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FILED

April 28, 2023

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

In Re: Fosamax

Applicable to All Cases on the
Attached Case List

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
FOSAMAX LITIGATION
DOCKET NO. MID-L-7153-14
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 Complaints of Plaintiffs listed in the attached Exhibit 1 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 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 effectuate the probate process to appoint a formal estate representative and substitute the estate 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.

/s/ 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 in part essentially for the reasons set forth in the moving papers.

EXHIBIT 1
Fosamax Case List for Omnibus Motion to Dismiss
Without Prejudice for Failure to Effectuate the Probate Process

Name	Docket #
Cecilia Apice	MID-L-8003-14
Marian Jones	MID-L-0498-16
Betty Wellman	MID-L-8935-14