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Roche Laboratories Inc., Genentech, Inc., and
GlaxoSmithKline LLC*

IN RE: FOSAMAX® LITIGATION

APPLICABLE TO ALL CASES
ON THE ATTACHED CASE LIST

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-7153-14
MCL NO.: 282

Civil Action

**ORDER OF DISMISSAL
WITH PREJUDICE
(Boniva Defendants)**

THIS MATTER having been brought before the Court upon the motion of
Defendants, Hoffmann-La Roche Inc. and Roche Laboratories Inc. (“Roche” or “Boniva

Defendants”), by and through its attorneys, Dughi, Hewit & Domalewski, seeking to join in the Motion to Dismiss Plaintiffs’ Complaints with Prejudice filed by Defendants Merck & Co., Inc. and Merck Sharp & Dohme LLC (collectively, “Merck”) and for an Order dismissing all claims of Plaintiffs on the attached Case List with prejudice, and the Court having considered the moving papers and good cause having been shown,

IT IS on this 7th day of January, 2025,

ORDERED that the Defendants’ Motion to Dismiss the claims on the case list attached with prejudice is hereby **GRANTED**; and it is further

ORDERED that all claims of Plaintiffs on the attached Case List be and hereby are dismissed with prejudice as against all Defendants, including the Boniva Defendants which include Hoffmann-La Roche Inc., Roche Laboratories Inc., Genentech, Inc., and GlaxoSmithKline LLC; and it is further

ORDERED that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Pursuant to Rule 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven days of the date of this Order.

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

UNOPPOSED

STATEMENT OF REASONS

This Motion comes before the Court by way of Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc.’s Motion to Dismiss with Prejudice the cases attached for lack of prosecution. The cases were previously dismissed without prejudice per the Case Management Order entered on July 30, 2024. The Court notes that there was no opposition.

Pursuant to the Case Management Order entered on July 30, 2024, Plaintiffs were duly notified that, in the event the individuals identified on Exhibit A and Exhibit B failed to

reinstate the action and proceed in accordance with Rule 4:34-1 by substituting an authorized Personal Representative for the Estate of a deceased party within sixty (60) days of said Order, the Defendant would be entitled to file a motion for dismissal with prejudice. Upon a comprehensive review of the individual dockets corresponding to the cases listed below, the Court finds that each Plaintiff has failed to comply with the Court's Order of September 19, 2024. The Plaintiffs have not adhered to the directive to reinstate and substitute an authorized Personal Representative for the Estate of the deceased parties within the prescribed sixty (60) days. Consequently, Defendant's Motion to Dismiss with Prejudice is hereby granted with respect to each case enumerated on the Case List. This dismissal is effectuated in accordance with the clear terms of the Case Management Order, which explicitly afforded the Plaintiffs an opportunity to cure the deficiency within the designated timeframe, yet the Plaintiffs' failure to comply necessitates the dismissal of their claims. Motion granted.

Case List to Order Granting Dismissal With Prejudice (Boniva Defendants)

Plaintiff Name	Plaintiff Counsel	Case No.
Bathalter, Joyce	Corey Watson	L-1416-15
West, Ruth Ann	Corey Watson	L-8720-14
Jean, Pauline	Levin Papantonio	L-6928-14
Bowden, Mary Catherine	Westmoreland Vesper & Quattrone	L-7780-14