to identify the produced documents by bates stamp number(s).)

1. All documents relied upon by your experts to support their opinions in this case.
2. The curricula vitae of all experts you intend to call as expert witnesses in the trial of this case.
3. All documents that you may use as exhibits at the trial of this case.
4. To the extent not produced in response to any other request herein, all documents which you relied upon in preparing your Answers to Interrogatories or which pertain or relate to the subject matter of each interrogatory.
5. All documents which establish your relationship with any latex glove manufacturing facility, whether or not you obtained latex gloves from such a facility, between 1978 and the present.
6. All documents related to each complaint or notice of problem or adverse event, including but not limited to the actual complaint or notice, received by, or known to, you arising as a

result of the use of each type of latex glove which you sold, manufactured and/or distributed. In response to this Request, you may redact the names of the reporters of adverse events in compliance with any applicable FDA regulations only.

7. All documents describing or making reference to any actions you took in response to each complaint or notice of problem or adverse event received by you regarding the use of any latex glove products which you sold, manufactured and/or distributed. (This request asks for documents that describe what actions were taken after receipt of such complaint or notice of problem or adverse event, not just documents showing whether defendant made any changes as a result of such complaint or notice of problem or adverse event.)

8. All warnings prepared by you, and all drafts of those warnings, regarding the potential hazard of exposure to latex gloves and/or latex allergy.

9. All documents exchanged between you and the federal government regarding warnings and labeling of latex gloves and the potential hazard of latex allergy.

10. All federal regulations you contend govern the design, manufacture and/or distribution of any of the latex glove brands you sold, manufactured and/or distributed.

11. All documents detailing the manufacturing process used to make the latex gloves, whether manufactured by you or by any latex glove manufacturing facility from which you obtained latex

gloves, including, but not limited to, providing a list of the ingredients used in the process, the timing of each step of the manufacturing process and the timing of storage of the gloves before shipment.

12. All documents detailing what changes were made in the manufacturing process used to make latex gloves, whether manufactured by you or by any latex glove manufacturing facility from which you obtained latex gloves, for the purpose of reducing the elutable proteins.

13. All regulations, rules, laws, statutes or guidelines that you contend govern the manufacture, sale, distribution and/or labeling requirements of latex gloves.

14. All documents and handouts you obtained at seminars or conferences known to you which your managing personnel have attended which concerned reactions or allergies to latex products or proteins or safe methods of manufacturing latex products.

15. All documents and handouts which you prepared or generated for distribution at seminars or conferences in which you participated which concerned reactions or allergies to latex products or proteins or safe methods of manufacturing latex products.

16. All documents generated during the ordinary course of your business investigating the percentage of the following groups of people who are allergic to natural latex proteins: the general population, health care workers generally, operating and

emergency room personnel and people with spina bifida.

17. All documents generated by you reflecting what percentage of the market share of latex gloves you had from 1978 to the present.

18. All documents reflecting your knowledge of any occurrences of injury or death caused by exposure to latex gloves or an environment where latex gloves are frequently used, even if such gloves were not manufactured by you.

19. All documents reflecting any recalls or market withdrawals issued by you whether or not as a result of complaints or injuries involving latex gloves.

20. All documents reflecting when you first learned about latex allergies and their association with latex gloves and/or powders.

21. All value analyses or studies including but not limited to cost/benefit analyses based on data of injuries caused by exposure to latex gloves and powders, and/or the cost to you on a per claim basis for injuries related to exposure to latex glove products which you sold, manufactured and/or distributed.

22. To the extent not produced in response to any other Request herein, all documents exchanged between you and any local, state or federal government or governmental agency or organization, regarding:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural

latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

23. All documents exchanged between and among you and the Health Industry Manufacturers Association, The Rubber Research Institute of Malaysia, the Malaysia Rubber Bureau, the Malaysian Rubber Producers' Association, the Malaysian Rubber Research and Development Board, or any similar trade organization or association, regarding:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

24. All internal minutes of all meetings or notes therefrom where the following issues were discussed:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

25. All documents exchanged between and among you and your departments, affiliations, divisions, parents, subdivisions and/or subsidiaries regarding:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

26. All documents exchanged between and among you and every latex glove manufacturing facility from which you obtained latex gloves regarding:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

27. To the extent not produced in response to any other Request herein, all documents regarding the following:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

28. All documents circulated by you, whether created by you or from another source, reflecting alternative methods of manufacturing latex gloves which might impact the amount of natural latex proteins in the latex gloves you manufactured or distributed.

29. All documents discussing the term "hypo-allergenic" in

relation to latex gloves or products sold, manufactured and/or distributed by you.

30. The design manual or manuals for the manufacture of latex gloves at each of your manufacturing facilities and at each of the manufacturing facilities from which you obtained latex gloves for sale or distribution.

31. All documents describing the manufacturing process used by your company in making latex gloves and by each of the manufacturing facilities from which you obtained latex gloves for sale or distribution.

32. All documents in your possession, or known or available to you, reflecting tests conducted to determine the safety of latex gloves.

33. Five samples of each type of latex glove which you sold, manufactured and/or distributed.

34. All training, instructional and sales literature given to your sales representatives.

35. All documents provided to sales representatives for their use in making sales calls and sales including but not limited to order forms and invoices.

36. All labels, package inserts, glove boxes, advertisements, sales brochures, promotional literature, sales handbooks, instructions to salesmen, instructions to detail men, direct mail material, Dear Doctor letter or Dear Customer letter (including but not limited to those materials distributed by your

sales representatives to hospitals, doctors and other potential customers) mentioning, dealing with, relating to or referring in any way to latex gloves which you sold, manufactured and/or distributed.

37. All documents sent to or received from the Federal Drug Administration mentioning, dealing with, relating to or referring in any way to any type of latex glove which you sold, manufactured and/or distributed.

38. All journal articles, newspaper articles, or press releases concerning any type of latex glove which you sold, manufactured and/or distributed.

39. All medical literature, scientific studies, documents, brochures, general literature, newspaper articles, press releases or transcripts of electronic media programming dealing with latex gloves and the potential hazard of latex allergy.

40. All scientific, research, marketing and/or manufacturing studies known to you in which the following are discussed, addressed, analyzed, or in any other way mentioned:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

41. All documents exchanged between and among any persons or

organizations whom you retained to study, analyze, give an opinion upon or in any other way address, whether in whole or in part, the following:

(a) latex allergy or reaction;

(b) labeling or warnings on latex products or natural latex proteins regarding latex allergy or reaction; or

(c) the manufacture of latex gloves to reduce allergens therein.

