

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 08-2177 (DMC)(JAD)

DENNIS M. CAVANAUGH, U.S.D.J.

This matter having come before the Court on the Amended Motion for Class Certification of Lead Plaintiffs Stichting Pensioenfonds ABP, International Fund Management, S.A. (Luxemburg), the Jacksonville Police and Fire Retirement System, and the General Retirement System of the City of Detroit (collectively, "Plaintiffs" or "Lead Plaintiffs") (ECF No. 179), and the Court having considered the submissions of the parties, and for the reasons stated in the Court's Opinion filed this day;

IT IS on this 25 day of Sept, 2012;

ORDERED that Plaintiffs' Motion is **granted**; and it is further

ORDERED that Lead Plaintiffs shall act as representatives of the certified Class defined as follows:

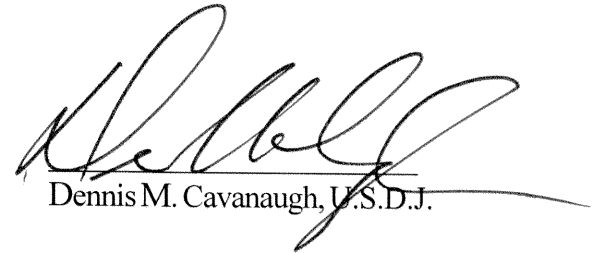
All persons and entities that purchased or acquired Merck common stock, or call options, and/or sold Merck put options, during the period between December 6, 2006 through and including March 28, 2008, and who did not sell their stock and/or options on or before January 14, 2008, and who were damaged thereby.

Excluded from the Class are: (a) Defendants; (b) members of the immediate families of the Individual Defendants; (c) the subsidiaries and affiliates of Defendants, as these terms are defined by the federal securities laws, including the 401(k) plans of Merck and Schering; (d) any person or entity who was a partner, executive officer, director, or controlling person of Merck, M/S-P or Schering

(including any of their subsidiaries or affiliates), or any other Defendants; (e) any entity in which any Defendant has a controlling interest; (f) Defendants' directors' and officers' liability insurance carriers, and any affiliates or subsidiaries thereof; and (g) the legal representatives, heirs, successors and assigns of any such excluded party.

and it is further

ORDERED that the Court appoints the law firms of Grant & Eisenhofer P.A. and Bernstein Litowitz Berger & Grossmann LLP as class counsel.



Dennis M. Cavanaugh, U.S.D.J.

Orig.: Clerk
cc: All Counsel of Record
Hon. Joseph A. Dickson, U.S.M.J.
File