Michael Dore LOWENSTEIN SANDLER LLP 65 Livingston Avenue Roseland, New Jersey 07068 (973) 597-2500 NJ License No. 034581980 Attorneys for Defendants Warner Chilcott (US), LLC, as Successor in interest to Procter & Gamble Pharmaceuticals Inc., sanofi-aventis U.S. L.L.C., and Sanofi US Services Inc.

FILED SEP 3 0 2015

JUDGE JESSICA R. MAYER

BARBARA SMITH,

Plaintiff,

vs.

MERCK SHARP & DOHME CORP.; SANOFI-AVENTIS, U.S., INC.; SANOFI-AVENTIS, U.S., LLC; WARNER CHILCOTT PHARMACEUTICALS, INC.; and PROCTER & GAMBLE PHARMACEUTICALS, INC.

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY Fosamax Litigation (Case No. 282)

DOCKET NO.: MID-L-8588-14

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Barbara Smith ("Plaintiff") and Defendant Warner Chilcott (US), LLC ("Warner Chilcott"), through their respective undersigned counsel, that all of Plaintiff's claims against sanofi-aventis U.S., Inc., sanofi-aventis U.S. L.L.C.¹, Warner Chilcott Pharmaceuticals, Inc., and Procter & Gamble Pharmaceuticals, Inc.² are hereby dismissed with prejudice pursuant to <u>Rule</u> 4:37-1(a) of the New Jersey Rules of Court. Each party will bear its own costs and fees.

¹ sanofi-aventis U.S. L.L.C. is the successor in interest to Aventis Pharmaceuticals, Inc. sanofi-aventis U.S. L.L.C. co-promoted Actonel® with Procter & Gamble Pharmaceuticals, Inc. until October 30, 2009, after which it co-promoted Actonel® with Warner Chilcott Pharmaceuticals Inc. until April 1, 2010. On April 1, 2010, sanofi-aventis U.S. L.L.C. ceased its co-promotion of Actonel®, and Warner-Chilcott Pharmaceuticals Inc. assumed full responsibility for the promotion of Actonel®.

² On February 1, 2010, Procter & Gamble Pharmaceuticals, Inc. became known as Warner Chilcott Pharmaceuticals Inc. In connection with that name change, Warner Chilcott Pharmaceuticals Inc. served as the successor in interest

Plaintiff's claims against Defendant Merck & Co., Inc. are not dismissed by this

Stipulation of Dismissal and remain pending.

SEEGER WEISS LLP Attorneys for Plaintiffs

By:

Christopher A. Seeger Sindhu S. Daniel 550 Broad Street, Suite 920 Newark, NJ 07102 Tel. (973) 639-9100

Dated: JULY 17,2015

LOWENSTEIN SANDLER LLP

Attorneys for Defendants Warner Chilcott (US), LLC, sanofi-aventis U.S. L.L.C., and Sanofi US Services Inc.

By: Michael Dore

65 Livingston Avenue Roseland, NJ 07068 Tel. (973) 597-2500

Lana K. Varney Norton Rose Fulbright US LLP 98 San Jacinto Blvd., Suite 100 Austin, TX 78701 Tel. (512) 474-5201

Dated:

HUGHES HUBBARD & REED LLP Attorneys for Defendant Merck Sharp & Dohme, Corp.

By:

Wilfred Coronato Stephen Lanza 101 Hudson Street, Suite 3601 Jersey City, NJ 07302

Dated:_____

to Procter & Gamble Pharmaceuticals, Inc. Effective as of January 1, 2011, Warner Chilcott Pharmaceuticals Inc. was merged into Warner Chilcott (US), LLC, and no longer exists as a distinct entity. In connection with this transaction, Warner Chilcott (US), LLC now serves as the successor in interest to Procter & Gamble Pharmaceuticals, Inc.

By M Len My Abert

Eileen Oakes Muskett Fox Rothschild LLP Midtown Building 1301 Atlantic Avenue Suite 400 Atlantic City, NJ 08401

Attorneys for Defendant Merck Sharp & Dohme, Corp.

9/3/10 Honorable Jessica R. Mayer, J.S.C.

SO ORDERED:

DATED: _____, 2015

-3-