

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

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

PRACTICE AND PROCEDURE ORDER UPON TRANSFER  
PURSUANT TO 28 U.S.C. § 1407 (a)

1. This order shall govern the practice and procedure in those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to their order of February 26, 1997 as well as all related actions originally filed in this court or transferred or removed to this court. These actions are listed in schedule A attached hereto. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 12 of the Rules of Procedure of the Panel subsequent to the filing of the final transfer order by the Clerk of this Court or otherwise transferred or removed to this Court.

2. The actions described in paragraph 1 of this order are consolidated for pretrial purposes.

3. A signed original of any pleading or paper shall be filed; no copies will be necessary. All papers filed in these actions shall bear the identification "MDL Docket No. 1148", and when such paper relates to all these actions, the MDL docket number shall be followed only by the notation "ALL CASES." If such paper does not relate to all of these actions the individual docket numbers assigned to the Clerk of this Court (as listed in Schedule A hereto) of those actions to which the paper relates shall also be listed. If such paper relates to five or fewer actions the abbreviated caption of each of the actions may be listed opposite its number.

4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor court.

5. Counsel who appeared in the transferor court prior to the transfer need not enter a separate appearance before this Court.

6. Prior to the first pretrial conference, service of all papers shall be made on each of the attorneys on the Panel Attorney Service List attached hereto and designated as Schedule B. Any attorney who wishes to have his name added to or deleted from such Panel Attorney Service List may do so upon request to the Clerk and notice to all other persons on such service list. Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List.

The parties shall present to the Court at the first pretrial conference a list of attorneys for purposes of service. Only one attorney for each party separately represented shall be included on such list.

7. Prior to the first pretrial conference, counsel for each group of parties whose interests are similarly aligned shall designate liaison counsel, subject to the approval of the Court. Liaison counsel shall be authorized to receive orders and notices from the Court on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group. Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to parties within their liaison group upon request. Liaison counsel are also authorized to receive orders and notices from the Judicial Panel on Multidistrict Litigation pursuant to Rule 8 (e) of the Panel's Rules of Procedure on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group.

8. Upon remand of any of these actions, the parties will be required to provide to this Court copies of any necessary and relevant papers previously filed.

9. No parties to any of these actions shall be required to obtain local counsel in this district and the requirements of Rule 83.5 of the Rules of this Court are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States District Court.

10. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct.

11. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers they shall join the submission of such papers and shall file only one paper on behalf of all so joined.

12. Any orders including protective orders previously entered by this Court or any transferor court shall remain in full force and effect unless modified by this Court upon application.

13. All discovery proceedings in these actions are stayed until further order

of this Court and the time requirements to perform any acts or file any papers pursuant to Rule 26 through 37, Federal Rules of Civil Procedure, are tolled until the first pretrial conference at which time a discovery schedule will be established.

14. The Court will be guided by the Manual for Complex Litigation approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.

15. A Rule 16 conference will be held on April 1, 1997 at 5:00 p.m. in courtroom 12-A. By Monday, March 24, 1997, liaison counsel will submit any suggestions as to matters to be discussed at this conference.

Edmund V. Ludwig, J.

## **SCHEDULE A**

### MDL-1148 -- In re Latex Gloves Products Liability Litigation

#### Middle District of Georgia

Patricia Adams, et al. v. Baxter Healthcare Corp., et al., C.A. No. 5:96-260

#### Southern District of Indiana

Mary Catherine Barger v. Baxter Healthcare Corp., et al., C.A. No. 1:95-1748

#### District of Maryland

Margaret M. Williams, R.N. v. Ansell, Inc., et al., C.A. No. 1:96-1400

#### District of Massachusetts

Dr. Jacquelyn Starer, et al. v. Baxter Healthcare Corp., C.A. No. 1:96-10683

#### Eastern District of Michigan

Karen Swiatkowski v. Safe-Skin Corp., et al., C.A. No. 2:95-72274

Nafiba Berry v. Colonial Healthcare, et al., C.A. No. 2:96-71661

Charlene Wolf, et al. v. Baxter Healthcare Corp., C.A. No. 2:96-73437

#### Eastern District of Missouri

Melanie Kerchoff, et al. v. Safe-Skin Corp., C.A. No. 4:95-2177

#### Eastern District of Pennsylvania

Yelena Mirensky Frankel, M.D., et al. v. Ansell, Inc., et al., C.A. No. 2:95-7296

Elizabeth Jane Jackson, et al. v. Baxter Healthcare Corp., et al., C.A. No. 2:96-6789

William Dunbar, et al. v. Jason Marketing Co., et al., C.A. No. 2:96-7186

#### Western District of Wisconsin

Steven C. Schlack v. Smith & Nephew, Inc., et al., C.A. No. 3:96-632

Richard K. McNutt v. Smith & Nephew, Inc., et al., C.A. No. 3:96-633

SCHEDULE B  
PANEL ATTORNEY SERVICE LIST  
MDL-1148  
IN RE LATEX GLOVES PRODUCTS LIABILITY LITIGATION

Action Scientific  
516 South 4th Street  
Las Vegas, NV 89125

Lauren S. Antonino, Esq.  
Meadows Ichter & Trigg  
Eight Piedmont Ctr., Ste.. 300  
3525 Piedmont Road, N.E.  
Atlanta, GA 30305

