

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

X

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

Index No. 751000/99

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CASE MANAGEMENT ORDER NO. 4

Revisions to Discovery  
and Scheduling Order  
Governing Merits Discovery

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

Written Discovery

1. No later than February 16, 2001 for cases referenced on Exhibit A attached to CMO No. 1 ("Schedule A Cases"), or (ii) in all other cases, 150 days from the Start Date in each case, as

defined in Section VII. 2, n.2 of CMO No. 1, 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 to CMO No. 2. 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 as Exhibit B to CMO No. 2. This paragraph serves to revise, amend and supersede paragraph 1 of CMO No. 3 and paragraph 2 of CMO No. 2.

2. Any Schedule A Case in which a plaintiff fails to comply with the discovery deadlines as more fully set forth in paragraph 1 herein shall be removed from Schedule A, and shall be excluded from the pretrial schedule as more fully set forth herein.

#### Depositions

3. The depositions of the plaintiffs in the cases referenced in paragraph 6 of CMO No. 3 shall be completed on or before February 16, 2001. This paragraph serves to revise, amend and supersede paragraph 7 of CMO No. 3 and paragraph 19 of CMO No. 2.

4. The depositions of the plaintiffs in the remaining Schedule A Cases, excluding the cases referenced in paragraph 6 of CMO No. 2 and paragraph 2 herein, shall be completed on or before April 13, 2001. This paragraph serves to revise, amend and supersede paragraph 8 of CMO No. 3 and paragraph 20 of CMO No. 2.

### Expert Discovery

5. (a) Plaintiffs in each of the cases referenced in paragraph 6 of CMO No. 3 shall designate all of his or her experts no later than March 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 May 4, 2001, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 9(a) of CMO No. 3 and paragraph 29(c) of CMO No. 2.

(b) Defendants in each of the cases referenced in paragraph 6 of CMO No. 3 shall designate their experts no later than April 13, 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 June 15, 2001, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 9(b) of CMO No. 3 and paragraph 29(d) of CMO No. 2.

(c) Plaintiffs in all the remaining Schedule A Cases, excluding the cases referenced in paragraph 6 of CMO No. 3 and paragraph 2 herein, shall designate all of their experts no later than May 4, 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 July 13, 2001, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 9(c) of CMO No. 3 and paragraph 29(e) of CMO No. 2.

(d) Defendants in all the remaining Schedule A Cases, excluding the cases referenced in paragraph 6 of CMO No. 3 and paragraph 2 herein, shall designate their experts no later than June 8, 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 August 15, 2001, defendants in the aforementioned cases shall make available and present their designated expert

witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 9(d) of CMO No. 3 and paragraph 29(f) of CMO No. 2.

(e) 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 May 2, 2001, any party in the cases referenced in paragraph 6 of CMO No. 3 shall submit its supplemental expert reports. On or before June 22, 2001, any party in all the remaining Schedule A Cases, excluding the cases referenced in paragraph 6 of CMO No. 3 and paragraph 2 herein, shall submit his, her or 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. This paragraph serves to revise, amend and supersede paragraph 9(e) of CMO No. 3 and paragraph 29(g) of CMO No. 2.

#### Discovery Deadline, Pleadings and Pretrial Matters

6. Motions relating to appropriate trial venue for any of the cases selected by the parties and referenced in paragraph 6 of CMO No. 3 shall be made returnable April 26, 2001 and the Court shall hear oral arguments on any such motions on May 8, 2001. This paragraph serves to revise, amend and supersede paragraph 10 of CMO No. 3 and paragraph 35 of CMO No. 2.

7. On May 4, 2001, plaintiffs shall file Notes of Issue in the cases selected by the parties and referenced in paragraph 6 of CMO No. 3. This paragraph serves to revise, amend and supersede paragraph 11 of CMO No. 3 and paragraph 36 of CMO No. 2.

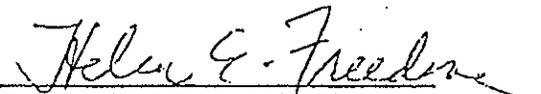
8. On May 15, 2001, the Court shall set trial dates, beginning with July 9, 2001, for those of the cases selected by the parties and referenced in paragraph 6 of CMO No. 3 that are properly

venued for trial in New York County or in any county under this Court's jurisdiction. This paragraph serves to revise, amend and supersede paragraph 12 of CMO No. 3 and paragraph 37 of CMO No. 2.

9. On August 3, 2001, plaintiffs shall file Notes of Issue in the remaining Schedule A Cases, excluding the cases referenced in paragraph 6 of CMO No. 3 and paragraph 2 herein. This paragraph serves to revise, amend and supersede paragraph 13 of CMO No. 3 and paragraph 38 of CMO No. 2.

Dated: January 16, 2001

SO ORDERED,

  
JUSTICE HELEN E. FREEDMAN

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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PRODUCTS LIABILITY ACTIONS FILED IN  
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CASE MANAGEMENT ORDER NO. 4A

Scheduling Order Governing  
Filing of Requests for Judicial Intervention  
In Currently Pending Matters

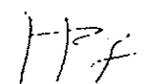
This Case Management Order serves to amend Case Management Order No. 4, and all other previous Case Management Orders entered to date in this litigation.

It is hereby ordered that if a Request for Judicial Intervention (RJI) has not been filed in any New York State Latex Glove Products Liability Litigation matter pending as of the date of this Order, the plaintiff in that matter must file a RJI on or before February 16, 2001.

Dated: February 16, 2001

FILED  
FEB 16 2001  
CLERK  
COUNTY CLERK'S OFFICE

SO ORDERED,

  
JUSTICE HELEN E. FREEDMAN

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

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**CASE MANAGEMENT ORDER NO. 5**

**Order Governing  
Pro Hac Vice Admission of Counsel**

This Case Management Order serves to revise, amend and supersede Section XII of Case Management Order No. 1 ("CMO No. 1"), entered on February 4, 2000. Except for the revision noted herein, all other provisions of CMO No. 1 remain in full force and effect.

It is hereby ordered that any attorney admitted to practice before a court of general jurisdiction in one of the fifty states but who is not a member of the bar of New York State and who is acting as counsel for a party in this action shall be admitted pro hac vice to practice before this Court in connection with this litigation upon submission of an order, with supporting affidavits from counsel seeking admission pro hac vice and a member of the New York State Bar. Form affidavits to be completed and submitted in support of any order of this type are attached hereto as Exhibit A. These submissions may be filed under the general caption and may be made applicable to all pending New York State Latex Glove Litigation matters.

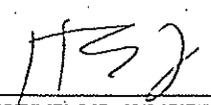
Dated: February 6, 2001

**FILED**

SO ORDERED,

FEB 16 2001

NEW YORK  
COUNTY CLERK'S OFFICE

  
JUSTICE HELEN E. FREEDMAN