

PREPARED BY THE COURT

IN RE SINGULAIR LITIGATION

MCL CASE NO.: 637
MASTER DOCKET NO: ATL-L-481-22

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ATLANTIC COUNTY

CIVIL ACTION

**ORDER GRANTING COMMISSION TO
CONDUCT OUT-OF-STATE DISCOVERY**

THIS MATTER having been opened to the Court by Wilentz, Goldman & Spitzer, P.A., Plaintiffs' Co-Lead counsel (acting), seeking an Order, pursuant to R. 4:11-5, for the issuance of a Commission to compel discovery for an out-of-state third party witness located in the Commonwealth of Massachusetts, and the Court having considered the papers filed in connection with the motion, and for good cause shown;


IT IS on this 12th day of April 2024,

ORDERED that Plaintiffs' Motion is granted as follows:

1. That a Commission (in a form annexed to this Order), be issued to the appropriate Judicial Authority of the Commonwealth of Massachusetts to compel discovery from Wolters Kluwer – UpToDate; and
2. That a copy of this Order be served upon all parties within seven (7) days of receipt.

Unopposed

Opposed



HON. JOHN C. PORTO, P.J.Cv.
Having reviewed the above motion, I find it to be meritorious on its face and unopposed. Pursuant to R.1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

WILENTZ, GOLDMAN & SPITZER, P.A.

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COMMISSION FOR AN OUT-OF-STATE
DEPOSITION

**THE STATE OF NEW JERSEY, TO THE APPROPRIATE JUDICIAL AUTHORITY OF
THE COMMONWEALTH OF MASSACHUSETTS:**

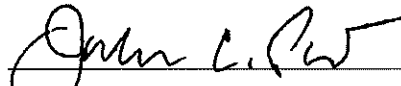
The above-named Court for the State of New Jersey presents its compliments and requests the following assistance.

Plaintiffs in this matter having demonstrated the need for, and this Court having entered an Order granting Plaintiffs' Motion to Effect a Commission for an out-of-state deposition, and discovery, signed by the Honorable John C. Porto, P.J.Cv., dated April 12, 2024 (annexed hereto) authorizing Defendants to conduct a deposition out-of-state, to ascertain documents and witness testimony, and requiring for their production a subpoena *duces tecum* to be issued by the Commonwealth of Massachusetts in such jurisdiction where the witness and/or documents may be

located; the Superior Court of New Jersey, by the undersigned hereof, respectfully commission the Massachusetts Court in any jurisdiction where the witness and/or documents may be found, or such subordinate officer as it may designate, to issue with due diligence to Defendants a subpoena *duces tecum* in a form consistent with the Massachusetts Rules of Civil Procedure and Rules of that Court and in accordance with its customs and traditions, compelling the custodian of records for Wolters Kluwer – UpToDate, with its headquarters at 230 Third Avenue, Waltham, MA 02451, to appear for a deposition on April 19, 2024 at 12:00 p.m. EST at 230 Third Avenue, Waltham, MA 02451 via video conference and to produce the requested documents.

This Court is ready and willing to render similar assistance to you when required, and takes this opportunity to extend to you its highest consideration.

WITNESS, the Honorable John C. Porto, Judge of the Superior Court of New Jersey, Law Division at Atlantic County Court House, 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401, this 12th day of April, 2024



Hon. John C. Porto, P.J.Cv.