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8/3/09

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*Attorneys for Defendants*

*Astrazeneca Pharmaceuticals LP,  
Astrazeneca LP, Astra USA Inc., Zeneca  
Inc. and KBI Sub Inc.*

**FILED**

**1 JUL 31 2009**

**Judge Jamie D. Happes**

EDUARDO E. ASENCIO,

Plaintiff,

v.

ASTRAZENECA PHARMACEUTICALS  
LP; ASTRAZENECA LP; ASTRA USA,  
INC.; KBI SUB, INC.; ZENECA, INC.;  
ASTRA USA HOLDINGS  
CORPORATION; ASTRAZENECA, AB;  
ASTRAZENECA, PLC; and  
ASTRAZENECA, UK LIMITED; JOHN  
DOE(S) 1 through 20; and JANE DOE(S)  
1 through 20,

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: MIDDLESEX COUNTY  
:  
: DOCKET NO. MID-L-3337-09  
:  
: CIVIL ACTION  
:  
: In Re Risperdal/Seroquel/Zyprexa Litigation  
: Case No. 274  
:  
: **ORDER OF DISMISSAL OF PLAINTIFF'S  
: COMPLAINT WITHOUT PREJUDICE FOR  
: FAILURE TO SERVE A SHORT FORM  
: PLAINTIFF FACT SHEET PURSUANT TO  
: CASE MANAGEMENT ORDER NOS. 4  
: and 4A.**

**THIS MATTER** having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Zeneca Inc., KBI Sub Inc., and Astra USA, Inc. (collectively "AstraZeneca") to dismiss plaintiff's Complaint without prejudice for failure to serve a Short Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), § II.G; such dismissal without prejudice being authorized by Case Management Order No. 4A ("CMO 4A"), §

II.H.1. (a-c); the Court having considered the papers submitted, and for good cause shown;

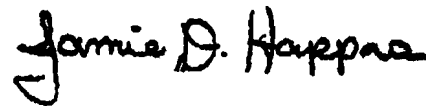
IT IS on this 31<sup>st</sup> day of July, 2009;

**ORDERED** that AstraZeneca's motion is hereby **GRANTED** and that plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** as to all parties - served and unserved - pursuant to CMO 4, § II.G, and CMO 4A, § II.H.1 (a-c); and it is further

**ORDERED** that a signed copy of this Order be served on all counsel within seven (7) days of the date hereof; and it is further

**ORDERED** that upon being served with the within order of dismissal without prejudice, plaintiff's counsel shall forthwith serve a copy of this order on the plaintiff by regular and certified mail, return receipt requested, accompanied by a notice in the form prescribed by Appendix II-F of the New Jersey Rules of Court, specifically explaining the consequences of failure to serve a materially Completed Short Form PFS (which must include properly executed Authorizations and Acknowledgement) and to file and serve a timely motion to restore.

Having reviewed the above motion, I find it to be meritorious on its face and is unopposed. Pursuant to R.1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.



\_\_\_\_\_  
Jamie D. Happs, J.S.C.

X Unopposed

\_\_\_\_\_ Opposed

**ORDERED** that counsel for the delinquent party shall serve upon his or her client in accordance with R. 4:23-5(a)(1) a copy of this Order and the notice set forth in Appendix II-F of the Court Rules

Dated: July 31, 2009