

COUGHLIN DUFFY LLP

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FILED

OCT 21 2014

**BRIAN R. MARTINOTTI
J.S.C.**

**KIMMIA MONTGOMERY and GABRIEL
MONTGOMERY,**

Plaintiffs,

v.

**BAYER HEALTHCARE
PHARMACEUTICALS INC.,**

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN COUNTY**

DOCKET NO.: BER-L-0640-14.

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, on this 21st day of October, 2014;

ORDERED that the Complaint of Plaintiff Kimmia Montgomery is hereby dismissed without prejudice; and it is further

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

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

ORDERED that if Plaintiff Kimmia Montgomery 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.



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

Opposed

Unopposed