FILED
OCT 15 2019
Judge James F. Hyland

IN RE: FOSAMAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 282

CASE MANAGEMENT ORDER: OCTOBER 2, 2019 CMC

THIS MATTER, having come before the Court at a case management conference on October 2, 2019, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

Judge James F. Hyland
OCT 15 2019
FILED

IT IS on this 15th day of October, 2019, ORDERED as follows:

1. **STIPULATIONS OF DISMISSAL**

Stipulations of dismissal with or without prejudice shall be submitted to the court with an incorporated dismissal Order to be signed by the Court.

2. **CASE LISTS**

Weitz & Luxenberg shall submit a corrected case list to the court by October 16, 2019.

3. **DECEASED PLAINTIFFS**

The cases listed in Exhibit A have been identified by counsel for Merck as including a deceased plaintiff for which there has been no substitution of an authorized Personal Representative. Plaintiffs' Counsel shall promptly review the attached Exhibit A for accuracy and will notify counsel for Merck within 14 days of this Order whether any corrections need to be made. At the conclusion of those 14 days, if necessary, a revised Exhibit A will be substituted and will be the controlling Exhibit A going forward. With respect to those plaintiffs identified on Exhibit A, within 90 days of the Third Circuit's decision in Merck Sharp & Dohme Corp. v. Doris Albrecht,

("Albrecht Opinion") plaintiffs' counsel shall either dismiss the plaintiff's claims with prejudice or move, pursuant to R. 4:34-1, to substitute an authorized Personal Representative for the Estate of the deceased plaintiff. However, upon good cause being shown, and only if the request is made within 60 days following the Albrecht Opinion, Plaintiff's counsel can seek an extension of the 90 day period to obtain substitution pursuant to R. 4:34-1.

If a motion pursuant to R. 4:34-1 is not filed within the 90 day period for a plaintiff listed on Exhibit A (or within the extended period, if an extension is granted), the claims of that plaintiff will be dismissed with prejudice pursuant to an Order submitted to the court under the five day rule.

4. CASES PREVIOUSLY WITHDRAWN FROM CORE DISCOVERY

The cases listed in Exhibit B have been identified by counsel for Merck as including a plaintiff named for core discovery that was withdrawn from discovery at the request of plaintiff's counsel based on the representation by plaintiff's counsel that the case would be dismissed, but for which a signed stipulation of dismissal was not received. Plaintiffs' Counsel shall promptly review the attached Exhibit B for accuracy and will notify counsel for Merck within 14 days of this Order whether any corrections need to be made. At the conclusion of those 14 days, if necessary, a revised Exhibit B will be substituted and will be the controlling Exhibit B going forward. With respect to those plaintiffs identified on Exhibit B, plaintiffs shall appear for a deposition with 45 days of the date of this Order. If the plaintiffs do not appear for deposition within this deadline, Merck shall file a dismissal order with prejudice under the five-day rule.

5. DATES FOR PLAINTIFF DEPOSITIONS

Within 14 days of the request from defense counsel, plaintiffs' counsel in all core discovery cases shall provide dates for the plaintiff's deposition to proceed within the next 60 days or advise that they have been unable to locate their client. If plaintiff's counsel fails to provide dates or advise that they have been unable to locate their client, defense counsel may issue a unilateral deposition notice for the plaintiff. In response to the unilateral deposition notice, plaintiff shall appear on the date noticed or, within five days of receipt of the unilateral deposition notice, plaintiff's counsel shall provide other dates when plaintiff is available to be deposed within that original 60 day time-period.

Counsel will work to address an alternative procedure for those cases in which plaintiff's counsel cannot locate their client selected for core discovery and will submit a separate order addressing this issue. If counsel are unable to agree upon a procedure, the issue will be discussed at the next Case Management Conference.

6. **CASE MANAGEMENT ORDERS**

All Case Management Orders shall be submitted to the court within 10 days of the Case Management Conference. If the parties do not consent to the proposed Case Management Order, they must still comply with this deadline and shall submit their separate orders to the court under the five day rule.

