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FILED

May 12, 2023

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

FILOMENA RICCI,

Plaintiff

vs

MERCK SHARP & DOHME CORP., et al.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION

DOCKET NO. MID-L-7010-14

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, and for good cause having been shown;

IT IS on this 12th day of May, 2023;

ORDERED that Defendants' Motion to Dismiss without prejudice **is hereby DENIED** without prejudice; 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.

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

UNOPPOSED

After review of eCourts and ACMS, the Court finds that the complaint in this matter was not filed by Filomena Ricci, but rather filed by the Ricci Estate of Filomena. No information has been provided that indicates who the Estate representative is and whether they require substitution. If said information becomes available, Defense Counsel can refile their motion with an updated certification.