

FILED

SEP 11 2009

JUDGE JESSICA R. MAYER

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Attorneys for Defendants

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

| | | |
|-----------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RUSSELL FOSTER, | : | SUPERIOR COURT OF NEW JERSEY |
| | : | LAW DIVISION: MIDDLESEX COUNTY |
| Plaintiff, | : | |
| | : | DOCKET NO. MID-L-1820-09 |
| v. | : | |
| | : | CIVIL ACTION |
| ASTRAZENECA PHARMACEUTICALS LP; ASTRAZENECA LP; ASTRA USA, INC.; KBI SUB, INC.; ZENECA, INC.; | : | In Re Risperdal/Seroquel/Zyprexa Litigation |
| ASTRA USA HOLDINGS CORPORATION; ASTRAZENECA, AB; ASTRAZENECA, PLC; and | : | Case No. 274 |
| ASTRAZENECA, UK LIMITED; JOHN DOE(S) 1 through 20; and JANE DOE(S) 1 through 20, | : | ORDER OF DISMISSAL OF PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE FOR FAILURE TO SERVE A SHORT FORM PLAINTIFF FACT SHEET PURSUANT TO CASE MANAGEMENT ORDER NOS. 4 and 4A. |
| 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 plaintiff's Complaint without prejudice for failure to serve a Short Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), § II.G; such dismissal without prejudice being authorized by Case Management Order No. 4A ("CMO 4A"), §

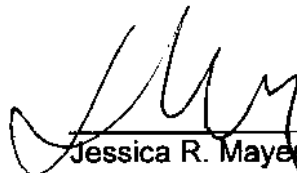
II.H.1. (a-c); the Court having considered the papers submitted, and for good cause shown;

IT IS on this 11th day of September, 2009;

ORDERED that AstraZeneca's motion is hereby **GRANTED** and that plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** as to all parties - served and unserved - pursuant to CMO 4, § II.G, and CMO 4A, § II.H.1 (a-c); 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, plaintiff's counsel shall forthwith serve a copy of this order on the plaintiff by regular and certified mail, return receipt requested, accompanied by a notice in the form prescribed by Appendix II-A of the New Jersey Rules of Court, specifically explaining the consequences of failure to serve a materially Completed Short Form PFS (which must include properly executed Authorizations and Acknowledgement) and to file and serve a timely motion to restore.



Jessica R. Mayer, J.S.C.

 X Unopposed

_____ Opposed

"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."

Dated: September 11, 2009