

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. 43
RE: PLAINTIFFS' OBJECTIONS TO DEFENDANTS' MERITS DISCOVERY

AND NOW, this 29th day of December, 1998, upon hearing, exceptions to the Special Master's Report and Recommendations are ruled on as follows:¹

1. General objection no. 1 – Medical records and information – Overruled.

2. General objection no. 2 – Psychiatric and psychological records and information – Overruled. Counsel shall delineate the difference between emotional distress and a clinical health disorder.

3. General objection no. 4 – Definition of "Communication" – Overruled.

4. General objection no. 5 – Definition of "Latex allergy" – No ruling is necessary at this time. Counsel are directed to agree on a definition for discovery and should not rely on technical terms.

5. Interrogatory 5 – Plaintiff's residences – Overruled as to health reasons; otherwise, sustained.

6. Interrogatory 7 – Military service – Overruled.

¹In instances in which counsel are directed to resolve the specifics of a dispute, they should follow the general guidelines given during the hearing.

7. Interrogatory 12 – Income of self-employed plaintiffs – Counsel are directed to resolve this issue.

8. Interrogatory 14 – Criminal convictions – The Special Master’s recommendation is modified as follows: 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.

9. Interrogatories 22, 26, 28, and 29 – Family history of allergy; drug and medication use; exposure to smoke; and drug and alcohol addiction – Overruled.

10. Interrogatories 30, 36, and 39 – Denial of life insurance coverage; collateral sources of compensation; and other personal injury suits – The Special Master’s recommendations are modified as follows: Plaintiff will submit information to the Special Master, who will rule on discoverability.

11. Interrogatories 44, 45, 46, 48, 50, 51, 76, and 77 – Participation in latex meetings; membership in latex organization; public statements re: latex allergy; television and radio appearances; subscriptions to medical publications; training or advice re: latex; advice by non-lawyer; and date plaintiff hired an attorney – Counsel are directed to resolve this issue, focusing on the issue of limitations.

12. Document requests 1-4 – Supporting documents – Overruled.

13. Document request 7 – Medical records – Moot.

14. Document requests 11 and 12 – Employment records – Overruled.

15. Document request 13 – Cost of health plan – Overruled.

16. Document request 16 – Earnings – Sustained in part; overruled in part. Plaintiff shall produce or provide authorization for tax returns going back seven years from diagnosis. If unavailable, Social Security information or authorization shall be provided for the same period.

17. Document request 19 – Plaintiff’s calendars and date books – Overruled. Plaintiff may submit information to the Special Master for redaction of unnecessary information.

18. Document request 20 – Other personal injury lawsuits – Overruled. Plaintiff may submit documents to the Special Master for redaction of unnecessary information.

19. Document requests 24-31 – Communications with employer; documents and articles regarding latex allergy; knowledge of latex; documents and articles re: latex allergy; documents from support groups; and newsletters from organizations – Counsel are directed to resolve this issue.

20. Document request 34 – Communications with witnesses – Overruled.

21. Document request 49 – Documents concerning allergies – Moot.

Edmund V. Ludwig, J.