

Eileen Oakes Muskett, Esquire  
Attorney ID 020731994  
Fox Rothschild LLP  
Midtown Building, Suite 400  
1301 Atlantic Avenue  
Atlantic City, New Jersey 08401  
Phone: 609-348-4515  
Attorney for Defendant Merck Sharp & Dohme Corp.

FILED

May 1, 2023

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

In Re Fosamax,  
Applicable to All Cases on Attached List

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION

DOCKET NO. MID-L-7153-14

CIVIL ACTION CASE NO. 282

**AMENDED ORDER to remove ten Plaintiffs from Exhibit 1. Dockets removed: 7398-14; 7289-14; 7787-14; 9355-14; 9172-14; 8897-14; 8892-14; 8921-14; 8894-14; and 6683-14.**

**THIS MATTER** having been brought before the Court upon motion by Fox Rothschild LLP, attorney for Defendants, Merck & Co., Inc., and Merck Sharp & Dohme Corp., for an Order to Dismiss the Complaint of Plaintiffs listed in the attached Exhibit 1 without prejudice pursuant to R. 4:23-5(a)(1), for failure to serve proof of product usage, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

**IT IS** on this 1st day of May, 2023;

**ORDERED** that Defendants' Motion to Dismiss without prejudice **is hereby GRANTED**; and it is further

**ORDERED** that should Plaintiffs fail to produce proof of use ("POU") within sixty (60) days of this Order, then a motion to dismiss with prejudice may be filed; 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 (7) days of the date of this order.

*1/5/ Bruce J. Kaplan*  
HONORABLE BRUCE J. KAPLAN, J.S.C.

**UNOPPOSED**

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

### Exhibit 1

Plaintiff Name	Case Name	Case # MID-L-	Controlling Firm
Albanese, Josephine	Albanese, Josephine	7399-14	Mitzner Law Firm, PLLC
Battle, Hilda	Battle, Hilda	7613-14	Mitzner Law Firm, PLLC
Favis, Rosalinda C.	Favis, Rosalinda	7461-14	Mitzner Law Firm, PLLC
Fuhrman, Joan Teresa	Fuhrman, Joan Teresa	7400-14	Mitzner Law Firm, PLLC
Givens, Barbara Ann	Givens, Barbara	7292-14	Mitzner Law Firm, PLLC
Goncharko, Evelyn	Goncharko, Evelyn	7397-14	Mitzner Law Firm, PLLC
Hart, Myrtle	Hart, Myrtle	8601-14	Mitzner Law Firm, PLLC
Holt, Bonnie	Holt, Bonnie	7296-14	Mitzner Law Firm, PLLC
Hurwitz, Rosalie	Hurwitz, Rosalie	7834-14	Mitzner Law Firm, PLLC
Keeling, Linda Gayle	Keeling, Linda Gayle	8893-14	Mitzner Law Firm, PLLC
Keller, Helene Ann	Keller, Helene Ann	7372-14	Mitzner Law Firm, PLLC
Kuczinski, Linda	Kuczinski, Linda	7423-14	Mitzner Law Firm, PLLC
Lebovitz, Lili	Lebovitz, Lili	6715-14	Mitzner Law Firm, PLLC
Linek, Francis Carolina	DiNetta, Helen (PR-Frances Carolina Linek Estate)	7283-14	Mitzner Law Firm, PLLC
Maynard, Elizabeth Ann	Maynard, Elizabeth	7833-14	Mitzner Law Firm, PLLC
Moore, Elsie Imogene	Moore, Elsie Imogene	7410-14	Mitzner Law Firm, PLLC
Nassar, Alyse Caridad	Nassar, Alyse Caridad	8920-14	Mitzner Law Firm, PLLC
Oldfield, Maggie	Oldfield, Maggie	8121-14	Mitzner Law Firm, PLLC
Pingley, Patty Louise	Pingley, Richard (PR-Patty Louise Pingley Estate)	8313-14	Mitzner Law Firm, PLLC
Powell, Sheridan Lois	Powell, Sheridan Lois	7350-14	Mitzner Law Firm, PLLC
Pross, Elizabeth Ann	Pross, Elizabeth Ann	7974-14	Mitzner Law Firm, PLLC
Tewes, Mary	Tewes, Mary	7962-14	Mitzner Law Firm, PLLC
Wild, Lenore Sybil	Wild, Lenore	7878-14	Mitzner Law Firm, PLLC
Willey, Maurine Jackson	Willey, Maurine Jackson	7411-14	Mitzner Law Firm, PLLC
Wilson, Candace Winona	Wilson, Candace Winona	8895-14	Mitzner Law Firm, PLLC