## FILED

McCARTER \& ENGLISH, LLP<br>Four Gateway Center<br>100 Mulberry Street<br>P.O. Box 652<br>Newark, New Jersey 07101-0652<br>(973) 622-4444<br>Attorneys for Defendants<br>Astrazeneca Pharmaceuticals LP, Astrazeneca LP, Astra USA Inc., Zeneca Inc. and KBI Sub Inc.

JUL 172009
Judge Jamie D. Happas

RAYMOND WILKERSON,
Plaintiff,

## v.

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

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-3180-09

## 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.

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. (ac); the Court having considered the papers submitted, and for good cause shown;

IT IS on this $\qquad$ $7^{\text {th }}$ day of $\qquad$ , 2009;

ORDERED that AstraZeneca's motion is hereby GRANTED and that plaintiff's Complaint is DISMISSED WITHOUT PREJATICE 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 ont the plaintiff by regular and certified mail, return receiptrequested, 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 fife and sente a timely motion to restore.
ordered that plaintiff beand hereby is compelled to produce defend ant's requested discovery, specificallyamaterially completed short form plaintiff fact sheet within COO days
$\qquad$ Unopposed of this order; and it is further


Dated:

Opposed be ordered that plaintiffs complaint be dismissed without prejudice if, poon motion of defendant, it is found that plaintiff has not produced the requested discovery.

