

**FILED**

**FEB 13 2020**

**Judge James F. Hyland**

Eileen Oakes Muskett, Esq.  
**FOX ROTHSCHILD LLP**  
Midtown Building, Suite 400

1301 Atlantic Avenue

Atlantic City, NJ 08401

T: 609.572.2233 / F: 609.348.6834

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

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**ORDER**

**DISMISSAL WITH PREJUDICE FOR  
FAILURE TO PROVIDE A COMPLETE  
PLAINTIFF FACT SHEET**

THIS MATTER, having come before the Court at a case management conference on December 17, 2019 at which counsel for Plaintiffs and counsel for Defendants were present.

IT IS on this 13 day of ~~January~~ <sup>February</sup> 2020, ORDERED as follows:

Because the plaintiffs Michael Desplaines, Gwendell Jenkins, James Pickersgill, and Norman Rose served egregiously deficient Plaintiff Fact Sheets, and because Debra Sherard failed to provide a certified Plaintiff Fact Sheet, they are in violation of the Court's instruction at the December 17, 2019 case management conference and their claims are, therefore, dismissed *with prejudice*.

  
The Honorable James Hyland, J.S.C.

**Exhibit A – Plaintiffs Removed from the Court's Dismissal Order After Bern Submitted a Late PFS on November 6, 2019, for Whom Bern Has Since Failed to Remedy Egregious Deficiencies, Lack of Verification, or Both**

<b>Plaintiff</b>	<b>Case Caption (Lead Plaintiff)</b>	<b>Docket Number</b>
Desplaines, Michael	Bennett, Sherwood et al. v. Merck & Co., Inc.	MID-L-003374-18
Jenkins, Gwendell	Golotto, Rosemary et al. v. Merck & Co., Inc.	MID-L-000728-18
Pickersgill, James	Burt, Jerry et al. v. Merck & Co., Inc.	MID-L-002500-18
Rose, Norman	Agresti, Paul et al. v. Merck & Co., Inc.	MID-L-003015-18
Sherard, Debra	Anderson, Tammy et al. v. Merck & Co., Inc.	MID-L-004177-17