

FILED

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Carol E. Higbee, P.J.Cv.

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In Re: FOSAMAX Litigation : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: ATLANTIC COUNTY
:
: Civil Action Case No. 282
: (Fosamax Litigation)
:
APPLIES TO ALL CASES :
:
:

CASE MANAGEMENT ORDER

THIS MATTER having come before the Court for Case Management Conference on May 26, 2011, and for good cause shown,

IT IS on this 21 day of June, 2011, **ORDERED** as follows:

1. Merck Sharp & Dohme Corp. ("Merck") may, at their option, elect to proceed with the trial of *Singer v. Merck Sharp & Dohme Corp.*, ATL-L-4073-08 ("*Singer*"), commencing November 28, 2011. Counsel for Merck shall notify the Court and plaintiffs' counsel by June 3, 2011 if Merck elects to commence the *Singer* trial at that time.
2. The matters of *Amelia Flores v. Merck Sharp & Dohme Corp.*, ATL-L-744-09 (hereafter "*Flores*"), *JoAnn Sessner v. Merck Sharp & Dohme Corp.*, ATL-L-3394-11 (hereafter "*Sessner*"), and *Lillian Rifkin v. Merck Sharp & Dohme Corp.*, ATL-L-3551-11 (hereafter "*Rifkin*") have been designated by Plaintiffs for factual and expert work-up and shall proceed to trial on February 27, 2012.
3. Counsel for Merck may identify two cases, by June 27, 2011, one of which may be scheduled for trial on February 27, 2012 with the cases listed in paragraph 2. Merck shall include in its notice identifying these cases information identifying the similarities or other bases supporting the addition of these cases for trial with those identified in paragraph 2. Plaintiff shall submit a written response to this designation by July 7, 2011 with any specific objection regarding the inclusion of either of the proposed defense selections for inclusion in the February 27, 2012 trial.
4. Defense counsel, David Buchanan, Jeffrey Grand, and those attorneys selected by liaison counsel, shall meet and confer regarding general document discovery by June 27, 2011.

5. The parties shall jointly designate 30 cases, which allege a femur fracture injury, for core discovery by July 11, 2011. If the parties cannot agree upon the cases to designate, defense liaison and plaintiffs' liaison counsel shall each designate 20 cases for core discovery on July 11, 2011.
6. The parties shall meet and confer concerning the scope of and schedule for core discovery in the selected cases and, absent agreement, present their proposals to the Court at the next Case Management Conference.
7. The Case Management Conference scheduled for June 23, 2011 is cancelled. The next Case Management Conference shall proceed on July 19, 2011.



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