7. The next Case Management Conference is scheduled on January 15, 2020, at 11:00 a.m. EST in Courtroom 403.

James F. Hyland, J.S.C.

EXHIBIT A

Plaintiff Name	Plaintiff Counsel	Case No.
Stewart, Katherine	Alonso Krangle	L-7680-14
Blau, Merrill Fern	Anapol Schwartz (n/k/a Anapol Weiss)	L-8182-14
Braunstein, Marsha	Anapol Schwartz (n/k/a Anapol Weiss)	L-8860-14
Castro, Erin C.	Anapol Schwartz (n/k/a Anapol Weiss)	L-8419-14
Christman, Irene	Anapol Schwartz (n/k/a Anapol Weiss)	L-7639-14
DeCoursey, Virginia	Anapol Schwartz (n/k/a Anapol Weiss)	L-7471-14
Frazier, Rosa	Anapol Schwartz (n/k/a Anapol Weiss)	L-8981-14
Kinsel, Kathleen J.	Anapol Schwartz (n/k/a Anapol Weiss)	L-7571-14
McKay, Carolyn	Anapol Schwartz (n/k/a Anapol Weiss)	L-8896-14
Parramore, Sylvia	Anapol Schwartz (n/k/a Anapol Weiss)	L-6881-14
Pickels, Carole Anne	Anapol Schwartz (n/k/a Anapol Weiss)	L-8723-14
Spring, Mary Viola	Anapol Schwartz (n/k/a Anapol Weiss)	L-9232-14
Verrico, Mary	Anapol Schwartz (n/k/a Anapol Weiss)	L-8515-14
Wotring, Gypsy B.	Anapol Schwartz (n/k/a Anapol Weiss)	L-9521-14
Cohen, Sari	Aylstock Witkin	L-7244-14
Guse, Jane	Aylstock Witkin	L-8334-14
Mathews, Anna	Aylstock Witkin	L-8544-14
Monti, Gloria	Aylstock Witkin	L-6913-14
Naghousi, Ehteram	Aylstock Witkin	L-9299-14
Nave, Mary Inez	Aylstock Witkin	L-8562-14
Pennell, Thomas	Aylstock Witkin	L-8384-14
Plesko, Kathleen	Aylstock Witkin	L-6893-14
Pressman, Judith	Aylstock Witkin	L-8862-14
Quigley, Beatrice	Aylstock Witkin	L-6872-14
Seal, Shirley	Aylstock Witkin	L-7454-14
Spear, Alta L.	Aylstock Witkin	L-9327-14
Stritikus, Priscena	Aylstock Witkin	L-6951-14
Frame, Nancy J.	Seeger Weiss	L-9039-14
Henderson, Bettye J.	Seeger Weiss	L-6832-14
Olbrich, Diane J.	Seeger Weiss	L-6831-14
Strayer, Sally	Seeger Weiss	L-8630-14
Toon, Charlotte A.	Seeger Weiss	L-7993-14
Blakely, Lyle	Bern Ripka Napoli Schkolnik	L-9228-14
Gray, Christine	Bern Ripka Napoli Schkolnik	L-8975-14
Ellis, Eleanor Imogene	Jan Meyer & Associates	L-7197-14
Mazurik, Delores	Jan Meyer & Associates	L-7596-14
Noble, Lorraine Lynn	Jan Meyer & Associates	L-7249-14
Avers, Lyla	Levensten Law Firm	L-7948-14
Fisher, Doris	Levensten Law Firm	L-6744-14
Furr, Betty	Levensten Law Firm	L-7000-14

