

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. 39

AND NOW, this 7th day of August, 1998, upon Rule 16 Conference held August 5, 1998, the following is ordered:

1. The motions of Baxter and Allegiance to dismiss for lack of personal jurisdiction: Movants have agreed to withdraw the motions. By August 10, 1998 movants shall submit a proposal for a 60-90 day discovery period directed toward resolution of the issues raised in the motions.

2. Waiver of service by off-shore defendants: By August 14, 1998 the parties shall submit a joint proposed case management order on this issue.

3. By August 21, 1998 the parties shall notify the court of the nonmovants' positions on the motions identified in ¶¶ 2-10 of the list provided to Plaintiffs' Lead Counsel and Defendants' Liaison Counsel-Spokesperson at the Rule 16 Conference. In the future, such motions shall be called to counsels' attention one week before the next conference.

4. Improper venue motions in Steiner and nine other actions from the District of Maine: By August 21, 1998 the parties shall submit a timeline for proposed discovery in anticipation of remand. The week of August 24, 1998, a telephone conference will be held to discuss the timeline.

5. Coordination with state courts: The eight state Judges who responded to this Court's second letter will be asked to form a committee to enlarge the participation of the state Courts in the

coordination of discovery and other pretrial matters. Plaintiffs' Lead Counsel and Defendants' Liaison Counsel-Spokesperson are requested to encourage all counsel in MDL cases whose firms also have cases in state courts to recommend such participation by state Judges.

5. Next Rule 16 Conference: Wednesday, September 9, 1998, in Courtroom 12A, at 5:00 p.m.

Edmund V. Ludwig, J.