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*Attorneys for Defendants*

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

**FILED**

OCT 09 2009

JUDGE JESSICA R. MAYER

JENNIFER KIRKLAND AS PROPOSED  
ADMINISTRATOR OF THE ESTATE OF  
MELISSA H. KIRKLAND, DECEASED,

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-3777-09

: 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 LONG FORM  
: PLAINTIFF FACT SHEET PURSUANT TO  
: CASE MANAGEMENT ORDER NOS. 4,  
: 4A, 16 AND 21**

**THIS MATTER** having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Astra USA, Inc., Zeneca Inc., and KBI Sub Inc. (collectively "AstraZeneca") to dismiss plaintiff's 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"), and Case Management Order No. 16 ("CMO 16"), and such

dismissal without prejudice being authorized by Case Management Order No. 21 ("CMO 21"); the Court having considered the papers submitted, and for good cause shown;

IT IS on this 9th day of October, 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, CMO 4A, § II.H.1 (a-c), and CMO 16; and it is further

ORDERED that a signed copy of this Order be <sup>put in</sup> ~~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-A 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.

**UNOPPOSED**



\_\_\_\_\_  
Jessica R. Mayer, 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-A of the Court Rules

Dated: October 9, 2009

"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."