Plaintiff Name	Plaintiff Counsel	Case No.
Jarmie, Marilyn	Levensten Law Firm	L-7541-14
Kinsey, Dora	Levensten Law Firm	L-7769-14
Payne, Juanita	Levensten Law Firm	L-7618-14
Quick, Diane	Levensten Law Firm	L-7896-14
Beaudoin, Phyllis M.	D'Arcy Johnson Day, P.C.	L-11346-14
Benson, Theodora	Douglas & London	L-9099-14
Polevoy, Julia	Douglas & London	L-9546-14
Gaastra, Ronald	Douglas & London	L-7721-14
Hardin, Mervin	Douglas & London	L-8725-14
Moore, Leola	Douglas & London	L-8705-14
Bresalier, Audrey	Eichen Crutchlow Zaslow	L-7061-14
Naar, Marion	Eichen Crutchlow Zaslow	L-8951-14
Palomba, Luigi	Eichen Crutchlow Zaslow	L-7060-14
Ahmadi, Akila	Lynch Daskal Emery	L-9193-14
Collier, Knelda	Lynch Daskal Emery	L-8415-14
Gaitan, Alice	Lynch Daskal Emery	L-9139-14
Petkovsek, Marian	Lynch Daskal Emery	L-9121-14
Smith, Dorothy	Lynch Daskal Emery	L-9165-14
Stephenson, Mildred Nadine	Lynch Daskal Emery	L-9117-14
Kemp, Beverly	JTB Group f/k/a Blau & Leonard, LLC	L-6867-14
Smith, Sally	JTB Group f/k/a Blau & Leonard, LLC	L-8375-14
Johnson, Yvonne	Oshman Mirisola Law Firm	L-8819-14
Altholtz, Irene	Levensten Law Firm	L-6711-14
Balcom, Esme	Levensten Law Firm	L-7887-14
Baron, Charlotte	Levensten Law Firm	L-7276-14
Bertucci, Marianna	Levensten Law Firm	L-7117-14
Bess, Sue	Levensten Law Firm	L-8566-14
Britton, Alyce	Levensten Law Firm	L-8279-14
Brown, Barbara D.	Levensten Law Firm	L-8721-14
Browne, Arlene	Levensten Law Firm	L-7015-14
Carr, Helen	Levensten Law Firm	L-6852-14
Cochran, Vanila A.	Levensten Law Firm	L-7519-14
Coleman, Anna E.	Levensten Law Firm	L-6789-14
Connell, Linda	Levensten Law Firm	L-7754-14
Crotts, Doris	Levensten Law Firm	L-8832-14
Dreier, Alice	Levensten Law Firm	L-7390-14
Duffy, Lucille	Levensten Law Firm	L-8461-14
Dunning, Donna	Levensten Law Firm	L-6763-14
Dwyer, Sheila	Levensten Law Firm	L-7105-14
Elkins, Mary L.	Levensten Law Firm	L-7756-14
Ellingwood, Marguerite Mary	Levensten Law Firm	L-7636-14
Gretencort, Gail	Levensten Law Firm	L-9265-14

Plaintiff Name	Plaintiff Counsel	Case No.
Jarvis, Ann M.	Levensten Law Firm	L-8703-14
Kimless, Barbara	Levensten Law Firm	L-7009-14
King, Charles	Levensten Law Firm	L-6753-14
Kolln, Hildegard	Levensten Law Firm	L-7326-14
Lobsiger, Genice	Levensten Law Firm	L-8684-14
Messer, Barbara	Levensten Law Firm	L-8885-14
Orowson, Joan L.	Levensten Law Firm	L-7886-14
Present, Helen	Levensten Law Firm	L-6671-14
Ruiz, Sophie	Levensten Law Firm	L-7662-14
Rummer, Karen Lane	Levensten Law Firm	L-6967-14
Schaller, Joan	Levensten Law Firm	L-8945-14
Siedman, Ruth	Levensten Law Firm	L-8565-14
Taylor, Carol	Levensten Law Firm	L-7378-14
Tipton, Chaehui	Levensten Law Firm	L-9317-14
Wasserman, Arlene	Levensten Law Firm	L-7664-14
Dix, Julius Alfred	Locks Law Firm LLC	L-7942-14
Grimm, Loretta	Locks Law Firm LLC	L-8153-14
Harrington, Joanie	Locks Law Firm LLC	L-7786-14
Holt, Bonnie	Locks Law Firm LLC	L-7296-14
Skapura, Jeanne	Locks Law Firm LLC	L-7604-14
Stern, Rita	Locks Law Firm LLC	L-9566-14
Walters, Judith Ann	Locks Law Firm LLC	L-8922-14
Clark, Estelle R.	D'Arcy Johnson Day	L-7071-14
Young, Evonne	Pinilis Halpern	L-7001-14
Francis, Stella	Napoli Shkolnik LLP	L-7513-14
Waldman, Anita	Marc J. Bern	L-7127-14
Forrester, Mary Jane	Napoli Shkolink LLP	L-7671-14
Walters, Wavadean	Napoli Shkolnik LLP	L-8977-14
Gossett, Judith	Oshman & Mirisola	L-8195-14
Mooney, Carole Ann	Oshman & Mirisola	L-7192-14
Woods, Charlotte A.	Oshman & Mirisola	L-7867-14
Abroms, Peggy	Parker Waichman	L-8765-14
Boyce, Emma	Parker Waichman	L-9080-14
Chase, Wyllena	Parker Waichman	L-7426-14
Christy, Maysel	Parker Waichman	L-8001-14
Denney, Betty	Parker Waichman	L-7431-14
Douglas, Wilma	Parker Waichman	L-7546-14
Dowd, Jeanette	Parker Waichman	L-9000-14
Dunaway, Joyce C.	Parker Waichman	L-8624-14
Fugitt, Kazuko	Parker Waichman	L-7425-14
Galleshaw, Dianne	Parker Waichman	L-8623-14
Gasking, Maureen	Parker Waichman	L-7079-14

