#11739

**FILED** 

JUL 17 2009

Judge Jamie D. Happas

RAYMOND WILKERSON.

Plaintiff,

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ASTRAZENECA PHARMACEUTICALS
LP; ASTRAZENECA LP; ASTRA USA,
INC.; KBI SUB, INC.; ZENECA, INC.;
ASTRA USA HOLDINGS
CORPORATION; ASTRAZENECA, AB;
ASTRAZENECA, PLC; and
ASTRAZENECA, UK LIMITED; JOHN
DOE(S) 1 through 20; and JANE DOE(S)
1 through 20,

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-3180-09

CIVIL ACTION

: In Re Risperdal/Seroquel/Zyprexa Litigation: Case No. 274

ORDER OF DISMISSAL OF PLAINTIFF'S
COMPLAINT WITHOUT PREJUDICE FOR
FAILURE TO SERVE A SHORT FORM
PLAINTIFF FACT SHEET PURSUANT TO
CASE MANAGEMENT ORDER NOS. 4
and 4A.

THIS MATTER having been brought before the Court by McCarter & English, LLP, attorneys for Defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, Zeneca Inc., KBI Sub Inc., and Astra USA, Inc. (collectively "AstraZeneca") to dismiss plaintiff 's Complaint without prejudice for failure to serve a Short Form Plaintiff Fact Sheet pursuant to Case Management Order No. 4 ("CMO 4"), § II.G; such dismissal without prejudice being authorized by Case Management Order No. 4A ("CMO 4A"), §

II.H.1. (a-c); the Court having considered the papers submitted, and for good cause
shown;
IT IS on this 17th day of July , 2009;
ORDERED that AstraZeneca's motion is hereby GRANTED and that plaintiff's
Complaint is DISMISSED WITHOUT PREJUDICE as to all parties - served and
unserved - pursuant to CMO 4, § II.G, and CMO 4A, § II.H.1 (a-c); and it is further
ORDERED that a signed copy of this Order be served on all counsel within
seven (7) days of the date hereof; and it is further
ORDERED that upon being served with the within order of dismissal without
prejudice, plaintiff's counsel shall forthwith serve a copy of this order on the plaintiff by
regular and certified mail, return receipt requested, accompanied by a notice in the form
prescribed by Appendix II-F of the New Jersey Rules of Court, specifically explaining
the consequences of failure to serve a materially Completed Short Form PFS (which
must include preperly executed Authorizations and Acknowledgement) and to file and
sorve a timely motion to restore.  ordered that plaintiff beand hereby is compelled to produce
hereby is compelled to produce
specifically materially James D. Happas, J.S.C.
detendant's requested discovery, James D. Happas, J.S.C. completed short form plaintiff fact sheet within GO days
Unopposed of this order; and it is further
Opposed ordered that plaintiff's complaint be dismissed without prejudice if upon motion of defendant, it is found that plaintiff has not produced the requested
motion of detendant, it is found that
Dated: Plaintill has not produced the requested discovery.