

SUPERIOR COURT BERGEN COUNTY
FILED

JUL 11 2008



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JONATHAN N. HARRIS
J.S.C.

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ATTORNEYS FOR DEFENDANTS PFIZER INC., PHARMACIA CORPORATION,
PHARMACIA & UPJOHN LLC, PHARMACIA & UPJOHN COMPANY LLC

Kathy M. DePorter

Plaintiff(s),

v.

PFIZER INC., PHARMACIA
CORPORATION, PHARMACIA &
UPJOHN LLC, and PHARMACIA &
UPJOHN COMPANY LLC,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE DEPO-PROVERA® CONTRACEPTIVE
INJECTION LITIGATION

CASE NO. 276

DOCKET NO. L-3408-07 MT

ORDER

This matter, Defendants' motion for a dismissal of Plaintiff's Complaint with prejudice on *forum non conveniens* grounds, having been presented to the Court, and the Court having considered the matter, and good cause appearing:

IT IS on this 11 day of July, 2008, ORDERED that:

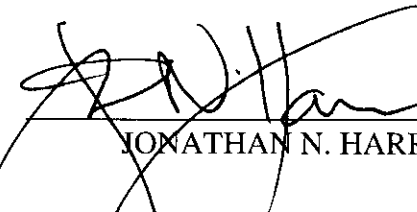
Defendants' motion to dismiss Plaintiff's Complaint with prejudice on *forum non conveniens* grounds is hereby GRANTED. Should Plaintiff file in Plaintiff's home state a Complaint alleging the same claims that are the subject of Plaintiff's Complaint (the "Re-filed Suit"), this Order of Dismissal is conditioned on the following grounds:

1. Defendants agree to accept service of process and not to contest jurisdiction of the Re-filed Suit;

2. Defendants agree to produce at trial of the Re-filed Suit any witnesses within Defendants' control whom would be subject to this Court's subpoena ~~and would be needed for a fair adjudication of the Re-filed Suit;~~ ✓

3. Defendants agree to a toll of the statute of limitations applicable to the Re-filed Suit from the date Plaintiff filed her Complaint in New Jersey to the date of filing of the Re-filed Suit, as long as the Re-filed Suit is filed within forty-five (45) days from the date of this Order.

Nothing in this Order shall preclude Defendants from raising any other defenses to any Complaint filed by Plaintiff.



JONATHAN N. HARRIS, J.S.C.

opposed
 unopposed