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FILED

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Carol E. Higbee, P.J.Cv.

Attorney for Plaintiffs

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 and the parties having consented to the form and entry of this Order and for good cause shown,

IT IS on this 19 day of March, 2014 **ORDERED** as follows:

1. Core discovery for the Tier IV Femur Fracture Discovery Pool shall include: the deposition of the plaintiff, one of plaintiff's treating physicians, and one of plaintiff's prescribing physicians, as well as the production of the custodial file and the deposition of up to two Merck sales representatives who called upon the plaintiff's prescribing physician.
2. The parties shall each select fifteen (of the twenty-five) cases from their own case designations to be part of Group A by March 28, 2014. The remaining cases will be part of Group B.
3. Core discovery for the Tier IV Femur Fracture Discovery Pool shall be completed as follows:

- a. Plaintiffs shall identify the Merck sales representatives for whom they want custodial file productions in the Group A and B cases by March 31, 2014.
 - b. Production of sales representative custodial files and medical records shall be completed by June 16, 2014 for the Group A cases.
 - c. Core discovery shall be completed between June 2, 2014 and September 26, 2014 in the Group A cases.
 - d. Production of sales representative custodial files and medical records shall be completed by August 15, 2014 for the Group B cases.
 - e. Core discovery shall be completed between September 2, 2014 and December 31, 2014 in the Group B cases.
4. The parties shall identify 50 cases (25 to be selected by plaintiff and 25 to be selected by defendant) by August 1, 2014, to comprise the fifth femur fracture discovery pool. ("Tier V Femur Fracture Discovery Pool").


The Honorable Carol E. Higbee, P.J.Cv.