

#1405
1-8-10

FILED
JAN 08 2010
JUDGE JESSICA R. MAYER

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Attorneys for Defendants
AstraZeneca Pharmaceuticals LP, and
AstraZeneca LP

KURT NYBERG,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION: MIDDLESEX COUNTY
v.	:	DOCKET NO. MID-L-647-06
JOHNSON & JOHNSON COMPANY,	:	CIVIL ACTION
JANSSEN PHARMACEUTICA	:	In Re Risperdal/Seroquel/Zyprexa Litigation
PRODUCTS, L.P. AK/A JANSSEN, L.P.	:	Case No. 274
A/K/A JANSSEN PHARMACEUTICA,	:	ORDER OF DISMISSAL OF PLAINTIFF'S
L.P., A/K/A JANSSEN	:	COMPLAINT WITHOUT PREJUDICE FOR
PHARMACEUTICA, INC.,	:	FAILURE TO SERVE A COMPLETED
ASTRAZENECA PHARMACEUTICALS	:	LONG FORM PLAINTIFF FACT SHEET
LP; ASTRAZENECA LP; JOHN DOES	:	PURSUANT TO CASE MANAGEMENT
NO(S) 1 THROUGH 20; and JANE DOES	:	ORDER NOS. 4, 4A, 16, AND 26.
NO(S) 1 THROUGH 20,	:	
Defendants.	:	

THIS MATTER having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP (collectively "AstraZeneca") to dismiss the Plaintiff's Complaint without prejudice for failure to serve a Completed Long Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), Case Management Order No. 4A ("CMO 4A"), and Case Management Order No. 16 ("CMO 16"), and such dismissal without prejudice being authorized by Case Management Order No. 26 ("CMO 26"); the Court having considered the papers submitted, and for good cause shown;


IT IS on this 8th day of January, 2010;

ORDERED that Defendants' motion be and hereby is **GRANTED**.

AND IT IS FURTHER ORDERED that the Plaintiff's Complaint be and hereby is **DISMISSED WITHOUT PREJUDICE** as to all parties - ~~served and unserved~~; AstraZeneca

AND IT IS FURTHER ORDERED that a signed copy of this Order be posted for 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-A of the New Jersey Rules of Court, specifically explaining the consequences of failure to serve a Completed Long Form PFS (which must include properly executed Authorizations and Acknowledgement) and to file and serve a timely motion to restore.



Jessica R. Mayer, J.S.C.

Unopposed

Opposed

Dated: January 8, 2010

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-A of the Court Rules

UNOPPOSED

"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."