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AstraZeneca LP, and KBI Sub Inc.*

FILED  
APR 30 2010  
JUDGE JESSICA R. MAYER

APRIL WELLNER,  Plaintiff,  v.  ASTRAZENECA PHARMACEUTICALS LP, a Delaware Corporation; ASTRAZENECA LP, a Delaware Corporation; and KBI SUB, INC., a New Jersey Corporation,  Defendants.	: SUPERIOR COURT OF NEW JERSEY : LAW DIVISION: MIDDLESEX COUNTY : : DOCKET NO. MID-L-8516-09 : : CIVIL ACTION : : In Re Risperdal/Seroquel/Zyprexa Litigation : Case No. 274 : : <b>ORDER OF DISMISSAL OF PLAINTIFF'S</b> : <b>COMPLAINT WITH PREJUDICE FOR</b> : <b>FAILURE TO SERVE A MATERIALLY</b> : <b>COMPLETED LONG FORM PLAINTIFF</b> : <b>FACT SHEET PURSUANT TO CASE</b> : <b>MANAGEMENT ORDER NOS. 4, 4A, 16,</b> : <b>AND 27, AND THE FEBRUARY 5, 2010</b> : <b>ORDER OF THE COURT.</b> : : :
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**THIS MATTER** having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP and KBI Sub Inc. (collectively "AstraZeneca"), to dismiss the Plaintiff's Complaint with Prejudice for failure to serve a Materially Completed Long Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), Case Management Order No. 4A ("CMO 4A"), Case Management Order No. 16 ("CMO 16"), and Case Management Order No. 27 ("CMO 27"); and such dismissal with prejudice being authorized by R.

4:23-5(a)(2); the Court having considered the papers submitted, and for good cause shown;

IT IS on this 30<sup>th</sup> day of April, 2010;

**ORDERED** that AstraZeneca's motion be and hereby is **GRANTED**.

**AND IT IS FURTHER ORDERED** that the Plaintiff's Complaint be and hereby is **DISMISSED WITH PREJUDICE** as to all parties - whether served or unserved;

**AND IT IS FURTHER ORDERED** that a signed copy of this Order be posted for 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 with prejudice, Plaintiff's counsel shall forthwith serve a copy of this order upon the Plaintiff by regular and certified mail, return receipt requested.

**OPPOSED**

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

\_\_\_\_\_ Unopposed

\_\_\_\_\_ **Opposed** - Plaintiff's counsel having complied with the requirements of R. 4:23-5(a)

Dated:

On this date, pursuant to R. 1:6-2  
The court's statement of reasons  
have been set forth on the record.