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**FILED**

OCT 10 2018

Judge James F. Hyland

IN RE: PROPECIA® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 623

**CASE MANAGEMENT ORDER NO. 16**

THIS MATTER, having come before the Court at a telephonic conference between counsel for Plaintiffs and Defendant Merck & Co., Inc. ("Merck") concerning the status of this litigation, and for good cause having been shown;

IT IS on this 10<sup>th</sup> day of ~~September~~ October, 2018, ORDERED as follows:

1. **Attorney Appearances** – Attorney Victoria Maniatis appeared on behalf of Plaintiffs. Attorneys Charles Morrow and Eileen Oakes Muskett appeared on behalf of Merck.
2. **Plaintiffs Not Participating in the Master Settlement Agreement** – the parties advised the Court that Plaintiffs in the following 10 cases are not participating in the Master Settlement Agreement:

Plaintiff's Name	Docket Number
Barry, Kevin	MID-L-002455-12
Castiglione, Franco ( <i>pro se</i> )	MID-L-002468-12

Plaintiff's Name	Docket Number
Duncan, Joel ( <i>pro se</i> )	MID-L-003084-14
Glaeser, Micha	MID-L-002276-12
Halkias, Argirios	MID-L-005194-12
Hegarty, Michael	MID-L-03292-12
Kirley, Patrick	MID-L-002656-12
Meisel, Zachary	MID-L-002277-12
Moutafov, Vladimir	MID-L-002661-12
Plaskett, Shuni ( <i>pro se</i> )	MID-L-006542-12

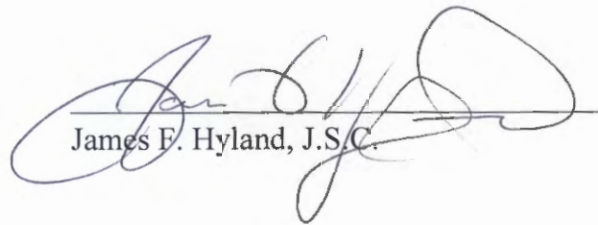
**3. Motions to Withdraw as Counsel:**

- a. The following provisions apply to all cases in which (1) Plaintiffs' counsel files a Motion to Withdraw as Counsel after the date of the entry of this Order, (2) the case is an active matter these proceedings, and (3) the Plaintiffs are not participating in the Master Settlement Agreement.
- b. To file a Motion to Withdraw as Counsel, current counsel for Plaintiffs must
  - i. File the Motion to Withdraw no later than **14 days from entry of this Order**, and
  - ii. Follow the procedures and comply with the obligations set forth Case Management Order No. 11 and any subsequent Orders of this Court with respect to the form and substance of Motions to Withdraw as Counsel. In addition to following the provisions of Case Management Order No. 11, Plaintiffs' counsel shall also submit a copy of this Case Management

Order to Plaintiff, and must file proof of service of required materials upon their clients/former clients. Counsel must also ensure that the Motion to Withdraw is brought on behalf of all applicable Plaintiffs, meaning plaintiff and/or consortium plaintiff as pertinent.

- c. The following obligations apply to any Plaintiff whose counsel files a Motion to Withdraw pursuant to this Order.
  - i. Plaintiffs' Response to a Motion to Withdraw, if any, must be filed within **14 days after the Motion to Withdraw is filed.**
  - ii. In any case where the Court grants a Motion to Withdraw filed under this Order, Plaintiff shall have **21 days from the entry of that Order** to either (1) file a notice with the Court stating that Plaintiff intends to proceed *pro se* or (2) obtain new counsel and have the new counsel file a notice of appearance.
- d. If Plaintiff is subject to the provisions of this Order and fails to either obtain new counsel or enter an appearance to prosecute the case according to the terms of this Order, 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 that within **21 days from the date in Paragraph 3(c)(ii)** he must show cause, in writing and filed with the Court and served on Merck, why his case should not be dismissed with prejudice.
- e. Merck shall file and serve a list names and case docket numbers of all such cases no later than **December 7, 2018.**

- f. Counsel for Plaintiffs may object to inclusion of any of the persons identified on the list no later than **December 21, 2018**
- g. The Court will endeavor to enter final judgment on said cases by **December 30, 2018**.



James F. Hyland, J.S.C.