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**FILED**

JUN 13 2017

Judge James F. Hyland

IN RE PROPECIA CASE CODE 623

SUPERIOR COURT OF NEW JERSEY  
MIDDLESEX COUNTY

PROPECIA Case No. 623

**CASE MANAGEMENT ORDER NO. 11**

**THIS MATTER** having come before the court at a case management conference on May 17, 2017, concerning management of pending New Jersey state cases in the above litigation, and counsel having met and discussed a process for the filing of motions to withdraw and dismissals, and for good cause having been shown;

**IT IS** on this 13<sup>th</sup> day of June, 2017,

**ORDERED** as follows:

With the consent of counsel for Plaintiffs and Defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp. (“Merck”) (collectively, the “Parties”), the following provisions apply to all cases in the New Jersey MCL proceedings:

1. All Counsel of Record for Plaintiffs in the New Jersey MCL proceedings participated in discussions conducted by the Plaintiff’s Executive Committee in MDL 2331 concerning Plaintiffs’ MDL Experts’ opinions regarding general causation, including the evidence the experts required in a case-specific context. All Counsel of Record for Plaintiffs in the New Jersey MCL proceedings were directed to review the Experts’ stated opinions from

the MDL proceedings and make recommendations to their respective Plaintiffs regarding whether their cases fit within the Experts' opinions.<sup>1</sup>

2. In these New Jersey MCL proceedings, the Court will entertain Motions to Dismiss and/or Motions to Withdraw as Counsel made returnable by September 7, 2017. In the event Counsel for any individual Plaintiff files a Motion to Withdraw as Counsel, said Motion
  - a. must be filed in accordance with New Jersey Rule 1:6,
  - b. must identify with specificity the provision of New Jersey Rule of Professional Conduct 1.16 that justifies withdrawal, and
  - c. must submit supporting documentation including
    1. a letter from Plaintiff advising that he consents to Counsel's Motion to Withdraw, or
    2. if Plaintiff does not consent to the Motion to Withdraw, Counsel must submit an *in camera* affidavit showing grounds for the withdrawal.
3. Plaintiff's Counsel must serve a copy of this Order, the Motion to Withdraw, and the *in camera* affidavit, if applicable, upon Plaintiff. Plaintiff's Counsel must file proof with the Court that service has been made.
4. Merck shall be served with all said motions, but is under no obligation to respond to a Motion to Withdraw as Counsel.
5. Plaintiff must file any opposition to the Motion to Withdraw within 14 days of submission of the *in camera* affidavit, if applicable.

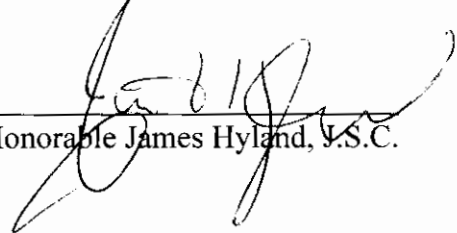
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<sup>1</sup> See Practice and Procedure Order No. 16, *In re: Propecia (Finasteride) Prods. Liab. Litig.*, Case No. 1:12-MD-2331-BMC-PK, ECF No. 366 (E.D. N.Y. May 9, 2017)

6. In those cases where Plaintiff's Counsel seeks to withdraw, the Court will afford the named Plaintiff until November 7, 2017 to:
  - a. obtain new counsel, requiring Counsel to file a substitution of attorney in the individual case by that date, or
  - b. notify the Court in writing of his intention to appear *pro se*.
7. Where a Plaintiff is subject to the provisions of this Order and fails to either obtain new counsel or enter an appearance to prosecute the case *pro se* by November 7, 2017, the case shall be subject to dismissal for failure to prosecute with prejudice after notice issued by the Court to the Plaintiff at the last known address provided by former Plaintiffs' Counsel. The notice issued by the Court shall inform Plaintiff before December 8, 2017, that he must show cause, in writing and filed with the Court and served on Merck, why his case should not be dismissed with prejudice.
8. Counsel for Merck shall supply the Court, as well as Marc Grossman, Esq. and Victoria Maniatis, Esq. of Sanders Viener Grossman, LLP, and counsel identified in the local counsel list, with the names and case docket numbers of all cases that are subject to the Court's notice in paragraph 7 but have not shown cause no later than December 10, 2017. Marc Grossman, Esq. and Victoria Maniatis, Esq. of Sanders Viener Grossman, LLP, shall, in turn, provide this information to all Counsel of Record and counsel identified in the local counsel list in the New Jersey MCL proceedings. Counsel of Record in the New Jersey MCL proceedings may object to inclusion of any of the persons identified on the list no later than December 15, 2017. The Court will endeavor to enter final judgment on said cases by December 22, 2017.

9. All Motions to Withdraw as Counsel not made returnable by September 7, 2017, will be required to show good cause and an explanation for the late filing. Any case that, without good cause, later becomes the subject of a motion to withdraw may be the subject of sanctions upon application by counsel for Merck.

**IT IS** further **ORDERED** that for the three cases listed in Appendix A (*Partalis on behalf of Velazquez L-5202-12, Holland L-3100-14 and Castiglione L-2468-12*), Plaintiffs' Motions to Withdraw are denied without prejudice. Plaintiff's Counsel shall refile their motions in accordance with the terms provided in this Order.

  
The Honorable James Hyland, U.S.C.

## **Appendix A**

1. *Aphrodite Partalis, individually and as Representative for Eduardo Velasquez*, v. Merck Co, Inc. and Merck Sharp & Dohme, Corp., L-5202-12
2. *Zeke Holland v. Merck Sharp & Dohme, Corp.*, L-3100-14
3. *Franco Castiglione v. Merck Sharp & Dohme Corp.*, L-2468-12