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ATLANTIC COUNTY LAW DIVISION

IN RE: FOSAMAX LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY
	CASE NO. 282
APPLIES TO ALL CASES	CIVIL ACTION

CASE MANAGEMENT ORDER

THIS MATTER having come before the Court and the parties having consented to the form and entry of this Order and for good cause shown,

IT IS on this 20th day of August, 2013 **ORDERED** as follows:

1. The parties shall identify 14 cases (7 to be selected by plaintiff, 7 to be selected by defendant), by September 6, 2013 to comprise the second femur fracture discovery pool ("Tier II Femur Fracture Discovery Pool").

2. Core discovery for the Tier II Femur Fracture Discovery Pool shall include: the deposition of the plaintiff, one of plaintiff's treating physicians, and one of plaintiff's prescribing physicians, and the production of the custodial file of up to two Merck sales representatives who called upon the plaintiff's prescribing physician.

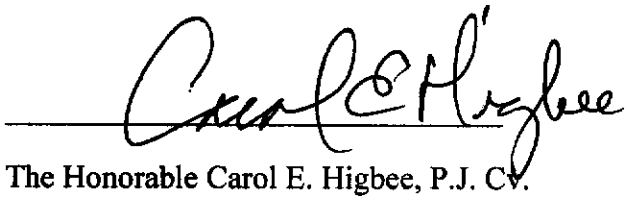
3. Core discovery for the Tier II Femur Fracture Discovery Pool shall be completed as follows:

a. Production of sales representative custodial files and production of medical records shall be completed by October 22, 2013.

b. Depositions of the plaintiff, one treating physician, and one prescribing physician shall be completed by February 14, 2014.

4. Selection of cases from the Tier II Femur Fracture Discovery Pool for inclusion in subsequent trial pools and further discovery shall be made at a later date.

5. The parties shall meet and confer concerning the size and schedule for additional femur fracture discovery pools and will report back to the court by September 20, 2013 with an agreed upon order concerning these additional cases. Absent agreement, by September 24, 2013 each party shall simultaneously submit their proposal to the court with respect to the number of cases and schedule for the additional femur fracture discovery pools.



The Honorable Carol E. Higbee, P.J. Cv.