

DRINKER BIDDLE & SHANLEY LLP
A Pennsylvania Limited Liability Partnership
500 Campus Drive
Florham Park, New Jersey 07932-1047
(973) 360-1100
Attorneys for Defendants
Johnson & Johnson, Janssen Pharmaceutica Inc.
and Janssen Pharmaceutica Research Foundation

----- : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – MIDDLESEX COUNTY
IN RE: PROPULSID® LITIGATION :
: CIVIL ACTION
:
: **Case Code 247**
:
: **CONSENT ORDER RE:**
: **DESTRUCTION OF INVENTORY**
:
:
----- :

This matter having been consented to, by and between Christopher Placitella, Wilentz, Goldman & Spitzer, in his capacity as Plaintiffs’ Liaison Counsel, James Pettit, Greitzer & Locks, in his capacity as chair of the Plaintiffs’ Discovery Committee, and Susan M. Sharko, Esq., Drinker Biddle & Shanley LLP, in her capacity as Defendants’ Liaison Counsel, and defendant Janssen Pharmaceutica Inc. (“Janssen”) having represented that it is currently holding a large volume of returned, left over and unused inventory of Propulsid®, and for good cause shown;

IT IS ON THIS _____ day of December, 2000,

ORDERED as follows:

1. All inventories of returned and unshipped Propulsid® may be destroyed subject to the following terms and conditions of this Order:

a. Janssen will maintain 500 bottles (or a lesser number as agreed upon by liaison counsel) of returned and unshipped Propulsid® for the duration of this litigation for each year of manufacture of returned and unshipped Propulsid which is to be destroyed pursuant to the terms of this order. Within these 500 bottles, defendant shall retain a representative sample of every lot which is destroyed. The terms and conditions for access to this product by the plaintiffs shall be determined in future proceedings if necessary.

b. All documents regarding return of the Propulsid® shall be preserved, including but not limited to all documents which accompanied the returned Propulsid®.

Rosemary Reavey, J.S.C.