

FILED

JUN 02 2009

Judge Jamie D. Happas

IN RE: RISPERDAL/SEROQUEL/
ZYPREXA LITIGATION

THIS ORDER APPLIES TO:

Susan Blake v. Johnson & Johnson Company,
et al.,

Docket No. MID-L-6693-06-MT

Edward Brown v. Johnson & Johnson
Company, et al.,

Docket No. MID-L-6732-06-MT

Angela Burley, on behalf of Lorenzo Stephen,
v. Johnson & Johnson Company, et al.,

Docket No. MID-L-6775-06-MT

Debra A. Garrison v. Johnson & Johnson
Company, et al.,

Docket No. MID-L-6703-06-MT

Crystal Poole v. Johnson & Johnson
Company, et al.,

Docket No. MID-L-6911-06-MT

Sharon A. Roberts v. Johnson & Johnson
Company, et al.,

Docket No. MID-L-6928-06-MT

Jack Salamone v. Johnson & Johnson
Company, et al.,

Docket No. MID-L-6808-06-MT

Carolyn Smith v. Johnson & Johnson
Company, et al.,

Docket No. MID-L-6823-06-MT

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

CIVIL ACTION

**ORDER RE: PLAINTIFFS' ZYPREXA®
AND/OR SEROQUEL® CLAIMS AND
SETTLEMENT DOCUMENTS**

THIS MATTER having been brought before the Court by Drinker Biddle & Reath LLP, attorneys for defendants Johnson & Johnson and Ortho-McNeil-Janssen Pharmaceuticals, Inc. (f/k/a Janssen Pharmaceutica Inc.), on motions to compel production of plaintiffs' Zyprexa®, Seroquel® and/or Rezulin® claims and settlement documents in the cases identified in the above caption, including the cases of *Susan Blake*, Docket No. MID-L-6693-06-MT, *Edward Brown*, Docket No. MID-L-6732-06-MT, *Angela Burley, on behalf of Lorenzo Stephen*, Docket No. MID-L-6775-06-MT, *Debra A. Garrison*, Docket No. MID-L-6703-06-MT, *Crystal Poole*, Docket No. MID-L-6911-06-MT, *Sharon A. Roberts*, Docket No. MID-L-6928-06-MT, *Jack Salamone*, Docket No. MID-L-6808-06-MT, and *Carolyn Smith*, Docket No. MID-L-6823-06-MT; such motions being authorized by the Court; and the Court and Counsel having discussed the matter at the May 27, 2009 Case Management Conference; and defendants having withdrawn the motions; and the parties having each submitted an order attempting to amicably resolve these cases;

IT IS on this 2nd day of June, 2009,

ORDERED that plaintiffs identified above provide defendants with a certification in each case, in which plaintiffs' attorney shall certify under oath:

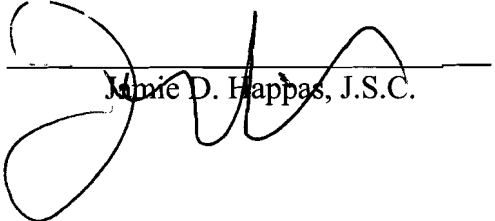
(1) that, to the extent documents requested by defendants in various discovery requests exist, plaintiffs have provided defendants with Zyprexa®, Seroquel® and/or Rezulin® documents identified on Schedule A, annexed to this Order;

(2) that for any document (or document in the category of documents) that is identified on Schedule A and which is not produced, that plaintiff has used his/her reasonable and best efforts to obtain such documents; Plaintiff shall describe in detail the efforts made to obtain such documents and explain why they cannot be produced;

(3) that, if counsel for plaintiffs does not, or did not, also represent a plaintiff in connection with his or her Zyprexa®, Seroquel® and/or Rezulin® claims or action, counsel has contacted each attorney who represents, or represented, each such plaintiff in connection with the claims or action; and obtained, or attempted to obtain, the identified responsive documents from each attorney; further, if such documents are not obtained and produced, plaintiffs' counsel in this action shall identify the other counsel for a plaintiff and explain why such documents could not be produced.

IT IS FURTHER ORDERED that, to the extent any documents have yet to be produced, plaintiffs produce any and all outstanding claims and settlement documents, not subject to any confidentiality order and/or pursuant to the Consent Order entered into on April 2, 2009, together with the certifications identified above, within thirty (30) days of the date of this Order; and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon plaintiffs' counsel within seven (7) days of the date of receipt of this Order by defense counsel.


Jamie D. Haggas, J.S.C.

SCHEDULE A

1. ***Susan Blake, Docket No. MID-L-6693-06-MT***

(a) Plaintiff's correspondence, statements or other documents which served as plaintiff's Zyprexa® proof of claim – together with the cover letter and attachments as well as documents referenced in the proof of claim, cover letter and attachments – submitted to Eli Lilly & Co. (“Lilly”), Lilly's attorneys, the special masters and/or administrators responsible for evaluation of Zyprexa® claims;

(b) Plaintiff's Zyprexa® pleadings, beyond plaintiff's Complaint; written discovery responses, including Fact Sheets, answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to plaintiff's Zyprexa® claims; plaintiff's Zyprexa® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Zyprexa® litigation; and motions relating to plaintiff's Zyprexa® claims with supporting papers and exhibits, together with opinions and orders; and

(c) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Zyprexa® claims or settlement. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

