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*Attorneys for Defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp.*

**FILED**

OCT 04 2019

Judge James F. Hyland

IN RE ZOSTAVAX LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

MCL NO. 629

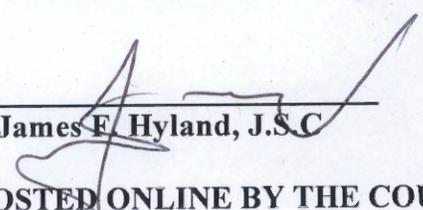
**ORDER**

**AND NOW**, upon consideration of defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp.'s motion for reconsideration of the court's order denying dismissal of certain claims as subsumed under the New Jersey Product Liability Act, and any response thereto,

**IT IS HEREBY ORDERED** on this 4<sup>th</sup> day of October 2019 that the defendants' motion is **GRANTED** and that Count I (negligence), Count VII (fraudulent misrepresentation), Count VIII (fraudulent concealment), Count IX (negligent misrepresentation), and Count XII (violation of consumer protection laws) are **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the plaintiffs' counsel are granted leave to file an amended complaint pursuant to R. 4:9-1 within 30 days of this Order.

**BY THE COURT:**

  
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James F. Hyland, J.S.C.

**A COPY OF THIS ORDER SHALL BE POSTED ONLINE BY THE COURT**