

#10399  
10-27-17

**FILED**

NOV 03 2017

Judge James F. Hyland

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Attorneys for Defendants  
JOHNSON & JOHNSON, JANSSEN RESEARCH & DEVELOPMENT, LLC,  
and JANSSEN PHARMACEUTICALS, INC.

RONALD B. SHELLEY,  
  
Plaintiff,  
  
v.  
  
JOHNSON & JOHNSON, JANSSEN  
RESEARCH & DEVELOPMENT, LLC  
and JANSSEN PHARMACEUTICALS, INC.,  
  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
DOCKET NO. MID-L-10034-14

**LEVAQUIN LITIGATION  
CASE CODE 286**

CIVIL ACTION

**ORDER DISMISSING PLAINTIFFS'  
COMPLAINT WITHOUT PREJUDICE  
PURSUANT TO RULE 4:23-5**

**THIS MATTER** having been opened to the Court by Drinker Biddle & Reath LLP, attorneys for defendants Johnson & Johnson, Janssen Research & Development, LLC, and Janssen Pharmaceuticals, Inc., for an entry of an Order pursuant to Rule 4:23-5, dismissing plaintiff's Complaint without prejudice for failure to make discovery, and the Court having considered the submissions of the parties, and for good cause having been shown:

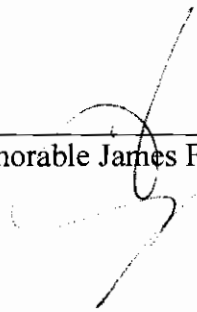
IT IS on this 3<sup>rd</sup> day of November, 2017

**ORDERED** as follows:

1. The Motion of defendants Johnson & Johnson, Janssen Research & Development, LLC, and Janssen Pharmaceuticals, Inc. to dismiss Plaintiff's Complaint without prejudice pursuant to Rule 4:23-5 for failure to make discovery, be and hereby is granted;

2. Plaintiff's Complaint is hereby dismissed without prejudice, and can only be reinstated by motion to the court stating that the failure has been corrected and that a \$100 fine has been paid if filed within 30 days. A \$300 fine shall be required for reinstatement after 30 days from the date of this order. After 90 days, the defendants may move to dismiss with prejudice if no motion to reinstate has been filed; and

3. A true copy of this Order shall be served upon plaintiff within 10 days of its receipt by counsel for Defendants Johnson & Johnson, Janssen Research & Development, LLC, and Janssen Pharmaceuticals, Inc.

  
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Honorable James F. Hyland, J.S.C.

This motion was:

\_\_\_\_\_ Opposed

       Unopposed