

**FILED**

FEB 25 2010

**Carol E. Higbee, P.J.Cv.**

\_\_\_\_\_  
In Re: FOSAMAX Litigation : SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: ATLANTIC COUNTY  
:  
: Civil Action Case No. 282  
: (Fosamax Litigation)  
APPLIES TO ALL CASES :  
\_\_\_\_\_ :

**CASE MANAGEMENT ORDER**

**THIS MATTER** having come before the Court during the December 15, 2009 Case Management Conference and the parties having consented to the form and entry of this Order and for good cause shown,

IT IS on this 25 day of February, 2010, **ORDERED** as follows:

For the discovery pool cases identified by the Parties pursuant to the July 20, 2009 Case Management Order and remaining after the elimination of cases pursuant to the Case Management Order dated October 14, 2009:

1. Fact discovery shall be completed by March 31, 2010.
2. Trial pool designations shall be identified by March 5, 2010. Plaintiff shall make two selections and defendant shall make two selections.
3. Plaintiff's Expert Reports are due in the 4 trial pool designated cases by April 15, 2010.
4. Defendant's Expert Reports are due in the 4 trial pool designated cases by May 15, 2010.
5. Depositions of all experts in the 4 trial pool designated cases shall be completed by June 15, 2010.
6. Kemp Motions as to any individual expert in the 4 trial pool designated cases shall be filed within 1 week of the expert being deposed. Oppositions to the Kemp Motions shall be filed 5 days thereafter.
7. Summary Judgment Motions are due in the 4 trial pool designated cases by June 28, 2010. Oppositions to the Summary Judgment Motions are due by July 6, 2010.

8. Reply Briefs to Kemp Motions and Summary Judgment Motions are not needed.
9. Motions in Limine are due in the 4 trial pool designated cases by June 15, 2010.
10. Oppositions to Motions in Limine are due in the 4 trial pool designated cases by June 30, 2010.
11. The trial of one of the trial pool cases shall begin on July 12, 2010.
12. Paragraphs 2 through 9 of Case Management Order dated July 20, 2009 and paragraph 2 of Case Management Order dated October 14, 2009 are hereby vacated.

  
\_\_\_\_\_  
Honorable Carol E. Higbee, P.J. Cv.