Plaintiff Name	Plaintiff Counsel	Case No.
Hayes-Mungin, Lou Nell	Parker Waichman	L-7024-14
Hiatt, Mary	Parker Waichman	L-8405-14
Hill, Eileen A.	Parker Waichman	L-7607-14
Kotkins, Adaline	Parker Waichman	L-7621-14
Kunigonis, Anna	Parker Waichman	L-7120-14
Liggon, Carolyn	Parker Waichman	L-7035-14
Luscombe, Patricia	Parker Waichman	L-7231-14
Messer, Harriet F.	Parker Waichman	L-6900-14
O'Day, Ardith Y.	Parker Waichman	L-7606-14
Owenby, Oneita	Parker Waichman	L-7961-14
Patterson, Glenda	Parker Waichman	L-7082-14
Porcelli, Theresa	Parker Waichman	L-8412-14
Provenzano, Carolyn	Parker Waichman	L-8408-14
Pugliese, Amelia	Parker Waichman	L-7492-14
Roberts, Basil	Parker Waichman	L-8401-14
Spillett, Nancy	Parker Waichman	L-8409-14
Tarasar, Mary	Parker Waichman	L-6787-14
Thibodeau, Bernice	Parker Waichman	L-8359-14
Tober, Marilyn	Parker Waichman	L-8626-14
Tuchscherer, Mathilda	Parker Waichman	L-6875-14
West, Martha	Parker Waichman	L-7437-14
Windust, Barbara J.	Parker Waichman	L-9049-14
Young, Brenda	Parker Waichman	L-9277-14
Zarra, Irene M.	Parker Waichman	L-8285-14
Macklin, Lydia	Levensten Law Firm	L-8582-14
Beck, Ellen E.	Pogust Millrood, LLC	L-9202-14
Lute, Mary Jane	Pogust Millrood, LLC	L-9211-14
Watenpool, Christine J.	Pogust Millrood, LLC	L-9204-14
Agnew, Ann	Rheingold Giuffraruffo	L-7628-14
Fox, Mary	Rheingold Giuffraruffo	L-8932-14
Gagliano, Angelina	Rheingold Giuffraruffo	L-7287-14
Garies, Beatrice	Rheingold Giuffraruffo	L-7674-14
Massa, Josephine	Rheingold Giuffraruffo	L-9258-14
Meagher, Robert	Rheingold Giuffraruffo	L-8686-14
Millman, Helen	Rheingold Giuffraruffo	L-9063-14
Petropol, Jeanne	Rheingold Giuffraruffo	L-8650-14
Sylvester, Sandra	Rheingold Giuffraruffo	L-6804-14
Woolf, Elizabeth	Rheingold Giuffraruffo	L-7675-14
Youngman, Marjorie	Rheingold Giuffraruffo	L-7202-14
Born, Rosalyn	Oshman	L-8187-14
Crain, Memory	Oshman	L-8168-14
Overton, Dolores	Oshman	L-8118-14

