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BRIAN R. MARTINOTTI, J.S.C.

ANDRETA MCELWRATH, Plaintiff, v. BAYER HEALTHCARE PHARMACEUTICALS INC., Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION BERGEN COUNTY DOCKET NO.: BER-L-3689-15 Civil Action In Re: Mirena Litigation Case No. 297 **ORDER ON MOTION TO DISMISS FOR FAILURE TO SERVE COMPLAINT PURSUANT TO R. 1:13-7 AND FAILURE TO PROVIDE A PLAINTIFF FACT SHEET PURSUANT TO CMO NO. 3**

THIS MATTER having been brought before the Court by way of motion of Coughlin Duffy LLP, counsel for defendant Bayer HealthCare Pharmaceuticals Inc. ("Defendant"), for an Order dismissing Plaintiff's Complaint for failure to serve the complaint pursuant to R.1:13-7 and failure to provide a Plaintiff Fact Sheet ("PFS") pursuant to Case Management Order No. 3; and the Court having considered the papers submitted; and the Court having heard the arguments of counsel, if any; and for good cause shown;

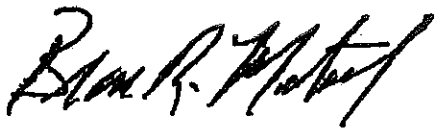
IT IS ORDERED that the Complaint of Plaintiff Andreta McElwrath is hereby dismissed without prejudice; and it is further

ORDERED that Plaintiff Andreta McElwrath shall have 90 days from the date of this Order to serve the Complaint upon Defendant; serve a Completed Plaintiff Fact Sheet, and move

before this Court for reinstatement of the Complaint and payment of the appropriate fee; and it is further

ORDERED that if Plaintiff Andreta McElwrath fails to serve the Complaint AND provide a Completed Plaintiff Fact Sheet within 90 days from the date of this Order, Defendant may file a Motion to Dismiss this action with prejudice; and it is further

ORDERED that a signed copy of this Order be served upon all counsel within seven (7) days of the date hereof.



HONORABLE BRIAN R. MARTINOTTI, J.S.C.

[ ] Opposed

[✓] Unopposed