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IN RE TAXOTERE LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY
MCL CASE TYPE: 628

MASTER DOCKET NO.:
MID-L-4998-18-CM

FILED
MAY 07 2019
Judge James F. Hyland

ORDER REGARDING SERVICE OF PROCESS UPON
DEFENDANT SANDOZ INC.

The undersigned counsel for the parties having met, conferred and agreed upon a process for streamlined service of process upon Defendants Sandoz Inc. (“Sandoz”); and the Court having reviewed this proposed Order jointly submitted by undersigned counsel; and for good cause shown;

IT IS on this 7th day of April ~~April~~ 2019,

ORDERED THAT:

1. In lieu of formal service of process as required under the Rules Governing the Courts of the State of New Jersey, Sandoz has agreed to the process set forth below for the service of process in newly filed cases in this Multi-County Litigation.

2. The Order only applies to claims brought by a U.S. citizen or resident based on usage or purchase of docetaxel in the United States.

3. As of the date of the entry of this Order, plaintiffs may serve Sandoz with process by emailing the Summons and Short Form Complaint to the following email: Sandoz-taxotere-NJMCL@gtlaw.com. Each email sent to this address shall only contain one Summons and Short Form Complaint, and the subject line of each email shall state the plaintiff's first and last name. The body of each email must also include contact information for plaintiff's counsel of record.

4. Plaintiffs should receive an automatic reply from the mailbox address when a complaint is served. If no such reply is received within twenty-four (24) hours, plaintiffs should re-serve it pursuant to the terms of this Order. Upon successful e-mail service, the date of the initial effort to serve the Complaint via email shall be deemed the date of service.

5. For all complaints filed after the effective date of this Order, service will be effective pursuant to this Order only if addressed as above. Formal service as enumerated in the New Jersey Court Rules, general mailing, or use of other methods of transmission, including but not limited to Federal Express or email to an alternate address, will not be sufficient to effect service.

6. Sandoz agrees to provide thirty (30) days written notice before moving to dismiss for a technical defect in the service process described in this order. During that thirty (30) day period, should plaintiffs cure the technical defect, Sandoz shall not seek entry of dismissal on the basis of insufficiency of service of process, and no dismissal shall

be entered against the plaintiff, in any case where the technical defect has been cured, or a motion is pending with the court to cure said defect.

7. Other than those based on formal service of process, Sandoz reserves and does not waive all other rights and defenses available to it under federal or state law and under applicable treaties and conventions.

8. Within thirty-five (35) days after the service of the Summons and Complaint in accordance with Paragraph 2 above, Sandoz shall file and serve upon plaintiff's counsel of record a Notice of Appearance. The filing of a Notice of Appearance shall be deemed to incorporate Sandoz's answer or response to the Master Complaint and shall not limit Sandoz's rights to file motions, counterclaims, cross-claims and/or third-party claims permissible under this Court's Orders and the New Jersey Court Rules.

9. If plaintiffs conclude that Sandoz has not timely served a Notice of Appearance in accordance with Paragraph 8 above in a particular case, Sandoz shall have the opportunity to cure as follows: Plaintiffs shall promptly notify counsel for Sandoz that a Notice of Appearance has not been filed in the case. Sandoz shall then have five (5) business days from receipt of Plaintiffs' notification to file a Notice of Appearance. Plaintiffs shall not seek entry of default against Sandoz, and no default shall be entered against Sandoz, in any case where Sandoz files a Notice of Appearance in accordance with this Paragraph.

IT IS SO ORDERED.



Honorable James F. Hyland, J.S.C.

Consented to as to Form and Substance:

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