

FILED

APRIL 30, 2021

HON. BRUCE J. KAPLAN, J.S.C.

IN RE TAXOTERE LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY

CASE TYPE: MCL NO. 628

MASTER DOCKET NO.: 4998-18 CM

Civil Action

In Re Taxotere Litigation

PRODUCT IDENTIFICATION ORDER NO. 4

THIS MATTER having come before the Court by way of submissions by the parties; and the Court having considered all papers and submissions; having held a conference to discuss this issue; and finding that it is reasonable to address the parties' obligations and enact a procedure regarding the Plaintiffs who have not yet produced sufficient evidence of proof of manufacturing or labeling pursuant to the obligations set forth previously in Product Identification Order No. 3, entered on August 14, 2019:

IT IS ON THIS 30 day of April, 2021, **ORDERED** as follows:

1. Should a Defendant believe that any Plaintiff has not produced sufficient evidence of Product Identification in accordance with Product Identification Order No. 3, ¶ 8, the following procedure shall apply:
 - a. Defendant shall (i) communicate to Plaintiff's counsel in writing, and copy Plaintiff co-liaison counsel and counsel for all other Defendants named and served, advising why Defendant believes Plaintiff has failed to comply with Product Identification Order No. 3, and (ii) offer a time to meet and confer within seven (7) days of the communication (the "Meet and Confer Request").

- b. Should the parties not resolve the issue during the Meet and Confer Request process, lasting at least thirty (30) days, or if Plaintiff fails to respond to the Meet and Confer Request after thirty (30) days, or if the parties declare impasse before thirty (30) days elapses, Defendant may file and serve a Motion seeking an Order to Show Cause why Plaintiff's case should not be dismissed, in whole or in part, for failure to comply with Product Identification Order No. 3 in accordance with Paragraph 8 of Product Identification Order No. 3 (the "MOTSC").
 - c. Plaintiff shall file and serve any opposition to the MOTSC within fourteen (14) days of the date the MOTSC is filed and served.
 - d. The MOTSC shall be returnable at the next Case Management Conference that is at least thirty (30) days from the date the MOTSC is filed.
2. No Defendant may serve a Meet and Confer Request during the sixty (60) days immediately following the date of this Order.

/s/ Bruce J. Kaplan

Hon. Bruce J. Kaplan, J.S.C.