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**FILED**  
**OCT 31 2019**

**Judge James F. Hyland**

Harley V. Ratliff (admitted *pro hac vice*)  
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*Attorneys for Defendants Sanofi U.S.  
Services, Inc. and sanofi-aventis U.S. LLC*

**IN RE TAXOTERE LITIGATION**

SUPERIOR COURT OF NEW JERSEY LAW  
DIVISION – MIDDLESEX COUNTY  
CASE TYPE: MCL NO. 628  
MASTER DOCKET NO.: MID-L-4998-18-CM  
**CIVIL ACTION**  
**IN RE TAXOTERE LITIGATION**

~~PROPOSED~~ ORDER

**THIS MATTER** having been brought before the Court upon the motion of Defendants Sanofi U.S. Services Inc. f/k/a Sanofi Aventis U.S. Inc., sanofi-aventis U.S. LLC (together, “Sanofi Defendants”) and Defendants Sandoz Inc., Sun Pharmaceutical Industries, Inc. f/k/a Caraco Pharmaceutical Laboratories, Ltd., Actavis Pharma, Inc., Actavis LLC f/k/a Actavis Inc., Hospira, Inc., Hospira Worldwide, LLC formerly known as Hospira Worldwide, Inc., Pfizer Inc, Accord Healthcare, Inc., Sagent Pharmaceuticals, Inc., and McKesson Packaging Services, a

division of McKesson Corporation, (together, "505(b)(2) Defendants," and collectively with Sanofi Defendants, "Defendants"), for an Order granting reconsideration of the Court's August 28, 2019 Order and Opinion partially denying Defendants' Motion to Dismiss Plaintiffs' Master Long Form Complaint for failure to state a claim upon which relief can be granted pursuant to *Rule 4:6-2(e)*; and the Court having considered the supporting papers, opposition and reply papers, if any; and oral argument, if any; and the Court having determined that, based upon same, and for good cause shown;

IT IS on this 31 day of October, 2019:

**ORDERED** that Plaintiffs' claims for negligence, negligence per se, negligent misrepresentation, and negligent infliction of emotional distress in Counts II, III, IV, and XIII, Plaintiffs' claims for fraudulent misrepresentation, fraudulent concealment, fraud and deceit, violation of the New Jersey Consumer Fraud Act, and violation of various consumer protection laws in Counts V through IX, ~~and Plaintiffs' claim for loss of consortium in Count XIV~~ are dismissed with prejudice; and it is further

**ORDERED** that Plaintiffs' claim for punitive damages in Count XII is dismissed with prejudice; and it is further

~~**ORDERED** that Plaintiffs' claim for breach of express warranty in Count X is dismissed with prejudice,~~ and it is further

**ORDERED** that Plaintiffs shall file an Amended Complaint within 10 days of this Order; and it is further

**ORDERED** a copy of this Order shall be served on all parties within seven (7) days of the date of this Order.

  
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James F. Hyland, J.S.C.