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FILED

MAR 20 2015

BRIAN R. MARTINOTTI
J.S.C.

ASHTON FITZPATRICK and CHARLES
FITZPATRICK,

Plaintiffs,

v.

BAYER HEALTHCARE
PHARMACEUTICALS INC., BAYER
PHARMA AG, and BAYER OY,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN COUNTY

DOCKET NO.: BER-L-6890-14.

Civil Action

In Re: Mirena Litigation
Case No. 297

**ORDER ON MOTION TO DISMISS FOR
FAILURE TO PROVIDE A PLAINTIFF
FACT SHEET CONTAINING ALL CORE
CRITERIA**

THIS MATTER having been brought before the Court by way of motion of Coughlin Duffy LLP, counsel for defendant Bayer HealthCare Pharmaceuticals Inc. (“Defendant”), for an Order dismissing Plaintiff’s Complaint for failure to provide a Plaintiff Fact Sheet containing all Core Criteria pursuant to Case Management Orders No. 3 and 24; and the Court having considered the papers submitted; and the Court having heard the arguments of counsel, if any; and for good cause shown;

IT IS ORDERED that the Complaint of Plaintiff Ashton Fitzpatrick is hereby dismissed without prejudice; and it is further

ORDERED that Plaintiff Ashton Fitzpatrick shall have 90 days from the date of this Order to serve upon Defendant a Completed Plaintiff Fact Sheet containing all Core Criteria, and

OMNIBUS MTD No. 2

move before this Court for reinstatement of the Complaint and payment of the appropriate fee; and it is further

ORDERED that if Plaintiff Ashton Fitzpatrick fails to provide a Completed Plaintiff Fact Sheet containing all Core Criteria within 90 days from the date of this Order, Defendant may file a Motion to Dismiss this action with prejudice; and it is further

ORDERED that a signed copy of this Order be served upon all counsel within seven (7) days of the date hereof.

Opposed

Unopposed


_____, J.S.C.
HONORABLE BRIAN R. MARTINOTTI, J.S.C.