

**General Docket  
Third Circuit Court of Appeals**

<b>Court of Appeals Docket #:</b> 13-4253 <b>Nature of Suit:</b> 3850 Securities, Commodities, Exchange In re: Merck & Co. <b>Appeal From:</b> United States District Court for the District of New Jersey <b>Fee Status:</b> Paid	<b>Docketed:</b> 10/31/2013 <b>Termed:</b> 09/02/2014						
<b>Case Type Information:</b> 1) civil 2) private 3) Federal question							
<b>Originating Court Information:</b> <b>District:</b> 0312-2 : <a href="#">2-08-cv-02177</a> <b>Court Reporter:</b> Charles P. McGuire <b>Trial Judge:</b> Dennis M. Cavanaugh, U.S. District Judge <b>Date Filed:</b> 05/05/2008 <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Date Order/Judgment:</b></td> <td style="width: 33%;"><b>Date Order/Judgment EOD:</b></td> <td style="width: 33%;"><b>Date NOA Filed:</b></td> </tr> <tr> <td>10/01/2013</td> <td>10/01/2013</td> <td>10/25/2013</td> </tr> </table>		<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	10/01/2013	10/01/2013	10/25/2013
<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>					
10/01/2013	10/01/2013	10/25/2013					
<b>Prior Cases:</b> None							
<b>Current Cases:</b> None							

FRANKLIN DEJULIUS  
Appellant

John J. Pentz, Esq.  
 Direct: 978-261-5725  
 Email: [jjpentz3@gmail.com](mailto:jjpentz3@gmail.com)  
 Fax: 978-405-5161  
 [COR NTC Retained]  
 19 Widow Rites Lane  
 Sudbury, MA 01776

Vincent S. Verdiramo, Esq.  
 Direct: 201-798-7082  
 Email: [mmf036@aol.com](mailto:mmf036@aol.com)  
 [Retained]  
 Verdiramo & Verdiramo  
 3163 Kennedy Boulevard  
 Jersey City, NJ 07306

STICHTING PENSIOENFONDS ABP  
Plaintiff - Appellee

Daniel L. Berger, Esq.  
 Direct: 646-722-8500  
 Email: [dberger@gelaw.com](mailto:dberger@gelaw.com)  
 [COR NTC Retained]  
 Grant & Eisenhofer  
 485 Lexington Avenue  
 29th Floor  
 New York, NY 10017

Max W. Berger, Esq.  
 Direct: 212-554-1403  
 Email: [MWB@blbglaw.com](mailto:MWB@blbglaw.com)  
 Fax: 212-554-1444  
 [NTC Retained]  
 Bernstein Litowitz Berger & Grossmann  
 1251 Avenue of the Americas  
 44th Floor  
 New York, NY 10020

James E. Cecchi, Esq.  
 Direct: 973-994-1700  
 Email: [jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)  
 Fax: 973-994-1744  
 [COR NTC Retained]

Carella Byrne Cecchi Olstein Brody & Agnello  
5 Becker Farm Road  
Roseland, NJ 07068

Salvatore J. Graziano, Esq.  
Direct: 212-554-1400  
Email: sgraziano@blbglaw.com  
Fax: 212-554-1444  
[NTC Retained]  
Bernstein Litowitz Berger & Grossmann  
1251 Avenue of the Americas  
44th Floor  
New York, NY 10020

Lindsey H. Taylor, Esq.  
Direct: 973-994-1700  
Email: ltaylor@carellabyrne.com  
Fax: 973-994-1744  
[COR NTC Retained]  
Carella Byrne Cecchi Olstein Brody & Agnello  
5 Becker Farm Road  
Roseland, NJ 07068

Daniel L. Berger, Esq.  
Direct: 646-722-8500  
[COR NTC Retained]  
(see above)

Max W. Berger, Esq.  
Direct: 212-554-1403  
[NTC Retained]  
(see above)

James E. Cecchi, Esq.  
Direct: 973-994-1700  
[COR NTC Retained]  
(see above)

Salvatore J. Graziano, Esq.  
Direct: 212-554-1400  
[NTC Retained]  
(see above)

Lindsey H. Taylor, Esq.  
Direct: 973-994-1700  
[COR NTC Retained]  
(see above)

Daniel L. Berger, Esq.  
Direct: 646-722-8500  
[NTC Retained]  
(see above)

Max W. Berger, Esq.  
Direct: 212-554-1403  
[NTC Retained]  
(see above)

