

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

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

**CASE MANAGEMENT ORDER NO. 67
RE: PROCEDURES FOR NOTICING AND
CONDUCTING TRIAL DEPOSITIONS**

AND NOW, this 23rd day of July 2001, upon conference and agreement of the parties, it is hereby ordered as follows:

Trial depositions may be noticed for witnesses who have previously been deposed for discovery purposes if there is a demonstrable likelihood that a witness may not be available for future trials. The following procedures will apply in the event of such depositions:

1. A party noticing a trial deposition of a proposed witness shall, at least 21 days before the trial deposition, notify all other parties of the following:
 - a. The name of the witness and the basis for his/her likely unavailability.
 - b. The areas of testimony to be covered in the deposition and any opinions to be inquired into.
 - c. The names of opposing parties who might have a special interest in the deposition.
 - d. The expected length of the direct examination.
2. The proponent of a witness shall select one lawyer to conduct the deposition. The opposing parties shall select one lawyer to handle the general cross examination of the witness, however, each opposing counsel may make limited inquiry into areas of specific interest to their client.

3. The party taking a trial deposition pursuant to this Order shall provide a list of trial exhibits that may be offered at the trial deposition at least 10 days prior to the deposition.
4. Use of trial depositions shall be subject to Rule 32(a) of the Federal Rules of Civil Procedure. In addition, the trial deposition of a witness not subject to subpoena in an individual case may not be used in lieu of live testimony at a trial if the witness agrees voluntarily to appear at the trial.
5. All disputes in connection with this Order shall be referred to the Special Master according to the same procedures applying to discovery disputes.

Edmund V. Ludwig, J.