

#184  
2-18-11

**FILED**  
FEB 18 2011  
JUDGE JESSICA R. MAYER

**BATHGATE, WEGENER & WOLF PC**  
1 Airport Road  
Lakewood, New Jersey 08701  
Tel: (732) 363-0666  
Attorneys for Plaintiff Max Apel and Joan Apel, his wife

MAX APEL and JOAN APEL, his wife,	:	
	:	SUPERIOR COURT OF NEW JERSEY
Plaintiffs,	:	LAW DIVISION: MIDDLESEX COUNTY
v.	:	DOCKET NO.: MID-L-010623-09 MT
	:	
JOHNSON & JOHNSON, JOHNSON &	:	Civil Action
JOHNSON PHARMACEUTICAL RESEARCH &	:	(Medical Malpractice)
DEVELOPMENT L.L.C., JANSSEN	:	and
PHARMACEUTICAL PRODUCTS, L.P.,	:	(Product Liability)
ASTRAZENECA PHARMACEUTICALS, L.P.,	:	
ASTRAZENECA, L.P., SURINDERJEET	:	<b>(IN RE RISPERDAL/SEROQUEL</b>
SANDHU, M.D., PREFERRED BEHAVIORIAL	:	<b>/ZYPREXA LITIGATION 274)</b>
HEALTH OF NEW JERSEY, INC., ABC CORP.	:	
#1-25 (being fictitious names for persons or entities	:	
whose roles and identities are presently unknown),	:	<b>ORDER</b>
JOHN DOES #1-25 (being fictitious names for	:	
persons or entities whose roles and identities are	:	
presently unknown),	:	
Defendant(s).	:	

**THIS MATTER** having been opened to the Court upon the application of Bathgate, Wegener & Wolf, P.C., attorneys for Plaintiffs Max Apel and Joan Apel for an Order seeking leave to file a Second Amended Complaint to add and/or substitute fictitiously named party defendants pursuant to R. 4:9-1, R. 4:9-3 and/or R. 4:26-4; and the Court having considered the moving papers and any opposition filed thereto; and for good cause shown

IT IS on this 18<sup>th</sup> day of February of 2011;

**ORDERED** that Plaintiffs' motion be and is hereby **GRANTED**; and it is further

*within 20 days of the date of this order*

**ORDERED** that Plaintiffs be and are hereby **PERMITTED LEAVE TO FILE** *and serve*  
**A SECOND AMENDED COMPLAINT** to add and/or substitute Defendants Maher  
Awad, M.D. and St. Barnabas Behavioral Health Center and to assert a cause of action  
for medical malpractice against these Defendants; and it is further

**ORDERED** that a copy of this Order shall be ~~served upon~~ <sup>listed for</sup> all counsel of record  
within 7 days of the date hereof.

**UNOPPOSED**

  
\_\_\_\_\_  
JESSICA R. MAYER, J.S.C. J.S.C

**PAPERS CONSIDERED:**

- Notice of Motion
- Movant's Affidavits
- Movant's Brief
- Answering Affidavits
- Answering Brief
- Cross-Motion
- Movant's Reply
- Other \_\_\_\_\_

"Having reviewed the above motion, I find  
it to be meritorious on its face and is  
unopposed. Pursuant to R. 1:6-2, it  
therefore will be granted essentially for the  
reasons set forth in the moving papers."