

#104

**FILED**

**FEB 20 2009**

Judge Jamie D. Happa

**SHELLER, P.C.**  
*A Pennsylvania Professional Corporation*  
Brian J. McCormick, Jr.  
1528 Walnut Street, Floor 3  
Philadelphia, Pa 19102  
(215) 790-7300

Attorneys for Plaintiff

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VICTORIA LAPE,  
  
Plaintiff,  
  
v.  
  
JOHNSON & JOHNSON COMPANY,  
et al.,  
  
Defendants.

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: SUPERIOR COURT OF NEW JERSEY  
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: LAW DIVISION: MIDDLESEX COUNTY  
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: DOCKET NO. MID-L-9441-06-MT  
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: IN RE: Risperdal/Seroquel/Zyprexa Litigation  
:  
: Case No. 274  
:  
:  
: CIVIL ACTION  
:  
:  
: **ORDER TO VACATE DISMISSAL AND TO**  
:  
: **REINSTATE COMPLAINT**  
:  
:

**THIS MATTER** having been brought before the Court by Sheller, P.C., counsel for Plaintiff Johnny Robertson, individually and as Executor of the Estate of Eddie Marie Robertson, deceased, on a Motion pursuant to R. 4:23-5 for an Order vacating a prior Order of Dismissal Without Prejudice, reinstating the action and Demand for Jury Trial; and the Court having read the moving papers and the opposition, if any, thereto; and having considered the arguments of counsel; and for good cause shown;

IT IS on this 20<sup>th</sup> day of February, 2009

**ORDERED** that the Order of October 31, 2008, dismissing Plaintiff's Complaint without prejudice be and hereby is VACATED, and the Complaint in the above-captioned action be and hereby is reinstated; and it is further

**ORDERED** that counsel for Plaintiffs shall serve a copy of this Order on counsel for

Defendant(s) within 7 days of the date of this Order.

Jamie D. Happas  
HON. JAMIE D. HAPPAS, J.S.C.

Motion          Opposed  
  X   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.