42. All documents describing your policies, procedures, protocols, rules and/or regulations relating to retention and/or preservation of documents, to include, but not be limited to, documents relating to the following:

(a) the manner and method by which documents are to be preserved;

(b) the place or places where documents are retained;

(c) under whose supervision and control documents are retained;

(d) under what circumstances documents may be put into storage;

(e) if documents are put into storage, identify those storage facilities;

(f) under what circumstances documents may be destroyed, and the method and manner of destruction;

(g) whether or not documents are ever transferred to

microfilm, microfiche, computer, or any other like type process, and, if so, the policy pursuant to which said transfer is permitted; and

(h) if the documents are transferred to microfilm, microfiche, computer, or any like type process, where the microfilm, microfiche, computer tapes, or any like type process, are stored.

43. Every patent relating to:

(a) latex gloves which you sold, manufactured and/or distributed; and

(b) the process according to which the latex is produced.

44. For each of the above patents, the following:

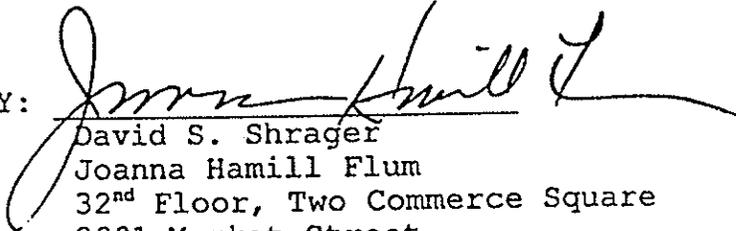
(a) the patent application;

(b) the file wrapper; and

(c) all correspondence between your patent attorney of record and the Patent Trademark Office.

SHRAGER, McDAID, LOFTUS, FLUM & SPIVEY

BY:

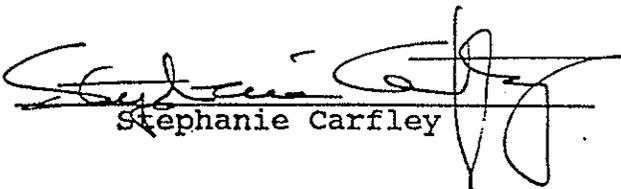

David S. Shrager
Joanna Hamill Flum
32nd Floor, Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

ATTORNEYS FOR PLAINTIFFS

10/07/97

CERTIFICATE OF SERVICE

I certify that on the 8th day of October, 1997 the attached Merits Request for Production of Documents of Plaintiffs Addressed to All Defendants - First Set was served on all counsel on the current service list.


Stephanie Carfley

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES :
PRODUCTS LIABILITY : MDL DOCKET NO.: 1148
LITIGATION : (All Cases)
: Judge Edmund V. Ludwig

MERITS REQUEST FOR PRODUCTION OF DOCUMENTS OF PLAINTIFFS
ADDRESSED TO ALL DEFENDANTS - SECOND SET

Plaintiffs, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that defendants supply within thirty (30) days at the offices of Shrager, McDaid, Loftus, Flum & Spivey, Two Commerce Square, 32nd Floor, 2001 Market Street, Philadelphia, PA 19103 and Plaintiffs' Document Depository, 1811 Chestnut Street, Suite 105, Philadelphia, PA 19103, the originals or authentic and legible copies of the documents hereinafter identified.

I. INSTRUCTIONS

1. Each request should be responded to separately.
2. This request is continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure.
3. If any request is not responded to under any claim of privilege, the following shall be provided with respect to such information: (a) every person to whom such information or document has been communicated by defendant and from whom such information or document was learned by defendant, (b) the date of such communication, (c) the subject matter of such information, or communication and (d) the basis upon which such privilege

is claimed.

4. Unless otherwise noted, these requests seek documents for the time period of January 1, 1978 through the present.

5. It is the specific intent of these requests to have the defendant produce specific documents identified by bates stamp number(s). It is not sufficient, and violative of the Federal Rules of Civil Procedure, to respond to such requests for specific documents by referring to volumes of documents. See, e.g., Scripps Clinic and referring to volumes of documents. See, e.g., Scripps Clinic & Research Foundation v. Baxter Travenol Laboratories, Inc., No. 87-140-CMW, 1988 U.S. Dist. LEXIS 7495 (D. Del. June 21, 1988); Holben v. Coopervision, Inc., 120 F.R.D. 32, 33-34 (E.D. Pa. 1988); United States v. Chevron U.S., Inc., No. 88-6681, 1989 U.S. Distr. LEXIS 10236 (E.D. Pa. Aug. 30, 1989); Penza v. Drexel Burnham Lambert, Inc., No. 88-6809, 1989 U.S. Dist. LEXIS 10193 Aug. 28, 1989); Sabel v. Mead Johnson & Co., 110 F.R.D. 553 (D. Mass), later proceedings 112 F.R.D. 211 (D. Mass. 1986); Derson Group, Ltd. v. Right Management Consultants, Inc., 119 F.R.D. 396 (N.D. Ill. 1988).

6. All documents shall be produced in separate groups of documents responsive to each separate request.

7. All definitions set forth below shall be carefully regarded.

II. DEFINITIONS

As used in these requests, the following definitions shall apply unless otherwise specifically noted:

1. The word "defendant" means the defendant to whom this Request is directed,

including all departments, divisions, affiliations, parents and subdivisions and all officers, directors, agents, employees and representatives, including attorneys, acting on each entity's behalf.

2. The words "plaintiff" or "plaintiffs" mean the plaintiff or plaintiffs herein including all agents and representatives acting on their behalf.

3. The word "document" means the original and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, memorandum or notes reflecting an oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, disc, data sheet, data processing card, computer printout, data compilation and every other written, typed recorded, transcribed, filed or graphic matter, except such documents as are immune from production under applicable provisions of law. The word "document" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or Federal lawsuit involving latex allergies wherein you are, or were, a party. The phrase "data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

4. The phrase "documents relating to" is intended to refer to documents which in whole or in part relate to the designated category of information described.

5. The word "person" means individuals, firms, partnerships, corporations, proprietorships, associations, governmental units, and every other type of organization or entity.

6. The word "date" means the exact day, month, and year, if ascertainable; otherwise, the word "date" means the best available approximation (including relationships to other events).

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REQUESTED DOCUMENTS

(NOTE the following in addition to the other instructions set forth above: (a) time frame as set forth in instruction number 4; and (b) direction set forth in instruction number 5 to identify the produced documents by bates stamp number(s).)

1. All documents relating to the following litigation:

(a) Allegiance Healthcare Corporation v. London International Group PLC, et al.

United States District Court for the Northern District of Georgia, No. C-97-

4619.

(b) Allegiance Healthcare Corporation v. Margaret F. Fay, a/k/a Peggy Fay and Donald Beezhold, Circuit Court of the State of Oregon, County of Marion,
No. 98-C-10103.

