

**FILED**  
SEP 30 2009  
JUDGE JESSICA R. MAYER

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IN RE ORTHO EVRA® BIRTH CONTROL :  
PATCH LITIGATION :  
CASE CODE 275 :

As to **HERRING (L-5787-07) only** :

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SUPERIOR COURT OF NEW JERSEY :  
LAW DIVISION: MIDDLESEX COUNTY :

Civil Action :  
**ORTHO EVRA LITIGATION** :  
Case Code: 275 :

**CASE MANAGEMENT ORDER** :  
No. 16 :

**THIS MATTER** having been opened to the Court jointly by counsel for the plaintiff and defendants, and for good cause shown,

**IT IS** on this 30 day of September, 2009:

**ORDERED** as follows:

1. This Order supersedes all prior Orders and modifies the deadlines previously set forth in Case Management Order No. 15.

**SCHEDULE FOR HERRING CASE DISCOVERY**

2. Fact discovery for the Herring case shall end on **October 30, 2009**.

3. Choice of law motions, if any, shall be filed as follows:

- i. File Motion: **November 6, 2009**
- ii. File Opposition: **November 24, 2009**
- iii. File Reply: **November 30, 2009**
- iv. Oral Argument: **December 4, 2009 (tentative)**

4. Plaintiff's expert reports for the Herring case shall be served on or before **November 6, 2009**.

5. Plaintiff's supplemental expert reports for the Herring case, if any, shall be served on or before **December 7, 2009**.

6. Defense expert reports for the Herring case shall be served on or before **January 22, 2010**.

7. No expert may testify at trial unless his/her report is served in accordance with the terms of this order.

8. All experts for the Herring case shall be deposed on or before **February 26, 2010**.

#### **SCHEDULE FOR HERRING TRIAL**

9. The parties shall exchange proposed exhibit lists, witness lists, and deposition designations no later than **March 8, 2010**.

10. The parties shall serve objections and counter deposition designations no later than **March 22, 2010**.

11. The parties shall serve proposed exhibit objections no later than **March 29, 2010**.

12. In limine and Kemp motions shall be filed according to the following schedule; dispositive motions may be filed at any time, but no later than the dates set forth below:

- |      |                  |                                   |
|------|------------------|-----------------------------------|
| i.   | File Motion:     | <b>March 19, 2010</b>             |
| ii.  | File Opposition: | <b>April 6, 2010</b>              |
| iii. | File Reply:      | <b>April 12, 2010</b>             |
| iv.  | Oral Argument:   | <b>April 16, 2010 (tentative)</b> |

13. The parties shall submit trial briefs no later than **May 3, 2010**.

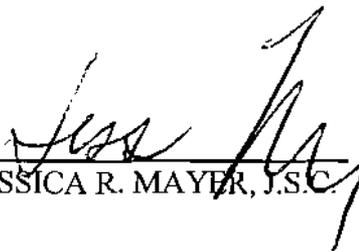
14. One page joint statement of the case for the jury pool and joint submission of questions for the jury *voir dire* to be submitted to the Court no later than **May 3, 2010**.

15. The parties shall submit final exhibit lists no later than **May 10, 2010**.

16. Proposed joint jury charges and verdict sheet shall be submitted to the Court no later than **May 10, 2010**.

17. All of the aforementioned documents filed with the Court shall be filed **by 12:00pm** on the due date.

18. The Herring trial shall begin on **May 17, 2010**.

  
JESSICA R. MAYER, J.S.C.