

FILED

April 14, 2023

HON. BRUCE J. KAPLAN, J.S.C.

IN RE: FOSAMAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 282

CASE MANAGEMENT ORDER
APRIL 4, 2023
CASE MANAGEMENT CONFERENCE

THIS MATTER, having come before the Court at a case management conference on April 4, 2023, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 14th day of April, 2023, **ORDERED** as follows:

1. LOCKS LAW FIRM

The Locks Law Firm shall file a notice of appearance of counsel, by April 12, 2023, in all cases pending in the Fosamax MCL for which the Locks Law Firm is counsel of record.

2. STATUS OF PLAINTIFFS

Plaintiffs' counsel shall continue to identify for the Court and Defense counsel those Plaintiffs who are deceased and do not already appear on prior Case Management Order Exhibits. Plaintiffs' counsel shall continue in their efforts to determine the status of their clients and update defense counsel and the Court accordingly to effectuate substitution of an estate representative as the plaintiff or dismissal of the case.

3. CASES WITH DELINQUENT PROOF OF USE AND/OR PROOF OF INJURY AND/OR PROOF OF PRODUCT IDENTIFICATION

Plaintiffs' liaison counsel were provided notice that the Plaintiffs listed in Exhibit D to the January 24, 2023 CMO ("January 2023 CMO") did not provide any evidence of proof of use as required by the CMO dated August 10, 2022 from the July 25, 2022 Case Management Conference ("July 2022 CMO") and by the November 2022 CMO. Plaintiffs' liaison counsel were also provided notice that the Plaintiffs listed in Exhibit E to the January 2023 CMO did not provide any records regarding generic product identification as required by the July 2022 CMO and November 2022 CMO.

Prior to filing motions to dismiss the cases listed on Exhibits D and E of the January 2023 CMO on the basis of a lack of proof of use or generic product identification, defense counsel must provide email notice to Plaintiffs' counsel advising that proof of use and generic product identification, respectively, has not been received and if it is not provided within 14 days of the email notice, a motion to dismiss without prejudice will be filed. Defendants were granted permission to file motions to dismiss these January 2023 CMO Exhibit D and E cases without prejudice if no evidence of proof of use or generic product identification is provided within 14 days of the email notice.

4. NEXT CASE MANAGEMENT CONFERENCE

The next Case Management Conference is scheduled for June 27, 2023, at 9:00 a.m. EST via zoom link provided by the court, unless otherwise notified by the court. A liaison counsel meeting is scheduled for June 20, 2023 at 9:00 a.m. EST via a zoom link provided by the court, unless otherwise notified by the court. An agenda for the Case Management Conference shall be submitted to the court 7 days before the liaison counsel meeting.

/s/ Bruce J. Kaplan
HONORABLE BRUCE J. KAPLAN, J.S.C.

Service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Pursuant to R. 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the entry of the Order.