

FILED

MAY 27 2017

IN RE: REGLAN LITIGATION

Judge James F. Hyland

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO.: 289

Civil Action

MASTER DOCKET: MID-L-10165-14

CASE MANAGEMENT ORDER NO. 25B

Dismissal of Claims for Failure to Appear and Participate in the Litigation

The Court has been advised that the following defendants have each entered into Master Settlement Agreements: Actavis Elizabeth LLC and Actavis, Inc. f/k/a Purepac Pharmaceuticals; Alaven Pharmaceutical LLC; Barr Laboratories, Inc. and Barr Pharmaceuticals LLC; Generics Bidco I, LLC and Vintage Pharmaccuticals LLC; Northstar Rx LLC; Watson Laboratories, Inc.; Pfizer Inc., Wyeth, Inc., Wyeth LLC (including but not limited to its former ESI Lederle division), Wyeth Holdings Corporation, and Wyeth Pharmaceuticals Inc.; Qualitest Pharmaceuticals, Inc.; Teva Pharmaceuticals USA, Inc.; PLIVA, Inc. and PLIVA, d.d.; and Schwarz Pharma, Inc. n/k/a UCB, Inc. (the "Settling Defendants"). Although the terms of each settlement are confidential, each Master Settlement Agreement seeks to include all plaintiffs who have asserted Reglan/Metoclopramide claims against one or more of the Settling Defendants, including those claims asserted in this Mass Tort Program. The Court, having previously established in Case Management Order (CMO) No. 25 and 25(A) the procedure by which Settling Defendants identified were authorized to seek the dismissal of claims asserted by certain plaintiffs, now determines to extend that procedure to the Settling Defendants as follows:

1. The Settling Defendants and Plaintiffs' Liaison Counsel have advised the Court that the Plaintiff listed on Exhibit A to this CMO has failed to respond in any way to the settlement offer(s) extended to Plaintiff by one or more of the Settling Defendants.
2. To promote the efficient resolution of this litigation — by trial, settlement or otherwise — within thirty (30) days of the Court's entry of this CMO, the Plaintiff listed on Exhibit A must file and serve a completed Notice of Intent to Proceed (in a form substantially similar to that attached as Exhibit B to this CMO). The Notice of Intent to Proceed must be signed by the individual plaintiff and unambiguously state whether the plaintiff intends to accept or reject the settlement offer(s) extended by the Settling Defendant(s), proceed with claims against the Settling Defendants, and/or proceed with claims against defendants other than the Settling Defendants.
3. Within five (5) days of the Court's entry of this CMO, counsel for Plaintiff shall serve a copy of this CMO on Plaintiff listed on Exhibit A by regular and certified mail, return receipt requested, accompanied by a notice specifically explaining the consequences of failing to comply with the obligations imposed by this CMO.
4. Unless good cause for other relief is shown, if the Plaintiff listed on Exhibit A fails to file and serve a Notice of Intent to Proceed within the time period set forth in this CMO (the thirty (30) day notice period), the Court will dismiss with prejudice, that Plaintiff's claims against the Settling Defendant(s). Such without prejudice dismissal shall be effectuated by the filing of a stipulation executed by counsel for the Plaintiff and the Settling Defendant(s).
5. To the extent any claims are dismissed pursuant to Paragraph 4 above, within five (5) days of the Court's entry of a dismissal without prejudice, counsel for Plaintiff shall serve a copy of the order dismissing the claims without prejudice on the dismissed Plaintiff by regular and certified mail, return receipt requested, accompanied by a notice specifically explaining the consequences of Plaintiff's continued failure to comply with the obligations imposed by this CMO .
6. Unless good cause for other relief is shown, if Plaintiff whose claims are dismissed without prejudice pursuant to this CMO thereafter fails to file and serve a Notice of Intent to Proceed within the time period set forth in this CMO (within sixty (60) days of the Court's entry of the dismissal without

prejudice), the Court will dismiss Plaintiff's claims against the Settling Defendants with prejudice. Such with prejudice dismissal shall be effectuated by the filing of a stipulation executed by counsel for Plaintiff and the Settling Defendants.

7. Upon dismissal as provided in Paragraphs 4 and/or 6 above, the Settling Defendants shall not remain in the action or be required to attend or participate in any subsequent proceeding or trial involving such action, subject only to third party discovery and subpoena rights of remaining parties, if any. This provision is not intended to limit or restrict such discovery rights or subpoena power of any party under applicable law.
8. Paragraph 8 of CMO 25 is fully incorporated by reference in this CMO 25B. The Settling Defendants shall have the same rights and obligations pursuant thereto. Similarly, Paragraph 9 of CMO 25 is fully incorporated by reference in this CMO 25B. .
9. The terms of this CMO have been reached upon notice to all parties and with all parties having had sufficient opportunity to object.

SO ORDERED:

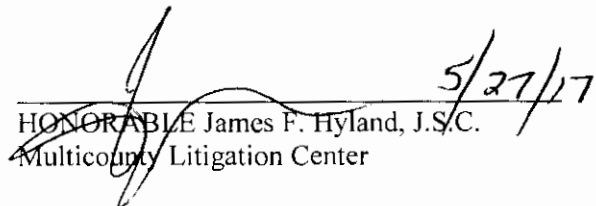

HONORABLE James F. Hyland, J.S.C. 5/27/17
Multicounty Litigation Center

EXHIBIT A

PLAINTIFF NAME	FIRM	Middlesex Docket No.	Atlantic Docket No.
Goin, James	Williams Cuker Berezofsky; Tracey Law Firm	L-10157-14	L-3444-11

EXHIBIT B

IN RE: REGLAN LITIGATION

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NOTICE OF INTENT TO PROCEED

[Insert name of Plaintiff] hereby notifies the Court and [insert name of applicable Settling Defendant(s)] of [his/her] intent to [[litigate his/her claims against] [accept the settlement offer(s) extended by] the Settling Defendant(s)] and/or [pursue his/her claims against all other defendants].

Dated: _____

[Signature of plaintiff]