

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.

FILED Judge Jamie D. Happas

TOMMIE HOCKENBERRY.

Plaintiff,

٧.

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

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-10206-06-MT

CIVIL ACTION

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

: ORDER DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE FOR : FAILURE TO PROVIDE OUTSTANDING INFORMATION PURSUANT TO CASE **MANAGEMENT ORDER NOS. 4 AND 19** 

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 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 plaintiff's 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, plaintiff's 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.

\_\_\_\_\_ Unopposed
Opposed

Dated:

Jamie D. Happas, J.S.C.

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-H of the Court Rules