

IN RE: LEVAQUIN LITIGATION

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ATLANTIC COUNTY  
LAW DIVISION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY

CASE NO. 286

L-2358-09

CASE MANAGEMENT ORDER NO. 30

**THIS MATTER** having come before the Court at the March 28, 2014 Case Management Conference, and the all parties having been represented by Counsel, and for good cause shown,

IT IS on this 15 day of April, 2014, **ORDERED**, as follows:

**A. CASES WHERE THERE IS NO EVIDENCE PLAINTIFF INGESTED LEVAQUIN®.**

1. Within 45 days of the date of the case management conference, that is, by May 12, 2014, each plaintiff listed in Section A of this Order shall produce medical records demonstrating that plaintiff ingested LEVAQUIN® before experiencing an alleged tendon event. In the event that plaintiff's medical records related to LEVAQUIN® ingestion have been lost or destroyed, plaintiff shall either dismiss the case voluntarily or produce a signed certification specifically stating: (1) the name and address of the healthcare provider who prescribed LEVAQUIN®; (2) the reason for which LEVAQUIN® was prescribed; (3) the day, month and year of the prescription; (4) the name and address of the pharmacy where the prescription was filled; and (5) a detailed explanation as to why records from both the prescribing healthcare provider and pharmacy have not been produced and what efforts plaintiff made to obtain medical records. If plaintiffs do not produce medical records or a certification as described above by May 12, 2014, defendants may submit an order dismissing the case, without prejudice, pursuant to Rule 4:42-1. Section A of this Order applies to the following cases:

1. Douglas Buck, ATL-L-1169-11

2. Pearl Caldwell, ATL-L-3661-10
3. Judith Drewery, ATL-L-5098-09
4. Janice Hayes, ATL-L-3467-10
5. Kenneth Hines, ATL-L-5436-10
6. Jeffrey Hodgetts, ATL-L-3635-10
7. Barbara Holden, ATL-L-3532-10
8. Dianne Lee, ATL-L-3571-10
9. Larry May, ATL-L-3630-10
10. Henry Newton, ATL-L-5432-10
11. Gloria Pugh, ATL-L-3146-11)
12. Rachel Routzahn-Minix, ATL-L-3641-10
13. Judy Stibor, ATL-L-4503-09
14. Gloria Tonkin, ATL-L-3640-10
15. Barbara Troupe, ATL-L-3693-10
16. Joseph Van Bushkirk, ATL-L-3575-10
17. Marjorie Williams, ATL-L-3601-10
18. Judy Wissbroecker, ATL-L-5430-10

**B. CASES WHERE THERE IS NO EVIDENCE PLAINTIFF EXPERIENCED A TENDON EVENT.**

1. Within 45 days of the date of the case management conference, that is, by May 12, 2014, each plaintiff listed Section B of this Order shall produce medical records demonstrating that plaintiff experienced a tendon event after his or her prescription for LEVAQUIN®. If plaintiff's medical records have been lost or destroyed, plaintiff shall either dismiss the case voluntarily or produce a signed certification specifically stating: (1) the exact alleged tendon event experienced; (2) the name and address of the healthcare provider who diagnosed the tendon event; (3) the day, month and year of diagnosis; and (4) a detailed explanation as to why records have not been produced and what efforts plaintiff made to obtain medical records. If plaintiffs do not produce medical records or a certification as described above by May 12, 2014, defendants may submit an order dismissing the case, without prejudice, pursuant to Rule 4:42-1. Section B of this Order applies to the following cases:

1. Paulette Lee, ATL-L-1413-10
2. Vivian Perea, ATL-L-7852-10
3. Ilse Sorenson, ATL-L-5088-09

**C. CASES WHERE ALLEGED INGESTION OF LEVAQUIN® OCCURRED AFTER ALLEGED EVENT.**

1. Within 45 days of the date of the case management conference, that is, by May 12, 2014, each plaintiff listed in Section C of this Order shall produce medical records demonstrating that plaintiff experienced a tendon event after ingesting LEVAQUIN®. In the event that plaintiff's medical records have been lost or destroyed, plaintiff shall either dismiss the case voluntarily or produce a signed certification specifically stating: (1) the name and address of the healthcare provider who prescribed LEVAQUIN®; (2) the reason for which LEVAQUIN® was prescribed; (3) the day, month and year of the prescription; (4) the name and address of the pharmacy where the prescription was filled; and (5) a detailed explanation as to why records from both the prescribing healthcare provider and pharmacy have not been produced and what efforts plaintiff made to obtain medical records. If plaintiffs do not produce medical records or a certification as described above by May 12, 2014, defendants may submit an order dismissing the case, without prejudice, pursuant to Rule 4:42-1. Section C of this Order applies to the following case:

