

**FILED**

SEP 11 2009

JUDGE JESSICA R. MAYER

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*Attorneys for Defendants*

*Astrazeneca Pharmaceuticals LP,  
Astrazeneca LP, Astra USA Inc., Zeneca  
Inc. and KBI Sub Inc.*

RUSSELL FOSTER,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: MIDDLESEX COUNTY
Plaintiff,	:	
	:	DOCKET NO. MID-L-1820-09
v.	:	
	:	CIVIL ACTION
ASTRAZENECA PHARMACEUTICALS	:	
LP; ASTRAZENECA LP; ASTRA USA,	:	In Re Risperdal/Seroquel/Zyprexa Litigation
INC.; KBI SUB, INC.; ZENECA, INC.;	:	Case No. 274
ASTRA USA HOLDINGS	:	
CORPORATION; ASTRAZENECA, AB;	:	<b>ORDER OF DISMISSAL OF PLAINTIFF'S</b>
ASTRAZENECA, PLC; and	:	<b>COMPLAINT WITHOUT PREJUDICE FOR</b>
ASTRAZENECA, UK LIMITED; JOHN	:	<b>FAILURE TO SERVE A SHORT FORM</b>
DOE(S) 1 through 20; and JANE DOE(S)	:	<b>PLAINTIFF FACT SHEET PURSUANT TO</b>
1 through 20,	:	<b>CASE MANAGEMENT ORDER NOS. 4</b>
Defendants.	:	<b>and 4A.</b>
	:	
	:	
	:	

**THIS MATTER** having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Zeneca Inc., KBI Sub Inc., and Astra USA, Inc. (collectively "AstraZeneca") to dismiss plaintiff's Complaint without prejudice for failure to serve a Short Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), § II.G; such dismissal without prejudice being authorized by Case Management Order No. 4A ("CMO 4A"), §

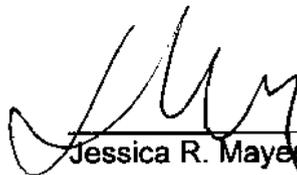
II.H.1. (a-c); the Court having considered the papers submitted, and for good cause shown;

IT IS on this 11<sup>th</sup> day of September, 2009;

**ORDERED** that AstraZeneca's motion is hereby **GRANTED** and that plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** as to all parties - served and unserved - pursuant to CMO 4, § II.G, and CMO 4A, § II.H.1 (a-c); and it is further

**ORDERED** that a signed copy of this Order be served on all counsel within seven (7) days of the date hereof; and it is further

**ORDERED** that upon being served with the within order of dismissal without prejudice, plaintiff's counsel shall forthwith serve a copy of this order on the plaintiff by regular and certified mail, return receipt requested, accompanied by a notice in the form prescribed by Appendix II-A of the New Jersey Rules of Court, specifically explaining the consequences of failure to serve a materially Completed Short Form PFS (which must include properly executed Authorizations and Acknowledgement) and to file and serve a timely motion to restore.

  
\_\_\_\_\_  
Jessica R. Mayer, J.S.C.

  X   Unopposed

\_\_\_\_\_ Opposed

"Having reviewed the above motion, I find it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers."

Dated: September 11, 2009