FILED

FEB 11 2020

Judge James F. Hyland

IN RE: FOSAMAX® LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY CASE NO. 282 **CASE MANAGEMENT ORDER: JANUARY 15, 2020 CMC**

THIS MATTER, having come before the Court at a case management conference on January 15, 2020, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 11th day of ~~January~~ February, 2020, ORDERED as follows:

1. ACTIVE CASE LIST

Weitz & Luxenberg shall submit an active case list by January 22, 2020.

2. 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, including additions, need to be made. At the conclusion of those 14 days, if necessary, a revised Exhibit A shall be substituted and will be the controlling Exhibit A going forward. With respect to those plaintiffs identified in Exhibit A, within 90 days of the District of New Jersey's decision regarding preemption 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 requests 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.

3. CASES WITHDRAWN FROM CORE DISCOVERY

The cases listed in Exhibit B have been identified by counsel for Merck, in addition to those previously identified in the October 15, 2019 CMO, as including a plaintiff named for core discovery that was withdrawn from discovery at the request of plaintiff's counsel based on the representation by plaintiff's counsel that the case would be dismissed, but for which a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 within 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.

4. CASES AGREED TO BE DISMISSED FOR WHICH STIPULATIONS OF DISMISSAL NOT RECEIVED.

The cases listed in Exhibit C have been identified by counsel for Merck as including a plaintiff for whom plaintiff's counsel has represented 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 C 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 C will be substituted and will be the controlling Exhibit C going forward. With respect to those plaintiffs identified on Exhibit C, 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. ORIGINAL SUBMISSIONS

Original submissions to the court shall be sent to the Civil Records department.

6. The next Case Management Conference is scheduled on April 22, 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
Seal, Shirley	Aylstock Witkin	L-7454-14
Spear, Alta L.	Aylstock Witkin	L-9327-14
Stritikus, Priscena	Aylstock Witkin	L-6951-14
Blakely, Lyle	Bern Ripka Napoli Schkolnik	L-9228-14
Gray, Christine	Bern Ripka Napoli Schkolnik	L-8975-14
Kinison, Meriam	Cory Watson	L-8983-14
Stiffey, Shirley	Cory Watson	L-9349-14
Beaudoin, Phyllis M.	D'Arcy Johnson Day, P.C.	L-11346-14
Clark, Estelle R.	D'Arcy Johnson Day	L-7071-14
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

Plaintiff Name	Plaintiff Counsel	Case No.
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
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
Altholtz, Irene	Levensten Law Firm	L-6711-14
Avers, Lyla	Levensten Law Firm	L-7948-14
Balcom, Esme	Levensten Law Firm	L-7887-14
Barbara, Elma L.	Levensten Law Firm	L-8452-14
Barbee, Margaret	Levensten Law Firm	L-8318-14
Baron, Charlotte	Levensten Law Firm	L-7276-14
Bertucci, Marianna	Levensten Law Firm	L-7117-14
Bess, Sue	Levensten Law Firm	L-8566-14
Bollino, Mary Alice	Levensten Law Firm	L-8480-14
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
Burdett, Thomas Frederick	Levensten Law Firm	L-8442-14
Carr, Helen	Levensten Law Firm	L-6852-14
Cline, Connie	Levensten Law Firm	L-6752-14
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
Fisher, Doris	Levensten Law Firm	L-6744-14
Furr, Betty	Levensten Law Firm	L-7000-14
Gretencort, Gail	Levensten Law Firm	L-9265-14
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
Kinsey, Dora	Levensten Law Firm	L-7769-14
Kolln, Hildegard	Levensten Law Firm	L-7326-14
Lee, Young Hwi	Levensten Law Firm	L-8216-14
Lobsiger, Genice	Levensten Law Firm	L-8684-14
Luscombe, Deborah	Levensten Law Firm	L-7679-14
Macklin, Lydia	Levensten Law Firm	L-8582-14

Plaintiff Name	Plaintiff Counsel	Case No.
Messer, Barbara	Levensten Law Firm	L-8885-14
Orowson, Joan L.	Levensten Law Firm	L-7886-14
Payne, Juanita	Levensten Law Firm	L-7618-14
Present, Helen	Levensten Law Firm	L-6671-14
Quick, Diane	Levensten Law Firm	L-7896-14
Rogers, Everlener C.	Levensten Law Firm	L-7641-14
Ruiz, Sophie	Levensten Law Firm	L-7662-14
Rummer, Karen Lane	Levensten Law Firm	L-6967-14
Siedman, Ruth	Levensten Law Firm	L-8565-14
Simmons, Jackie	Levensten Law Firm	L-8219-14
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
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
Carter, Quree P.	Lopez McHugh	L-7065-14
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
Bishop, Merlin	Michael Brady Lynch	L-7625-14
Ames, Barbara	Miller Firm, LLC	L-8636-14
Gromfine, Mildred	Miller Firm, LLC	L-7697-14
Francis, Stella	Napoli Shkolnik LLP	L-7513-14
Walters, Wavadean	Napoli Shkolnik LLP	L-8977-14
Born, Rosalyn	Oshman & Mirisola	L-8187-14
Crain, Memory	Oshman & Mirisola	L-8168-14
Gossett, Judith	Oshman & Mirisola	L-8195-14
Johnson, Yvonne	Oshman & Mirisola	L-8819-14
Mooney, Carole Ann	Oshman & Mirisola	L-7192-14
Overton, Dolores	Oshman & Mirisola	L-8118-14
Stracke, Doris	Oshman & Mirisola	L-7055-14
Su, Christina	Oshman & Mirisola	L-7824-14
Whited, Mary Ann	Oshman & Mirisola	L-8185-14
Woods, Charlotte A.	Oshman & Mirisola	L-7867-14
Abroms, Peggy	Parker Waichman	L-8765-14

Plaintiff Name	Plaintiff Counsel	Case No.
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
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
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
Schaller, Verna	Parker Waichman	L-7323-14
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
Young, Evonne	Pinilis Halpern	L-7001-14
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

Plaintiff Name	Plaintiff Counsel	Case No.
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
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
Brown, Constance	Seeger Weiss	L-6661-14
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
Frame, Nancy J.	Seeger Weiss	L-9039-14
Fullmer, Patricia	Seeger Weiss	L-8744-14
Gossett, Julia	Seeger Weiss	L-9154-14
Harrell, Doris	Seeger Weiss	L-7746-14
Henderson, Bettye J.	Seeger Weiss	L-6832-14
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
Olbrich, Diane J.	Seeger Weiss	L-6831-14
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
Strayer, Sally	Seeger Weiss	L-8630-14

Plaintiff Name	Plaintiff Counsel	Case No.
Timko, Betty	Seeger Weiss	L-9169-14
Toon, Charlotte A.	Seeger Weiss	L-7993-14
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
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

EXHIBIT B

To Case Management Order of January 2020

Firm	Plaintiff	Docket
Levin Papantonio	Esme Balcom	MID-L-7887-14
Parker Waichman	Joan Lino	MID-L-7999-14
Seeger Weiss	Linda Gasper	MID-L-3521-16

EXHIBIT C

To Case Management Order of January 2020

Firm	Plaintiff	Docket
Aylstock Witkin	Debra Dixon	MID-L-7137-14
	Maria Hynum	MID-L-8400-14
	Louise Paglia	MID-L-8878-14
Seeger Weiss	Fay McColpin	MID-L-8657-14
	Judy Harris / Dean Waller	MID-L-9126-14