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FILED

May 10, 2023

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

ALICE DOUGLAS,

Plaintiff

vs

MERCK & CO., INC., et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION

DOCKET NO. MID-L-7848-14

CIVIL ACTION CASE NO. 282

ORDER

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 Plaintiff's complaint without prejudice pursuant to R. 4:23-2(b)(3), for failure to effectuate the probate process to appoint a formal estate representative and substitute the estate, and the Court having read and considered the papers submitted in this matter, opposition filed and reply thereto, and for the reasons stated on the record during oral argument on May 10, 2023, and for good cause having been shown;

IT IS on this 10th day of May, 2023;

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

ORDERED that should Plaintiff's Counsel shall file a Motion to Amend the Complaint to substitute the estate within thirty (30) days of this Order; 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.

151 Bruce J. Kaplan
HONORABLE BRUCE J. KAPLAN, J.S.C.

OPPOSED

On this date, pursuant to R. 1:6-2 the Court's statement of reasons has been set forth on the record.