

Eileen Oakes Muskett, Esquire
COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.
1125 Atlantic Avenue - 3rd Floor
Atlantic City, NJ 08401
(609) 344-3161
Attorneys Defendant, Merck Sharp & Dohme Corp.

[Handwritten signature]

SEP 14 2010

[Handwritten signature]
P.J.C.

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

CORE DISCOVERY ORDER
RELATING TO THIRD TIER DISCOVERY POOL CASES

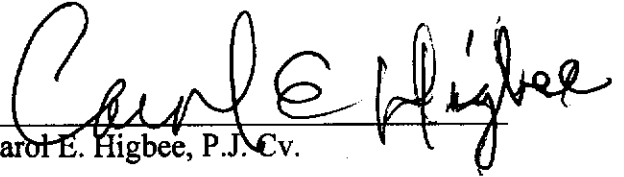
IT IS on this 14 day of Sept, 2010, ORDERED as follows:

The following schedule shall apply to *Joanne Ascitutto v. Merck Sharp & Dohme Corp.*, ATL-L-4093-08, *Carol Canavan v. Merck Sharp & Dohme Corp.*, ATL-L-1832-10, *Guislaine Pierre-Louis v. Merck Sharp & Dohme Corp.*, ATL-L-141-09, *Veronica Simpson v. Merck Sharp & Dohme Corp.*, ATL-L-2757-09, *Eleanor Sullivan v. Merck Sharp & Dohme Corp.*, ATL-L-5816-08; *Ann Cirillo v. Merck Sharp & Dohme, Corp.*, ATL-L-4090-08, *Shirley Leiser v. Merck Sharp & Dohme, Corp.*, ATL-L-4089-08, *Miriam Rokas v. Merck, Sharp & Dohme, Corp.*, ATL-L-1020-08, *Barbara Sekulski v. Merck, Sharp & Dohme Corp.*, ATL-L-3106-09, *Patricia Smith v. Merck, Sharp & Dohme, Corp.*, ATL-L-4079-08 (hereafter referred to collectively as the "Third Tier Cases"), which are identified by counsel on May 15, 2010 pursuant to the Case Management Order dated April 22, 2010.:

1. Fact discovery shall be completed by March 30, 2011.
2. Fact discovery shall be limited to the discovery specified in the Core Discovery Order Relating to Discovery Pool Cases dated October 14, 2009 ("Core Discovery Order").
3. Plaintiffs, in the Third Tier Cases cases, may designate no more than three sales representatives with Fosamax responsibilities who called on Plaintiff's prescribing physician in each case. Plaintiffs shall advise Defendant of the identities of these sales representatives on or before August 16, 2010. For those sales representatives with Fosamax responsibilities who called on the Plaintiff's prescribing physician, and who are identified by August 16, 2010, Merck shall produce, on or before October 15, 2010, those Fosamax-related documents described in

paragraph 2 of the Core Discovery Order that are contained in the sales representatives' custodial files.

4. If any Third Tier Case is dismissed, the party who selected the case for individual core discovery shall select a substitute case and it will become part of the Third Tier Cases. Scheduling deadlines for newly added cases shall be amended as necessary.



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

CLAC; 462859.1