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**FILED**

NOV 15 2010

Carol E. Higbee, P.J.Cv.

IN RE: LEVAQUIN® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY

CASE NO. 286

**CASE MANAGEMENT ORDER NO. 13**

**ORDER APPROVING SHORT FORM  
COMMISSION PROCESS**

This matter, having been opened to the Court by counsel for the Parties, and the Parties having consented, stipulated and agreed to the entry of this Case Management Order, and good cause appearing therefore;

IT IS, on this 15 day of Nov, 2010, hereby **ORDERED** as follows:

1. The Order for Commission and Commission to obtain out-of-state discovery in the form attached as Exhibit A have been approved for use in the cases centralized for management in *In re LEVAQUIN® Litigation*, Case No. 286, Superior Court of New Jersey, Law Division, Atlantic County.

2. A copy of this Order shall be served upon all counsel of record in these consolidated proceedings by Plaintiffs' Liaison Counsel within seven-days from the date of entry.

IT IS SO ORDERED

  
HON. CAROL E. HIGBEE, P.J.Cv.

# EXHIBIT A

Mass Tort Clerk's Office  
Superior Court of New Jersey  
Atlantic County Civil Court Building  
1201 Bacharach Boulevard  
Atlantic City, New Jersey 08401

Re:  
Docket No.:

Dear Sir/Madam:

Pursuant to this Court's Order Approving Short Form Commission Process, dated \_\_\_\_\_, 2010, plaintiff/defendant \_\_\_\_\_ submits an original and two copies of a proposed Order for Commission and Commission ("Order") for the issuance of a subpoena for:

1. Name of witness, city/state, for testimony and records regarding the medical care, treatment and condition of \_\_\_\_\_.

Pursuant to this Court's Order Approving Short Form Commission Process, if the enclosed meets with the Court's approval and no written objection is received within seven (7) business days, kindly enter the Order and return "filed" copies of each, bearing the Court's official seal in the enclosed envelope.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

Enclosures  
cc: Plaintiff's/Defendant's counsel (w/encl.)

FP01/ 6385156.1

v.  Plaintiffs,  Defendants	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY DOCKET NO. L- - -MT  CIVIL ACTION LEVAQUIN LITIGATION CASE CODE 286  <b>ORDER FOR COMMISSION AND          COMMISSION AUTHORIZING THE          ISSUANCE OF AN OUT-OF-STATE          SUBPOENA <i>AD TESTIFICANDUM</i> AND  <i>DUCES TECUM</i></b>
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**THIS MATTER** having been opened to the Court upon application by \_\_\_\_\_, attorneys for plaintiff/defendant \_\_\_\_\_ pursuant to Rule 4:11-5 for entry of an Order compelling \_\_\_\_\_ (to produce records and documents regarding \_\_\_\_\_, if applicable, and) to provide sworn testimony at deposition, 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 the application to issue a Commission for the issuance of a subpoena compelling deposition testimony (and the production of documents, if applicable) by \_\_\_\_\_ is hereby **GRANTED**; and the following Commission is hereby issued:

COMMISSION

1. Plaintiff/Defendant \_\_\_\_\_ 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 Plaintiff/Defendant \_\_\_\_\_ a Subpoena *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 individual(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 days from the date of entry.

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HON. CAROL E. HIGBEE, P.J.Cv.

FP01/6385156.2