FILED

AUG 19 2011

Carol E. Higbee, P.J.Cv.

	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY
IN RE: REGLAN LITIGATION	CASE NO.: 289
APPLICABLE TO ALL CASES	Civil Action MASTER DOCKET: ATL-L-3865-10CT

CASE MANAGEMENT ORDER NO. 13

THIS MATTER having come before the Court on July 14, 2011, and counsel for plaintiffs and counsel for defendants having been present and for good cause shown,

IT IS on this 19 day of Aug, 2011 **ORDERED** as follows:

1. Plaintiffs shall place on Lexis Nexis File & Serve their Second Amended Master Long Form Complaint which shall be filed by the clerk of the court under the master docket number ATL-L-3865-10. Plaintiffs shall also place on Lexis Nexis File & Serve their Third Amended Short Form Complaint, which shall refer back to and adopt the Second Amended Master Long Form Complaint as appropriate. All short form complaints previously filed shall be deemed to include all allegations in the Second Amended Master Complaint with the sole exception of Kohles v. Wyeth, Inc., docket number ATL-L-4622-10. In any case selected as a bellwether case or in which a plaintiff seeks to file a motion, that individual plaintiff shall be required to file a Third Amended Short Form Complaint. Further, all complaints filed after the date of this Order shall utilize the Third Amended Short Form Complaint.

2. All Notice of Appearances filed by defendants in individual cases before the date of this order and any Notice of Appearance filed after the date of this Order shall be deemed to

be Answers that deny all allegations of the Second Amended Master Long Form Complaint. As set forth in Case Management No. 3, paragraph 8, a notice of appearance shall continue to constitute a denial of all allegations asserted in the short and long form complaint, and an assertion of all applicable defenses thereto, and a reservation of all rights. There is no need for a long form or short form answer.

3. By August 30, 2011, each defendant shall submit to the court a list of the individual cases in which it has appeared as of that date.

4. By September 12, 2011, each Generic Drug Company Defendant who has served a Notice of Appearance in these cases is required to either produce documents identifying when it adopted the 2004 and 2009 metoclopramide label changes, or identify from previously produced documents Bates-numbers of the documents identifying when it adopted the 2004 and 2009 metoclopramide label changes.

5. This Court's Order dated June 1, 2011 establishing a briefing schedule for any plaintiffs or defendants who wished to file a motion regarding *Foster/Conte* issues in cases involving New Jersey resident plaintiffs is hereby vacated.

6. Generic drug company defendants may file motion(s) to dismiss on the pleadings by September 26, 2011; opposition(s) shall be filed by October 17, 2011; and replies by October 31, 2011. Oral argument will be set by the court at a future date.

7. Plaintiffs and Brand drug company defendants may file *Foster/Conte* and related NJ PLA based motions in cases involving plaintiffs who ingested or were injected with Reglan/metoclopramide in New Jersey by September 26, 2011; oppositions shall be filed by

October 17, 2011; and replies by October 31, 2011. Oral argument will be set by the court at a future date.

The cases to which these motions shall apply are all cases in which plaintiff alleges ingestion/injection of Reglan/metoclopramide in New Jersey and in which plaintiff files a Third Amended Short Form Complaint and Plaintiff Fact Sheet on or before September 12, 2011.

8. The injectable defendants shall have until September 30, 2011 to file notices of appearances in any cases in which they have been served. The court will hold phone conferences if requested by the injectable defendants to set procedures and schedules for the management of these cases. Plaintiffs' counsel shall cooperate with defense counsel to ascertain whether only injectables were used during plaintiffs' treatment or whether plaintiff was treated with another form of oral Reglan and injectables.

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