James E. Cecchi, Esq.  
Direct: 973-994-1700  
[COR NTC Retained]  
(see above)

Salvatore J. Graziano, Esq.  
Direct: 212-554-1400  
[COR NTC Retained]  
(see above)

Laura H. Posner, Esq.  
Direct: 212-838-7797

INTERNATIONAL FUND MANAGEMENT SA  
Plaintiff - Appellee

JACKSONVILLE POLICE AND FIRE RETIREMENT SYSTEM  
Plaintiff - Appellee

Email: LauraG@blbglaw.com  
Fax: 212-838-7745  
[Retained]  
Cohen Milstein  
88 Pine Street  
14th Floor  
New York, NY 10005

Lindsey H. Taylor, Esq.  
Direct: 973-994-1700  
[COR NTC Retained]  
(see above)

Daniel L. Berger, Esq.  
Direct: 646-722-8500  
[NTC Retained]  
(see above)

Max W. Berger, Esq.  
Direct: 212-554-1403  
[NTC Retained]  
(see above)

James E. Cecchi, Esq.  
Direct: 973-994-1700  
[COR NTC Retained]  
(see above)

Salvatore J. Graziano, Esq.  
Direct: 212-554-1400  
[COR NTC Retained]  
(see above)

Laura H. Posner, Esq.  
Direct: 212-838-7797  
[Retained]  
(see above)

Lindsey H. Taylor, Esq.  
Direct: 973-994-1700  
[COR NTC Retained]  
(see above)

GENERAL RETIREMENT SYSTEM OF DETROIT CITY  
Plaintiff - Appellee

v.

MERCK & CO INC  
Defendant - Appellee

James L. Brochin, Esq.  
Direct: 212-373-3582  
Email: jbrochin@paulweiss.com  
[NTC Retained]  
Paul Weiss Rifkind Wharton & Garrison  
1285 Avenue of the Americas  
New York, NY 10019

Douglas S. Eakeley, Esq.  
Direct: 973-597-2348  
Email: deakeley@lowenstein.com  
Fax: 973-597-2349  
[NTC Retained]  
Sedgwick  
101 Eisenhower Parkway  
Suite 300  
Roseland, NJ 07068

Brian M. English, I, Esq.  
Direct: 973-622-3000  
Email: benglish@tompkinsmcguire.com  
[NTC Retained]  
Tompkins McGuire Wachenfeld & Barry  
100 Mulberry Street  
Four Gateway, Suite 5

13-4253 Docket  
Newark, NJ 07102

Ronni E. Fuchs, Esq.  
Direct: 609-620-3254  
Email: Ronni.fuchs@dechert.com  
Fax: 609-620-3259  
[NTC Retained]  
Dechert  
502 Carnegie Center  
Suite 104  
Princeton, NJ 08540

Daniel J. Kramer, Esq.  
Direct: 212-373-3000  
Email: dkramer@paulweiss.com  
[COR NTC Retained]  
Paul Weiss Rifkind Wharton & Garrison  
1285 Avenue of the Americas  
New York, NY 10019

Theodore V. Wells, Jr., Esq.  
Direct: 212-373-3000  
Email: twells@paulweiss.com  
Fax: 212-373-2827  
[NTC Retained]  
Paul Weiss Rifkind Wharton & Garrison  
1285 Avenue of the Americas  
New York, NY 10019

Douglas S. Eakeley, Esq.  
Direct: 973-597-2348  
[NTC Retained]  
(see above)

Brian M. English, I, Esq.  
Direct: 973-622-3000  
[NTC Retained]  
(see above)

Daniel J. Kramer, Esq.  
Direct: 212-373-3000  
[COR NTC Retained]  
(see above)

Douglas S. Eakeley, Esq.  
Direct: 973-597-2348  
[NTC Retained]  
(see above)

Brian M. English, I, Esq.  
Direct: 973-622-3000  
[NTC Retained]  
(see above)

Daniel J. Kramer, Esq.  
Direct: 212-373-3000  
[COR NTC Retained]  
(see above)

Douglas S. Eakeley, Esq.  
Direct: 973-597-2348  
[NTC Retained]  
(see above)

Brian M. English, I, Esq.  
Direct: 973-622-3000  
[NTC Retained]  
(see above)

Daniel J. Kramer, Esq.

