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

In Re Fosamax,

Attorney for Defendant Merck Sharp & Dohme Corp.

SUPERIOR COURT OF NEW JERSEY

FILED

April 28, 2023

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

LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION

DOCKET NO. MID-L-7153-14

CIVIL ACTION CASE NO. 282

ORDER

Applicable to All Cases on Attached List

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 28th day of April, 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

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ORDERED that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Pursuant to <u>Rule</u> 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.

<u>ISI Bruce J. Kaplan</u> 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 \underline{R} . 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

Exhibit 1

Albanese, Josephine Albanese, Josephine 7399-14 Mitzner Law Firm, PLLC Battle, Hilda Battle, Hilda 7613-14 Mitzner Law Firm, PLLC Bolden, Mary Agnes Bolden, Mary Agnes 7398-14 Mitzner Law Firm, PLLC Favis, Rosalinda C. Favis, Rosalinda 740-14 Mitzner Law Firm, PLLC Favis, Rosalinda C. Favis, Rosalinda 7461-14 Mitzner Law Firm, PLLC Givens, Barbara Ann Givens, Barbara 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 Green, Patricia Ann Green, Patricia Ann 7289-14 Mitzner Law Firm, PLLC Hart, Myrtle Hart, Myrtle 8601-14 Mitzner Law Firm, PLLC Hexberg, Rita Hexberg, Rita 7787-14 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 8893-14 Mitzner Law Firm, PLLC Keller, Helene Ann Keller, Helene Ann 7372-14 Mitzner Law Firm, PLLC King, Joanne King, Joanne 9355-14 Mitzner Law Firm, PLLC Kuczinski, Linda Kuczinski, Linda 7423-14 Mitzner Law Firm, PLLC Lebovitz, Lili Lebovitz, Lili 6715-14 Mitzner Law Firm, PLLC Lebovitz, Lili Lebovitz, Lili 6715-14 Mitzner Law Firm, PLLC Moore, Elise Imogene Moore, Elsie Imogene 7410-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Ghamar Mosadeghi, Ghamar 9172-14 Mitzner Law Firm, PLLC Mosadeghi, Sheridan Lois Powell, Sheridan Lois Powe	Plaintiff Name	Case Name	Case #	Controlling Firm
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