

FILED

DEC 30 2009

Carol E. Higbee, P.J.Cv.

IN RE: FOSAMAX LITIGATION

APPLICABLE TO ALL CASES

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

CASE CODE: 282

CIVIL ACTION

**CONSENT ORDER APPROVING FORM
OF ORDER FOR COMMISSION
AND COMMISSION AUTHORIZING
THE ISSUANCE OF AN OUT-OF-STATE
SUBPOENA AD TESTIFICANDUM AND
DUCES TECUM**


THIS MATTER having come before The Honorable Carol E. Higbee for the entry of a consent order approving form of order for commission and commission authorizing the issuance of an out-of-state subpoena ad testificandum and duces tecum, and the Court having noted the consent of the parties to the form and entry to this Order, and for good cause having been shown,

IT IS on this 30th day of Dec 2010,

ORDERED that the Court hereby approves the form of Order for Commission and Commission Authorizing the Issuance of an Out-of-State Subpoena Ad Testificandum and Ducēs Tecum attached hereto in connection with these matters; and it is further

ORDERED that a party seeking the entry of an Order in the form attached hereto shall simultaneously submit it to the Court and serve it upon counsel in the action in which it is to be entered. In the absence of a verbal objection via phone or email objection to the Court and counsel for the party seeking the entry of the Order within 24 hours of its submission and service, the Court may sign the Order; and it is further

ORDERED that a copy of this Order be served upon all counsel of record within seven (7) days.



Honorable Carol E. Higbee, J.S.C.

Plaintiff

vs.

MERCK SHARP & DOHME CORP.,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

IN RE: FOSAMAX LITIGATION

CASE CODE: 282

CIVIL ACTION

**ORDER COMMISSION
AND COMMISSION AUTHORIZING
THE ISSUANCE OF AN OUT-OF-STATE
SUBPOENA AD TESTIFICANDUM AND
DUCES TECUM**

THIS MATTER having been opened to the Court upon application by _____
Attorneys for _____ pursuant to Rule 4:11-5 for entry of an Order compelling the
_____ to produce records and documents regarding _____
_____, and to provide sworn testimony at deposition regarding those
records and documents, and for good cause having been shown for the entry of issuance of a
Commission authorizing the issuance of a deposition subpoena and the production of documents in this
matter;

IT IS ON this _____ day of _____, 2010.

ORDERED that:

1. the application to issue a Commission for the issuance of a subpoena compelling
deposition testimony and the production of documents by _____
regarding _____ is hereby granted; and the
following Commission is hereby issued:

COMMISSION

_____ having demonstrated the need for certain information and documents to be produced in connection with the matter herein and requiring a subpoena from the Courts of the State of _____ for their production, the Superior Court of New Jersey, through the undersigned Judge, hereby respectfully commissions and solicits the assistance of the Courts of the State of _____, or such subordinate office as it may designate, to issue with due diligence to _____ Subpoenas Duces Tecum and Ad Testificandum in a form acceptable to the Court Rules of the State of _____, and in accordance with the customs and traditions of the Courts of the State of _____, compelling the following individuals(s) to produce documents and things and give testimony: _____

2. A copy of the Order shall be served upon all counsel of record in this action within seven (7) days from the date of entry.



Carol E. Higbee, J.S.C.