SHRAGER, McDAID, LOFTUS, FLUM & SPIVEY

BY: 

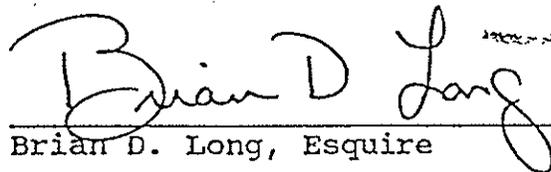
David S. Shrager
Joanna Hamill Flum
32nd Floor, Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 1999, a true and correct copy of the foregoing Merits Request for Production of Documents of Plaintiffs Addressed to All Defendants - Second Set was served via first class mail on the following:

James A. Willhite, Jr., Esquire
Larry L. Turner, Esquire
Montgomery, McCracken, Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109



Brian D. Long, Esquire

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

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1. All documents relating to the following litigation:

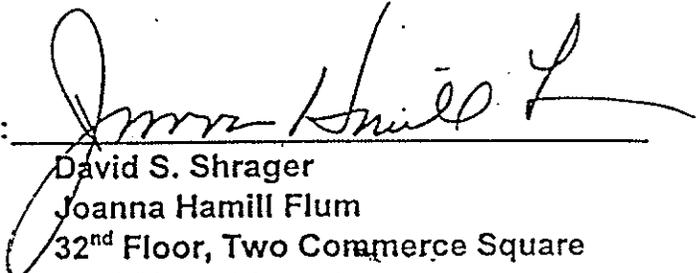
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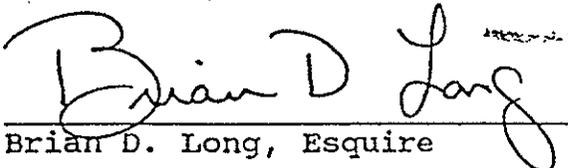
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IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES : MDL DOCKET NO.: 1148
PRODUCTS LIABILITY : (All Cases)
LITIGATION : Judge Edmund V. Ludwig

REVISED INTERROGATORIES (CONTENTION) OF PLAINTIFFS
ADDRESSED TO ALL DEFENDANTS - SECOND SET

Plaintiffs, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that defendants answer the following interrogatories under oath and in full accordance with the applicable provisions of the Federal Rules of Civil Procedure within thirty (30) days after service of these interrogatories.

I. INSTRUCTIONS

1. Each interrogatory should be answered separately upon the knowledge or information and belief of defendant, and any answer based upon information and belief should state that it is given upon such basis.

2. These interrogatories are continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure.

3. If the complete answer to an interrogatory is not known, so state and answer as fully as possible each part of such interrogatory to which an answer is known.

4. Where knowledge or information is required, such request includes knowledge or information of the defendant's agent, representatives, employees, and its attorneys.

5. If any information is withheld in answer to an interrogatory under any claim of privilege, the following shall be provided with respect to such information: (a) every person to whom such information has been communicated by defendant and from whom such information was learned by defendant, (b) the date of such communication, (c) the subject matter of such information, and (d) the basis upon which such privilege is claimed.

6. Unless otherwise noted, these interrogatories seek information for the time period of January 1, 1978 through the present.

7. Each answer must be accompanied by identification of all references, including scientific and medical, and authorities upon which you rely in making your answer. Identification must be specific in order to enable plaintiff to access the referenced authority or material.

8. It is the specific intent of certain interrogatories to have the defendant identify specific documents, by bates stamp number(s), which support its answers. It is not sufficient, and violative of the Federal Rules of Civil Procedure, to respond to such requests for specific inquiries by referring to volumes of documents. See, e.g. Scripps Clinic & Research Foundation v. Baxter Travenol Laboratories, Inc., No. 87-140-CMW, 1988 US Dist. LEXIS 7495 (D. Del. June 21, 1988); Holben v. Coopervision, Inc., 120 F.R.D. 32, 33-34 (E.D. Pa. 1988); United States v. Chevron U.S., Inc., No. 88-6681, 1989 U.S. Dist. LEXIS 10236 (E.D.Pa. Aug. 30, 1989); Penza v. Drexel Burnham Lambert, Inc., No. 88-6809, 1989 U.S. Dist. LEXIS 10193 (E.D. Pa. Aug. 28, 1989); Sabel v. Mead Johnson & Co., 110 F.R.D. 553 (D. Mass.), later proceedings 112 F.R.D. 211 (D.Mass. 1986); Derson Group, Ltd. v. Right Management Consultants, Inc., 119 F.R.D. 396 (N.D. Ill. 1988).

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2. The word "plaintiff" or "plaintiffs" mean the plaintiff or plaintiffs herein including all agents and representatives acting on their behalf.

3. The words "you" or "your" means defendant as defined above.

4. The word "document" means the original, all drafts and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes reflecting an oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, videotape, disc, electronic

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5. The phrase "documents relating to" is intended to refer to documents which in whole or in part relate to the designated category of information described.

6. The word "person" means individuals, firms, partnerships, corporations, proprietorships, associations, governmental units, and every other type of organization or entity.

7. The word "date" means the exact day, month, and year, if ascertainable; otherwise, the word "date" means the best

available approximation (including relationships to other events).

8. The word "identify," when used in reference to:

(a) a person, means to state his or her full name, present or last known residence address (designating which) and present or last known (designating which) business affiliation, job title and employment addresses;

(b) a firm, partnership, corporation, proprietorship, association, or other organization or entity, means to state its full name and present or last known (designating which) address and telephone number;

(c) a document means to state (i) the title (if any), the date, author, sender, recipient, the identity of persons signing it, type of document (i.e., a letter, memorandum, book, telegram, chart, etc.) or some better means of identifying it; (ii) a summary of its contents; (iii) its present location or custodian; (iv) in the case of a document within the possession, custody, control or access of defendant, whether defendant will make it available to the undersigned attorneys for inspection and/or copying; and (v) in the case of a document that was, but is no longer, in the possession, custody, or control of defendant, what disposition was made of it, when, why, and to whom; and

(d) a conversation, meeting or other communication, means (i) to state the date, location, and duration of such communication; (ii) to identify each person participating in such communication and each person who was present; (iii) to identify the subject matter of such communication; (iv) to summarize in as much detail as possible the content of any such communication; (v) to state whether there are any documents which set forth, summarize, or refer to any portion of such communication; and (vi) if such documents exist, to identify each document and each person having custody of the document.

9. "And" as well as "or" shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of any subparagraph all information which might otherwise be construed to be outside the scope.

10. Whenever necessary to bring within the scope of the interrogatory information which might otherwise be construed to be outside the scope, (i) the use of a verb in any tense shall be construed as a verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural, and vice versa; and (iii) "any" includes "all" and "all" includes "any."

III. SPECIFIC INTERROGATORIES

(Note instruction number I.7. above.)

1. Set forth in detail the facts forming the basis of each of your affirmative defenses.

2. Set forth in detail the facts upon which you base your contention that any other defendant is liable in this case.

3. Do you contend that there is a threshold protein level in latex gloves above which the following entities are more likely to occur?

