

4. Any Supplemental or Amended responses to the Discovery Demands shall be numbered in their captions (*e.g.* “First Amended Response to Discovery Demands”).

5. All previously served discovery requests directed to any party to date are hereby deemed withdrawn and any Orders directing them are hereby vacated.

6. The procedures set forth in all sections of this Case Management Order also shall apply to all: (a) future filings of new cases in 21 MC 102; (b) amendments of Check-Off Complaints to add Defendants not previously named; and (c) amendments of Check-Off Complaints to bring claims against already named Defendants with respect to new building(s)/location(s). In such circumstances, the parties shall have one-hundred and twenty (120) days from the date of proper filing or service of the Check-Off Complaint or Amended Check-Off Complaint, whichever date is later, to produce responses to Discovery Demands.

B. Discovery To Be Produced By the Parties

1. Plaintiffs will obtain and provide all medical records covering the period from January 1, 1995 to the present for each Plaintiff. Plaintiffs also will provide all medical records currently in Plaintiffs’ or Plaintiffs’ counsel’s possession. Where Plaintiffs or their counsel are not in possession of such medical records, Plaintiffs and/or their counsel will obtain such records for the period January 1, 1995 to present and, upon receipt, promptly will provide Defendants’ counsel with a copy of those records. When obtaining medical records (that are currently not in Plaintiffs’ or Plaintiffs’ counsel’s possession) from third parties, Plaintiffs shall ask such third parties to complete, sign and date a certification in the form attached hereto as Exhibit A. Plaintiffs will provide Defendants’ counsel with a copy of any executed authorizations or subpoenas used to obtain such records, as well as any certifications generated by the provider of the records. Plaintiffs and

Plaintiffs' counsel are under a continuing duty to provide responsive medical records as they are obtained.

2. Plaintiffs' counsel will, on a rolling basis, provide Defendants with executed HIPAA-compliant authorizations sufficient to permit Defendants to obtain any and all of Plaintiffs' medical records dated from January 1, 1995 to present.

C. Protective Order

1. The Court understands that counsel for the parties are in the process of developing a proposed Confidentiality Agreement and Protective Order or Orders that encompass and protect the disclosure of certain information to be provided pursuant to the Discovery Demands. Such Protective Order or Orders are to be finalized by the parties, approved by the Court and entered prior to the disclosure of the information intended to be encompassed and protected.

D. Other Matters

1. This Case Management Order No. 6 shall not supersede any Orders previously entered in the above-referenced litigation.

2. Plaintiffs' and Defendants' Co-Liaison Counsel are hereby directed to provide a copy of this Order to all counsel who have appeared in these actions for Plaintiffs and Defendants, respectively.

It is SO ORDERED.

Dated: New York, New York
May 6, 2008


ALVIN K. HELLERSTEIN
United States District Judge