

Eileen Oakes Muskett, Esquire
COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.
1125 Atlantic Avenue - 3rd Floor
Atlantic City, NJ 08401
(609) 344-3161
Attorneys Defendant, Merck Sharp & Dohme Corp.

FILED

MAR 04 2010

Carol E. Higbee, P.J.C.

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

CORE DISCOVERY ORDER
RELATING TO SECOND TIER DISCOVERY POOL CASES

IT IS on this 4th day of March, 2010, **ORDERED** as follows:

The following schedule shall apply to *Patricia Conway v. Merck Sharp & Dohme Corp.*, Docket No. ATL-L-4075-08 (MT) ("Conway"), *Mary Hunter v. Merck Sharp & Dohme Corp.*, Docket No. 4091-08-MT ("Hunter") and *Patricia Life v. Merck Sharp & Dohme Corp.*, Docket No. 3706-09 (MT) ("Life"), which are Defendant's additional discovery pool cases identified pursuant to the Order of the Court during the December 15, 2009 Case Management Conference and by consent of counsel for Conway.:

1. Fact discovery shall be completed by July 9, 2010.
2. Fact discovery shall be limited to the discovery specified in the Core Discovery Order Relating to Discovery Pool Cases dated October 14, 2009 ("Core Discovery Order").
3. Plaintiffs, in the Conway, Hunter and Life cases, may designate no more than three sales representatives with Fosamax responsibilities who called on Plaintiff's prescribing physician in each case. Plaintiffs shall advise Defendant of the identities of these sales representatives on or before March 26, 2010. For those sales representatives with Fosamax responsibilities who called on the Plaintiff's prescribing physician, and who are identified by March 26, 2010, Merck shall produce, on or before April 23, 2010, those Fosamax-related documents described in paragraph 2 of the Core Discovery Order that are contained in the sales representatives' custodial files.
4. At the June 10, 2010 Case Management Conference, or sooner if appropriate, counsel shall discuss with the court whether one or more of these two cases should be added to the group of trial pool cases in the event other cases selected for factual work up and/or the trial pool have

been dismissed, and if so, to set an expert discovery and briefing schedule with respect to any such added case.

A handwritten signature in cursive script, appearing to read "Carol E. Higbee", is written over a horizontal line.

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