

IN RE: LEVAQUIN LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

FILED

CASE NO. 286

OCT 19 2012

CIVIL ACTION

Carol E. Higbee, P.J.C.

CASE MANAGEMENT ORDER NO. 23

THIS MATTER having come before the Court during the September 13, 2012 Case Management Conference, and the all parties having been represented by Counsel, and for good cause shown,

IT IS on this 19 day of October, 2012, **ORDERED**, as follows:

1. The parties are directed to review the attached list of cases and within 60 days have a meet and confer regarding the appropriateness of the categorization designated by the Defendants and either voluntarily remove the case or cases from the list or in the alternative voluntarily discontinue the action.

2. After the meet and confer, Defendants may conduct the depositions of Plaintiffs in the cases where the defense believes there is either (i) no evidence that plaintiff ingested LEVAQUIN®; (ii) no evidence that plaintiff experienced a tendon event; or (iii) plaintiff's alleged ingestion of LEVAQUIN® occurred after plaintiff's alleged event (injury), for the cases identified in paragraph four (6), below within 60 days of the date of the meet and confer.

3. Thereafter, Defendants shall be allowed to file motions for summary judgment in these cases where they believe the criteria in paragraph two (2) has been met, or parties can agree

on additional depositions where they are necessary for a summary judgment motion to be considered by the court.

4. A list of cases to which this order applies is attached as Exhibit A.



HON. CAROL E. HIGBEE, P.J.Cv.

EXHIBIT A

A. CASES WHERE THERE IS NO EVIDENCE PLAINTIFF INGESTED LEVAQUIN®

1. Jeffrey Clamme (ATL - L-1172-11), Napoli firm.
2. Kathleen Evers (ATL-L-3151-10), Cohen Placitella firm.
3. Nadya Santiago (ATL-L-3504-10), Napoli firm.
4. Ronda Sargent (ATL-L-7236-10), Napoli firm.
5. Rodney Smith (ATL-L-3092-10), Sanders firm.
6. Laura Taylor (ATL-L-2850-10), Milberg firm.

B. CASES WHERE THERE IS NO EVIDENCE PLAINTIFF EXPERIENCED A TENDON EVENT.

1. Katherine Aguilar (ATL-L-5315-10), Miller firm.
2. Delano Bettancourt (ATL-L-4197-09), Napoli firm.
3. Cricket Booth (ATL-L-3335-10), Sanders firm.
4. Karen Brown (ATL-L-2461-11), Zimmerman/Sheller firms.
5. Norma Camacho (ATL-L-3279-10), Sanders firm.
6. Kathleen Casler (ATL-L-3028-10), Miller firm.
7. Laura Chadwick (ATL-L-3557-10), Napoli firm.
8. Jennifer Coleman (ATL-L-3141-10), Cohen Placitella firm.
9. Melissa Coronis (ATL-L-3663-10), Napoli firm.
10. Jonathan Cotto (ATL-L-3205-10), Sanders firm.
11. Darrell Craig (ATL-L-2910-10), Sanders firm.
12. Aaron Crandall (ATL-L-3034-10), Miller firm.
13. Sandra Dean (ATL-L-877-10) Napoli firm.
14. Philip Decker (ATL-L-7179-11), Zimmerman/Sheller firms.

15. Thomas Ellis (ATL-L-3266-10), Sanders firm.
16. Karen Farnum (ATL-L-6398-10), Morelli Ratner firm.
17. Marzoqa Fazalat (ATL-L-3416-10), Napoli firm.
18. Aurea Rivera Feliciano (ATL-L-3300-10), Sanders firm.
19. Gunnar Gaylord (ATL-L-2648-10), Rheingold firm.
20. Fordham Hanf (ATL-L-9045-11), Zimmerman/Sheller firms.
21. George Hernandez (ATL-L-1160-11), Napoli firm.
22. Frank Hollins (ATL-L-5331-10), Miller firm.
23. Nicolette Jones (ATL-L-5323-10), Miller firm.
24. Karen Kuehler (ATL-L-2953-10), Sanders firm.
25. Catherine Licciardello (ATL-L-3291-10), Sheller firm.
26. Lisa Lipton (ATL-L-3355-10), Napoli firm.
27. Arlene Lohn (ATL-L-4610-09), Schulte firm.
28. Michael Lukacs (ATL-L-5312-10), Miller firm.
29. Susanne Marion (ATL-L-8657-11), Golomb & Honik firm.
30. Theone McDonald (ATL-L-1157-11), Napoli firm.
31. Patricia Nackley (ATL-L-3010-10), Miller firm.
32. Darrell Norris (ATL-L-3125-10), Sanders firm.
33. Jennifer Pinkney (ATL-L-10746-11), Sanders firm.
34. Marilyn Richmond (ATL-L-634-11), Napoli firm.
35. Charlotte See (ATL-L-3073-10), Miller firm.
36. Catherine Smith (ATL-L-6022-10), Miller firm.
37. Michelle Stauder (ATL-L-2563-11), Napoli firm.
38. Robin Taylor (ATL-L-3075-10), Miller firm.
39. Ada Varela (ATL-L-9217-11), Zimmerman/Sheller firms.

40. Mary Whatley (ATL-L-3124-10), Cohen Placitella firm.

C. CASES WHERE ALLEGED INGESTION OF LEVAQUIN OCCURRED AFTER ALLEGED EVENT.

1. Michael Brandt (ATL-L-7823-11), Napoli firm.
2. Betty Caldwell (ATL-L-2541-11), Napoli firm.
3. Stuart Cornew (ATL-L-3317-10), Sanders firm.
4. Linda Delaine (ATL-L-7829-11), Napoli firm.
5. Erin Delzer (ATL-L-7838-10), Napoli firm.
6. Patricia Dignard (ATL-L-1849-10), Napoli firm.
7. Karen George (ATL-L-1629-10), Sanders firm.
8. Danielle Hendrickson (ATL-L-3315-10), Sanders firm.
9. Elaine Johnson (ATL-L-3406-10), Napoli firm.
10. Denice LaPointe (ATL-L-3114-10), Cohen Placitella firm.
11. Dickron Mergerian (ATL-L-3293-10), Sanders firm.
12. Clarence McKee (ATL-L-3113-10), Sanders firm.
13. Anastacia Marrerro Ortiz (ATL-L-3319-10), Sanders firm.
14. Bernardo Pacheco (ATL-L-1365-10), Napoli firm.
15. Carolyn Peak-Schur (ATL-L-223-11), Zimmerman/Sheller firms.
16. James Perdue (ATL-L-4849-09), Chaffin Luhana firm.
17. Joseph Ricciardi (ATL-L-3506-10), Napoli firm.
18. Mary Ann Riha (ATL-L-3794-11) – Napoli firm.
19. Allan Schein (ATL-L-643-11), Napoli firm.
20. Karen Scruggs-Stevenson (ATL-L-2738-10), Schulte firm.
21. Marcella Shafar (ATL-L-3156-10), Sanders firm.
22. Steven Sippel (ATL-L-6584-10), Napoli firm.
23. Ruthie Spearman (ATL-L-2516-10), Cohen Placitella firm.

24. Elizabeth Green Tucker (ATL-L-3449-10), Napoli firm
25. Jenny Wilson (ATL-L-3814-11), Napoli firm.
26. Melissa Smith (ATL-L-3565-10), Napoli firm.
27. Belinda Rosing (ATL-L-3353-10), Napoli firm.