FILED

OCT 13 2009

Carol E. Higbee, P.J.Cv.

IN RE: LEVAQUIN LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION:ATLANTIC COUNTY CASE NO. 286 CIVIL ACTION Case Management Order No. 3 ORDER RE COMPLETION OF FACT SHEET DOCUMENTS

THIS MATTER, having come before the Court at recent Case Management Conferences, and all parties, having been represented by Counsel, and for good cause shown and the parties having consented to the form, substance and entry of the Order,

IT IS on this 13 day of Oct, 2009:

ORDERED as follows:

I. PLAINTIFF'S FACT SHEET

1. Each plaintiff in an action filed in the New Jersey *In Re: Levaquin Litigation* shall complete and serve upon Defendants' Liaison Counsel Susan M. Sharko, Esq. at the law firm of Drinker Biddle & Reath LLP, 500 Campus Drive, Florham Park, New Jersey 07932-1047, a completed PFS with an executed verification and records release authorizations, which have each been agreed to by the parties and approved by the Court and are attached hereto as Exhibit "A", within 60 days of the entry of this Order for all cases now on file . Thereafter the completed PFS with an executed verification and records release authorizations and related documents in the form attached as Exhibit "A" shall be served within 45 days from the filing of the first answer. The documents

attached as Exhibit "A" will be posted at the Court's website at

http://www.judiciary.state.nj.us/mass-tort/forms/index.htm

II. DEFENDANTS' FACT SHEET

2. Defendants shall complete and serve upon plaintiffs a completed "Defendant Fact Sheet" (DFS), the form of which has been agreed to by the parties and approved by the Court and which is attached hereto as Exhibit "B", within 60 days from the date that the PFS is served on Defendants' Liaison counsel as prescribed in this Order. The DFSs shall be completed and served on a rolling basis The DFS will be posed at the Court's website:

http://www.judiciary.state.nj.us/mass-tort/forms/index.htm

3. Defendants also will produce to Plaintiffs' Co-Liaison Counsel in this litigation the data from the "AS400", "MIDAS", "Viewpoint", "Siebel" and "Dendrite" databases concerning Levaquin®-related call notes in the Access database format as utilized in the MDL litigation, which can then be referenced to obtain call note data for the Prescribing Healthcare Provider(s) for each individual plaintiff. Defendants will provide reasonable instruction to Plaintiffs' Co-Liaison Counsel with regard to how to retrieve the information or data. The database and the materials and its contents will be treated as "PROTECTED" under the Protective Order in this litigation, and plaintiffs agree not to disclose or otherwise use any identifying patient information that might be inadvertently produced in the call notes databases, which is protected by federal law, but reserve all rights to seek court intervention in connection with such information. Defendants acknowledge that plaintiffs in this litigation reserve their rights to challenge the sufficiency of these database productions on all ground after the databases have been

produced. Plaintiffs acknowledge that Defendants in turn, reserve all rights to oppose such challenges and to resist any further obligations with regard to the discoverability of call notes.

4. Nothing in the PFS or the DFS shall be deemed to limit the scope of the inquiry at the depositions and admissibility of evidence at trial. The scope of inquiry at depositions shall remain governed by New Jersey law. The admissibility of information in the PFS and the DFS shall be governed by New Jersey law and no objections are waived by virtue of any fact sheet response.

5. Nothing in the PFS or DFS shall limit the scope of the pretrial discovery in any individual case.

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