

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

April 11, 2014

ECO-023-E

Nos. 13-4253 & 13-4328

In Re: Merck & Co., Inc Vytorin/Zetia Securities Litigation

Frankling DeJulius,
Appellant in 13-4253

In Re: Schering-Plough corporation/Enhance Securities Litigation

Dr. Marshall J. Orloff; Orloff Family Trust DTD 12/13/01,
Appellants in 13-4328

(D.N.J. No. 2-08-cv-02177 & 2-08-cv-00397)

Present: AMBRO, JORDAN and VANASKIE, Circuit Judges

1. Motion by Appellee Stichting Pensioenfonds ABP to Dismiss Appeal.
2. Response by Appellant Franklin DeJulius to Motion to Dismiss Appeal.
3. Motion by Appellee Massachusetts Pension Reserves Investment Management Board to Dismiss Appeal.
4. Motion by Appellee Massachusetts Pension Reserves Investment Management Board to Expedite Motion to Dismiss Appeal.
5. Reply Response by Appellee Stichting Pensioenfonds ABP.

Respectfully,
Clerk/clw

ORDER

The appeal of Dr. Marshall J. Orloff and the Orloff Family Trust DTD 12/13/01, No. 13-4328, is dismissed for failure to pay the appeal bond. Appellant Franklin DeJulius, No. 13-4253, is directed to pay the appeal bond by **April 28, 2014**. Failure to pay the appeal bond by that date will result in dismissal. We recognize that a motion for reconsideration is pending before the District Court. We request that the Court expedite its consideration of the motion. Whether it reduces the amount of the appeal bond before **April 28, 2014**, DeJulius is directed to pay the amount due by that date or face dismissal.



S. Thomas I. Ambro, Circuit Judge

Dated: April 17, 2014
CLW/cc: ALL COUNSEL OF RECORD

A True Copy
Marcia M. Waldron
Marcia M. Waldron, Clerk
Certified in Lieu of Mandate
to Civil No. 2-08-00397 Only

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

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RE: Dr. Marshall J Orloff IRA R/O, et al v. Schering Plough Corp, et al
Case Number: 13-4328
District Case Number: 2-08-cv-00397

ENTRY OF JUDGMENT

Today, **April 17, 2014** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:
14 days after entry of judgment
45 days after entry of judgment in a civil case if the United States is a party

Page Limits:
15 pages

Attachments:
A copy of the panel's dispositive order only. No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Marcia M. Waldron

Marcia M. Waldron, Clerk

By: Carmella, Case Manager
267-299-4928

cc: Mr. William T Walsh