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FILED

JUL 17 2009

Judge Jamie D. Happas

McCARTER & ENGLISH, LLP
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*Attorneys for Defendants
Astrazeneca Pharmaceuticals LP,
Astrazeneca LP, Astra USA Inc., Zeneca
Inc. and KBI Sub Inc.*

RAYMOND WILKERSON,

Plaintiff,

v.

ASTRAZENECA PHARMACEUTICALS
LP; ASTRAZENECA LP; ASTRA USA,
INC.; KBI SUB, INC.; ZENECA, INC.;
ASTRA USA HOLDINGS
CORPORATION; ASTRAZENECA, AB;
ASTRAZENECA, PLC; and
ASTRAZENECA, UK LIMITED; JOHN
DOE(S) 1 through 20; and JANE DOE(S)
1 through 20,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: MIDDLESEX COUNTY
:
: DOCKET NO. MID-L-3180-09
:
: CIVIL ACTION
:
: In Re Risperdal/Seroquel/Zyprexa Litigation
: Case No. 274
:
: **ORDER OF DISMISSAL OF PLAINTIFF'S
: COMPLAINT WITHOUT PREJUDICE FOR
: FAILURE TO SERVE A SHORT FORM
: PLAINTIFF FACT SHEET PURSUANT TO
: CASE MANAGEMENT ORDER NOS. 4
: and 4A.**

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 17th day of July, 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-F 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.~~

ordered that plaintiff be and hereby is compelled to produce defendant's requested discovery, specifically a materially completed short form plaintiff fact sheet within 60 days

James D. Happas, J.S.C.

_____ Unopposed

Opposed

of this order; and it is further ordered that plaintiff's complaint be dismissed without prejudice if, upon motion of defendant, it is found that plaintiff has not produced the requested discovery.

Dated: