

**FILED**

JAN 21 2009

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

**IN RE: FOSAMAX LITIGATION**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC  
COUNTY**

**CASE NO. 282**

**CIVIL ACTION**

**APPLIES TO ALL CASES**

**ORDER**

**THIS MATTER** having come before the Court on January 14, 2009, and counsel for plaintiffs and counsel for defendant having been present and for good cause shown,

**IT IS** on this 21 day of January, 2009, **ORDERED** as follows:

1. For all cases filed as of the date of this Order, plaintiffs shall provide medical record authorizations for: (a) all physicians that prescribed Fosamax for the plaintiff, and (b) all physicians who diagnosed and/or treated plaintiff for their alleged Fosamax-related injuries, no later than thirty (30) days after the date this Order is entered.

2. For all cases filed after the date of this Order, plaintiffs shall provide the medical record authorizations described in paragraph 1 no later than thirty (30) days after the filing of their complaint.

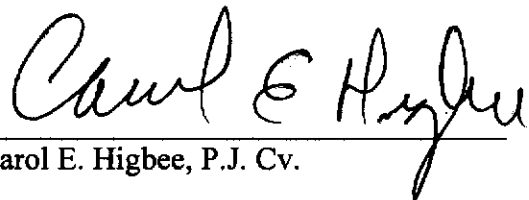
3. Defense counsel and plaintiffs' liaison counsel shall promptly meet and confer regarding plaintiffs' request for production of defendant's WAES database pertaining to Fosamax-related injuries. In the event the parties are unable to agree on the appropriate scope and timing of this production, defendant shall move for a protective order on or before January 28, 2009. Plaintiffs' responsive papers shall be due by February 4, 2009.

4. Counsel shall meet and confer on the form and content of plaintiff and defense fact sheets. If counsel are unable to agree on the appropriate scope and format of such fact sheets, plaintiffs' and defendant shall each submit to the Court their respective proposals and to outline their areas of disagreement, within one week of the next case management conference.

5. Counsel shall meet and confer on a proposal for case-specific discovery. In the event the parties are unable to agree, plaintiffs and defendant shall submit to the Court their respective proposals and outline their areas of disagreement, within one week of the next case management conference.

6. Counsel shall meet and confer regarding the relevant factors to be included in the Court's case information spreadsheet. Counsel shall provide Jill Solimani with a list of factors which they propose be included in the spreadsheet on or before January 29, 2009.

7. Counsel shall be prepared to provide a status report at the next case management conference on March 19, 2009, regarding Lexis Nexis File & Serve, and whether this service will be utilized by counsel in this matter.



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