

Glenn S. Kerner, Esq. (Attorney ID 043431987)
Jonathan I. Price, Esq. (*pro hac vice*)
Kate D. Seib, Esq. (Attorney ID 019702006)

GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: (212) 813-8800
gkerner@goodwinprocter.com
jprice@goodwinprocter.com
kseib@goodwinprocter.com

George E. McDavid, Esq. (Attorney ID 035581986)
Shana E. Russo, Esq. (Attorney ID 018902000)
REED SMITH LLP
Princeton Forrestal Village
136 Main Street, Suite 250
Princeton, New Jersey 08540
Tel. (609) 987-0050
gmcdavid@reedsmith.com
srusso@reedsmith.com

*Attorneys for Defendants Teva Pharmaceuticals USA, Inc.,
Barr Pharmaceuticals, LLC and Barr Laboratories, Inc.,
on behalf of all Generic Defendants*

RECEIVED and
FILED

JAN 02 2014

ATLANTIC COUNTY
LAW DIVISION

IN RE: FOSAMAX LITIGATION

APPLIES TO ALL CASES

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: ATLANTIC COUNTY
:
: CASE NO. 282
:
: MASTER DOCKET: ATL-L-3632-08
:
: **CASE MANAGEMENT ORDER SETTING**
: **ROLLING DEADLINES FOR RESPONDING**
: **TO STAYED COMPLAINTS**

On March 16, 2012, the Generic Defendants filed a Motion for Judgment on the Pleadings on the issue of federal preemption pursuant to the United States Supreme Court's ruling in *PLIVA, Inc. v. Mensing*, 564 U.S. ___, 131 S. Ct. 2567 (2011), *reh'g denied*.

On February 6, 2012, the Court entered a Case Management Order staying Generic Defendants' obligation to answer or otherwise respond to complaints filed on or after January 20, 2012 in the above-captioned consolidated proceeding pending decision on the foregoing Motion. The Court further ordered that cases subject to the stay would not be procedurally dismissed pursuant to R. 1:13-7.

Due to changes effective on January 1, 2013 to the computer system that tracks procedural dismissals pursuant to R. 1:13-7, and in order to prevent procedural dismissals of cases with notices of dismissal issued after December 31, 2012, the Court entered a Case Management Order dated January 18, 2013 which permitted the parties in each case that was noticed for procedural dismissal to stipulate to a consent order staying Generic Defendants' obligation to answer or otherwise to respond until May 1, 2013 or further order of the Court.

The Court was subsequently able to remove the Fosamax[®] Litigation cases from the computer system that tracks procedural dismissals pursuant to R. 1:13-7 until December 31, 2013.

On December 3, 2013, the Court extended the deadline for responsive pleadings to January 15, 2014.

By teleconference on December 6, 2013, the Court granted the request of Generic Defendants to permit responsive pleadings to be filed on a rolling basis.

THEREFORE, IT IS on this 2 day of Jan 2014 ~~December, 2013~~ **ORDERED** as follows:

1. This Case Management Order hereby amends and supersedes the December 3, 2013 Case Management Order with respect to deadlines for responding to the stayed complaints.
2. Complaints filed after January 10, 2014 shall not be stayed, and shall be answered in accordance with the New Jersey Rules of Court.

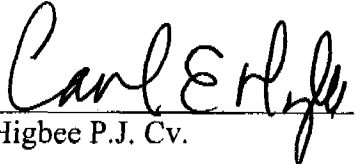
3. Each Generic Defendant shall respond to 15 stayed complaints by January 15, 2014.

4. Each Generic Defendant shall respond to an additional 30 complaints by the 15th of every month thereafter (i.e. by February 15, 2014, then by March 15, 2014 etc.) until such time as each Generic Defendant has responded to all the stayed complaints it has been served with.

5. Once each Generic Defendant has responded to all the remaining stayed complaints it has been served with, it shall notify the Court and all parties via letter served on Lexis Nexis File & Serve.

6. The clerk's office shall not enter procedural dismissals pursuant to R. 1:13-7 based on the absence of a responsive pleading from a Generic Defendant until that Generic Defendant has provided notice that it has responded to all stayed complaints it has been served with.

7. Once all of the Generic Defendants have responded to all of the stayed complaints they have been served with, Generic Liaison Counsel shall notify the Court and all parties via letter served on Lexis Nexis File & Serve.



Carol E. Higbee P.J. Cv.