SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: ATLANTIC COUNTY

RECEIVED and :FILED

CASE NO: 299

IN RE: BENICAR

(Olmesartan Medoxomil)

CIVIL ACTION

OCT. 1 1 2016

ATLANTIC COUNTY CASE MANAGEMEN

ORDER NO. 9

Records Collection Process

THIS MATTER, having come before the Court, upon the submission by Plaintiffs of the final version of the Order entered in the Benicar (Olmesartan) Products Liability Litigation MDL Master Docket No. 15-2606, and in furtherance of State and Federal Court coordination;

IT IS on this //hday of October, 2016 ORDERED as follows:

- Defendants have engaged The MCS Group ("MCS") to collect records in 1) the HTN Litigation. Plaintiffs may order their own records or copies of records identified for collection by Defendants, subject to the cost provisions below.
- Both parties will have access to individual secure portals where all providers 2) identified for collection are available for view, status updates are provided, and records may be accessed. Records will only be made accessible to parties who have ordered/purchased them.
- Plaintiffs do not have to pay a fee for access to MCS' secure portal for the purpose of determining if they wish to order copies of any records. If plaintiffs so request, they must be able to identify the records on the portal before deciding if they want to order copies.
 - After records are requested for a specific plaintiff, counsel will receive a 4)

list of provider locations ("Counsel Cards") for each request made by the other party.

This notification will be sent via email. A sample Counsel Card is attached.

- 5) The parties will be able to request copies of all records collected for a plaintiff or order specific record sets by identifying particular providers for that plaintiff. If one party requests access to records that have already been collected and purchased by the other party through MCS, that party will be charged for half of the fees to obtain the records, as well as MCS's copying/production charge, and the original purchaser will receive a credit for half of the collection costs. MCS will not double charge for any fees or costs.
- 6) Should plaintiffs choose to order records through MCS, a separate written agreement will be required, on mutually acceptable terms between MCS and Plaintiffs, wherein plaintiffs' counsel accepts responsibility for payment for their share of invoices prior to providing copies on any requests.

Costs for Shared Collections

- 1) Shared fees generally include:
 - a) Authorization Request fee.
 - b) Page fees.
 - c) Custodian fees.
 - d) Shipping/postage/long distance fees.
 - e) Excessive follow-up fees.
 - f) Rush collection fees.
- 2) Non-shared fees generally include:
 - b) Physical Evidence handling and shipping fees.
 - c) Production of records outside The MCS Group's website(s) fees

(i.e. hard copies, CDs of records).

- d) Special ad hoc reporting fees.
- e) Administrative fees associated with cost-share opt-in, opt-out and maintenance fees.

IT IS FURTHER ORDERED that a true and correct copy of this order shall be served on all parties within (7) days of the date hereof.

NELSON C. JOHNSON, J.S.C.

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Dated: October <u>//h</u>, 2016