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McKesson Packaging Services, a Division of McKesson Corporation

FILED

JAN 23 2019

Judge James F. Hyland

IN RE TAXOTERE LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

MCL Case Type: 628

MASTER DOCKET NO. MID-L-4998-18 CM

CONSENT ORDER

Defendant McKesson Packaging Services, a Division of McKesson Corporation (“McKesson”) having filed on December 5, 2018 a Motion to Dismiss the Master Complaint with Prejudice based on federal preemption (the “Preemption MTD”); and McKesson having met and conferred with Plaintiffs and having agreed to withdraw its Preemption MTD without prejudice; and the Court having reviewed this form of Order; and for good cause shown:

It is on this 23 day of January 2019,

ORDERED that:

1. McKesson’s Preemption MTD is hereby deemed withdrawn without prejudice, McKesson will not file a Reply Brief in further support of the Preemption MTD on January 18, 2018, and the Preemption MTD will not be the subject of oral argument on January 23, 2019.
2. McKesson may renew its Preemption MTD at a later time, in accordance with the New Jersey Court Rules and any applicable court order.

3. McKesson agrees to confer with Plaintiffs within fourteen (14) days regarding necessary discovery as to the New Drug Application and Labeling of its Taxotere/Docetaxel products.

4. This Order does not affect the motion to dismiss the Master Complaint with prejudice for lack of personal jurisdiction filed by Defendants Accord Healthcare, Inc., Hospira, Inc., Hospira Worldwide, LLC formerly known as Hospira Worldwide, Inc., Pfizer Inc., and Sagent Pharmaceuticals, Inc., in which McKesson has joined and which is the subject of a separate consent order, pending entry by the Court.

5. This Order does not affect the motion to dismiss the Master Complaint for failure to state a claim filed by Defendants Sanofi U.S. Services, Inc. f/k/a Sanofi Aventis U.S. Inc., Sanofi Aventis U.S. LLC, Sandoz Inc., Sun Pharmaceutical Industries, Inc. f/k/a Caraco Pharmaceuticals Laboratories, Ltd., and Actavis LLC f/k/a Actavis Inc., in which McKesson has also joined.

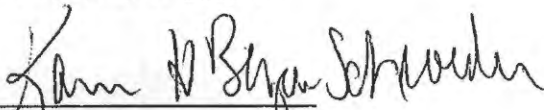
JOINTLY APPROVED AND
SUBMITTED FOR ENTRY:

FOR THE PLAINTIFFS:

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BURNETT LAW FIRM

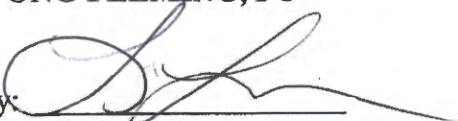
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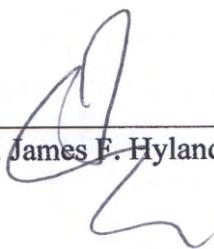
FOR DEFENDANT MCKESSON
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A DIVISION OF MCKESSON
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IT IS SO ORDERED.



Hon. James F. Hyland, J.S.C.