1. Enis Boyer, ATL-L-3605-10

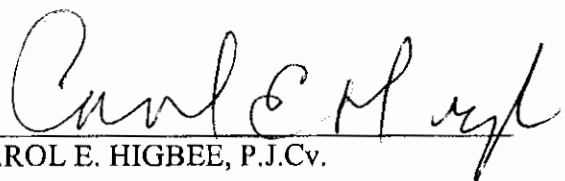
**D. CASES WHERE THERE IS NO EVIDENCE PLAINTIFF INGESTED LEVAQUIN® AND NO EVIDENCE THAT PLAINTIFF EXPERIENCED A TENDON EVENT.**

1. Within 45 days of the date of the case management conference, that is, by May 12, 2014, each plaintiff listed in Section D of this Order shall produce medical records which demonstrate that plaintiff ingested LEVAQUIN® and thereafter experienced a tendon event. In the event that plaintiff's medical records related to LEVAQUIN® ingestion have been lost or destroyed, plaintiff shall either dismiss the case voluntarily or produce a signed certification specifically stating: (1) the name and address of the healthcare provider who prescribed

LEVAQUIN®; (2) the reason for which LEVAQUIN® was prescribed; (3) the day, month and year of the prescription; (4) the name and address of the pharmacy where the prescription was filled; and (5) a detailed explanation as to why records from both the prescribing healthcare provider and pharmacy have not been produced and what efforts plaintiff made to obtain medical records. In the event that plaintiff's medical records related to the alleged tendon event have been lost or destroyed, plaintiff shall either dismiss the case voluntarily or produce a signed certification specifically stating: (1) the exact alleged tendon event experienced; (2) the name and address of the healthcare provider who diagnosed the tendon event; (3) the day, month and year of diagnosis; and (4) a detailed explanation as to why records have not been produced and what efforts plaintiff made to obtain medical records. If plaintiffs do not produce medical records or a certification as described above by May 12, 2014, defendants may submit an order dismissing the case, without prejudice, pursuant to Rule 4:42-1. Section D of this Order applies to the following cases:

1. Diana Allen, ATL-L-9052-11
2. Helen Baker, ATL-L-10721-11
3. Joan Bombard, ATL-L-3655-10
4. David Bravener, ATL-L-3676-10
5. Cora Brooks, ATL-L-3342-10
6. Terence Burns, ATL-L-7826-11
7. Sandra Carpenter, ATL-L-9054-11
8. Michael Devito, ATL-L-7848-11
9. Cynthia Edwards, ATL-L-3570-10
10. Laifa Evans, ATL-L-9056-11
11. James Evans, ATL-L-9055-11
12. Judy K. Folk, ATL-L-5456-10
13. Tommy K. Goddard, ATL-L-3524-10
14. Theodore Hagopian, ATL-L-6695-11
15. Louise Hicks, ATL-L-6697-11
16. Nancy Jackson, ATL-L-9062-11
17. Jackie Jacobs, ATL-L-3690-10
18. Alan Jacoby, ATL-L-7864-11
19. Julie G. Johnson, ATL-L-3515-10
20. Richard L. Jones, ATL-L-3513-10

21. Brian Jones, ATL-L-1481-12
22. Mary Konrath, ATL-L-8398-11
23. Joseph E. Korczynski, ATL-L-6713-11
24. Eilene Kyle, ATL-L-3127-11
25. Antoni Lampart, ATL-L-3832-12
26. Dale Lee, ATL-L-3680-10
27. Jeffrey Leiderman, ATL-L-5627-12
28. Rachel Magann, ATL-L-3895-11
29. Dominick Maggione, ATL-L-3242-11
30. Michael A. McDonald, ATL-L-3340-10
31. John Nagle, ATL-L-3834-12
32. Christine Nicastro, ATL-L-7243-10
33. John Norton, ATL-L-7884-11
34. Brian V. O'Donnell, ATL-L-9598-11
35. James H. Oxendine, ATL-L-3623-10
36. Peter A. Pece, ATL-L-6752-11
37. Lucia Pisano, ATL-L-7888-11
38. John S. Rankin, ATL-L-6590-10
39. Roxy Reed, ATL-L-1173-11
40. Kristie Rogers, ATL-L-6805-11
41. Jerry Saia, ATL-L-6809-11
42. Juan B. Sandigo, ATL-L-3417-10
43. Luis Sarria, ATL-L-7894-11
44. Timothy Snickles, ATL-L-3800-11
45. Mary C. Stephens, ATL-L-7900-11
46. Susan Sutton, ATL-L-5628-12
47. Sharon Taylor, ATL-L-7903-11
48. Charlene Toups-Holt, ATL-L-6851-11
49. Angela N. Tribble, ATL-L-7905-11
50. Johniah Turner, ATL-L-3345-10
51. Jeffrey S. Vandergrift, ATL-L-3366-10
52. Michael Ventimiglia, ATL-L-6126-12
53. Kimberly Walter, ATL-L-1557-12
54. Lauree Ward, ATL-L-2565-11
55. Grace Webb, ATL-L-5210-11
56. Tameka M. Williams, ATL-L-8416-11
57. Linda Zink, ATL-L-3421-10



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