FILED

OCT 14 2010

Carol E. Higbee, P.J.Cv.

	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY
	CASE NO. 289
IN RE: REGLAN LITIGATION	MASTER DOCKET: ATL-L-3865-10
	CIVIL ACTION
	CASE MANAGEMENT ORDER NO. 3 REGARDING MASTER AND SHORT FORM COMPLAINTS

This matter, having been the subject of a case management conference before the Court and all counsel on September 28, 2010, and for good cause shown,

IT IS ON THIS 14th day of October 2010, ORDERED AS FOLLOWS:

1. On or before October 15, 2010, plaintiffs' co-liaison counsel shall file the master long form complaint. The master long form complaint will be posted at the Court's website:

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

2. All complaints filed on or before the date of this order shall be deemed to adopt the master long form complaint.

3. On or before October 15, 2010, plaintiffs' co-liaison counsel shall file a copy of the agreed-upon short form complaint. The short form complaint shall be posted at the Court's website: http://www.judiciary.state.nj.us/mass-tort/forms/index.htm

4. All complaints filed after the date of this Order shall utilize the short form complaint, which shall refer back to and adopt the master long form complaint as appropriate. For cases filed on or before the date of this Order, service of the master long form complaint must be in accordance with the Rules of Court or by other informal means agreed upon by counsel. For cases filed after the date of this Order, all short form complaints must also be served

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in accordance with the Rules of Court or as by other informal means agreed to upon by and between counsel.

5. Plaintiffs who have filed complaints on or before the date of this Order are required to file a short form complaint. Such short form complaints shall be served on (i) counsel for all defendants who have entered their appearances in that case, and (ii) upon any defendant(s) whose counsel have not entered their appearances in that case, in accordance with the Rules of Court or by other informal means agreed upon by counsel. Notwithstanding that set forth herein, the short form complaint will allow any plaintiff i) to not assert a cause of action set forth in the master long form complaint, ii) to assert an additional cause of action not set forth in the master long form complaint, and/or iii) to add a party not named in the master long form complaint.

6. All plaintiffs asserting claims arising from the ingestion and/or purchase of Reglan and/or metoclopramide are required to file and serve case information statements, along with short form complaints. It is intended that plaintiffs utilizing short form complaints shall be as specific as possible as to the products ingested, the identified periods of ingestion and the defendants named in the lawsuit. The filing of a Summons and a short form complaint shall trigger all discovery obligations in each lawsuit.

7. The filing of all answers to complaints filed on or before the date of this Order is stayed. Answer dates are controlled by the provisions of paragraph 8 of this Order.

8. On or before November 15, 2010, the defendants shall file a master long form answer responding to the master long form complaint. The master long form answer shall include a general denial of all factual allegations in the master long form complaint as well as a reservation of all available defenses. A defendant shall file a notice of appearance within twenty-one (21) days of the date of service of a Summons and a short form complaint on that defendant

made in accordance with the Rules of Court or by other informal means agreed to by counsel. A notice of appearance shall constitute a denial of all allegations asserted in the short form complaint, an assertion of all applicable defenses thereto, and a reservation of all rights except as detailed in the following sentence. If a defendant claims (i) a lack of personal jurisdiction, (ii) insufficient process, and/or (iii) insufficient service of process, it shall be required to assert such affirmative defenses in the short form answer. Defendants shall not be required to plead any other specific affirmative defenses until after the selection of bellwether cases. All answers filed before the date of this Order shall be deemed to be amended to adopt the long form answer by reference.

9. Notwithstanding anything to the contrary in paragraph 8 of this Order, with regard to any complaints filed on or before the date of this Order, a defendant who desires to file a motion to dismiss for (i) lack of personal jurisdiction, (ii) insufficient process, and/or (iii) insufficient service of process shall, consistent with Case Management Order No. 1, seek leave to do so by requesting a conference with the Court. If a defendant seeks to move to dismiss or seeks summary judgment based on an affirmative defense, the defendant must file an answer asserting all affirmative defenses before seeking leave of Court to file the motion(s).

10. All discovery taken in the Pennsylvania state coordinated litigation *In re: Reglan®/Metoclopramide Mass Tort Litigation*, January 2010, No. 01997, and the California state coordinated litigation, *In re: Reglan®/Metoclopramide Joint Coordinated Proceedings*, J.C.C.P. No. 4631, including but not limited to document requests, interrogatories, written discovery responses and depositions, may be used in the New Jersey state coordinated litigation, subject to and without waiver of all objections and legal arguments and evidentiary rule requirements. In an effort to avoid duplication, the parties to the New Jersey state coordinated litigation agree to utilize depositions taken in the Pennsylvania and/or California state

coordinated proceedings, whenever possible. Plaintiffs in the New Jersey state coordinated litigation agree to adopt the "Plaintiffs' Master First Set of Interrogatories to All Defendants," "Plaintiffs' Master First Set of Requests for Production of Documents to Brand Defendants," and "Plaintiffs' Master First Set of Requests for Production of Documents to Generic Defendants" utilized in the Pennsylvania state coordinated litigation *In re: Reglan®/Metoclopramide Mass Tort Litigation*, January 2010, No. 01997 Notwithstanding this adoption, plaintiffs in the New Jersey litigation reserve the right to serve supplemental written discovery demands in this coordinated litigation. Prior to or upon service of any such supplemental written discovery demands, plaintiffs' co-liaison counsel and defendants' liaison counsel shall meet and confer for the purpose of endeavoring in good faith to avoid discovery that is duplicative of discovery taken in the Pennsylvania and/or California state coordinated litigations. Defendants shall provide objections and responses to any such supplemental written discovery demands in accordance with the applicable provisions of the Rules of Court.

11. Interrogatory responses to the "Plaintiffs' Master First Set of Interrogatories to All Defendants," as referenced in paragraph 10, are to be served within fifteen (15) days of the date of this Order by all defendants that have been served by a complaint in this coordinated New Jersey litigation prior to the issuance of this Order. For defendants that have not been served with a complaint in this coordinated New Jersey litigation, interrogatory responses to the "Plaintiffs' Master First Set of Interrogatories to All Defendants," as referenced in paragraph 10, are to be to be served within forty-five (45) days of service of a short form complaint.

IT IS SO ORDERED:

Dated: Oct 14, 2010

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

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