RICHARD T. CLARK  
Defendant - Appellee






MERCK SCHERING PLOUGH PHARMACEUTICALS  
Defendant - Appellee









DEEPAK KHANNA  
Defendant - Appellee

Direct: 212-373-3000  
[COR NTC Retained]  
(see above)

IN RE: MERCK & CO., INC VYTORIN / ZETIA SECURITIES LITIGATION

Franklin DeJulius,  
Appellant

- 10/31/2013   CIVIL CASE DOCKETED. Notice filed by Appellant Franklin DeJulius in District Court No. 2-08-cv-02177. (PDB) [Entered: 10/31/2013 04:07 PM]  
30 pg, 3.49 MB
- 10/31/2013  RECORD available on District Court CM/ECF. (PDB) [Entered: 10/31/2013 04:10 PM]
- 11/01/2013   ECF FILER: ENTRY OF APPEARANCE from John J Pentz on behalf of Appellant(s) Franklin DeJulius. (JJP) [Entered: 11/01/2013 03:29 PM]  
1 pg, 628.87 KB
- 11/01/2013   ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant Franklin DeJulius, filed. (JJP) [Entered: 11/01/2013 03:30 PM]  
2 pg, 94.85 KB
- 11/12/2013   ECF FILER: ENTRY OF APPEARANCE from Daniel J. Kramer on behalf of Appellee(s) Merck & Co, Inc, Merck/Schering Plough Pharmaceuticals, MSP Distribution Services (C) LLC, MSP Singapore Company LLC, Richard T. Clark, Deepak Khanna. (DJK) [Entered: 11/12/2013 11:37 AM]  
2 pg, 59.01 KB
- 11/12/2013   ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Merck & Co Inc, filed. (DJK) [Entered: 11/12/2013 11:42 AM]  
2 pg, 73.25 KB
- 11/12/2013  ECF FILER: DISCLOSURE STATEMENT on behalf of MSP Distribution Services (C) LLC, filed. (DJK) [Entered: 11/12/2013 11:44 AM]
- 11/12/2013  ECF FILER: DISCLOSURE STATEMENT on behalf of MSP Singapore Company LLC, filed. (DJK) [Entered: 11/12/2013 11:46 AM]
- 11/12/2013  CLERK'S OFFICE QUALITY CONTROL MESSAGE: Disclosure Statements ERROR: Disclousure filed in Error Parties are not in this case CORRECTION: Removed documents THIS MESSAGE IS FOR INFORMATIONAL PURPOSES ONLY. (CLW) [Entered: 11/12/2013 03:19 PM]
- 11/13/2013   ECF FILER: Concise Summary of the Case filed by Appellant Franklin DeJulius, received. (JJP) [Entered: 11/13/2013 10:57 AM]  
6 pg, 1.23 MB
- 11/19/2013   CLERK ORDER Consolidating the Appeals at Nos. 13-4327 and 13-4328 for all purposes. The appeals are further consolidated with No. 13-4253 for purposes of scheduling, joint appendix and disposition. The appellants in Nos. 13-4327 and 13-4328 may only file one brief addressing all of their issues on appeal. [13-4253, 13-4327, 13-4328]--[Edited 11/19/2013 by LML] (CLW) [Entered: 11/19/2013 01:11 PM]  
2 pg, 61.46 KB
- 12/03/2013   ECF FILER: ENTRY OF APPEARANCE from Lindsey H. Taylor on behalf of Appellee(s) Stichting Pensioenfond ABP, International Fund Management, S.A. Luxemburg, Jacksonville Police and Fire Retirement System, General Retirement System of the City of Detroit, Massachusetts Pension Reserves Investment Management Board, Arkansas Teacher Reti. [13-4253, 13-4327, 13-4328] (LHT) [Entered: 12/03/2013 12:04 PM]  
2 pg, 26.5 KB
- 12/03/2013   ECF FILER: ENTRY OF APPEARANCE from James E. Cecchi on behalf of Appellee(s) Stichting Pensioenfond ABP, International Fund Management, S.A. Luxemburg, Jacksonville Police and Fire Retirement System, General Retirement System of the City of Detroit, Massachusetts Pension Reserves Investment Management Board, Arkansas Teacher Reti. [13-4253, 13-4327, 13-4328] (JEC) [Entered: 12/03/2013 12:07 PM]  
2 pg, 26.54 KB
- 12/03/2013   ECF FILER: ENTRY OF APPEARANCE from Daniel L. Berger on behalf of Appellee(s) Stichting Pensioenfond ABP and International Fund Management S.A.. (DLB) [Entered: 12/03/2013 02:39 PM]  
1 pg, 125.42 KB
- 12/03/2013   ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Stichting Pensioenfond ABP, filed. (DLB) [Entered: 12/03/2013 02:41 PM]  
2 pg, 164.91 KB
- 12/03/2013   ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee International Fund Management SA, filed. (DLB) [Entered: 12/03/2013 02:43 PM]  
2 pg, 172.76 KB
- 12/03/2013   ECF FILER: ENTRY OF APPEARANCE from Salvatore J. Graziano on behalf of Appellee(s) Jacksonville Police and Fire Retirement System; General Retirement System of the City of Detroit; and the Class. (SJG) [Entered: 12/03/2013 03:36 PM]  
1 pg, 31.93 KB
- 12/03/2013   ECF FILER: ENTRY OF APPEARANCE from Laura H. Gundersheim on behalf of Appellee(s) Jacksonville Police and Fire Retirement System; General Retirement System of the City of Detroit; and the Class. (LHP) [Entered: 12/03/2013 04:01 PM]  
1 pg, 31.93 KB
- 03/18/2014   ECF FILER: ENTRY OF APPEARANCE from William B. McGuire on behalf of Appellee(s) Merck & Co., Inc; Merck/Schering-Plough Pharmaceuticals; Richard T. Clark; Deepak Khanna. [13-4327, 13-4253, 13-4328] (BME) [Entered: 03/18/2014 12:39 PM]  
1 pg, 42.74 KB
- 03/31/2014   ECF FILER: Motion filed by Appellee Stichting Pensioenfond ABP dismiss/quash case. Certificate of Service dated 03/31/2014. (DLB) [Entered: 03/31/2014 05:49 PM]  
33 pg, 457.83 KB
- 04/07/2014   ECF FILER: Response filed by Appellant Franklin DeJulius to Motion to dismiss/quash case. Certificate of Service dated 04/07/2014. (JJP) [Entered: 04/07/2014 10:45 AM]  
12 pg, 2.88 MB
- 04/14/2014 ECF FILER: Reply by Appellee Stichting Pensioenfond ABP in 13-4253 to Response Response , Motion

