FILED

FEB 15 2011

By the Court: Carol E. Higbee, P.J.Cv.

IN RE: LEVAQUIN® LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY CASE NO. 286 **CASE MANAGEMENT ORDER NO. 13** **AMENDED ORDER REGARDING COMMISSION PROCESS**

This matter, having been opened by the Court to amend Case Management Order No. 13 regarding the procedure for obtaining commissions;

IT IS, on this 15 day of Feb, 2011, hereby **ORDERED** as follows:

1. The Order for Commission and Commission to obtain out-of-state discovery in the form attached as Exhibit A is amended to reflect that a commission should have two parts: 1) a proposed order directing the Clerk of Court to issue a commission, and 2) the commission ready to be sealed by the Clerk of Superior Court of New Jersey.

2. A copy of this Order shall be served upon all counsel of record in these consolidated proceedings by Plaintiffs' Liaison Counsel within seven-days from the date of entry.

IT IS SO ORDERED

Carol E. Higbee

HON. CAROL E. HIGBEE, P.J.Cv.

FP01/ 6385156.1

EXHIBIT A

Mass Tort Clerk's Office
Superior Court of New Jersey
Atlantic County Civil Court Building
1201 Bacharach Boulevard
Atlantic City, New Jersey 08401

Re:
Docket No.:

Dear Sir/Madam:

Pursuant to this Court's Order Approving Short Form Commission Process, dated _____, 2010, plaintiff/defendant_____ submits an original and two copies of a proposed Order for Commission and Commission ("Order") for the issuance of a subpoena for:

1. Name of witness, city/state, for testimony and records regarding the medical care, treatment and condition of _____.

Pursuant to this Court's Amended Order Regarding the Commission Process, if the enclosed meets with the Court's approval and no written objection is received within five (5) business days, kindly enter the Order and return "filed" copies of each, bearing the Court's official seal in the enclosed envelope.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

_____

Enclosures
cc: Plaintiff's/Defendant's counsel (w/encl.)

FP01/ 6385156.1

Plaintiffs, v. Defendants	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY DOCKET NO. L- - -MT CIVIL ACTION LEVAQUIN LITIGATION CASE CODE 286 **ORDER**

THIS MATTER having been opened to the Court upon application by _____, attorneys for plaintiff/defendant _____ pursuant to Rule 4:11-5 for entry of an Order compelling _____ (to produce records and documents regarding _____, if applicable, and) to provide sworn testimony at deposition, and for good cause having been shown to direct the Clerk of Court to issue a subpoena duces tecum and ad testificandum in connection with the deposition of the Custodian of Records of _____, and issue any other appropriate order or process in aid of such Commission,

IT IS on this _____ day of _____, 2011;

ORDERED that the _____ request for the issuance of a Commission for the deposition and collection of records from _____ is hereby **GRANTED**; and it is further

ORDERED that this Court hereby authorizes the issuance of, and hereby issues, its Commission, pursuant to R. 4:11-5, in the form annexed hereto for the taking of the deposition of _____, at the time and place of the deposition, and for the production of all documents relating to any of the subjects listed on the Schedule A annexed to the Commission; and it is further

ORDERED that the Clerk of the Superior Court of New Jersey, Atlantic County to affix the proper seal to said Commission; and it is further

ORDERED that this Court respectfully requests that the _____, direct the Clerk of that Court to issue a subpoena duces tecum and ad testificandum and issue any appropriate process in aid of such Commission; and it is further

ORDERED that counsel for Defendants shall serve a copy of this Order upon all counsel of record within seven days of receipt hereof.

_____

Honorable Carol E. Higbee, P.J. Cv.

Plaintiffs, v. Defendants	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY DOCKET NO. L- - -MT CIVIL ACTION LEVAQUIN LITIGATION CASE CODE 286 **COMMISSION TO** _____ **PURSUANT TO R. 4:11-5**

WHEREAS, it appears to this Court, the Superior Court of New Jersey, Atlantic County, that the _____ may have information relating to the subjects listed on the annexed Schedule A; that such information and all documents which record, reflect, or relate to any of those subjects requested by the _____ are proper subjects of discovery in this action, and that attendance by the above-named witness at the deposition and production of the requested documents by same may not be compelled without this Court's issuance of this commission and the issuance by the _____, for an order directing the Clerk of that Court to issue a subpoena duces tecum and ad testificandum or other appropriate orders or process in aid of such commission;

NOW, THEREFORE, in confidence of your prudence and fidelity, we hereby appoint you Commissioner for _____ which record, reflect, refer or relate to any of the subjects listed on the annexed Schedule A, at a time and place to be determined; and

IN THE DISCHARGE OF THIS COMMISSION you are hereby authorized and empowered, at a time and place in _____ designated by you or such other times and places as

shall be mutually agreed upon by the witnesses and parties to this action, to permit the parties to inspect and copy the documents to be produced by _____, and to put the witness on oath, record, and transcribe the testimony of the witness on a date to be mutually agreed upon by the witness and the parties to this action, to certify on the deposition that the witness was duly sworn by you and the deposition is a true record of the witness' testimony and seal the deposition in an envelope endorsed with the title of this action and marked "_____" and file it by mail with the Clerk of the Superior Court of New Jersey, Law Division, Atlantic County, 1201 Bacharach Boulevard, 1st Floor, Atlantic City, NJ 08401 or as may be otherwise agreed by the parties to this action.

_____
Clerk of Superior Court of New Jersey

Dated: _____, 2011

ENTER SEAL OF ATLANTIC COUNTY