

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

CIVIL ACTION NO. 5:13-cv-405-GFVT

MODERN HOLDINGS, LLC, et al.,

PLAIN
TIFFS,

v.

CASE MANAGEMENT ORDER

CORNING, INC., et al.,

DEFENDANTS.

To expedite discovery, conserve judicial resources, and facilitate the administration of this case, the Court hereby enters the following Initial Case Management Order:

(1) With respect to the personal injury claims being asserted by the plaintiffs, each plaintiff shall provide, within 60 days from the date this Order is signed, an affidavit from a qualified expert or experts which sets forth, to a reasonable degree of scientific certainty, the following:

(a) For each plaintiff, the specific illness allegedly sustained. (A general, vague description such as “cancer” will not suffice. The exact type of illness must be identified.)

(b) For each plaintiff, the date the identified illness was diagnosed, including the name and address of the medical care provider who made the diagnosis;

(c) For each plaintiff, the toxic chemical which allegedly caused the identified illness, supported by an explanation of the manner of exposure, the exposure pathway, the date(s) of exposure, the duration of exposure, and the dose of exposure; and

(d) Citation to the scientific literature supporting any claim that any plaintiff's illness was caused by the described exposure to the identified toxic chemical.

(2) With respect to the property damage claims asserted, each plaintiff shall provide, within 60 days from the date this Order is signed, an affidavit from a qualified expert or experts which sets forth, to a reasonable degree of professional certainty, the following:

(a) For each plaintiff, the property address, including tax block and lot number, for the property alleged to have declined in value;

(b) For each plaintiff, the property address, including tax block and lot number, for the property alleged to have been contaminated, including a description of any alleged contaminant, the location on the property on which it was found, and the date on which any such contaminant was found on the property at issue; and

(c) For each plaintiff, the degree of diminution in value for the property alleged to have so declined, including the time-frame in which such diminution allegedly occurred.

(3) A case management conference will be scheduled to review plaintiffs' compliance with this Order and to set a pretrial discovery and dispositive motion schedule.

(4) Except as otherwise ordered above, all discovery is hereby stayed until the case management conference.

(5) Plaintiffs' failure to comply with this Order may result in sanctions, up to and including dismissal with prejudice.

Signed September 28, 2015.



Signed By:

Edward B. Atkins *EBA*

United States Magistrate Judge