

LAW OFFICES

**DECHERT LLP**

A PENNSYLVANIA LIMITED LIABILITY PARTNERSHIP  
PRINCETON PIKE CORPORATE CENTER  
(MAIL TO) P.O. BOX 5218, PRINCETON, NEW JERSEY 08543-5218  
(DELIVER TO) 997 LENOX DRIVE, BUILDING THREE, SUITE 210  
LAWRENCEVILLE, NEW JERSEY 08648  
(609) 620-3200

**FILED**

MAY 31 2006

Carol E. Higbee, P.J.Cv.

**HUGHES HUBBARD & REED LLP**

A NEW YORK LIMITED LIABILITY PARTNERSHIP  
101 HUDSON STREET, SUITE 3601  
JERSEY CITY, NEW JERSEY 07302-3918  
(201) 536-9220

ATTORNEYS FOR DEFENDANT MERCK & CO., INC.

	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ATLANTIC COUNTY
	:	
In Re: VIOXX® LITIGATION	:	VIOXX LITIGATION
	:	
	:	CASE CODE NO. 619
	:	
	:	<b>ORDER GOVERNING PRODUCTION OF MERCK PROFILE FORMS</b>
	:	
	:	

**THIS MATTER** having been brought before the court on February 23, 2006 by plaintiffs, and with the agreement of counsel for all parties in the above-captioned cases,

On this 31 day of May, 2006, **IT IS HEREBY ORDERED**

as follows:

1. The Merck Profile Form ("MPF") is hereby adopted for use in the New Jersey Vioxx Coordinated Litigation. A true and correct copy of the form is attached as Ex. A to this Order.

2. To the extent they have not done so already through the Plaintiff's Fact Sheet, plaintiffs shall provide the following core criteria to Merck:

- (a) Date (Month and Year) of Plaintiff's Injury;
- (b) Full Name of Person Who Used Vioxx;
- (c) Maiden or Other Names of Persons Who Used Vioxx;
- (d) Full Address of Person Who Used Vioxx;

- (e) Full Name and Full Address of Prescriber (including suite number, if any); and
- (f) Full Name and Full Address (including suite number, if any) of Sample Provider;

For cases filed before April 1, 2005, Merck will identify those cases that it deems deficient in core criteria by March 10, 2006. Plaintiffs in this group shall have until March 30, 2006 to cure any deficiencies in core criteria.

For cases filed between April 2, 2005 and September 1, 2005 Merck shall identify by April 15, 2006 which cases are deficient in core criteria. Plaintiffs in this group shall have until May 15, 2006 to cure any deficiencies in core criteria.

For cases filed between September 2, 2006 and April 1, 2006, Merck shall identify which cases in this group are deficient in core criteria by June 1, 2006. Plaintiffs in this group will have until June 30, 2006 to cure any deficiencies in core criteria.

3. Merck will not process MPFs for those cases in which the core criteria set forth in paragraph 2 is not provided within the specified time frame. To the extent that item 2(c) is inapplicable to a plaintiff, or a plaintiff does not possess the information requested by 2(f), it shall be sufficient for plaintiffs to make a definitive statement that such information is either not applicable or not known.
4. Merck shall, consistent with this Order, immediately post on Lexis/Nexis File & Serve ("LNFS") a general notice advising plaintiffs' counsel that case criteria identified in paragraph 2 must be provided to Merck by the deadlines set forth above in order for Merck to process an MPF in a given case. Counsel for Merck

will email a copy of this notice to Plaintiffs' liaison counsel for distribution to New Jersey plaintiffs.

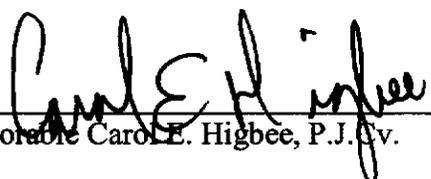
5. Merck shall produce MPFs to Plaintiffs' Counsel of Record who have provided the foregoing information by the deadlines set forth in paragraph 2 at the following rate and on the following dates:

May 15--100 MPFs  
May 30--100 MPFs  
June 15--100 MPFs  
June 30--100 MPFs  
July 15--200 MPFs  
July 30--200 MPFs  
August 15--200 MPFs  
September 15--200 MPFs  
October 15--300 MPFs  
November 15--300 MPFs

Thereafter, Merck will produce MPFs, at a rate of 300, every two weeks, until MPFs have been provided for all New Jersey plaintiffs who have complied with the provisions of paragraph 2.

6. Production will be made in chronological order, based on the date a plaintiff filed a Plaintiff's Fact Sheet.
7. Plaintiffs who either (a) cure deficiencies in core criteria after the deadlines in paragraph 2 or (b) file cases after April 1, 2006, and provide Merck with fact sheets containing core criteria, will receive MPFs after production has been made for those plaintiffs who comply with the deadlines established in paragraph 2. In no event will plaintiffs in subparagraph (a) or (b) receive MPFs less than 90 days after providing Merck with a fact sheet containing the core criteria.

8. Once Merck has provided MPFs in accordance with paragraphs 5 and 7, Merck will produce MPFs for future cases 90 days after receipt of a fact sheet containing the core criteria.
9. Merck shall honor reasonable requests for earlier production of an MPF for specifically identified plaintiffs, including plaintiffs who fail to cure by the deadlines set forth in paragraph 2, so long as the requested production does not impair Merck's ability to otherwise meet its MPF production obligations.  
Nothing in this paragraph shall require Merck, absent further order of the Court, to produce an MPF in fewer than 90 calendar days from the date of the request.
10. Notwithstanding the timing provisions in paragraphs 5-9, in the event that Merck seeks future case-specific depositions, Merck shall produce an MPF for the plaintiff in such case two weeks prior to the scheduled deposition. However, this paragraph is only applicable where such plaintiff has provided the core criteria identified in paragraph 2.
11. Merck shall serve MPFs via LNFS and the underlying MPF data package via FedEx on CD-Rom to individual plaintiff's Counsel of Record.
12. To the extent the form of the MPF changes in the MDL, the parties shall meet and confer to discuss a concurrent change to the form in New Jersey.
13. The responses contained within an MPF shall be treated as answers to interrogatories and document requests under New Jersey rules of civil procedure, and shall be supplemented in accordance with New Jersey rules.

  
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Honorable Carol E. Higbee, P.J. Civ.