

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

X

IN RE: NEW YORK STATE LATEX GLOVE PRODUCTS LIABILITY  
LITIGATION

X

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

X

### **CASE MANAGEMENT ORDER NO. 6**

#### **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, Case Management Order No. 3 ("CMO No. 3"), entered on November 3, 2000 and Case Management Order No. 4 ("CMO No. 4"), entered on January 16, 2001. Except for the revisions noted herein, all other provisions of CMO No. 2, CMO No. 3 and CMO No. 4 remain in full force and effect, and serve to control the procedures regarding the remaining discovery to be conducted in this litigation on the issues of liability, causation, damages and defenses ("merits discovery"). Along with CMO Nos. 2, 3 and 4, 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.

## Depositions

1. 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 of CMO No. 4, shall be completed on or before **September 13, 2001**. This paragraph serves to revise, amend and supersede paragraph 4 of CMO No. 4, paragraph 8 of CMO No. 3 and paragraph 20 of CMO No. 2.

## Expert Discovery

2. (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 **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 5, 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 5(a) of CMO No. 4, 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 **June 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 **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 and paragraph 5(b) of CMO No. 4, 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 ~~October 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 ~~December 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 5(c) of CMO No. 4, 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 ~~November 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 ~~January 15, 2002~~, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 5(d) of CMO No. 4, 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 ~~July 2, 2001~~, any party in the cases referenced in paragraph 6 of CMO No. 3 shall submit its supplemental expert reports. On or before ~~November 21, 2001~~, any party in all the remaining Schedule A Cases, excluding the cases referenced in paragraph 6 of CMO No. 3 and paragraph 2 of CMO No. 4, 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 5(e) of CMO No. 4, paragraph 9(e) of CMO No. 3 and paragraph 29(g) of CMO No. 2.

### **Discovery Deadline, Pleadings and Pretrial Matters**

3. 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 June 28, 2001 and the Court shall hear oral arguments on any such motions on July 9, 2001. This paragraph serves to revise, amend and supersede paragraph 6 of CMO No. 4, paragraph 10 of CMO No. 3 and paragraph 35 of CMO No. 2.

4. On July 5, 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 and paragraph 7 of CMO No. 4, paragraph 11 of CMO No. 3 and paragraph 36 of CMO No. 2.

5. On July 16, 2001, the Court shall set trial dates, beginning with September 10, 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 8 of CMO No. 4, paragraph 12 of CMO No. 3 and paragraph 37 of CMO No. 2.

6. On January 3, 2002, 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 of CMO No. 4. This paragraph serves to revise, amend and supersede paragraph 9 of CMO No. 4, paragraph 13 of CMO No. 3 and paragraph 38 of CMO No. 2.

Dated: April , 2001

SO ORDERED,

JUSTICE HELEN E. FREEDMAN