Plaintiff Name	Plaintiff Counsel	Case No.
Stracke, Doris	Oshman	L-7055-14
Su, Christina	Oshman	L-7824-14
Whited, Mary Ann	Oshman	L-8185-14
Clark, Pauline Elizabeth	Sanders Grossman Phillips	L-6935-14
Freed, Sally	Sanders Grossman Phillips	L-6996-14
Gonzalez, Santos	Sanders Grossman Phillips	L-9408-14
Jacobs, Nina Marie	Sanders Grossman Phillips	L-9406-14
Phelps, Paulina Elizabeth	Sanders Grossman Phillips	L-7101-14
Richards, Patricia	Sanders Grossman Phillips	L-9433-14
Stevens, Beulah Madlyn	Sanders Grossman Phillips	L-9422-14
Ungurath, Mildred	Sanders Grossman Phillips	L-9445-14
Van Leuven, Jeanine E.	Sanders Grossman Phillips	L-9446-14
Baker, Billie Sue	Seeger Weiss	L-6895-14
Brown, Barbara	Seeger Weiss	L-2220-15
Campbell, Elizabeth	Seeger Weiss	L-2363-15
Colangelo, Vera	Seeger Weiss	L-6795-14
Corkum, Joan	Seeger Weiss	L-6894-14
Creeley, Shirley	Seeger Weiss	L-7049-14
Cyr, Susan	Seeger Weiss	L-9128-14
Dung, Soon Ja	Seeger Weiss	L-7238-14
Fowler, Barbara	Seeger Weiss	L-8741-14
Fullmer, Patricia	Seeger Weiss	L-8744-14
Gossett, Julia	Seeger Weiss	L-9154-14
Harrell, Doris	Seeger Weiss	L-7746-14
Lott, Dolores	Seeger Weiss	L-9125-14
Luckeroth, Ruth	Seeger Weiss	L-8453-14
Mason, Mennie	Seeger Weiss	L-8297-14
McCall, Edna	Seeger Weiss	L-7223-14
Moragne, Earline	Seeger Weiss	L-6827-14
Oravets, Arlene	Seeger Weiss	L-9284-14
Pang, Harriet K. B.	Seeger Weiss	L-6861-14
Pedro, Susan	Seeger Weiss	L-8074-14
Peigh, Valentina	Seeger Weiss	L-7881-14
Rafferty, Margaret	Seeger Weiss	L-6896-14
Timko, Betty	Seeger Weiss	L-9169-14
Barbara, Elma L.	Levensten Law Firm	L-8452-14
Bollino, Mary Alice	Levensten Law Firm	L-8480-14
Burdett, Thomas Frederick	Levensten Law Firm	L-8442-14
Lee, Young Hwi	Levensten Law Firm	L-8216-14
Rogers, Everlener C.	Levensten Law Firm	L-7641-14
Simmons, Jackie	Levensten Law Firm	L-8219-14
Ames, Barbara	The Miller Firm, LLC	L-8636-14