(a) Type I latex allergy sensitization and/or

(b) Type I latex allergy clinical reaction.

4. If your answer to interrogatory no. 3 is in the affirmative, state the threshold protein level and set forth in detail the facts forming the basis of such contention.

5. Do you contend that there is a threshold protein level in latex gloves below which the following entities are not likely to occur?

(a) Type I latex allergy sensitization and/or

(b) Type I latex allergy clinical reaction.

6. If your answer to interrogatory no. 5 is in the affirmative, state the threshold protein level and set forth

in detail the facts forming the basis for such contention.

7. Do you contend that governmental approval was necessary to inform, either orally or in writing, users of latex gloves at healthcare facilities of the hazard of latex allergy, at any time?

8. If your answer to interrogatory no. 7 is in the affirmative:

- (a) identify from whom approval was required;
- (b) what specifically approval was required for; and
- (c) the reasons you contend that such approval was required.

9. What substance do you contend caused latex allergy in healthcare workers from the period 1978 to the present? Identify all references and authorities upon which you rely in making this contention.

10. Do you contend that Type I clinical reactions as a result of sensitization to latex proteins found in natural rubber products other than latex gloves occur in persons who do not use, or are not exposed to, latex gloves?

11. If your answer to interrogatory no. 10 is in the affirmative, state in detail the facts forming the basis of such contention.

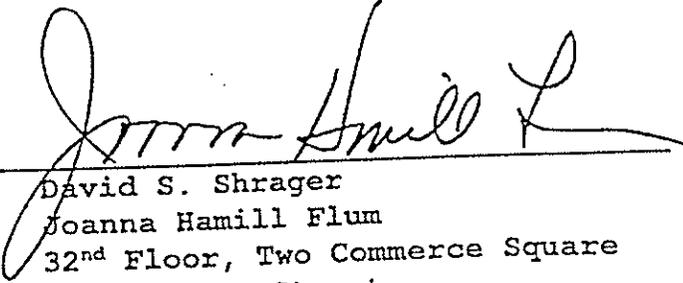
12. Do you contend that Type I latex allergy clinical reactions as a result of sensitization to latex proteins found in natural rubber products other than latex gloves occur in the groups of people (who use, or are exposed to, latex gloves) identified below?

- (a) healthcare workers;
- (b) spina bifida patients;
- (c) cosmeticians;
- (d) food handlers;
- (e) maintenance personnel;
- (f) rubber workers; and
- (g) any other groups of people.

13. If your answer to interrogatory no. 12 is in the affirmative, state in detail the facts forming the basis of such contention.

SHRAGER, McDAID, LOFTUS, FLUM & SPIVEY

BY:


David S. Shrager
Joanna Hamill Flum
32nd Floor, Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

ATTORNEYS FOR PLAINTIFFS

G:\LATEX CASES\MDL\DISCOVERY\CONTENTIONROGS TO ALL DEFENDANTS - SET TWO.WPD

CERTIFICATE OF SERVICE

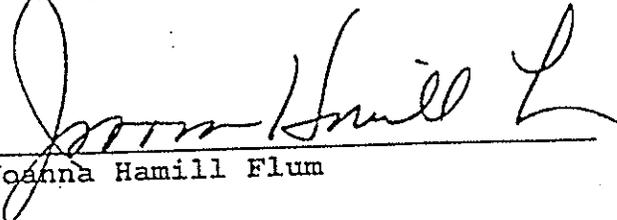
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VIA HAND DELIVERY

James A. Willhite, Jr., Esquire
Larry L. Turner, Esquire
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123 South Broad Street
Philadelphia, PA 19109

VIA FACSIMILE - 973-643-6500

Beth Rose, Esquire
Sills, Cummis, Zuckerman, Radin
Tischman, Epstein & Gross, P.A.
One Riverfront Plaza
Newark, NJ 07102


Joanna Hamill Flum

IN THE UNITED STATES DISTRICT COURT FOR
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IN RE: LATEX GLOVES : MDL DOCKET NO.: 1148
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(a) a person, means to state his or her full name, present or last known residence address (designating which) and present or last known (designating which) business affiliation, job title and employment addresses;

(b) a firm, partnership, corporation, proprietorship, association, or other organization or entity, means to state its full name and present or last known (designating which) address and telephone number;

(c) a document means to state (i) the title (if any), the date, author, sender, recipient, the identity of persons signing it, type of document (i.e., a letter, memorandum, book, telegram, chart, etc.) or some better means of identifying it; (ii) a summary of its contents; (iii) its present location or custodian; (iv) in the case of a document within the possession, custody, control or access of defendant, whether defendant will make it available to the undersigned attorneys for inspection and/or copying; and (v) in the case of a document that was, but is no longer, in the possession, custody, or control of defendant, what disposition was made of it, when, why, and to whom; and

(d) a conversation, meeting or other communication, means (i) to state the date, location, and duration of such communication; (ii) to identify each person participating in such communication and each person who was present; (iii) to identify the subject matter of such communication; (iv) to summarize in as much detail as possible the content of any such communication; (v) to state whether there are any documents which set forth, summarize, or refer to any portion of such communication; and (vi) if such documents exist, to identify each document and each person having custody of the document.

9. "And" as well as "or" shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of any subparagraph all information which might otherwise be construed to be outside the scope.

10. Whenever necessary to bring within the scope of the interrogatory information which might otherwise be construed to be outside the scope, (i) the use of a verb in any tense shall be construed as a verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural, and vice versa; and (iii) "any" includes "all" and "all" includes "any."

III. SPECIFIC INTERROGATORIES

(Note instruction number I.7. above.)

1. Set forth in detail the facts forming the basis of each of your affirmative defenses.
2. Set forth in detail the facts upon which you base your contention that any other defendant is liable in this case.
3. Do you contend that there is a threshold protein level in latex gloves above which the following entities are more likely to occur?
 - (a) Type I latex allergy sensitization and/or
 - (b) Type I latex allergy clinical reaction.
4. If your answer to interrogatory no. 3 is in the affirmative, state the threshold protein level and set forth in detail the facts forming the basis of such contention.
5. Do you contend that there is a threshold protein level in latex gloves below which the following entities are not likely to occur?
 - (a) Type I latex allergy sensitization and/or
 - (b) Type I latex allergy clinical reaction.
6. If your answer to interrogatory no. 5 is in the affirmative, state the threshold protein level and set forth

in detail the facts forming the basis for such contention.

7. Do you contend that governmental approval was necessary to inform, either orally or in writing, users of latex gloves at healthcare facilities of the hazard of latex allergy, at any time?

8. If your answer to interrogatory no. 7 is in the affirmative:

- (a) identify from whom approval was required;
- (b) what specifically approval was required for; and
- (c) the reasons you contend that such approval was required.

