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FILED

May 1, 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
**AMENDED ORDER to remove Plaintiff
Josephine Guida 8680-14 from Exhibit 1**

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 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 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
Case List of Motion to Dismiss
Without Prejudice for Failure to Effectuate the Probate Process

| Name | Docket # | Firm |
|---------------------|-----------------|------------------|
| Mock, Chyrrel | MID-L-007004-14 | Bern |
| Deal, Chong | MID-L-007585-14 | Levensten Law |
| Herman, Carolyn | MID-L-008559-14 | Levensten Law |
| Herst, Barbara | MID-L-008120-14 | Levensten Law |
| Kanelos, Helen | MID-L-006762-14 | Levensten Law |
| Malone, Ann | MID-L-009112-14 | Levensten Law |
| Steele, Carolyn | MID-L-008303-14 | Levensten Law |
| Thomas, Catherine | MID-L-008320-14 | Levensten Law |
| Benjamin, Esther | MID-L-006765-14 | Levin Papantonio |
| Early, Marjorie | MID-L-006981-14 | Lynch Daskal |
| Healey, Ruth | MID-L-009173-14 | Lynch Daskal |
| Richmond, Fransetta | MID-L-011698-14 | Lynch Daskal |
| Ulrich, Vivian | MID-L-009189-14 | Lynch Daskal |
| French, Mary | MID-L-007084-14 | Miller Law |
| Greenspan, Marilyn | MID-L-008477-14 | Oshman Mirsola |
| Davidson , Mary | MID-L-007068-14 | Oshman Mirsola |
| Weaver, Marilyn | MID-L-007677-14 | Oshman Mirsola |
| Zwerver, Wilhelmina | MID-L-007048-14 | Oshman Mirsola |
| Burgess, Patricia | MID-L-008404-14 | Parker Waichman |
| Carter, Patricia | MID-L-007932-14 | Parker Waichman |
| Cobb, Benjamin | MID-L-006878-14 | Parker Waichman |
| D'Amato, Cesira | MID-L-008213-14 | Seeger Weiss |
| Dilly, Judith | MID-L-009354-14 | Seeger Weiss |
| Farr, Lola | MID-L-007807-14 | Seeger Weiss |
| Fenno, John | MID-L-008743-14 | Seeger Weiss |
| Hawk, Martha E. | MID-L-009494-14 | Seeger Weiss |
| Keith, Dorothy | MID-L-006826-14 | Seeger Weiss |
| Laurie, Elaine | MID-L-009235-14 | Seeger Weiss |
| Lilienthal, Renata | MID-L-009231-14 | Seeger Weiss |
| Martin, Jeanne | MID-L-006887-14 | Seeger Weiss |
| McGuire, Betty | MID-L-008629-14 | Seeger Weiss |
| Oldfield, Julia | MID-L-009127-14 | Seeger Weiss |
| Rafferty, Margaret | MID-L-006896-14 | Seeger Weiss |
| Rowe, Marchetta | MID-L-006733-14 | Seeger Weiss |
| Savine, Florence | MID-L-009133-14 | Seeger Weiss |

| Name | Docket # | Firm |
|----------------------|-----------------|-------------------|
| Simmons, Betty | MID-L-009496-14 | Seeger Weiss |
| Slezak, Ann | MID-L-006998-14 | Seeger Weiss |
| Squires, Helen | MID-L-006892-14 | Seeger Weiss |
| Wagstaff, Carolyn | MID-L-008020-14 | Seeger Weiss |
| Barnes, Jeanne | MID-L-009465-14 | Weitz & Luxenberg |
| Benvenuto, Josephine | MID-L-009577-14 | Weitz & Luxenberg |
| Borden, Joan | MID-L-009641-14 | Weitz & Luxenberg |
| Bradley, Beatrice | MID-L-008955-14 | Weitz & Luxenberg |
| Chavez, Josie | MID-L-008043-14 | Weitz & Luxenberg |
| Chernick, Lita | MID-L-009654-14 | Weitz & Luxenberg |
| Conrad, Ernestine | MID-L-008052-14 | Weitz & Luxenberg |
| Crouch, Kathy | MID-L-007206 14 | Weitz & Luxenberg |
| Daste, Jacqueline | MID-L-009490-14 | Weitz & Luxenberg |
| Everson, Mary | MID-L-007240-14 | Weitz & Luxenberg |
| Guarnaschelli, Lois | MID-L-009644-14 | Weitz & Luxenberg |
| Guzman, Mae | MID-L-009483-14 | Weitz & Luxenberg |
| Hyman, Joan | MID-L-008258-14 | Weitz & Luxenberg |
| Lockard, Valerie | MID-L-009574-14 | Weitz & Luxenberg |
| Morris, Mary | MID-L-007501-14 | Weitz & Luxenberg |
| Piccolo, Fay | MID-L-000425-15 | Weitz & Luxenberg |
| Rousseau, Myra | MID-L-009334-14 | Weitz & Luxenberg |
| Seitz, Joan | MID-L-007094-14 | Weitz & Luxenberg |
| Shinaver, Muriel | MID-L-008053-14 | Weitz & Luxenberg |