

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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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

CASE MANAGEMENT ORDER NO. 10

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, Case Management Order No. 4 ("CMO No. 4"), entered on January 16, 2001, and Case Management Order No. 6, entered on April 27, 2001, Case Management Order No. 8 ("CMO No. 8") entered by the Court on July 6, 2001, and Case Management Order No. 9 ("CMO No. 9") entered by the Court on August 10, 2001. Except for the revisions noted herein, all other provisions of CMO No. 2, CMO No. 3, CMO No. 4, CMO No. 6, CMO No. 8 and CMO No. 9 remain in full force and effect, and serve to control the procedures regarding the remaining discovery to be conducted in this litigation on the issues of liability, causation, damages and defenses ("merits discovery"). Along with CMO Nos. 2, 3, 4, 6, 8, and 9 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 March 6, 2002. This paragraph serves to revise, amend and supersede paragraph 1 of CMO Nos. 9, 8, and 6, paragraph 4 of CMO No. 4, paragraph 8 of CMO No. 3 and paragraph 20 of CMO No. 2.

### **Expert Discovery**

2. (a) On or before December 15, 2001, in each of the cases referenced in paragraph 6 of CMO No. 3, plaintiffs shall make available and present their previously designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(a) of CMO Nos. 9, 8, and 6, 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 December 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 February 4, 2002, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(b) of CMO Nos.

9, 8, and 6, 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 March 27, 2002, by serving upon each defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before June 5, 2002, plaintiffs in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(c) of CMO Nos. 9, 8, and 6, paragraph 5(c) of CMO No. 4, paragraph 9(c) of CMO No. 3 and paragraph 29(e) of CMO No. 2.

(d) Defendants in 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 April 29, 2002, by serving upon plaintiff and each co-defendant in the case, by facsimile or by personal service, an expert's report and expert material for each expert in the case. On or before July 8, 2002, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(d) of CMO Nos. 9, 8, and 6, paragraph 5(d) of CMO No. 4, paragraph 9(d) of CMO No. 3 and paragraph 29(f) of CMO No. 2.

(e) 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 December 21, 2001, any party in the cases referenced in paragraph 6 of CMO No. 3 shall submit its supplemental expert reports. On or before May 13, 2002, 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 2(e) of CMO Nos. 9, 8, and 6, paragraph 5(e) of CMO No. 4, paragraph 9(e) of CMO No. 3 and paragraph 29(g) of CMO No. 2.

#### **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 December 19, 2001 and the Court shall hear oral arguments on any such motions on January 4, 2002. This paragraph serves to revise, amend and supersede paragraph 3 of CMO Nos. 9, 8, and 6, paragraph 6 of CMO No. 4, paragraph 10 of CMO No. 3 and paragraph 35 of CMO No. 2.

4. On December 26, 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 4 of CMO Nos. 9, 8, and 6, paragraph 7 of CMO No. 4, paragraph 11 of CMO No. 3 and paragraph 36 of CMO No. 2.

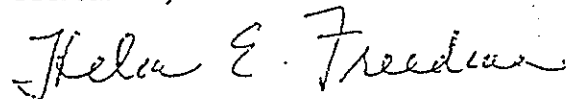
5. On January 11, 2002, the Court shall set trial dates, beginning with February 28, 2002, for those of the cases selected by the parties and referenced in paragraph 6 of CMO No. 3 that are properly venued for trial in New York County or in any county under this Court's jurisdiction. This paragraph serves to revise, amend and supersede paragraph 5 of CMO

Nos. 9, 8, and 6, paragraph 8 of CMO No. 4, paragraph 12 of CMO No. 3 and paragraph 37 of CMO No. 2.

6. On June 26, 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 6 of CMO Nos. 9, 8, and 6, paragraph 9 of CMO No. 4, paragraph 13 of CMO No. 3 and paragraph 38 of CMO No. 2.

Dated: September 1<sup>st</sup>, 2001

SO ORDERED,

A handwritten signature in cursive script, reading "Helen E. Freedman".

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  
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**CASE MANAGEMENT ORDER NO. 10A**

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

This Case Management Order serves to revise, amend and supersede portions of Case Management Order No. 10 ("CMO No. 10") entered by the Court on September 28, 2001. Along with CMO Nos. 2, 3, 4, 6, 8, 9, 10, 11 and 12 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.

**Fact Discovery**

1. On or before **March 15, 2002**, Plaintiffs will submit a list of expected fact witnesses who will testify at trial in each of the cases referenced in paragraph 6 of CMO No. 3 (the "Fast Track Cases" herein).



## Expert Discovery

2. (a) On or before **March 15, 2002**, plaintiffs in the Fast Track Cases, shall make available and present their previously designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(a) of CMO Nos. 10, 9, 8, and 6, 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 Fast Track Cases shall designate their experts no later than **March 15, 2002**, by serving upon plaintiff and each co-defendant in the case, by facsimile or by personal service, an expert report and expert material for each expert in the case. On or before **April 19, 2002**, defendants in the aforementioned cases shall make available and present their designated expert witnesses for depositions. This paragraph serves to revise, amend and supersede paragraph 2(b) of CMO Nos. 10, 9, 8, and 6, paragraph 5(b) of CMO No. 4, paragraph 9(b) of CMO No. 3 and paragraph 29(d) of CMO No. 2.

(c) 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 **April 5, 2002**, any party in the Fast Track Cases 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. This paragraph serves to revise, amend and supersede paragraph 2(e) of CMO Nos.

10, 9, 8, and 6, paragraph 5(e) of CMO No. 4, paragraph 9(e) of CMO No. 3 and paragraph 29(g) of CMO No. 2.

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

3. On **April 26, 2002**, plaintiffs in Fast Track Cases shall file Notes of Issue.

This paragraph serves to revise, amend and supersede paragraph 4 of CMO Nos. 10, 9, 8, and 6, paragraph 7 of CMO No. 4, paragraph 11 of CMO No. 3 and paragraph 36 of CMO No. 2.

4. On **April 30, 2002**, the Court shall set trial dates, beginning with **June 3, 2002**, for those of the Fast Track Cases 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 5 of CMO Nos. 10, 9, 8, and 6, paragraph 8 of CMO No. 4, paragraph 12 of CMO No. 3 and paragraph 37 of CMO No. 2.


5. On **April 30 – May 2, 2002**, the court will conduct hearings on any and all motions filed by any party which challenge the admissibility of opinions offered by any expert witness.

6. On **May 28, 2002**, Jury selection shall take place in the case(s) selected by the Court for trial as per paragraph 4 of this CMO.



Dated: March 18, 2002

SO ORDERED,

  
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JUSTICE HELEN E. FREEDMAN