9. What substance do you contend caused latex allergy in healthcare workers from the period 1978 to the present? Identify all references and authorities upon which you rely in making this contention.

10. Do you contend that Type I clinical reactions as a result of sensitization to latex proteins found in natural rubber products other than latex gloves occur in persons who do not use, or are not exposed to, latex gloves?

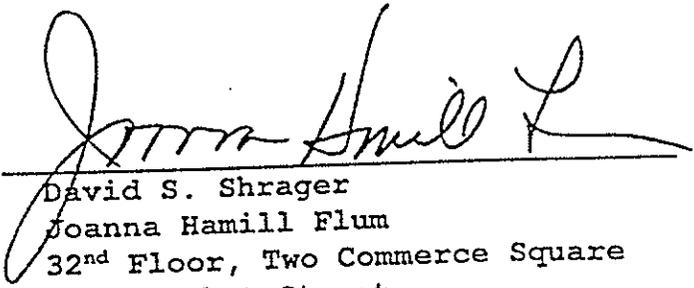
11. If your answer to interrogatory no. 10 is in the affirmative, state in detail the facts forming the basis of such contention.

12. Do you contend that Type I latex allergy clinical reactions as a result of sensitization to latex proteins found in natural rubber products other than latex gloves occur in the groups of people (who use, or are exposed to, latex gloves) identified below?

- (a) healthcare workers;
- (b) spina bifida patients;
- (c) cosmeticians;
- (d) food handlers;
- (e) maintenance personnel;
- (f) rubber workers; and
- (g) any other groups of people.

13. If your answer to interrogatory no. 12 is in the affirmative, state in detail the facts forming the basis of such contention.

SHRAGER, McDAID, LOFTUS, FLUM & SPIVEY

BY: 

David S. Shrager
Joanna Hamill Flum
32nd Floor, Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

ATTORNEYS FOR PLAINTIFFS

G:\LATEX CASES\MDL\DISCOVERY\CONTENTIONROGS TO ALL DEFENDANTS - SET TWO.WPD

CERTIFICATE OF SERVICE

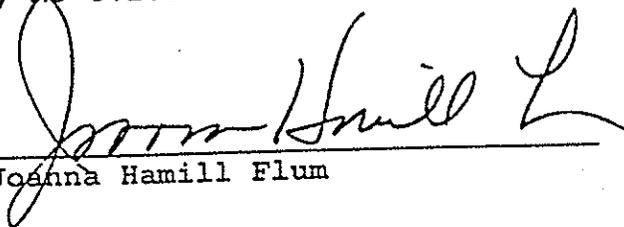
I hereby certify that this 2nd day of December, 1999, a true and correct copy of the foregoing Revised Interrogatories (Contention) of Plaintiffs Addressed to All Defendants - Second Set was served on the following in the manner indicated:

VIA HAND DELIVERY

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Larry L. Turner, Esquire
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VIA FACSIMILE - 973-643-6500

Beth Rose, Esquire
Sills, Cummis, Zuckerman, Radin
Tischman, Epstein & Gross, P.A.
One Riverfront Plaza
Newark, NJ 07102


Joanna Hamill Flum

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES : MDL DOCKET NO.: 1148
PRODUCTS LIABILITY : (All Cases)
LITIGATION : Judge Edmund V. Ludwig

REVISED INTERROGATORIES (MERITS) OF PLAINTIFFS
ADDRESSED TO ALL DEFENDANTS - THIRD SET

Plaintiffs, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that defendants answer the following interrogatories under oath and in full accordance with the applicable provisions of the Federal Rules of Civil Procedure within thirty (30) days after service of these interrogatories.

I. INSTRUCTIONS

1. Each interrogatory should be answered separately upon the knowledge or information and belief of defendant, and any answer based upon information and belief should state that it is given upon such basis.

2. These interrogatories are continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure.

3. If the complete answer to an interrogatory is not know, so state and answer as fully as possible each part of such interrogatory to which an answer is known.

4. Where knowledge or information is required, such request includes knowledge or information of the defendant's agent, representatives, employees, and its attorneys.

5. If any information is withheld in answer to an interrogatory under any claim of privilege, the following shall be provided with respect to such information: (a) every person to whom such information has been communicated by defendant and from whom such information was learned by defendant, (b) the date of such communication, (c) the subject matter of such information, and (d) the basis upon which such privilege is claimed.

6. Unless otherwise noted, these interrogatories seek information for the time period of January 1, 1978 through the present.

7. It is the specific intent of certain interrogatories to have the defendant identify specific documents, by Bates stamp number(s), which support its answers. It is not sufficient, and violative of the Federal Rules of Civil Procedure, to respond to such requests for specific inquiries by referring to volumes of documents. See, e.g. Scripps

Clinic & Research Foundation v. Baxter Travenol Laboratories, Inc., No. 87-140-CMW, 1988 US Dist. LEXIS 7495 (D. Del. June 21, 1988); Holben v. Coopervision, Inc., 120 F.R.D. 32, 33-34 (E.D. Pa. 1988); United States v. Chevron U.S., Inc., No. 88-6681, 1989 U.S. Dist. LEXIS 10236 (E.D.Pa. Aug. 30, 1989); Penza v. Drexel Burnham Lambert, Inc., No. 88-6809, 1989 U.S. Dist. LEXIS 10193 (E.D. Pa. Aug. 28, 1989); Sabel v. Mead Johnson & Co., 110 F.R.D. 553 (D. Mass.), later proceedings 112 F.R.D. 211 (D.Mass. 1986); Derson Group, Ltd. v. Right Management Consultants, Inc., 119 F.R.D. 396 (N.D. Ill. 1988).

8. All definitions set forth below shall be carefully regarded.

II. DEFINITIONS

As used in these interrogatories, the following definitions shall apply unless otherwise specifically noted:

1. The word "defendant" means the defendant to whom these Interrogatories are directed including all departments, affiliations, divisions, subdivisions, parents and subsidiaries and all officers, directors, agents, employees and representatives, including attorneys, acting on each entity's behalf.

2. The word "plaintiff" or "plaintiffs" mean the plaintiff or plaintiffs herein including all agents and representatives acting on their behalf.

3. The words "you" or "your" means defendant as defined above.

4. The word "document" means the original, all drafts and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes reflecting an oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, videotape, disc, electronic mail, e-mail, Internet communication, data sheet, data processing card, computer printout, data compilation and every other written, typed, recorded, transcribed, filed or graphic matter, except such documents as are immune from production under applicable provisions of law. The word "document" also includes any requested documents which are in the possession

and/or control of any person or organization whom you retained by contract or otherwise. The word "document" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or Federal lawsuit involving latex allergies wherein you are, or were, a party. The phrase "data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

5. The phrase "documents relating to" is intended to refer to documents which in whole or in part relate to the designated category of information described.

