

TC
8/14
0921

FILED

AUG 14 2009

Judge Jamie D. Happas

McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, New Jersey 07101-0652
(973) 622-4444

*Attorneys for Defendants
Astrazeneca Pharmaceuticals LP,
Astrazeneca LP, Astra USA Inc., Zeneca
Inc. and KBI Sub Inc.*

TERRY BUTLER AND KAREN BUTLER, H/W,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY
Plaintiffs,	:	DOCKET NO. MID-L-1071-07
v.	:	CIVIL ACTION
ASTRAZENECA PHARMACEUTICALS LP; ASTRAZENECA LP; ASTRA USA, INC.; KBI SUB, INC.; ZENECA, INC.;	:	In Re Risperdal/Seroquel/Zyprexa Litigation Case No. 274
ASTRA USA HOLDINGS CORPORATION; ASTRAZENECA, AB; ASTRAZENECA, PLC; and	:	ORDER DISMISSING PLAINTIFFS' COMPLAINT WITHOUT PREJUDICE FOR FAILURE TO PROVIDE OUTSTANDING AUTHORIZATIONS AND/OR MISSING INFORMATION PURSUANT TO CASE MANAGEMENT ORDER NOS. 4 AND 19
ASTRAZENECA, UK LIMITED; JOHN DOE(S) 1 through 20; and JANE DOE(S) 1 through 20,	:	
Defendants.	:	

THIS MATTER having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Zeneca Inc., KBI Sub Inc., and Astra USA, Inc. (collectively "AstraZeneca") to dismiss plaintiffs' Complaint without prejudice for failure to provide outstanding authorizations and/or missing information pursuant to Case Management Order Numbers 4 ("CMO 4") and 19 ("CMO 19"), such dismissal without prejudice being authorized by CMO 19, the Court having considered the papers submitted, and for good cause shown;

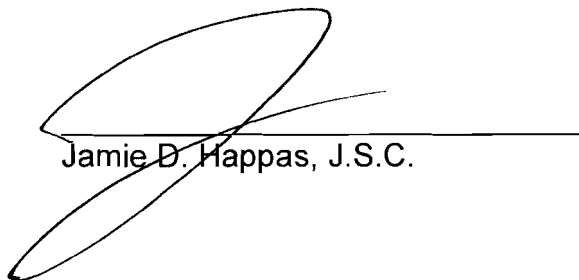
IT IS on this 14 day of August, 2009;

ORDERED that AstraZeneca's motion is hereby **GRANTED** and that plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE** as to all parties -- served and unserved -- pursuant to CMO 4, § II(D), and CMO 19, § 3; and it is further

ORDERED that a signed copy of this Order be served on all counsel within seven (7) days of the date hereof; and it is further

ORDERED that, upon being served with the within order of dismissal without prejudice, plaintiffs' counsel shall forthwith serve a copy of this order on plaintiff by regular and certified mail, return receipt requested, accompanied by a notice in the form prescribed by Appendix II-F of the New Jersey Rules of Court, specifically explaining the consequences of failure provide outstanding authorizations and/or missing information and failure to file and serve a timely motion to restore.

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.


Jamie D. Happas, J.S.C.

X Unopposed

_____ Opposed

ORDERED that counsel for the delinquent party shall serve upon his or her client in accordance with R. 4:23-5(a)(1) a copy of this Order and the notice set forth in Appendix II-F of the Court Rules

Dated: