

In Re: Lead Paint Litigation
Hon. Linda K. Lager

Excerpts from LPL Case Management Order No. 1:

I. Subject Matter

1. This case management order shall apply to all civil matters related to lead paint litigation in the Superior Court of the State of Connecticut with respect to the subject matter addressed in this order. Matters not addressed shall be governed by the Rules of Practice of the Connecticut Superior Court.
2. This case management order may be supplemented or superseded by additional case management orders as deemed required by the undersigned presiding judge, issued after notice and hearing.
3. Nothing contained in this order shall cause pending cases with assigned trial dates or weeks certain to be delayed or postponed, except as provided in VIII.2 and VIII.7.

II. "LPL" Designation

1. In all civil cases in which a claim of damages resulting from lead paint exposure is made, the designation "**LPL**" must appear as a prefix to the docket number on all filings.
2. In all declaratory judgment actions where the underlying action involves a claim of damages resulting from lead paint exposure, the designation "**LPL**" must appear as a prefix to the docket number on all filings.

III. New Actions: Filings; Notice of Filing

1. The venue provisions of Conn. Gen. Stat. § 51-345 (formerly Conn. Gen. Stat. § 52-42) apply to all civil actions related to lead paint. Cases should bear the designation "**LPL**" in a prominent place on the face sheet.

2. Notice of the filing of new actions related to lead paint, including any declaratory judgment action, must be provided to:

Krista Hess
Program Manager
Superior Court Operations Division
Court Operations Unit
225 Spring Street, 2nd floor
Wethersfield, CT 06109

Such notice shall contain the name of the case, the return date, the Judicial District in which filed, and the name, address, juris number and telephone number of counsel.

3. All civil cases related to lead paint shall remain pending in the judicial district in which they are filed, subject to the provisions of this case management order, any future case management orders and further order of the Chief Court Administrator.

IV. Mandatory Limited Disclosure

1. Within 14 days of the filing of an appearance for the defendant(s), plaintiffs shall provide the following information to appearing counsel and/or pro se parties:

- (a) A list of the prior and subsequent residences of the minor plaintiff(s); and
- (b) A list of the blood lead levels of the minor plaintiff(s), or
- (c) A list of known medical providers and limited authorizations for the release of medical records pertaining to blood lead levels of the minor plaintiff(s) from such providers.

2. If the limited disclosure required in IV.1 is not provided, the defendant(s) may file a motion to compel compliance in the original file with a copy directed to the undersigned. The undersigned will decide any such motions to compel compliance on the papers within 14 days of receipt.

3. In all pending civil cases in which a claim of damages resulting from lead paint exposure has been made, disclosure pursuant to IV.1 shall be made within 21 days of the issuance of this order unless already provided, subject to any prior protective orders already issued in the case.

4. If the plaintiff(s) provide limited medical authorizations pursuant to IV.1 (c), the defense shall provide to the plaintiff(s) copies of any medical records pertaining to blood lead levels obtained from medical providers as a result.

V. Short Calendar

1. A single unified short calendar for all lead paint related cases ("LPL Short Calendar") will be conducted by the undersigned on a periodic basis.
2. The following motions may be claimed or reclaimed for the "LPL Short Calendar" according to the procedure specified in Appendix A, incorporated within this order:
 - Motion to Dismiss—Connecticut Practice Book §§ 142, 143 (now §§ 10-30, 10-31)
 - Motion to Strike—Connecticut Practice Book § 151 (now § 10-39)
 - Motion to Implead/Cite in Additional Party—Connecticut Practice Book § 117 (now § 10-11)
 - Motion for Summary Judgment—Connecticut Practice Book § 378 et seq. (now § 17-44 et seq.)
 - Motion for Protective Order—Connecticut Practice Book § 221 (now § 13-5)
 - Objection to Request that Plaintiff Submit to Exam—Connecticut Practice Book § 229 (now § 13-11)
 - Sufficiency of Answer to Request for Admission and Objection to Request for Admission—Connecticut Practice Book § 239 (now § 13-23)
5. The following motions will not be decided by the undersigned as part of the LPL Short Calendar and should be filed and claimed in the judicial district in which the case is pending:
 - Motions for Default
 - Motions for Extension of Time
 - Requests to Revise
 - Motion to Withdraw Appearance of Counsel
 - Motion to Substitute Appearance of Counsel
 - Motion for Continuance (unless concerns motion pending on the LPL Short Calendar pursuant to V.2 above)
 - § 13-4 Motions
 - Motions re Depositions

- Motion for Order for Compliance—Connecticut Practice Book § 13-14, in cases with an assigned trial date
- Any motion directed to discovery in cases with an assigned trial date
- Motion to Exempt from Dormancy

VIII. PreTrials; Trials

1. Trial dates shall be scheduled in the Judicial District in which the case is pending.
2. There shall be no continuances granted based on this order in any civil case seeking damages resulting from lead paint exposure which has a firm trial date in the Judicial District in which it is pending. Declaratory judgment actions related to an underlying civil case seeking damages resulting from lead paint exposure may be continued at the discretion of the undersigned.
3. Cases may be pretried in the ordinary course in the Judicial District in which they are pending. This order shall not constitute a basis upon which to request a continuance of any court scheduled pretrial in any LPL case.
4. Counsel may request the undersigned to judicially pretry any LPL case pending in any Judicial District pursuant to the requirements contained in Appendix B, incorporated within this order.
5. The undersigned will consider any proposals submitted by any interested party for pretrials by special masters for LPL cases.
6. In all LPL cases, counsel and pro se parties of record may request pretrial referrals pursuant to Connecticut Practice Book § 23-67 or to court annexed ADR programs.
7. Any party in an LPL case with an assigned trial date or week certain may request an exemption from any applicable provision of this order in writing from the undersigned upon good cause shown.

IT IS SO ORDERED.

LINDA K. LAGER, PRESIDING JUDGE
FOR LEAD PAINT LITIGATION

Entered this 27th day of November, 1996 at New Haven, Connecticut.