

### FEB 1 5 2011

By the Court:

Carol E. Highee, P.J.Cv.

IN RE: LEVAQUIN® LITIGATION

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY

**CASE NO. 286** 

#### **CASE MANAGEMENT ORDER NO. 13**

AMENDED ORDER REGARDING COMMISSION PROCESS

This matter, having been opened by the Court to amend Case Management Order No. 13 regarding the procedure for obtaining commissions;

- 1. The Order for Commission and Commission to obtain out-of-state discovery in the form attached as Exhibit A is amended to reflect that a commission should have two parts: 1) a proposed order directing the Clerk of Court to issue a commission, and 2) the commission ready to be sealed by the Clerk of Superior Court of New Jersey.
- 2. A copy of this Order shall be served upon all counsel of record in these consolidated proceedings by Plaintiffs' Liaison Counsel within seven-days from the date of entry.

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IS SO ORDERÆD

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# **EXHIBIT A**

Superior Court of New Jersey	
Atlantic County Civil Court Building 1201 Bacharach Boulevard	
Atlantic City, New Jersey 08401	
riamine only, from bolody do to t	
D	
Re: Docket No.:	
Docket No	
Dear Sir/Madam:	
Pursuant to this Court's Order Approving Short Form Commission Proceeding 2010, plaintiff/defendants	
	r") for the
1. Name of witness, city/state, for testimony and records regarding the med treatment and condition of	lical care,
Pursuant to this Court's Amended Order Regarding the Commission Proceed enclosed meets with the Court's approval and no written objection is received within business days, kindly enter the Order and return "filed" copies of each, bearing the official seal in the enclosed envelope.	n five (5)
We appreciate the Court's consideration of this matter.	
Respectfully submitted,	
Enclosures	

cc: Plaintiff's/Defendant's counsel (w/encl.)

Mass Tort Clerk's Office

#### Plaintiffs,

## SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY

DOCKET NO. L- - - MT

v.

**CIVIL ACTION** LEVAQUIN LITIGATION CASE CODE 286

Defendants

#### **ORDER**

THIS MATTER having been	n opened to the Co	urt upon application by,
attorneys for plaintiff/defendant		pursuant to Rule 4:11-5 for entry
of an Order compelling		(to produce records and
documents regarding	, if app	licable, and) to provide sworn testimony
at deposition, and for good cause h	naving been showr	to direct the Clerk of Court to issue a
subpoena duces tecum and ad testifi	candum in connec	tion with the deposition of the Custodian
of Records of	, and issue any	other appropriate order or process in aid
of such Commission,		
IT IS on this	day of	, 2011;
ORDERED that the	request	for the issuance of a Commission for the
deposition and collection of records i	from i	s hereby GRANTED; and it is further
ORDERED that this Court he	ereby authorizes th	e issuance of, and hereby issues, its
Commission, pursuant to R. 4:11-5, i	n the form annexed	l hereto for the taking of the deposition
of, at the time an	d place of the depo	sition, and for the production of all
documents relating to any of the subj	ects listed on the S	chedule A annexed to the Commission;
and it is further		

ORDERED that the Clerk of the Superior Court of New Jersey, Atlantic County to affix
the proper seal to said Commission; and it is further
ORDERED that this Court respectfully requests that the, direct the
Clerk of that Court to issue a subpoena duces tecum and ad testificandum and issue any
appropriate process in aid of such Commission; and it is further
ORDERED that counsel for Defendants shall serve a copy of this Order upon all counsely
of record within seven days of receipt hereof.
Honorable Carol E. Higbee, P.J. Cv.

	Plaintiffs,	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY DOCKET NO. LMT
V.	Defendants	CIVIL ACTION LEVAQUIN LITIGATION CASE CODE 286 COMMISSION TO
		PURSUANT TO <u>R.</u> 4:11-5

WHEREAS, it appears to this Court, the Superior Court of New Jersey, Atlantic County,
that the may have information relating to the subjects listed on the annexed
Schedule A; that such information and all documents which record, reflect, or relate to any of
those subjects requested by the are proper subjects of discovery in this action, and that
attendance by the above-named witness at the deposition and production of the requested
documents by same may not be compelled without this Court's issuance of this commission and
the issuance by the, for an order directing the Clerk of that Court to issue a
subpoena duces tecum and ad testificandum or other appropriate orders or process in aid of such
commission;
NOW, THEREFORE, in confidence of your prudence and fidelity, we hereby appoint
you Commissioner for which record, reflect, refer or relate to any of the subjects listed
on the annexed Schedule A, at a time and place to be determined; and
IN THE DISCHARGE OF THIS COMMISSION you are hereby authorized and
empowered, at a time and place in designated by you or such other times and places as

shall be mutually agreed upon by the witnesses and parties to this action, to permit the parties to
inspect and copy the documents to be produced by, and to put the witness on oath,
record, and transcribe the testimony of the witness on a date to be mutually agreed upon by the
witness and the parties to this action, to certify on the deposition that the witness was duly sworn
by you and the deposition is a true record of the witness' testimony and seal the deposition in an
envelope endorsed with the title of this action and marked "" and file it by mail with
the Clerk of the Superior Court of New Jersey, Law Division, Atlantic County, 1201 Bacharach
Boulevard, 1st Floor, Atlantic City, NJ 08401 or as may be otherwise agreed by the parties to this
action.
Clerk of Superior Court of New Jersey
Clork of Superior Court of New Jorsey
Dated:, 2011

ENTER SEAL OF ATLANTIC COUNTY