

**FILED**

**JAN 02 2018**

Judge James F. Hyland

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
CASE NO. 286

IN RE: LEVAQUIN LITIGATION

**CASE MANAGEMENT ORDER NO. 33**

**THIS MATTER** having come before the Court during the December 5, 2017 Case Management Conference, and for good cause shown,

**IT IS** on this 12 day of January, 2018 **ORDERED**, as follows:


1. Defendants' request for leave to file a motion to dismiss in the Lewy (MID-L-9910-14) matter is hereby GRANTED.
2. Defendants' request for leave to file a motion for summary judgment in the Costello (MID-L-9896-14) matter is hereby GRANTED.
3. In the Krzyzkowski (MID-L-9764-14) matter, plaintiffs shall provide defendants with their list of proposed fact witnesses by **December 15, 2017**. The parties shall meet and confer and report back to the Court with a proposed fact witness and expert discovery schedule.
4. In the Rappoport (MID-L-10038-14) matter, if plaintiff refuses to voluntarily dismiss his case with prejudice, defendants may file a motion to dismiss.
5. In the Arthur (MID-L-10033-14) matter, if plaintiff refuses to voluntarily dismiss his case with prejudice, defendants may file a motion for summary judgment.
6. In the Dermody (MID-L-9739-14) and Utz (MID-L-9959-14) matters, counsel shall work together to secure mutually convenient deposition dates for plaintiffs' prescribing physicians. If any prescribing physician will not appear for deposition, defendants may file a motion to dismiss.

7. Plaintiff's counsel in Hall (MID-L-9962-14) shall arrange mutually convenient, consecutive dates for the depositions of plaintiff and her prescribing physician(s) to take place in Spring Valley, OH.

8. In the Lynn (MID-L-9906-14) matter, plaintiff's expert reports are due by **February 5, 2018**.

9. For each active case, plaintiff shall provide defendants with the name and address of one prescribing physician for which plaintiff would like call notes. Within two weeks of receipt of the information, defendants will produce call notes, if any, for those prescribers. Defendants will endeavor to prioritize productions based on deposition scheduling.

10. The next case management conference will be held on **January 23, 2018** at 10:00 a.m.

  
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HON. JAMES E. HYLAND, J.S.C.