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JOHN C. PORTO, J.S.C.

	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY CASE TYPE: MCL NO. 626 MASTER DOCKET NO. ATL-L-1098-18
IN RE ABILIFY	Hon. John C. Porto, J.S.C. Civil Action **IN RE ABILIFY**

~~[PROPOSED]~~ ORDER REGARDING *PRO SE* PLAINTIFFS

For good cause shown, including the possible decision of some eligible *pro se* Plaintiffs to decline to participate in the settlement program established by the Confidential Master Settlement Agreement dated February 15, 2019 (the "Agreement") and the need for the Court to advise these *pro se* Plaintiffs of their obligations for continued participation, including their fact discovery obligations and the need for expert testimony, the Court hereby Orders the following:

1. This Order applies to any cases filed in this MCL by any *pro se* Plaintiffs as of January 28, 2019 who have not indicated their intent to participate in the settlement program established by the Agreement.

2. No later than August 30, 2019, any *pro se* Plaintiff who has not yet participated in the settlement program or indicated his/her willingness to participate in the settlement program must consult with Plaintiffs' Liaison Counsel in the Abilify MCL litigation regarding the settlement program and notify the Court in writing whether he/she intends to proceed with the litigation.

3. For each such *pro se* Plaintiff who wishes to proceed with his/her case, he/she must appear in person at a status conference to be set by the Court within thirty (30) calendar days of the deadline for receiving any notices of intent to proceed. At that status conference, Plaintiff(s) must be prepared to (a) explain to the Court the steps they have taken to gather relevant medical, gambling, and financial records[1]; (b) discuss the obligations for participation in the litigation, including providing personal medical, psychiatric, and financial records (*e.g.*, bank statements and credit reports); completing a Plaintiff Profile Form and Supplemental Plaintiff Profile Form and attaching the required documentation; sitting for a deposition; having depositions of Plaintiff's spouse, family members, and treating physicians taken; and potentially appearing at trial, which would mean being subject to cross-examination; (c) serve Defendants with the names of any experts they have retained in the litigation, or explain to the Court the steps they have taken to identify and retain expert witnesses; and (d) confer with defense counsel and provide the Court with a proposed joint discovery plan.

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[1] "Medical records" include but are not limited to: physician records, psychiatrist records, medication management records, therapy records, counseling records, pharmacy records, billing records, insurance records, hospital records, admission records, discharge records, medication lists authored by medical professionals, records from specialists, records from primary care physicians, records from treatment facilities, and photographs of prescription bottles showing the patient's name and date of prescription.

"Financial records" include but are not limited to: bank statements, credit card statements, credit reports, statements of interest-earning accounts, bankruptcy records, loan records, tax returns, worker's compensation and/or unemployment records, records of settlement payment(s) received in connection with any other lawsuit, and any other record held by a financial institution pertaining to Plaintiff's relationship with the financial institution.

"Gambling records" include but are not limited to: records from casinos or other facilities that house or accommodate gambling activities, lottery and scratchoff tickets, Form W-2 records, records from online gambling websites or applications, communications between Plaintiff and gambling entities, and gambling receipts.

4. If any such *pro se* Plaintiff fails to appear at the status conference, without leave of the Court for good cause shown, or otherwise fails to comply with the requirements set forth in this Order, such Plaintiff's claims will be subject to dismissal with prejudice.

3/7/19

Hon. John C. Porto, J.S.C.