

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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AT 8:30
WILLIAM T. WALSH
CLERK

IN RE: FOSAMAX (ALENDRONATE SODIUM)
PRODUCTS LIABILITY LITIGATION

MDL No. 2243
Master Docket No. 08-08(JAP)(LHG)

THIS DOCUMENT RELATES TO: ALL CASES

ORDER

The Court having presided over this MDL for several years has determined that it is now an appropriate time for the Plaintiffs Steering Committee ("PSC") and Merck to participate in a mediation process, and accordingly states that:

IT IS on this 3rd day of September, 2014,

ORDERED THAT:

1. This consolidated civil action, as it pertains to claims against Merck, be, and hereby is, referred to mediation.
2. Representatives from the Plaintiffs' Steering Committee ("PSC") and Merck shall promptly consult and reach agreement on a Mediator to facilitate a mediation of the claims asserted against Merck in this MDL. The PSC and Merck shall strive to provide this Court within 30 days from the date of this Order the proposed Mediator.
3. The mediator may meet with counsel and parties jointly or *ex parte*. All information and submissions presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only upon consent of counsel, except as necessary to advise the Court of an apparent failure to participate. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation

sessions shall be disclosed in any subsequent proceeding or be construed as an admission against interests.

4. The PSC and Merck shall provide the Court with a written status update concerning the mediation of this matter no later than 45 days after the selection of the Mediator.

IT IS SO ORDERED

Dated: September 3, 2014



HON. JOEL A. PISANO, U.S.D.J.