

FILED

DEC 29 2009

JUDGE JESSICA R. MAYER

McCARTER & ENGLISH, LLP

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Attorneys for Defendants

Astrazeneca Pharmaceuticals LP,

Astrazeneca LP, Astra USA Inc., Zeneca

Inc., and KBI Sub Inc.

WILLIAM LUFISKY,

Plaintiff,

v.

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) 1 THROUGH 20,

Defendants.

: SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION: MIDDLESEX COUNTY

: DOCKET NO. MID-L-1891-07

: CIVIL ACTION

: In Re Risperdal/Seroquel/Zyprexa Litigation

: Case No. 274

: **CONSENT ORDER**

THIS MATTER having been opened to the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Astra USA Inc., Zeneca Inc., and KBI Sub Inc. (collectively "AstraZeneca") and Weitz & Luxenberg, attorneys for the Plaintiff, by way of application for a Consent Order, and it appearing that on November 4, 2009, AstraZeneca filed a Motion to Dismiss With Prejudice the Complaint of William Lufsky for failure to appear for deposition on or before October 23, 2009 as directed in Case Management Order No. 21; and the parties having consented to adjourn the return date of the Motion from November 20, 2009 to December 4, 2009; and the parties having subsequently conferred and reached

agreement that in consideration of Defendants agreeing to withdraw their pending Motion to Dismiss, the Plaintiff shall appear for his deposition in the State of New Jersey not later than January 29, 2010; and counsel for the parties having further agreed that in the event of Plaintiff's failure to appear for his deposition in New Jersey by January 29, 2010, AstraZeneca may again move to dismiss the Plaintiff's Complaint with prejudice for failure to comply with a discovery directive of this Court; and the Defendants having withdrawn their Motion to Dismiss which had been returnable on December 4, 2009; and for good cause shown;

It is on this 29th day of December, 2009,

1. **ORDERED** that Plaintiff William Lufsky shall appear for his deposition in the State of New Jersey not later than January 29, 2010; and

2. **IT IS FURTHER ORDERED** that if Plaintiff William Lufsky fails to appear for his deposition in the State of New Jersey by January 29, 2010, AstraZeneca may move to dismiss the Plaintiff's Complaint with prejudice for failure to comply with a discovery directive of this Court; and

3. **IT IS FURTHER ORDERED** that a copy of the within Order shall be served upon all counsel within five (5) days from the date of receipt.



Hon. Jessica R. Mayer, J.S.C.

We hereby consent to the form and entry of the foregoing Order:

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Attorneys for Plaintiff

By:


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By:


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