

FILED

November 16, 2022

HON. BRUCE J. KAPLAN, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY

DOCKET NO. MID-L-7628-18

MASTER DOCKET NO. MID-L-4998-18 CM

CIVIL ACTION
In Re Taxotere Litigation

**CONSENT ORDER OF DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANT SANDOZ INC. ONLY**

<p>SHEILA BALLARD,</p>	<p>Plaintiff,</p>
<p>vs.</p>	
<p>SANOFI U.S. SERVICES, INC. et al.,</p>	<p>Defendants.</p>

THIS MATTER, having been brought before the Court by the parties who have appeared in this action pursuant to Rule 4:37-1(a), Plaintiff Sheila Ballard and all named Defendants, Sanofi U.S. Services, Inc. and sanofi-aventis U.S. LLC (“Sanofi”) and Sandoz Inc. (“Sandoz”), and for good cause shown;

IT IS on this 16th day of November, 2022;

ORDERED, that this matter is hereby:

1. Dismissed without prejudice in its entirety as to defendant Sandoz for lack of product identification information compliant with Product Identification Order No. 3 and New Jersey law.
2. This action will remain pending as to Sanofi.
3. Leave to reinstate a claim against Sandoz may be sought from the Court if Plaintiff subsequently obtains product identification information as to Sandoz.
4. In the event Plaintiff is unable to obtain product identification as to any infusion pursuant to Product Identification Order No. 3 and New Jersey law, Sanofi reserves the right to, and hereby provides notice that, they may seek summary judgment as to any

such infusion, and/or present evidence to the trier of fact regarding fault for any such infusion, and/or seek apportionment of liability on the verdict sheet as to fault for any such infusion.

5. Consistent with New Jersey law, nothing in this Order shall preclude Sandoz from disputing the sufficiency of product identification information later produced by Plaintiff, if any, or from later seeking dismissal with prejudice.
6. The parties shall bear their own fees and costs.

Bruce J. Kaplan
Hon. Bruce J. Kaplan, J.S.C.

The posting of this Order on eCourts shall constitute service upon all counsel of record. If applicable, pursuant to Rule 1:5-1(a), the movant shall serve a copy of this Order upon all parties not served electronically within seven (7) days of receipt of this Order.

THE UNDERSIGNED CONSENT TO THE FORM AND ENTRY OF THIS ORDER:

Dismissal Without Prejudice

Sheila Ballard v. Sanofi U.S. Services, Inc. et al., Docket No. MID-L-7628-18

/s/ Christopher LoPalo

Christopher LoPalo, Esq.

NAPOLI SHKOLNIK PLLC

400 Broadhollow Rd.

Suite 305

Melville, NY 11747

(212) 397-1000

Clopalo@napolilaw.com

Attorneys for Plaintiff Sheila Ballard

/s/ Stephen C. Matthews

Stephen C. Matthews, Esq.

NJ Attorney ID #055801994

DLA PIPER LLP (US)

51 John F. Kennedy Parkway, Suite 120

Short Hills, NJ 07078-2704

(973) 520-2541

stephen.matthews@dlapiper.com

*Attorneys for Defendants Sanofi U.S. Services,
Inc. and sanofi-aventis U.S. LLC*

/s/ Aaron Van Nostrand

Aaron Van Nostrand (N.J. I.D. No.
027472002)

500 Campus Drive, Suite 400

Florham Park, NJ 07932

(973) 443-3557

vannostranda@gtlaw.com

Lori G. Cohen, Esq.

Admitted Pro Hac Vice

R. Clifton Merrell, Esq.

Admitted Pro Hac Vice

Evan C. Holden, Esq.

Admitted Pro Hac Vice

GREENBERG TRAURIG LLP

Terminus 200

3333 Piedmont Rd., NE

Suite 2500

Atlanta, GA 30305

(678) 553-2100

cohenl@gtlaw.com

merrellc@gtlaw.com

holdene@gtlaw.com

Attorneys for Defendant Sandoz, Inc.