	 5 pg, 29.37 KB	to dismiss/quash case, filed. Certificate of Service dated 04/14/2014. [13-4253, 13-4327] (DLB) [Entered: 04/14/2014 03:29 PM]
04/17/2014	 1 pg, 56.61 KB	ORDER (AMBRO, VANASKIE and JORDAN, Circuit Judges) 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, filed. Panel No.: ECO-023-E. Ambro, Authoring Judge. (CLW) [Entered: 04/17/2014 04:25 PM]
04/27/2014	 6 pg, 1.97 MB	ECF FILER: LETTER from Attorney John J. Pentz, Esq. for Appellant Franklin DeJulius in 13-4253 Notice of Payment of Bond. Certificate of Service dated 04/27/2014. [13-4253, 13-4327, 13-4328] (JJP) [Entered: 04/27/2014 09:09 PM]
04/28/2014	 3 pg, 32.67 KB	ECF FILER: Withdraw of Appearance by Laura H. Posner on behalf of Appellees General Retirement System of Detroit City, International Fund Management SA, Jacksonville Police and Fire Retirement System and Stichting Pensioenfonds ABP in 13-4253, 13-4327. Certificate of Service dated 04/28/2014. [13-4253, 13-4327] (LHT) [Entered: 04/28/2014 04:00 PM]
04/30/2014	 2 pg, 55.97 KB	ECF FILER: Response filed by Appellants Marshall J. Orloff and Orloff Family Trust DTD 12/13/01 in 13-4253 and 13-4327 to Motion to dismiss/quash case. Certificate of Service dated 04/30/2014. [13-4327, 13-4253]--[Edited 07/07/2014 by SMW] (JDP) [Entered: 04/30/2014 02:15 PM]
07/08/2014	 3 pg, 138.95 KB	BRIEFING NOTICE ISSUED. Brief on behalf of Appellant Franklin DeJulius due on or before 08/18/2014. Appendix due on or before 08/18/2014. (CLW) [Entered: 07/08/2014 10:56 AM]
08/29/2014	 2 pg, 9.31 KB	ECF FILER: Motion to Withdraw Case pursuant to Fed. R. App. P. 42(b) filed by Appellant Franklin DeJulius without costs. Certificate of Service dated 08/29/2014. (JJP) [Entered: 08/29/2014 02:39 PM]
09/02/2014	 1 pg, 90.19 KB	ORDER (Clerk) dismissing case pursuant to Fed. R. App. P. 42(b), filed. (TMM) [Entered: 09/02/2014 11:55 AM]