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*Attorneys for Defendants*

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

**FILED**  
JAN 08 2010  
JUDGE JESSICA R. MAYER

BRENT GERHARDT and WILMA  
GERHARDT, h/w,

Plaintiffs,

v.

ASTRAZENECA PHARMACEUTICALS  
LP; ASTRAZENECA LP; ASTRA USA,  
INC.; KBI SUB, INC.; ZENECA, INC.;  
ASTRA USA HOLDINGS  
CORPORATION; ASTRAZENECA, AB;  
ASTRAZENECA, PLC; ASTRAZENECA,  
UK LIMITED; JOHN DOE(S) 1 through  
20; and JANE DOE(S) 1 through 20,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-847-07 MT

CIVIL ACTION

In Re Risperdal/Seroquel/Zyprexa Litigation  
Case No. 274

**ORDER DISMISSING PLAINTIFF'S  
COMPLAINT WITHOUT PREJUDICE FOR  
FAILURE TO PROSECUTE PURSUANT  
TO R. 1-13:7 AND CASE MANAGEMENT  
ORDERS NO. 22 AND 24**

**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 prosecute pursuant to R. 1:13-7 and Case Management Orders No. 22 and 24, such dismissal without prejudice being authorized by CMO 22, the Court having considered the papers submitted, and for good cause shown;

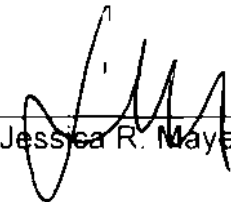
IT IS on this 8th day of January, 2010;

ORDERED that AstraZeneca's motion is hereby **GRANTED** and that plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE** as to ~~all parties served and unserved~~ <sup>AstraZeneca</sup> and it is further;

ORDERED that a signed copy of this Order be ~~served on~~ <sup>mailed to</sup> 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 plaintiffs 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 file and serve a timely motion to restore.

**UNOPPOSED**

  
\_\_\_\_\_  
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."*

*All parties are to be served within seven (7) days of the date hereof.*

**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-A of the Court Rules