

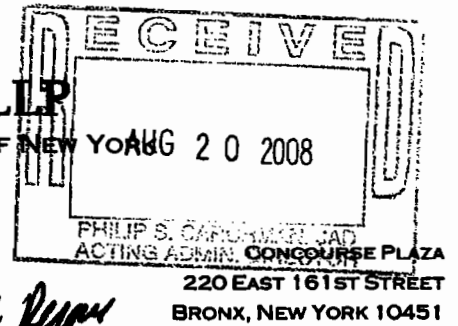
For Attention

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August 8, 2008

Re: Mass Torts application of Fosamax Litigation

Judge Philip S. Carchman, P.J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex, P.O. Box 037
Trenton, New Jersey 08625-0037

CIVIL PRACTICE DIV.

AUG 20 2008

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Dear Judge Carchman:

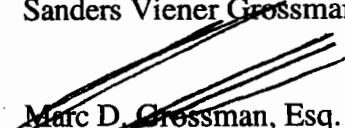
Our firm strongly supports the application for mass tort designation and centralized management of all Fosamax litigation before Judge Carol Higbee in Atlantic County.

We presently have 45 Fosamax cases filed in New Jersey. Some of these cases are pending in Atlantic County. Some of them are in Hunterdon County. Having all of the cases consolidated before Judge Higbee, with one discovery order makes much more sense than litigating them individually before multiple judges.

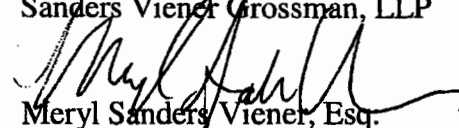
Judge Higbee is in the best position to handle these cases. We litigated hundreds of Vioxx cases under her Stewardship. She was fair to both sides, efficient and respectful of attorneys' time, and always worked towards the goal of successfully resolving these cases, which she did in fact accomplish. Here, she is well familiar with Merck and with Merck's counsel and with many of the plaintiffs' counsel who will be appearing before her on these cases. This will certainly add to the judicial economy of appointing her to preside as Judge over this mass tort.

Very truly yours,

Sanders Viener Grossman, LLP


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