

**FILED**

APR 05 2012

JUDGE JESSICA R. MAYLOR

IN RE RISPERDAL/SEROQUEL/  
ZYPREXA LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
CASE NO. 274

CIVIL ACTION

**CASE MANAGEMENT ORDER NO. 56  
AS TO RISPERDAL® ONLY**

**THIS MATTER** having been opened to the court jointly by counsel for Johnson & Johnson and Janssen Pharmaceuticals, Inc. (f/k/a Ortho-McNeil-Janssen Pharmaceuticals, Inc., f/k/a Janssen Pharmaceutica, Inc.) (hereinafter the “Janssen defendants”) and counsel for the Sheller and Hagens Berman (“HB”) plaintiffs to select bellwether trials for the Risperdal® only cases; and counsel for the parties having conferred as to form and substance of this order; and counsel for the parties having agreed to this order; and for good cause shown,

**IT IS** on this 5<sup>th</sup> day of April, 2012,

**ORDERED** as follows:

1. No later than **May 9, 2012**, counsel for plaintiffs shall select six (6) cases for trial from the remaining pool of Sheller and HB cases.
2. No later than **May 9, 2012**, counsel for the Janssen defendants shall select six (6) cases for trial from the remaining pool of Sheller and HB cases.
3. The cases selected for trial shall fall within the following criteria determined by the court to be representative of the inventory of pending cases in the New Jersey state court:

- (a) Dose ingested by plaintiffs: **1-4 mgs.**
- (b) Age of plaintiffs during ingestion: **32-62.**
- (c) Duration of ingestion: **Any duration.**
- (d) Date of ingestion: **Prior to January 2004.**
- (e) Alleged injury: **Diabetes Mellitus**

4. On or before **May 23, 2012**, the court shall select six (6) of the twelve (12) cases presented by counsel to undergo discovery as set forth in paragraphs 5 through 7 of this order. The cases selected by the court shall consist of three (3) cases selected by counsel for plaintiffs and three (3) cases selected by counsel for the Janssen defendants.

5. For the six (6) cases selected by the court, the Janssen defendants shall serve the ten (10) categories of information previously agreed upon by the parties as to each prescribing healthcare professional, principal treating physician, and any other healthcare professional who the parties wish to depose, for a total of five (5) healthcare professionals per case. The information required pursuant to this paragraph shall be provided to plaintiffs by the Janssen defendants no later than fourteen (14) days prior to the deposition of each healthcare professional.

6. For the six (6) cases selected by the court, the Janssen defendants shall provide the eight (8) categories of sales representative information previously agreed upon by the parties limited to two (2) sales representatives per case. The sales representative information shall be provided by the Janssen defendants to counsel for plaintiffs no later than fourteen (14) days prior to the deposition of the sales representative.

7. Counsel shall be permitted the following discovery in each of the six (6) selected cases: depositions of each plaintiff; each plaintiff's spouse or, where indicated, a significant other, guardian, and/or primary care provider; depositions of not more than five (5) prescribing healthcare professionals and/or treating physicians; and depositions of not more than two (2) sales representatives. Discovery for the six (6) cases selected by the court shall be completed by **July 3, 2012**.

8. Upon completion of the discovery specified in paragraph 7, counsel shall provide the court with a written analysis of the six (6) selected trial cases, assessing each case based upon the criteria set forth in paragraph 3 of this order as well as the criteria for selection of bellwether cases set forth in the Manual for Complex Litigation. Counsel's written analysis shall be served on the court and opposing counsel by **July 10, 2012**.

9. On or before **July 17, 2012**, the court shall select four (4) cases for trial, two (2) of which are the selection of counsel for the plaintiffs and two (2) of which are the Janssen defendants' selection.

10. Plaintiffs' expert reports in the court-selected trial cases shall be provided no later than **July 31, 2012**.

11. Janssen defendants' expert reports in the court-selected trial cases shall be provided no later than **August 14, 2012**.

12. Depositions of experts in the court-selected trial cases shall be completed no later than **August 31, 2012**.

13. Expert discovery shall be conducted pursuant to the "Joint Stipulation Regarding Expert Discovery" entered by the parties in June 2011.

14. All dispositive motions and motions relating to the admissibility of expert testimony (Kemp/Rule 702) in the court-selected trial cases shall be filed and served according to the following schedule:

- (a) Motions: no later than **September 21, 2012**.
- (b) Oppositions: no later than **October 5, 2012**.
- (c) Replies: no later than **October 12, 2012**.
- (d) Oral argument: to be scheduled by the court.
- (e) Any Kemp/Rule 702 hearings deemed necessary by the court to be scheduled between **October 22, 2012** and **October 26, 2012**.

15. All in limine motions in the court-selected trial cases shall be filed and served according to the following schedule:

- (a) Motions: no later than **October 12, 2012**.
- (b) Oppositions: no later than **October 19, 2012**.
- (c) Oral argument: to be scheduled by the court if deemed necessary.

16. On or before **October 26, 2012**, the court shall select one (1) case for trial.

17. The schedule for the exchange and submission of deposition designations in the court-selected trial case shall be as follows:

- (a) Counsel to exchange proposed deposition designations by **November 14, 2012**.
- (b) Counsel to exchange objections to deposition designations and counter designations by **November 21, 2012**.

(c) Counsel to meet and confer regarding deposition designations during the week of **November 26, 2012**.

(d) Counsel to submit written objections to the court as to any unresolved deposition designations no later than **November 30, 2012**.

18. The schedule for the exchange and submission of proposed exhibit lists and witness lists for the court-selected trial case shall be as follows:

(a) Counsel to exchange proposed exhibit lists and witness lists no later than **December 7, 2012**.

(b) Counsel to serve objections to proposed exhibit lists and witness lists no later than **December 14, 2012**.

(c) Counsel to submit final exhibit lists and witness lists to the court no later than **December 21, 2012**.

19. A one page joint statement of the case for the jury pool, joint submissions of questions for the jury voir dire, proposed jury charges and proposed verdict sheet shall be submitted to the court no later than **December 21, 2012**.

20. The aforementioned documents are to be filed with the court by **12:00 p.m.** on the date due.

21. Trial will commence on **January 14, 2013**.

22. A copy of this order shall be posted by the court within seven (7) days of the date of this order.

  
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JESSICA R. MAYER, J.S.C.