Plaintiff Name	Plaintiff Counsel	Case No.
Gromfine, Mildred	The Miller Firm, LLC	L-7697-14
Bradley, Margaret	Weitz & Luxenberg	L-9326-14
Carlisle, Delores	Weitz & Luxenberg	L-6832-16
Cashman, Helen	Weitz & Luxenberg	L-9646-14
Castro, Sharyn	Weitz & Luxenberg	L-7880-14
Crawford, Karen	Weitz & Luxenberg	L-9237-14
Davis, Elizabeth	Weitz & Luxenberg	L-9444-14
Dickman, Joan	Weitz & Luxenberg	L-9511-14
Dye, Virginia	Weitz & Luxenberg	L-9533-14
Eagan, Lois	Weitz & Luxenberg	L-9700-14
Feeheley, Joan	Weitz & Luxenberg	L-9469-14
Gaby, Julia	Weitz & Luxenberg	L-9579-14
Gallagher, Richard	Weitz & Luxenberg	L-9674-14
Gigliotti, Joyce	Weitz & Luxenberg	L-7277-14
Goralczyk, Thelma	Weitz & Luxenberg	L-7462-14
Greenwald, Barbara	Weitz & Luxenberg	L-9621-14
Irwin, Beverly	Weitz & Luxenberg	L-11088-14
Janda, Maureen	Weitz & Luxenberg	L-8024-14
Kabakova, Raisa	Weitz & Luxenberg	L-9504-14
Kohn, Jean	Weitz & Luxenberg	L-0900-15
Krick, Shirley	Weitz & Luxenberg	L-7812-14
Lake, Judith	Weitz & Luxenberg	L-9640-14
Lannigan, Matthew	Weitz & Luxenberg	L-8942-14
Lee, Thelma	Weitz & Luxenberg	L-9474-14
Locicero, Rose	Weitz & Luxenberg	L-8181-14
Lodge, Georgia	Weitz & Luxenberg	L-9320-14
Magee, Ursula	Weitz & Luxenberg	L-6960-14
Mee, Alice	Weitz & Luxenberg	L-9482-14
McNichol, Lydia	Weitz & Luxenberg	L-9651-14
Morales, Raul	Weitz & Luxenberg	L-9645-14
Oberste, Joe	Weitz & Luxenberg	L-7104-14
Pawlowski, Janina	Weitz & Luxenberg	L-9508-14
Penoyer, Laverne	Weitz & Luxenberg	L-3612-15
Peppers, Arvie	Weitz & Luxenberg	L-2530-15
Pike, Allan	Weitz & Luxenberg	L-6995-14
Pinkston, Jean	Weitz & Luxenberg	L-8504-14
Porter, Ruth	Weitz & Luxenberg	L-7748-14
Purvis, Joyce	Weitz & Luxenberg	L-8489-14
Roppe, Joan	Weitz & Luxenberg	L-0540-15
Seagraves, Katie	Weitz & Luxenberg	L-7329-14
Shandrick, Nancy	Weitz & Luxenberg	L-9699-14
Shelko, Eleanor	Weitz & Luxenberg	L-7476-14

Plaintiff Name	Plaintiff Counsel	Case No.
Sibbald, Jean	Weitz & Luxenberg	L-7873-14
Spano, Youla	Weitz & Luxenberg	L-7259-14
St. Peter, Carol	Weitz & Luxenberg	L-9572-14
Viljevac, Janice	Weitz & Luxenberg	L-9484-14
Webb, Gladys	Weitz & Luxenberg	L-7465-14
Willoughby, Natalie	Weitz & Luxenberg	L-9459-14
Woodard, Vanona	Weitz & Luxenberg	L-8163-14
Zwahlen, Dorothy	Weitz & Luxenberg	L-9238-14
Stiffey, Shirley	Cory Watson	L-9349-14
Wivietsky, Rachel	Levin Papantonio	L-7939-14
Carter, Quree P.	Lopez McHugh	L-7065-14

Exhibit B

to Case Management Order of October 2019

Allen, Samuel	MID L-7500-14	Weitz & Luxenberg
Burns, Gladys	MID L-7744-14	Weitz & Luxenberg
Colangelo, Vera	MID L-6795-14	Seeger Weiss
Dye, Virginia	MID L-9533-14	Weitz & Luxenberg
Gentzler, Beverly	MID L-6975-14	Weitz & Luxenberg
Knight, Nancy	MID L-7717-14	Weitz & Luxenberg
Mattia, Barbara	MID L-9599-14	Weitz & Luxenberg
Morris, Mary	MID L-7501-14	Weitz & Luxenberg
Pawlowski, Janina	MID L-9508-14	Weitz & Luxenberg
Pike, Allan	MID L-6995-14	Weitz & Luxenberg
Ribbe, Ruth	MID L-6918-14	Weitz & Luxenberg
Spivey, Myra	MID L-9454-14	Weitz & Luxenberg
Strickland, Annie	MID L-6924-14	Weitz & Luxenberg