6. The word "person" means individuals, firms, partnerships, corporations, proprietorships, associations, governmental units, and every other type of organization or entity.

7. The word "date" means the exact day, month, and year, if ascertainable; otherwise, the word "date" means the best available approximation (including relationships to other events).

8. The word "identify," when used in reference to:

(a) a person, means to state his or her full name, present or last known residence address (designating which)

and present or last known (designating which) business affiliation, job title and employment addresses;

(b) a firm, partnership, corporation, proprietorship, association, or other organization or entity, means to state its full name and present or last known (designating which) address and telephone number;

(c) a document means to state (i) the title (if any), the date, author, sender, recipient, the identity of persons signing it, type of document (i.e., a letter, memorandum, book, telegram, chart, etc.) or some better means of identifying it; (ii) a summary of its contents; (iii) its present location or custodian; (iv) in the case of a document within the possession, custody, control or access of defendant, whether defendant will make it available to the undersigned attorneys for inspection and/or copying; and (v) in the case of a document that was, but is no longer, in the possession, custody, or control of defendant, what disposition was made of it, when, why, and to whom; and

(d) a conversation, meeting or other communication, means (i) to state the date, location, and duration of such communication; (ii) to identify each person participating in such communication and each person who was present; (iii) to identify the subject matter of such communication; (iv) to

summarize in as much detail as possible the content of any such communication; (v) to state whether there are any documents which set forth, summarize, or refer to any portion of such communication; and (vi) if such documents exist, to identify each document and each person having custody of the document.

9. "And" as well as "or" shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of any subparagraph all information which might otherwise be construed to be outside the scope.

10. Whenever necessary to bring within the scope of the interrogatory information which might otherwise be construed to be outside the scope, (i) the use of a verb in any tense shall be construed as a verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural, and vice versa; and (iii) "any" includes "all" and "all" includes "any."

III. SPECIFIC INTERROGATORIES

(Note instruction number I.6. above.)

1. How many of your employees complained of, or were treated for, any of the following entities:

- (a) dermatitis;
- (b) hives;
- (c) urticaria;
- (d) wheezing
- (e) asthma;
- (f) conjunctivitis;
- (g) angiodema;
- (h) swelling of the lips, mouth or eyes;
- (i) rhinitis;
- (j) itchiness;
- (k) skin rash;
- (l) anaphylaxis;
- (m) positive skin prick for latex;
- (n) positive RAST for latex.

2. Identify all physicians, healthcare facilities (including offices or facilities operated by you), nurses and other individuals providing care for your employees with the findings listed above, including but not limited to physicians

to whom employees were referred or who are otherwise known to have treated employees.

3. Did any of your employees file a workers' compensation claim for any one or more of the problems listed in interrogatory no. 1?

4. If your answer to interrogatory no. 3 is in the affirmative, state the basis for which each such employee (without revealing the name of the employee) filed such a claim.

5. Did you receive a survey or questionnaire from HIMA, the CDC or any other source regarding reactions by workers in manufacturing plants to latex and/or latex gloves?

6. If your answer to interrogatory no. 5 is in the affirmative:

- (a) identify when you received it;
- (b) whether you responded to the questionnaire or participated in the survey; and
- (c) if you did not, identify the reasons you did not respond or participate.

7. Have you, or any of the entities identified in your response to CMO 41, manufactured, sold and/or distributed products made from natural rubber, other than latex gloves, since 1978?

8. If your answer to interrogatory no. 7 is in the affirmative, list and describe all claims, complaints or instances of adverse allergic reactions to latex containing products other than in association with latex medical and clean room gloves, but only insofar as those claims, complaints or instances involve symptoms related to Type I latex hypersensitivity.

9. Are you aware of any unpublished studies that surveyed the workers at any latex glove manufacturing plant regarding latex allergy or latex-related occupational asthma?

10. If your answer to interrogatory no. 9 is in the affirmative, identify with specificity each study.

11. Did you ever utilize a post-cure wash or rinse for any latex gloves manufactured and/or sold by you?

12. If your answer to interrogatory no. 11 is in the affirmative, state, for each line of gloves you manufactured and/or sold at each manufacturing facility, the date when you adopted and implemented the post-cure wash or rinse.

13. If your answer to interrogatory no. 11 is in the affirmative, identify, by Bates stamp numbers, all documents that support your answer that you did adopt and implement a post-cure wash or rinse for each line of gloves that you manufactured or sold.

14. If your answer to interrogatory no. 11 is in the affirmative, identify, by Bates stamp number, all documents that contain allergen/protein data that demonstrate the effect of the change (or successive changes) when you implemented post-cure wash or rinse for each line of gloves you manufactured or sold.

15. Did you obtain gloves from other manufacturers that you sold or distributed?

16. If your answer to interrogatory no. 15 is in the affirmative, identify each manufacturer from which you obtained gloves, the periods during which you obtained the gloves and the amount of gloves obtained.

17. If your answer to interrogatory no. 15 is in the affirmative, did you take measures to ensure that the manufacturers from whom you obtained the aforementioned gloves utilized post-cure wash or rinse for each line of gloves they sold to you?

18. If your answer to interrogatory no. 17 is in the affirmative, state the measures that you took to ensure that the manufacturers from whom you obtained the aforementioned gloves utilized post-cure wash or rinse for each line of gloves they sold to you.

19. If your answer to interrogatory no. 17 is in the affirmative, identify, by Bates stamps numbers, all documents that support your answer that measures were taken to ensure that the manufacturers from whom you obtained the aforementioned gloves utilized post-cure wash or rinse for each line of gloves they sold to you.

20. If your answer to interrogatory no. 15 is in the affirmative, were the gloves that you obtained from other manufacturers that you sold or distributed tested by either you, or the manufacturer from which you obtained the gloves, for protein and/or allergen?

21. If your answer to interrogatory no. 20 is in the affirmative, state the protein and/or allergen test results for each line of gloves that you obtained from other manufacturers that you sold or distributed.

22. If your answer to interrogatory no. 20 is in the affirmative, identify, by Bates stamp numbers, all documents that contain the protein and/or allergen test results identified in your answer to interrogatory no. 21.

23. If your answer to interrogatory no. 15 is in the affirmative, did you ever inspect the manufacturing facilities of the manufacturers from whom you obtained gloves that you sold or distributed?

24. If your answer to interrogatory no. 23 is in the affirmative, state your inspection procedure.

25. If your answer to interrogatory no. 23 is in the affirmative, state the results of each of your inspections.

26. If your answer to interrogatory no. 23 is in the affirmative, identify by Bates stamps numbers all documents that support your answer that you inspected the manufacturing facilities of other manufacturers from which you obtained gloves that you sold or distributed.

