

IN RE: FOSAMAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 282

**CASE MANAGEMENT ORDER:  
JANUARY 18, 2018  
CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a case management conference on January 18, 2018, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

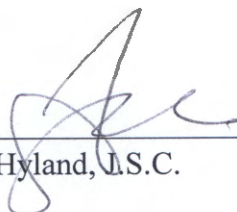
IT IS on this 14<sup>th</sup> day of February 2018, ORDERED as follows:

1. **Pro Hac Vice Admissions:** Counsel were advised that out of state attorneys must obtain Pro Hac admission and remain compliant with all admission requirements. Counsel may check the court's website to determine if they are admitted and their compliance status. Out of state attorneys who are not admitted Pro Hac may not speak during Case Management Conferences.
2. **Plaintiff Profile Forms:** Defendants may file motions to dismiss the complaints of any plaintiff who failed to comply with the October 5, 2017 CMO that required all outstanding Plaintiff Profile Forms and authorizations to be produced by November 1, 2017.
3. **Core Discovery:** Merck may continue to conduct limited core discovery in those cases that Merck previously selected for work-up. Merck may select additional cases for work-up for any of the 25 cases selected pursuant to the October 5, 2017 CMO (1) that have been dismissed

or (2) in which limited core discovery is complete, such that there is a rolling pool of no more than 25 cases being worked-up at any one time. Merck will notify Plaintiffs' liaison counsel and all counsel of record for a selected case when identifying the cases selected for core discovery. The parameters for completion of core discovery identified in paragraph 3 of the October 5, 2017 CMO shall also apply to the additional cases selected for core discovery until further order of the Court.

4. **Unresponsive Plaintiffs selected for Core Discovery:** In any case selected for core discovery where the Plaintiff has failed to provide a voluntary date for their deposition, Defense counsel shall confer with Plaintiffs' liaison counsel and counsel of record in that case in an attempt to resolve the issue. If such meet and confer efforts are unsuccessful, Defense counsel may file a motion to dismiss the case of any Plaintiff selected for core discovery who fails to provide a voluntary date for their deposition.

5. The next Case Management Conference is scheduled for May 30, 2018, at 10:00 a.m. EST.

  
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James F. Hyland, U.S.C.