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FILED

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Carol E. Higbee, P.J.Cv.

IN RE: FOSAMAX LITIGATION

APPLIES TO ALL CASES

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

CASE NO. 282

CIVIL ACTION

CASE MANAGEMENT ORDER

THIS MATTER having come before the Court for a case management conference on November 9, 2011 and the parties having consented to the form and entry of this Order and for good cause shown,

IT IS on this 20 day of December, 2011 **ORDERED** as follows:

1. Counsel in the matters of *Amelia Flores v. Merck Sharp & Dohme Corp.*, ATL-L-744-09, *Carolyn Rice v. Merck Sharp & Dohme Corp.*, ATL-L-2673-09, *Lillian Rifkin v. Merck Sharp & Dohme Corp.*, ATL-L-3551-11, and *JoAnn Sessner v. Merck Sharp & Dohme Corp.*, ATL-L-3394-11, shall notify the court if they intend to withdraw their selected matter from the trial scheduled for February 27, 2012 BY January 10, 2012.
2. Oral argument shall be held on February 17, 2012 at 10:00 A.M. for all Summary Judgment, Kemp and In Limine Motions filed in any of the cases identified in paragraph 1 of this Order and not withdrawn from the February 27, 2012 trial calendar.
3. The trial scheduled on February 27, 2012 shall begin with jury questionnaire distribution on February 27, 2012, jury selection on February 29, 2012, and opening statements on March 1, 2012.

4. Defense counsel shall identify two medical providers to be deposed in each of the Tier I Femur Fracture cases by November 23, 2011.
5. Within five days of receipt of the defendant's identification of the medical providers to be deposed in the Tier I Femur Fracture cases pursuant to paragraph 4, plaintiffs' counsel shall provide dates prior to February 29, 2012 on which the physicians are available for deposition such that the depositions of those physicians are completed by February 29, 2012.
6. The December 13, 2011 Case Management Conference is cancelled and, in the event the parties wish to have a telephonic conference during December, the parties may contact chambers and coordinate a conference for a Friday afternoon in December.
7. The Court will reassess the status of the Tier I Femur Fracture case discovery during future case management conferences to determine the number of cases that will proceed to the next level of discovery, which will include additional medical provider and fact witness depositions.
8. The November 1, 2011 Order is hereby revised and Summary Judgment, Kemp, and In Limine Motions in any of the cases identified in paragraph 1 of this Order that are not withdrawn from the February 27, 2012 trial calendar shall now be filed by January 17, 2012.


Carol E. Higbee P.J. Cv.