27. If your answer to interrogatory no. 23 is in the affirmative, identify by Bates stamp number all documents that contain the results of your inspections.

28. Did you ever utilize dry powdering process in the manufacture of your latex gloves?

29. If your answer to interrogatory no. 28 is in the affirmative, state the date when you started and the date when you stopped using dry powdering process for each line of gloves you manufactured or sold.

30. If your answer to interrogatory no. 28 is in the affirmative, identify by Bates stamp numbers all documents that support your answer to interrogatories nos. 28 and 29.

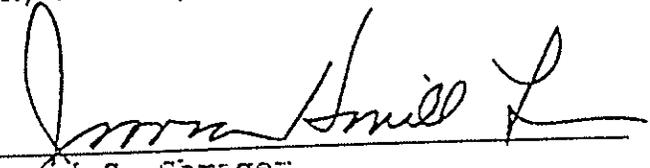
31. Did you ever utilize wet slurries in the manufacture of your latex gloves?

32. If your answer to interrogatory no. 31 is in the affirmative, state the date when you started and the date when you stopped using wet slurries for each line of gloves you manufactured or sold.

33. If your answer to interrogatory no. 31 is in the affirmative, state how often the wet powder slurries were cleaned and replenished during the production process for each line of gloves you manufactured or sold.

34. If your answer to interrogatory no. 31 is in the affirmative, identify by Bates stamp numbers all documents that support your answer to interrogatories nos. 31, 32 and 33.

SHRAGER, McDAID, LOFTUS, FLUM & SPIVEY

BY: 

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Joanna Hamill Flum
32nd Floor, Two Commerce Square
2001 Market Street
Philadelphia, PA 19103

ATTORNEYS FOR PLAINTIFFS

G:\LATEX CASES\MDL\DISCOVERY\PLFS MERITS ROGS TO ALL DEFENDANTS - THIRD SET. WPD

CERTIFICATE OF SERVICE

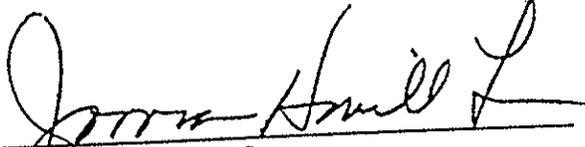
I hereby certify that this 2nd day of December, 1999, a true and correct copy of the foregoing Revised Interrogatories (Merits) of Plaintiffs Addressed to All Defendants - Third Set was served on the following in the manner indicated:

VIA HAND DELIVERY

James A. Willhite, Jr., Esquire
Larry L. Turner, Esquire
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One Riverfront Plaza
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Joanna Hamill Flum

pm 9.221

THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

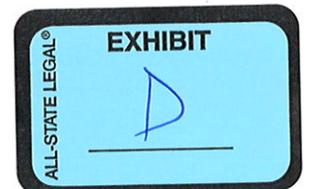
IN RE: LATEX GLOVES :
PRODUCTS LIABILITY : MDL DOCKET NO.: 1148
LITIGATION : (All Cases)
: Judge Edmund V. Ludwig

MERITS INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS OF PLAINTIFFS ADDRESSED TO DISTRIBUTOR DEFENDANTS

Plaintiffs, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby request that distributor defendants answer the following interrogatories and requests for production of documents under oath and in full accordance with the applicable provisions of the Federal Rules of Civil Procedure within thirty (30) days after service of this interrogatory and request for production of documents.

I. INSTRUCTIONS

1. Each interrogatory should be answered separately upon the knowledge of information and belief of defendant, and any answer based upon information and belief should state that it is given upon such basis.
2. These interrogatories are continuing to the fullest extent allowed by the applicable provisions of the Federal Rules of Civil Procedure.
3. If the complete answer to an interrogatory is not known, so state and answer as fully as possible each part of such interrogatory to which an answer is known.
4. Where knowledge or information is requested, such request includes knowledge or information of the defendant's agents, representatives, employees, and its attorneys.
5. If any information is withheld in answer to an interrogatory under any claim of privilege, the following shall be provided with respect to such information: (a) every person to whom



such information has been communicated by defendant and from whom such information was learned by defendant, (b) the date of such communication, (c) the subject matter of such information, and (d) the basis upon which such privilege is claimed.

6. Unless otherwise noted, these interrogatories seek information for the time period of January 1, 1978 through the present.

7. It is the specific intent of certain interrogatories to have the defendant identify specific documents, by bates stamp number(s), which support its answers. It is not sufficient, and violative of the Federal Rules of Civil Procedure, to respond to such requests for specific inquiries by referring to volumes of documents. See, e.g. Scripps Clinic & Research Foundation v. Baxter Travenol Laboratories, Inc., No. 87-140-CMW, 1988 U.S. Dist. LEXIS 7495 (D.Del. June 21, 1988); Holben v. Coopervision, Inc., 120 F.R.D. 32, 33-34 (E.D. Pa. 1988); United States v. Chevron U.S., Inc., No. 88-6681, 1989 U.S. Dist. LEXIS 10236 (E.D. Pa. Aug. 30, 1989); Penza v. Drexel Burnham Lambert, Inc., No. 88-6809, 1989 U.S. Dist. LEXIS 10193 (E.D. Pa. Aug. 28, 1989); Sabel v. Mead Johnson & Co., 110 F.R.D. 553 (D. Mass.), later proceedings 112 F.R.D. 211 (D. Mass. 1986); Derson Group, Ltd. v. Right Management Consultants, Inc., 119 F.R.D. 396 (N.D. Ill. 1988).

8. All definitions set forth below shall be carefully regarded.

II. DEFINITIONS

As used in these interrogatories, the following definitions shall apply unless otherwise specifically noted:

1. The term "distributor defendant" means any defendant that sold latex gloves, manufactured in whole or part by others, whether or not that distributor defendant also manufactured latex gloves, and includes all departments, affiliations, divisions, subdivisions, parents and

subsidiaries and all officers, directors, agents, employees and representatives, including attorneys, acting on each entity's behalf.

2. The words "plaintiff" or "plaintiffs" mean the plaintiff or plaintiffs herein including all agents and representatives acting on their behalf.

3. The words "you" or "your" means distributor defendant as defined above.

4. The word "document" means the original, all drafts and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawings, graphs, charts, photographs, phono records, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes reflecting an oral communication, handwritten or other notes, diary entry, calendar, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, index, tape, videotape, disc, electronic mail, e-mail, Internet communication, data sheet, data processing card, computer printout, data compilation and every other written, typed, recorded, transcribed, filed or graphic matter, except such documents as are immune from production under applicable provisions of law. The word "document" also includes any requested documents which are in the possession and/or control of any person or organization whom you retained by contract or otherwise. The word "document" also includes all of the aforesaid documents produced either during discovery or at trial in any other state or Federal lawsuit involving latex allergies wherein you are, or were, a party. The phrase "data compilation" means any material stored on or recoverable through a computer or other storage or retrieval system.

