

#259  
5/28/09

**FILED**

**MAY 28 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, Zeneca Inc. and*  
*KBI Sub Inc.*

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WOODROW LAMBERT AND CARA  
LINDA LAMBERT, H/W,  
  
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.

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: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: MIDDLESEX COUNTY  
:  
: DOCKET NO. MID-L-15-09  
:  
: CIVIL ACTION  
:  
: In Re Risperdal/Seroquel/Zyprexa Litigation  
: Case No. 274  
:  
: **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.**

**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 28<sup>th</sup> day of May, 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-F 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.

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Jamie D. Happas, J.S.C.

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.

  X   Unopposed  
       Opposed

Dated: May 4, 2009

**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