DRINKER BIDDLE & REATH LLP
A Delaware Limited Liability Partnership
500 Campus Drive
Florham Park, NJ 07932-1047
(973) 549-7000
Attorneys for Defendants
Johnson & Johnson, Johnson & Johnson Pharmaceutical
Research and Development, L.L.C. and
Ortho-McNeil-Janssen Pharmaceuticals, Inc.

FILED
APR 15 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. 8**

IT IS on this 15 day of April, 2010, **ORDERED**

A. <u>Authorizations For The Release of Records</u>

Each plaintiff's counsel shall maintain in their file a minimum of ten (10) unaddressed, executed authorizations. Plaintiff's counsel shall respond to defense counsel's demand for a specific authorization within one week of defense counsel's request for same by producing the requested authorization or a good faith explanation as to why the authorization should not be provided, or advise defense counsel that additional time is needed. If a provider-unique authorization from a facility is required to obtain plaintiff's records (such as pharmacy records), defense counsel shall provide such authorization to plaintiff's counsel, who will then have the authorization executed and provided to defendants in a timely manner. Plaintiff's counsel is not required to tender unaddressed authorizations to defendants' counsel.

B. **Non-Compliance with PFS Requirements**

In the event a plaintiff fails to serve a Plaintiff Fact Sheet ("PFS") within the time required by Case Management Order No. 3, defendants shall notify plaintiff's counsel in writing of such failure. If by thirty (30) days after service of defendants' notification, plaintiff has not served a completed PFS, defendants may move the Court for an Order dismissing the Complaint without prejudice. Plaintiff will be permitted to file opposition or responsive papers to defendants' motion to dismiss at least eight (8) days prior to the return date.

After serving a completed outstanding PFS plaintiff may move to vacate the Order of Dismissal Without Prejudice.

Defendants may move after sixty (60) days from entry of the Order of Dismissal Without Prejudice to convert such Order to an Order of Dismissal With Prejudice, unless plaintiff has served defendants with the outstanding completed PFS. Plaintiff will be permitted to file opposition or responsive papers to defendants' motion to dismiss with prejudice at least eight (8) days prior to the return date.

Carol E. Higbee

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

FP01/6245448.1