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SCHWARZ PHARMA, INC. N/K/A UCB, INC.

FILED
AUG 31 2018
Judge James F. Hyland

IN RE: REGLAN LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX
COUNTY
MASTER DOCKET: MID-L-10165-14

CASE NO.: 289

Civil Action

Docket No. MID-L-10176-14

**ORDER CONVERTING BASIS OF
DISMISSAL OF CLAIMS OF
PLAINTIFF CHARLES SHUMWAY
AGAINST SCHWARZ AND ACTAVIS
ONLY**

Charles Shumway

The Court has previously dismissed Plaintiff Charles Shumway's claims against Defendants Schwarz Pharma, Inc. n/k/a UCB, Inc. ("Schwarz") and Actavis Elizabeth LLC f/k/a Purepac Pharmaceutical Co. ("Actavis") with prejudice pursuant to Joint Stipulations and Orders addressing the effectuation of Plaintiff's prior agreement to settle with those Defendants. As part of those Joint Stipulations and Orders, Plaintiff was required to submit the necessary releases and supporting documentation. In Case Management Order No. 30, the Court ordered that Plaintiff had ninety (90) days from March 20, 2018 to initiate court proceedings to substitute an appropriate representative with authority to execute the required releases and supporting documentation or Schwarz and Actavis were permitted to move to convert the basis for dismissal with prejudice of claims asserted against them.

Plaintiff did not fulfill the conditions of CMO 30 and, accordingly, has failed to respond to the respective settlement offers of Schwarz and Actavis.

THIS MATTER having been submitted to the Court by Reilly, McDevitt, & Henrich, P.C., attorneys for Defendant, Schwarz Pharma, Inc. n/k/a UCB, Inc., pursuant to R. 1:6-2, and the Court having reviewed the moving papers and for good cause having been shown;

It is, on this 31ST day of August, 2018,

IT IS HEREBY ORDERED that the dismissals with prejudice of all claims asserted against Schwarz and Actavis pursuant to the Schwarz and Actavis Joint Stipulations, respectively, are converted to dismissals with prejudice for Shumway's failure to respond to the respective settlement offers of Schwarz and Actavis and to comply with CMO 30.

IT IS FURTHER ORDERED that a true copy of this Order be served on all counsel within 10 days of the date hereof.

SO ORDERED:



HONORABLE James F. Hyland, J.S.C.

opposed
 unopposed