FILED

SEP 28 2010

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. 11**

THIS MATTER, having come before the Court for a Telephonic Case Management Conference in the presence of liaison counsel for the defendants (Susan Sharko, Drinker Biddle & Reath, LLP) and liaison counsel for the plaintiffs (Richard Meadow, The Lanier Law Firm and Michael London, Douglas & London, and also Rebecca Newman and Michael Bastone of Douglas & London and Paul Cordella and David Kuttles of the Lanier Law Firm and Matthew McCauley, Parker Waichman & Alonso), on August 20, 2010, and for good cause shown:

IT IS on this 28th day of September, 2010, **ORDERED as follows**:

1. The following cases constitute the bellwether trial pool:

   a. John W. Altonen v. Johnson & Johnson, et al., Docket No. ATL-L-1327-10;

   b. Robert George Beare & Judith Beare v. Johnson & Johnson, et al., Docket No. ATL-L-196-10;

   c. Paul Gaffney v. Johnson & Johnson, et al., Docket No. ATL-L-4551-09;

   d. Michael & Angela Gilmore v. Johnson & Johnson, et al., Docket No. ATL-L-2672-09;

   e. Robert Hardy v. Johnson & Johnson, et al., Docket No. ATL-L-1230-09;

   f. Chantal Mastroianni v. Johnson & Johnson, et al., Docket No. ATL-L-1647-10;

   g. Robert & Gloria Steilen v. Johnson & Johnson, et al., Docket No. ATL-L-4237-09;

h. Victoria Ann & Kenneth John Warnet v. Johnson & Johnson, et al., Docket No. ATL-L-3795-09.

For these cases, except for Mastroianni, the following deadlines apply:

- Fact Discovery shall be completed by **November 15, 2010**.
- Plaintiffs' Expert Reports are due by **December 31, 2010**.
- Defendants' Expert Reports are due by **February 14, 2010**.
- The first trial shall begin on **April 4, 2011**.

2. An alternating system will be used to determine whether the prescribing physician or the detail representative will be deposed after the plaintiff. Using this alternating system, the breakdown is as follows:

Plaintiffs' Picks:

- John W. Altonen - Prescriber
- Robert George Beare & Judith Beare – Detail Representative
- Paul Gaffney - Prescriber
- Michael & Angela Gilmore – Detail Representative
- Robert Hardy - Prescriber
- Chantal Mastroianni – Detail Representative
- Robert & Gloria Steilen - Prescriber
- Victoria Ann & Kenneth John Warnet – Detail Representative

3. Adverse Event back-up files shall be bates-stamped and produced in the format agreed to by counsel, that is, if produced electronically, as one PDF per file; if produced in hard copy, with a list of bates-numbers for each file.

4. Ten (10) days before the deposition of a plaintiff, that plaintiff shall certify in writing that he or she has reviewed the deposition notice with counsel and that the document production called for by the deposition notice is complete to the best of his/her knowledge.

5. Twenty (20) days before the deposition of a company employee, that witness shall certify in writing that he/she has produced a complete copy of his/her custodial file to counsel,

who evaluated the material for relevance and privilege prior to production. To the extent categories of documents have been withheld on privilege grounds, they will have been identified on the privilege log.

6. The parties shall meet and confer within seven (7) days of entry of this Order regarding the operation of the Call Notes database.

7. Plaintiffs shall respond to "deficiency letters" from defense counsel within twenty (20) days of receipt of the letters. Defense counsel will send a follow up thereafter if no response is received. If a plaintiff fails to provide requested information within 10 days of the follow up, defense counsel may file a motion to dismiss without prejudice. If alternatively, there is a response to the deficiency letter, following adequate meet and confer, and the parties still disagree as to sufficiency or relevancy, the defense may file a motion to compel.

8. The following cases constitute the defense designated cases

a. Neil Albrecht v. Johnson & Johnson, et al., Docket No. ATL-L-374-10;

b. Lou Ann Bergeon v. Johnson & Johnson, et al., Docket No. ATL-L-193-10;

c. John Bibbo v. Johnson & Johnson, et al., Docket No. ATL-L-4225-09;

d. Lynette Colbert v. Johnson & Johnson, et al., Docket No. ATL-L-5097-09;

e. Drue Kale v. Johnson & Johnson, et al., Docket No. ATL-L-4630-09;

f. Mark Randall v. Johnson & Johnson, et al., Docket No. ATL-L-3703-09;

g. Leslie Roby v. Johnson & Johnson, et al., Docket No. ATL-L-4877-09;

h. Donald Wayne Wells v. Johnson & Johnson, et al., Docket No. ATL-L-4730-09.

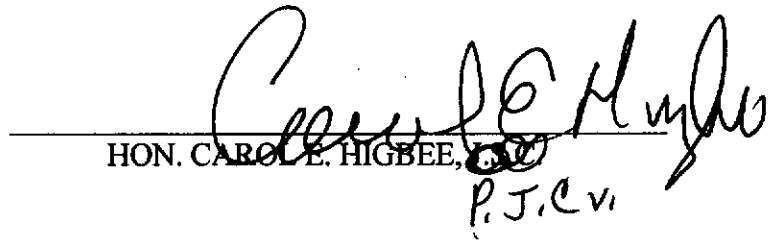
The following cases constitute the defense designated 2009 event cases:

i. Carlton McClure v. Johnson & Johnson, et al., Docket No. ATL-L-4692-09;

j. Sally Romero v. Johnson & Johnson, et al., Docket No. ATL-L-2663-09;

Depositions of the plaintiffs shall go forward in the defense designated cases

9. The next Case Management Conference is scheduled for September 30, 2010 at 2:00 pm.



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

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