

IN RE: LEVAQUIN LITIGATION

FILED

MAR 22 2018

Judge James F. Hyland

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

CASE MANAGEMENT ORDER NO. 35

THIS MATTER having come before the Court during the March 14, 2018 Case Management Conference, and for good cause shown,

IT IS on this 22nd day of March, 2018, **ORDERED**, as follows:

1. In light of the appeals currently pending before the New Jersey Supreme Court in the In Re: Accutane Litigation, and upon the request and consent of all parties, a limited stay of this coordinated proceeding is granted as to:


- a. Deadlines for plaintiffs' and defendants' case specific expert reports;
- b. Filing of motions that relate to the legal issues presently on appeal in the In Re: Accutane Litigation matters; and
- c. All discovery is stayed except for depositions of: (1) plaintiff and her prescribing physicians, Drs. Carter and Luthman, in the Hall matter (MID-L-9962-14); and (2) plaintiff's prescribing physician, Dr. Frantz, in the Dermody matter (MID-L-9739-14). Nothing in this Order shall be interpreted to imply that discovery is still open as to the defendants.

This limited stay shall remain in effect until the New Jersey Supreme Court issues its rulings in the In re: Accutane Litigation matters, 2017 WL 3138003 (App. Div. July 25, 2017), cert. granted, 231 N.J. 419 and 231 N.J. 428 (Dec. 8, 2017); and 451 N.J. Super. 153 (App. Div. 2017), cert. granted, 2017 WL 6728709 (N.J. Dec. 8, 2017).

2. Plaintiff's counsel in Hall (MID-L-9962-14) shall arrange mutually convenient, consecutive dates for the depositions of plaintiff and the prescribing physicians previously identified by the defendants, to take place in or around Spring Valley, OH. By **April 1, 2018**,

plaintiffs' counsel shall issue subpoenas, and provide proof of service to the Court and defense counsel, for the depositions of the prescribing physicians. If plaintiff fails to fulfill each of these requirements, defendants' pending motion to dismiss for plaintiff's failure to comply with this Court's prior orders shall be granted in its entirety.

3. The next case management conference will be held on April 25, 2018 at 10:00 a.m.



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