

JOHN McDARBY and IRMA  
McDARBY,

Plaintiffs-Respondents,

v.

ON PETITION FOR CERTIFICATION

MERCK & CO., INC.,

Defendant-Petitioner.

**FILED**

OCT 08 2008

To the Appellate Division, Superior Court:

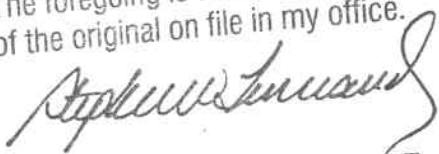
  
CLERK

A petition for certification of the judgment in  
A-76/77-07 having been submitted to this Court, and the Court  
having considered the same;


It is ORDERED that the petition for certification is  
granted, limited solely to the issue of whether the Federal  
Food, Drug and Cosmetic Act, 21 U.S.C.A. §§ 301-397, preempts  
state law tort claims predicated on the alleged inadequacy of  
warnings contained in Vioxx labeling that was approved by the  
Food and Drug Administration.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at  
Trenton, this 3rd day of October, 2008.

The foregoing is a true copy  
of the original on file in my office.



CLERK OF THE SUPREME COURT  
OF NEW JERSEY

  
CLERK OF THE SUPREME COURT

SUPREME COURT OF NEW JERSEY  
C-205 September Term 2008  
62,856

JOHN McDARBY and IRMA  
McDARBY,

Plaintiffs-Cross-Petitioners,

v.

MERCK & CO., INC.,

Defendant-Cross-Respondent.

ON CROSS -  
PETITION FOR CERTIFICATION

**FILED**

OCT 08 2008

*Stephan W. Lawrence*  
CLERK

To the Appellate Division, Superior Court:

A cross-petition for certification of the judgment in  
A-76/77-07 having been submitted to this Court, and the Court  
having considered the same;

It is ORDERED that the cross-petition for certification is  
denied, with costs.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at  
Trenton, this 3rd day of October, 2008.

The foregoing is a true copy  
of the original on file in my office.

*Stephan W. Lawrence*

CLERK OF THE SUPREME COURT  
OF NEW JERSEY

*Stephan W. Lawrence*  
CLERK OF THE SUPREME COURT

# SUPREME COURT OF NEW JERSEY

STEPHEN W. TOWNSEND  
CLERK

GAIL GRUNDITZ HANEY  
DEPUTY CLERK



OFFICE OF THE CLERK  
PO Box 970  
TRENTON, NEW JERSEY 08625-0970

## N O T I C E

TO: Counsel

RE: Additional Copies

As a result of the Court's Order granting certification, please forward to this Court five (5) additional copies of your Supreme Court briefs and all briefs and appendices submitted to the Appellate Division.

In addition, **if the original appendix submitted to the Appellate Division consisted of more than two volumes, the Court requires an additional seven (7) copies of that appendix.**