

TC
#1743

FILED

JUL 17 2009

Judge Jamie D. Happs

McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, New Jersey 07101-0652
(973) 622-4444

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

KERRI FINK AND PAUL FINK, HW,

Plaintiffs,

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-602-07
:
: CIVIL ACTION
:
: In Re Risperdal/Seroquel/Zyprexa Litigation
: Case No. 274
:
: **ORDER OF DISMISSAL OF PLAINTIFFS'
: COMPLAINT WITHOUT PREJUDICE FOR
: FAILURE TO SERVE A LONG FORM
: PLAINTIFF FACT SHEET PURSUANT TO
: CASE MANAGEMENT ORDER NOS. 4,
: 4A, 13 and 17.**

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 plaintiffs' Complaint without prejudice for failure to serve a Long Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), Case Management Order No. 4A ("CMO 4A"), Case Management Order No. 13 ("CMO 13") and Case Management Order No. 17 ("CMO 17"), such dismissal without prejudice being

authorized by CMO 17, the Court having considered the papers submitted, and for good cause shown;

IT IS on this 17th day of July, 2009;

ORDERED that AstraZeneca's motion is hereby **GRANTED** and that plaintiffs' 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, plaintiffs' counsel shall forthwith serve a copy of this order on the plaintiffs 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 Long Form PFS (which must include properly executed Authorizations and Acknowledgement) and to file and serve a timely motion to restore.



Jamie D. Happas, J.S.C.

 X Unopposed
 Opposed

All parties are to be served within seven (7) days of the date hereof.

Dated:

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.