P. Jeffrey Archibald, Esq.  
Habush Habush Davis Rottier  
150 E. Gilman Street  
Ste. 2000  
Madison, WI 53703

G. Gene Arnholt, Esq.  
426 5th Street  
P.O. Box 2003  
Columbus, IN 47202

Thomas H. Bleakley, Esq.  
Bleakley & McKern  
One Kennedy Square  
Ste. 1800  
Detroit, MI 48226

Jill H. Cambridge, Esq.  
Karsner & Meehan, P.C.  
129 Dean Street  
Taunton, MA 02780

John Dames, Esq.  
Kelley, Drye & Warren, P.A.  
303 West, Madison Street  
Ste. 1400  
Chicago, IL 60606

Basil A. Disipio, Esq.  
Lavin, Coleman, O'Neil, Ricci  
Penn Mutual Tower, Ste. 1000  
510 Walnut Street  
Philadelphia, PA 19106

Richard M. Duffy, Esq.  
Gardner, Carton & Douglas  
Quaker Tower, Ste. 3400  
321 North Clark Street  
Chicago, IL 60610

George E. Duncan, Esq.  
Duncan & Mangiafico, P.C.  
5457 Roswell Road  
Ste. 203  
Atlanta, GA 30342

Matthew J. Eddy, Esq.  
Kortenhof & Ely  
1015 Locust Street  
Ste. 500  
St. Louis, MO 63101

Barry M. Epstein, Esq.  
Sills, Cummis, Zuckerman  
One Riverfront Plaza  
Newark, NJ 07102

Elizabeth H. Fay, Esq.  
2000 One Logan Square  
Philadelphia, PA 19103

Stuart M. Feldheim, Esq.  
30300 Northwestern Highway  
Ste. 108  
Farmington Hills, MI 48334

Leonard V. Fodera, Esq.  
Law Offices of Herbert Monheit  
2010 Chestnut Street  
Philadelphia, PA 19103

Joseph A. Frank, Esq.  
John J. Frank Partnership  
Equitable Building, Ste. 1500  
10 S. Broadway  
St. Louis, MO 63102

Robert K. Jenner, Esq.  
Freeman & Jenner, P.C.  
3 Bethesda Metro Center  
Ste. 1410  
Bethesda, MD 20814

Barry F. Keller, Esq.  
Keller & Avadeka  
2242 South Telegraph Road  
Ste. 100  
Bloomfield Hill, MI 48302

Fred A. Kelly, Esq.  
Peabody & Brown  
One Citizens Plaza  
Providence, RI 02903

Zoe Ileana Martinez, Esq.  
Alembik, Fine & Callner  
Marquis One Tower, 4th floor  
245 Peachtree Center Ave. NE  
Atlanta, GA 30303

Stephen M. McManus, Esq.  
McCormick & Priore  
One Penn Square West  
Ste. 1500  
30th South 15th Street  
Philadelphia. PA 19103

Donald S. Meringer, Esq.  
Miles & Stockbridge  
10 Light Street  
Baltimore, MD 21202

Robert M. Mitchell, Esq.  
Seyfarth, Shaw, Fairweather  
101 California Street  
Ste. 2900  
San Francisco, CA 94111

Dianne M. Nast, Esq.  
Roda & Nast, P.C.  
801 Estelle Drive  
Lancaster, PA 17601

**MDL-1148 - PANEL ATTORNEY SERVICE LIST**

-2-

Richard B. North, Esq.  
Nelson, Mullins, Riley  
400 Colony Square, Ste. 2200  
1201 Peachtree Street  
Atlanta, GA 30361

Brian S. Westenberg, Esq.  
Miller, Canfield, Paddock  
150 W. Jefferson Avenue  
Ste. 2500  
Detroit, MI 49226

Roger G. Perkins, Esq.  
Neil, Dymott, Perkins, Brown  
1010 Second Avenue  
Ste. 2500  
San Diego, CA 92101

Daniel W. Whitney, Esq.  
Howell, Gately, Whitney Carter  
401 Washington Avenue  
12th Floor  
Towson, MD 21204

Donald R. Peterson, Esq.  
Peterson, Johnson & Murray  
733 N. Van Buren Street  
Milwaukee, WI 53202

James A. Willhite, Esq.  
Montgomery McCracken Walker  
The Fidelity Building  
123 South Broad Street  
Philadelphia, PA 19109

David S. Shrager, Esq.  
Shrager, McDaid, Loftus, Flurn  
Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103

Mark Shreve, Esq.  
Garan Lucow Miller Seward  
1111 West Long Road  
Ste. 300  
Troy, MI 48098

Jeffrey Singer, Esq.  
Segal, McCambridge, Singer  
Two First National Plaza  
Ste. 700  
20 South Clark Street  
Chicago, IL 60603

Theodore Smolker, Esq.  
P.O. Box 8190  
Madison, WI 53708

Robert N. Spinelli, Esq.  
Kelley, Jasons, McGuire  
One Penn Center, Ste. 1400  
1617 JFK Boulevard  
Philadelphia, PA 19103

TK Glove Products  
c/o Jason Marketing  
15272 Jason Circle  
Huntington Beach, CA 92649