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Arias v. DynCorp, Not Reported in Fed. Supp. (2008)

2008 WL 9887418

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Only the Westlaw citation is currently available.
United States District Court, District of Columbia.

Venancio Aguasanta ARIAS, et al., Plaintiffs,

v.

DYNACORP, et al. Defendants.

Nestor Ermogenes Arroyo Quinteros, et al.,

Plaintiffs,

v.

DynCorp, et al. Defendants.

Case Number: 1:01cv01908 (RWR), Case Number:
1:07cv01042 (RWR)

|
Signed October 21, 2008

Attorneys and Law Firms

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[Eric Gordon Lasker](#), oe Gregory Hollingsworth, [Katharine R. Latimer](#), [Rosemary Stewart](#), Hollingsworth LLP, Washington, DC, for Defendants.

ORDER

(Cases Consolidated for Case Management and
Discovery)

[DEBORAH A. ROBINSON](#), District Judge.

*1 Upon consideration of defendants' motion to compel filed on August 1, 2008, plaintiffs' response thereto, and further submissions and arguments by the parties,

IT IS HEREBY ORDERED:

1. Each of the individual plaintiffs shall provide verified, factual and complete responses to the Plaintiffs' Questionnaire, using the previously agreed-upon text of that Questionnaire. This includes but is not limited to:

a. Providing responses without any general qualification that the responses are based on rumor, hearsay, or other forms of evidence that are not reliable or admissible, and with the understanding that such responses may be admissible as evidence in the same manner as responses to sworn interrogatories under [Fed.R.Civ.P. Rule 33](#).

b. Providing the month, day and year of each alleged exposure to the "Plan Colombia" herbicide, and then responding to all follow-up questions with respect to each such alleged exposure event;

c. The marking of the maps appended to the Questionnaire to show where the plaintiffs, their affected farms, and/or their affected farm animals were located when each alleged exposure event occurred;

d. The submission of medical records in accordance with the instructions in the Questionnaire by the plaintiffs who claim health injuries from their alleged exposure events, and the submission of employment records in accordance with the instructions in the Questionnaire by the plaintiffs who claim lost wages or other lost income; and

e. Providing responses to Section VII.A of the Plaintiffs' Questionnaire to provide each individual plaintiff's monetary computation of each category of damages claimed.

2. All of the plaintiffs' responses to the Questionnaire shall be delivered to the defendants with translations in English, and no discovery shall commence against the defendants until this has been completed.

3. Plaintiffs shall provide English-translated

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responses to the Questionnaire on a rolling basis subject to the following schedule:

a. Plaintiffs shall have delivered to defendants at least 800 English-translated Questionnaire responses by no later than November 19, 2008

b. Plaintiffs shall have delivered to defendants at least 1,200 additional English translated Questionnaire responses by no later than 60 days from the date of entry of this Order;

c. Plaintiffs shall have delivered to defendants all 3,295 English-translated Questionnaire responses by no later than 90 days from the date of entry of this Order. Any plaintiff who has not provided an English-translated Questionnaire response by this date will voluntarily dismiss his/her claim.

4. All Initial Disclosures previously made by the individual plaintiffs shall also be delivered to the defendants in English. Plaintiffs shall provide such English translations for no fewer than 50% of the Initial Disclosures by November 19, 2008, and shall provide English translations of 100% of the Initial Disclosures by 60 days of the date of entry of this Order.

5. In addition, the Questionnaire responses provided by the individual plaintiffs shall be accompanied by sworn statements by qualified medical or scientific witnesses that specifically link each plaintiff's alleged personal injuries or property damages to the effects of the "Plan Colombia" spraying.

*2 6. Prior to the next status conference, counsel for plaintiffs and defendants shall meet-and-confer to discuss (a) the voluntary dismissal of plaintiffs who

have failed to provide adequate responses to the Questionnaire as set forth herein and (b) a proposed schedule for briefing the defendants' motions to dismiss such remaining plaintiffs as defendants believe also should be dismissed based upon inadequacies in their Questionnaire responses. Any resulting dismissals shall be with prejudice and the plaintiffs are not entitled to any further opportunity to supplement their Questionnaire responses in support of their responses to the defendants' motions to dismiss.

7. All remaining dates set out in the November 27, 2007 Scheduling Order and the April 17, 2008 Consent Notice will be held in abeyance. As previously scheduled, Court will hold its next status conference in this case on November 25, 2008. At least 5 calendar days prior to that date, the parties shall file a Joint Status Report that (a) advises the Court as to any voluntary dismissals and the proposed briefing schedule for motions to dismiss arising from plaintiffs' submission of their Questionnaire responses, and (b) proposes a new schedule for the commencement and completion of merits discovery in these cases and for other pretrial procedures. If the parties cannot agree to a proposed schedule, they shall set out their separate proposals for scheduling in the Joint Status Report and the Court will address the open issues at the status conference.

All Citations

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