

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

**IN RE: FOSAMAX (ALENDRONATE SODIUM)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2243

Civ. Action No. 08-08 (GEB)

THIS DOCUMENT RELATES TO:

CASE MANAGEMENT ORDER NO. 2

ALL ACTIONS

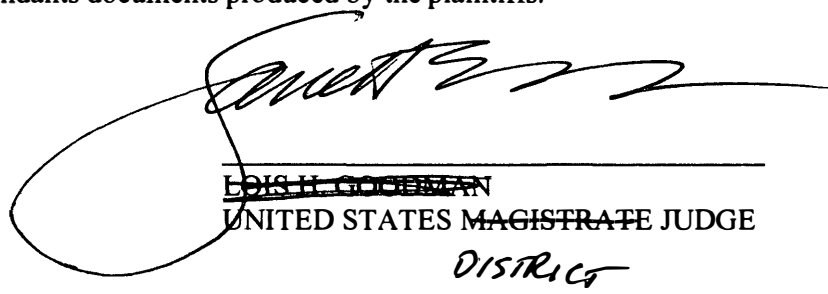
THIS MATTER having come before the Court on the application of defendants, by and through Goodwin Procter LLP (“Goodwin Procter”) and Reed Smith LLP (“Reed Smith”), for an Order appointing liaison counsel for the generic pharmaceutical manufacturer defendants (“Generic Liaison Counsel”); and it appearing that counsel for the generic pharmaceutical manufacturer defendants who have entered appearances in *In Re Fosamax (Alendronate Sodium) Product Liability Litigation*, MDL No. 2243, have conferred and agreed upon the selection of Generic Liaison Counsel; and other good cause having been shown;

IT IS on this 14th day of July, 2011,

ORDERED that the orderly and efficient advancement of this litigation requires the coordinated efforts of the various counsel for the generic pharmaceutical manufacturer defendants including discovery, communications with the Court, and motion practice, and the appointment of a Generic Liaison Counsel will aid in these efforts; and it is further

ORDERED that Glenn S. Kerner, Esq., of Goodwin Procter, and George E. McDavid, Esq., of Reed Smith, are otherwise qualified to serve in the capacity as Generic Liaison Counsel in a complex MDL, and have obtained the consent of those attorneys for the generic pharmaceutical manufacturer defendants appearing in this MDL, and hereby appointed Generic Liaison Counsel and empowered to, *inter alia*: (1) serve as the primary contact for

communication between the Court and other counsel for the generic pharmaceutical manufacturer defendants; (2) ensure that all notices, orders, and material communications are properly distributed (to the extent that they are not otherwise served on defendants' counsel via the Court's electronic filing system); (3) convene meetings among counsel for the generic pharmaceutical manufacturer defendants; (4) appear on behalf of counsel for the generic pharmaceutical manufacturer defendants at court hearings and conferences; (5) organize and coordinate settlement discussions; (6) negotiate and enter into stipulations with plaintiffs' Co-Liaison Counsel as necessary to promote the efficient advancement of this litigation; (7) communicate with plaintiffs' Co-Liaison Counsel, counsel for Merck, the Court and others on behalf of the generic pharmaceutical manufacturer defendants as necessary to promote the efficient advancement of this litigation; and (8) make available to other counsel for the generic pharmaceutical manufacturer defendants documents produced by the plaintiffs.



~~LOIS H. GOCHMAN~~
UNITED STATES MAGISTRATE JUDGE
DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2011, I caused a true and correct copy of the forgoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon the non-CM/ECF participants.

/s/Glenn S. Kerner____
Glenn S. Kerner

GOODWIN | PROCTER

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July 12, 2011

VIA ECF AND FEDEX

Honorable Lois H. Goodman, U.S.M.J.
United States District Court
Court House & Post Office Building
402 East State Street
Trenton, New Jersey 08608

**Re: In re Fosamax (Alendronate Sodium) Products Liability Litigation
Civil Action No. 08cv08 (GEB)(LHG)**

Dear Judge Goodman:

Consistent with your deputy's request, attached is a proposed Case Management Order concerning the selection of Generic Liaison Counsel in the above-referenced litigation. We have spoken to the defendants, and there is no objection to my firm and Reed Smith LLP serving in that capacity. If the form and substance of the order meet Your Honor's approval, I request that the order be entered and filed.

Thank you for your consideration of this issue.

Respectfully,


Glenn S. Kerner

GSK:

cc: Honorable Garrett E. Brown, U.S.D.J. (via FedEx)
Counsel of Record (via ECF)