2. ***Edward Brown, Docket No. MID-L-6732-06-MT***

(a) Plaintiff's correspondence, statements or other documents which served as plaintiff's Zyprexa® proof of claim – together with the cover letter and attachments as well as documents referenced in the proof of claim, cover letter and attachments – submitted to Lilly, Lilly's attorneys, the special masters and/or administrators responsible for evaluation of Zyprexa® claims;

(b) Plaintiff's Zyprexa® pleadings; written discovery responses, including Fact Sheets, answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to plaintiff's Zyprexa® claims; plaintiff's Zyprexa® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Zyprexa® litigation; and motions relating to plaintiff's Zyprexa® claims with supporting papers and exhibits, together with opinions and orders; and

(c) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Zyprexa® claims or settlement. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

3. ***Angela Burley, on behalf of Lorenzo Stephen, Docket No. MID-L-6775-06-MT***

(a) Plaintiff's correspondence, statements or other documents which served as plaintiff's Zyprexa® proof of claim – together with the cover letter and attachments as well as documents referenced in the proof of claim, cover letter and attachments – submitted to Lilly,

Lilly's attorneys, the special masters and/or administrators responsible for evaluation of Zyprexa® claims;

(b) Plaintiffs' Zyprexa® pleadings, beyond plaintiffs' Complaint; written discovery responses, including answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to Zyprexa® claims; plaintiffs' Zyprexa® expert reports; transcripts of depositions of plaintiff, Lorenzo Stephen's healthcare providers, lay witnesses and plaintiffs' expert witnesses in Zyprexa® litigation; and motions relating to plaintiffs' Zyprexa® claims with supporting papers and exhibits, together with opinions and orders;

(c) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Zyprexa® claims or settlement. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators; and

(d) Plaintiffs' written discovery responses in Seroquel® litigation, including answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to Seroquel® claims; plaintiffs' Seroquel® expert reports; transcripts of depositions of plaintiff, Lorenzo Stephen's healthcare providers, lay witnesses and plaintiffs' expert witnesses in Seroquel® litigation; any Seroquel® pleadings, motions with supporting papers, opinions and orders, and correspondence or other documents relating to plaintiffs' Seroquel® claims, which have not been produced.

4. *Debra A. Garrison, Docket No. MID-L-6703-06-MT*

(a) Plaintiff's correspondence, statements or other documents which served as plaintiff's Zyprexa® proof of claim – together with the cover letter and attachments as well as documents referenced in the proof of claim, cover letter and attachments – submitted to Lilly, Lilly's attorneys, the special masters and/or administrators responsible for evaluation of Zyprexa® claims;

(b) Plaintiff's Zyprexa® pleadings; written discovery responses, including Fact Sheets, answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to Zyprexa® claims; plaintiff's Zyprexa® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Zyprexa® litigation; and motions relating to plaintiff's Zyprexa® claims with supporting papers and exhibits, together with opinions and orders; and

(c) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Zyprexa® claims or settlement. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

5. *Crystal Poole, Docket No. MID-L-6911-06-MT*

(a) Plaintiff's Seroquel® pleadings, beyond plaintiff's Complaint and Stipulation of Dismissal; written discovery responses, including answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to Seroquel® claims; plaintiff's Seroquel® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Seroquel® litigation; and motions relating to plaintiff's Seroquel® claims with supporting papers and exhibits, together with opinions and orders; and

(b) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Zyprexa® claims or settlement. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

6. Sharon A. Roberts, Docket No. MID-L-6928-06-MT

(a) Plaintiff's correspondence, statements or other documents which served as plaintiff's Rezulin® proof of claim – together with the cover letter and attachments as well as documents referenced in the proof of claim, cover letter and attachments – submitted to those responsible for evaluation of Rezulin® claims;

(b) The Rezulin® Release, Settlement Agreement and other settlement papers, beyond the Settlement Statement provided;

(c) Plaintiff's Rezulin® pleadings; written discovery responses, including answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical records and reports relating to Rezulin® claims; plaintiff's Rezulin® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Rezulin® litigation; and motions relating to plaintiff's Rezulin® claims with supporting papers and exhibits, together with opinions and orders; and

(d) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Rezulin® claims or settlement. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

(e) A certification from plaintiff or plaintiff's counsel setting forth that plaintiff has not participated in the Zyprexa litigation.

7. Jack Salamone, Docket No. MID-L-6808-06-MT

(a) Plaintiff's Seroquel® pleadings, beyond Complaints; written discovery, including answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to Seroquel® claims; plaintiff's Seroquel® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Seroquel® litigation; and motions relating to plaintiff's Seroquel® claims with supporting papers and exhibits, together with opinions and orders; and

(b) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Seroquel® claims. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

8. Carolyn Smith, Docket No. MID-L-6823-06-MT

(a) Plaintiff's Seroquel® pleadings, beyond plaintiff's Complaint; written discovery responses, including answers to Interrogatories, responses to Notices to Produce and Requests for Admissions; medical reports relating to Seroquel® claims; plaintiff's Seroquel® expert reports; transcripts of depositions of plaintiff, plaintiff's healthcare providers, lay witnesses and expert witnesses in Seroquel® litigation; and motions relating to plaintiff's Seroquel® litigation with supporting papers and exhibits, together with opinions and orders; and

(b) Any correspondence, excluding correspondence protected by the attorney-client privilege and the work-product privilege, relating to plaintiff's Seroquel® claims. This includes the proof of claim(s), cover letter, and attachments submitted to claims administrators.

(c) A certification from plaintiff or plaintiff's counsel setting forth that plaintiff has not participated in the Zyprexa litigation.