

**FILED**

AUG 03 2011

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

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
ATLANTIC COUNTY

CASE NO. 282

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**IN RE FOSAMAX LITIGATION**

CIVIL ACTION

**ORDER GRANTING  
ADMISSION PRO HAC VICE**

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**THIS MATTER** having been brought before the Court by Andrew J. D'Arcy, Esq., of the law firm of D'Arcy Johnson Day, P.C., on a Motion for an Order granting admission pro hac vice to David P. Matthews, a member of Matthews & Associates LLP and a member of the Bar of the State of Texas, to act as counsel to plaintiffs listed on Exhibit "A" and the Court having read the moving papers and the opposition thereto, if any; and having considered the arguments of counsel; and for good cause shown;

IT IS on this 3 day of Aug., 2011

**ORDERED** that pursuant to R. 1:21-2, ~~David P. Matthews~~, a member of the Bar of the State of Texas, be and hereby is admitted pro hac vice to appear on behalf of plaintiffs in all matters listed on Exhibit "A" and it is further

**ORDERED** that during the term of his admission pro hac vice, David P. Matthews shall:

1) abide by the Rules Governing the Courts of the State of New Jersey as adopted by the Supreme Court, including all disciplinary rules, R. 1:20-1 and R. 1:28-2;

2) Consent to the appointment of the Clerk of the Supreme Court as an agent upon whom service of process may be made for all actions against his or his firm that may arise out of his participation in this matter;

3) Notify this Court immediately of any matter affecting his standing at the bar of any other court; and

4) Have all pleadings, briefs and other papers filed with the Court signed by an attorney of the firm D'Arcy Johnson Day, P.C. authorized to practice law in this State, who shall be held responsible for them and for the conduct of the cause and of the admitted attorney therein; and it is further

**ORDERED** that David P. Matthews shall not be designated trial counsel in these matters pursuant to R. 4:25-4, nor shall any delay in discovery, motions, trial or any other proceeding occur or be requested by reason of his inability to be in attendance at same; and it is further

**ORDERED** that David P. Matthews shall, within ten (10) days, pay the fees required by R. 1:20-1 and R. 1:28-2 and submit an affidavit of compliance as to same; and it is further

**ORDERED** that automatic termination of pro hac vice admission will occur for failure to make the required annual payment to the Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection. Proof of such payment, after filing proof of the initial payment, shall be made no later than February of each year during the term of David P. Matthews admission pro hac vice; and it is further

**ORDERED** that noncompliance with any of the requirements of this Order shall constitute grounds for revocation of admission; and it is further

**ORDERED** that counsel for plaintiffs shall serve a copy of this Order on all counsel of record within seven (7) days of the entry hereof; and it is further

**ORDERED** that a copy of this Order shall be sent to the New Jersey Lawyers Fund for

Client Protection together with payment of the annual fee.

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

Motion

**EXHIBIT "A"**

<b>Coppedge v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3102-11</b>
<b>Doane v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3148-11</b>
<b>Goodman v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3143-11</b>
<b>Heard v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3134-11</b>
<b>Metcalf v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3141-11</b>
<b>Poelma v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3151-11</b>
<b>Schnitzer v. Merck Sharp &amp; Dohme, Corp., et als</b>	<b>L-3112-11</b>