

FILED

December 13, 2022

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY

KIMBERLY RICHEY,

Plaintiff,

vs.

SANOFI U.S. SERVICES, INC. et al.,

Defendants.

DOCKET NO. MID-L-7595-18

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**

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 Kimberly Richey 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 13 day of December, 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. Dismissed without prejudice with respect to Plaintiff’s alleged second docetaxel regimen (infusions between 2011-2012) as to all defendants (Sanofi and Sandoz) for lack of product identification information compliant with Product Identification Order No. 3 and New Jersey law.
3. This action will remain pending as to Sanofi with respect to Plaintiff’s docetaxel infusions between 2007-2008.

4. Leave to reinstate a claim against Sandoz and/or Sanofi may be sought from the Court if Plaintiff subsequently obtains product identification information as to Sandoz or Sanofi with respect to Plaintiff's infusions between 2011-2012.
5. 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.
6. Consistent with New Jersey law, nothing in this Order shall preclude Sandoz or Sanofi from disputing the sufficiency of product identification information later produced by Plaintiff, if any, or from later seeking dismissal with prejudice.
7. The parties shall bear their own fees and costs.

/s/ 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

Kimberly Richey v. Sanofi U.S. Services, Inc. et al., Docket No. MID-L-7595-18

/s/ Christopher LoPalo

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