

**FILED**

MAY 12 2015

NELSON C. JOHNSON, J.S.C.

**COURT INITIATED**

SHELLY RAHMAN and ABU RAHMAN,  
Wife and Husband,  
  
Plaintiffs,  
  
v.  
  
DAIICHI SANKYO, INC., ET AL.,  
  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY

DOCKET NO. ATL-L-504-14

CIVIL ACTION

**ORDER GRANTING RELIEF TO  
BOTH PARTIES ON THEIR PETITIONS  
TO COMPEL DISCOVERY PURSUANT  
TO RULES 4:23-1 AND 4:23-2**

**THIS MATTER** having come before the Court upon the Motion and Cross-Motion for entry of an Order to compel discovery by one party from the other, pursuant to Rules 4:23-1 and 4:23-2, by both counsel; and the court having considered the submissions of the parties; together with oral argument of Rayna Kessler, Esquire, of Robins, Kaplan, LLP, for Plaintiffs, and Susan Sharko, Esquire, of Drinker, Biddle & Reath, LLP, for Defendants; and the court having arrived at the following CONCLUSIONS:

- A. By Motion and Cross-Motion, all parties before the court in this litigation sought an Order compelling additional written discovery;
- B. In their responsive pleadings, counsel for all parties explained the difficulties they had experienced in responding to their adversary, and proffered that they would be able to make complete submissions within forty-five (45) days of the return date of these Motions;

- C. In lieu of forty-five (45) days from the date of this Order, both the court and counsel agree that June 26, 2015, is a reasonable date by which to finally resolve all the outstanding discovery issues raised by their Motion and Cross-Motion; and
- D. At oral argument, counsel advised the court that in the pending Federal MDL matter involving Benicar, they have conferred, and will continue to confer, with regard to the completion of a uniform "Information Statement" for production of the information and documentation needed to develop a profile of each party for purposes of this litigation. Once said document(s) is completed and approved for use by the litigants in the Federal MDL, a true copy of the same shall be provided to this court; and for good cause shown;

**IT IS** on this 12<sup>th</sup> day of MAY, 2015, **ORDERED** as follows:

1. Both parties' Motions are GRANTED in part and DENIED in part.
2. Some time prior to June 26, 2015 – preferably on or before June 12, 2015 – counsel shall "meet and confer" regarding the outstanding documents sought from one another. [NOTE: excluding the FDA documents secured by Plaintiff's FOIA request. See separate Order of even date herewith.]
3. On or before June 26, 2015, counsel shall write the court, via email to the court's assistant, Sheryl A. McGrotty, advising what, if any, discovery issues remain outstanding.
4. In the event there are discovery issues and production of various documents which remain outstanding, the court shall consider the same at the next Case Management Conference on July 22, 2015, at 10:00 a.m., which shall be on the record.

5. As discussed in CONCLUSION “D” hereinabove, the court contemplates the completion of a uniform “Information Statement.” During the interim, neither party shall file any new Motions to compel discovery.
6. Rayna Kessler, Esquire, shall contact the court’s Team Leader, Patricia Allegretto and make arrangements for the necessary expungements and substitution of documents to address any concerns regarding personal information of any Plaintiff.
7. A true copy of this Order shall be served upon all counsel of record within seven (7) days of service of this Order.



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NELSON C. JOHNSON, J.S.C.