5. The phrase "documents relating to" is intended to refer to documents which in whole

or in part relate to the designated category of information described.

6. The word "person" means individuals, firms, partnerships, corporations, proprietorships, associations, governmental units, and every other type of organization or entity.

7. The word "date" means the exact day, month, and year, if ascertainable; otherwise, the word "date" means the best available approximation (including relationships to other events.)

8. The word "identify", when used in reference to:

- (a) a person, means to state his or her full name, present or last known residence address (designating which) and present or last know (designating which) business affiliation, job title and employment addresses;
- (b) a firm, partnership, corporation, proprietorship, association, or other organization or entity, means to state its full name and present or last known (designating which) address and telephone number;
- (c) a document means to state (i) the title (if any), the date, author, sender, recipient, the identity of persons signing it, type of document (i.e., a letter, memorandum, book, telegram, chart, etc.) or some better means of identifying it; (ii) a summary of its contents; (iii) its present location or custodian; (iv) in the case of a document within the possession, custody, control or access of distributor defendant, whether such defendant will make it available to the undersigned attorneys for inspection and/or copying; and (v) in the case of a document that was, but is no longer, in the possession, custody, or control of distributor defendant, what disposition was made of it, when, why, and to whom; and

- (d) a conversation, meeting or other communication, means (i) to state the date, location, and duration of such communication; (ii) to identify each person participating in such communication and each person who was present; (iii) to identify the subject matter of such communication; (iv) to summarize in as much detail as possible the content of any such communication; (v) to state whether there are any documents which set forth, summarize, or refer to any portion of such communication; and (vi) if such documents exist, to identify each document and each person having custody of the document.

9. "And" as well as "or" shall be construed conjunctively or disjunctively, as necessary, to bring within the scope of any subparagraph all information which might otherwise be construed to be outside the scope.

10. Whenever necessary to bring within the scope of the interrogatory information which might otherwise be construed to be outside the scope, (i) the use of a verb in any tense shall be construed as a verb in all other tenses; (ii) the use of the singular shall be construed as the use of the plural, and vice versa; and (iii) "any" includes "all" and "all" includes "any."

INTERROGATORY

1. For each latex glove which you sold under a private label, state the following and identify any and all documents supporting, referenced, consulted or reviewed in making your answer:

- a. The name(s) of each such glove;
- b. The type of glove sold; including, but not limited to, whether examination or surgeon, sterile or non-sterile, powdered, low- or lightly-powdered, powder-free, hypoallergenic; your model and/or catalog number (including any

changes to that model and/or catalog number); the manufacturer model and/or catalog number (including any changes to that model and/or catalog number); and, an explanation for any codes/symbols used in the model and/or catalog numbers.

- c. The name(s) of the manufacturer(s) and/or supplier(s) of each such latex glove identified above and the dates during which each such manufacturer(s) and/or supplier(s) provided such glove(s);
- d. Whether you entered into any written agreement(s) with such manufacturer(s) and/or supplier(s) to provide latex gloves under a private label and, if so, the dates of all such agreements;
- e. Whether you provided the manufacturer(s) with any specifications for such glove(s) and whether and when those specifications were ever changed;
- f. Whether the manufacturer(s) provided you with any specifications for such glove(s) and whether and when those specifications were ever changed;
- g. Whether the manufacturer(s) provided you with any specifications or information for such glove(s) relating to the glove's protein content and/or the issue of Type I latex allergy; and
- h. Whether the box and/or dispenser label for such gloves contained any warning or caution that such gloves may cause allergic reactions in some people, and/or statement that such gloves contain Natural Rubber Latex, and, if so, state:
 - a. The precise language included on the label of such box/dispenser;
 - b. The date such language was first added, the precise language of any subsequent changes and the dates of such changes; and
 - c. Identify all persons who participated in the decision to include such language.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Copies of all documents identified in your Answer to Interrogatory, No. 1, set forth above including, but not limited to, all private label agreements entered into with manufacturers and/or suppliers and color copies of the labels of all boxes of latex gloves which defendant sold under a private label.

SHRAGER, MCDAID, LOFTUS,
FLUM & SPIVEY

Dated:

9/22/99

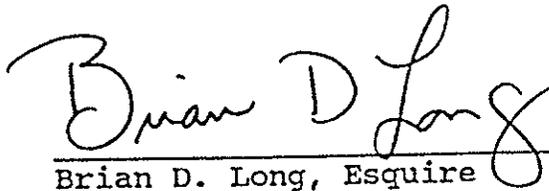
By


David S. Shrager
Joanna Hamill Flum
Wayne R. Spivey
Two Commerce Square
2001 Market Street
Philadelphia, PA 19103
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 1999, a true and correct copy of the foregoing Merits Interrogatories and Requests for Production of Documents of Plaintiffs Addressed to Distributor Defendants was served via first class mail on the following:

James A. Willhite, Jr., Esquire
Larry L. Turner, Esquire
Montgomery, McCracken, Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109



Brian D. Long, Esquire

FILED DEC 10 1998

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: LATEX GLOVES PRODUCTS : MDL DOCKET NO. 1148
LIABILITY LITIGATION :
: ALL CASES**

**CASE MANAGEMENT ORDER NO. 41
RE: CORPORATE IDENTIFICATION INFORMATION**

AND NOW, this 9th day of December, 1998, upon conference and agreement of the parties, the following is ORDERED:

Each Defendant which has entered an appearance in these proceedings, shall within 30 days of entry of this Case Management Order, provide to Plaintiffs' Lead Counsel written responses to the questions set forth below. For actions which subsequently become part of these MDL proceedings, each new Defendant, within 60 days of service of the complaint, shall provide to Plaintiffs' Lead Counsel written responses to the questions set forth below.

X

1. Identify your full corporate name.
2. Identify any predecessor entities which have manufactured, sold or distributed latex medical gloves for use in the United States since 1978.
3. Identify all subsidiaries, affiliated entities and/or parent corporations which have manufactured, sold, or distributed latex medical gloves for use in the United States since 1978.

ENTERED: 12/11/98

CLERK OF COURT

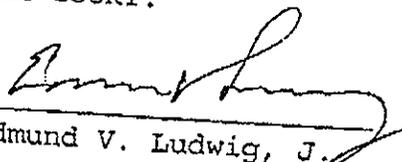


4. With respect to each such entity identified in the responses to questions 1, 2 and 3 above, identify the state of incorporation, street address of current principal place of business and the registered agents for service of process in the jurisdiction in which the principal place of business is located.

5. For each entity identified in the responses to questions 1, 2 and 3, identify the dates of manufacture, sale and/or distribution of latex medical gloves for use in the United States since 1978.

BY THE COURT:

X



 Edmund V. Ludwig, J.