

FILED

January 7, 2025

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

Eileen Oakes Muskett, Esquire

Attorney ID No. 020731994

**FOX ROTHSCHILD LLP**

Midtown Building, Suite 400

1301 Atlantic Avenue

Atlantic City, NJ 08401

Tel: (609) 348-4515

Fax: (609) 348-6834

[emussett@foxrothschild.com](mailto:emussett@foxrothschild.com)

*Attorneys for Defendants Merck & Co., Inc.  
and Merck Sharp & Dohme Corp.*

JUDITH ANN GLAZE,

Plaintiff

vs

MERCK & CO., INC., and MERCK  
SHARP & DOHME CORP., et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

MCL NO. 282 FOSAMAX

DOCKET NO.: MID-L-7267-14

**ORDER DISMISSING WITH PREJUDICE**

**THIS MATTER**, having been brought before the Court by Eileen Oakes Muskett, Esquire, of Fox Rothschild LLP, attorney for Defendant Merck Sharp & Dohme Corp, seeking an order dismissing with prejudice Plaintiff's Complaint, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

**IT IS** on this 7<sup>th</sup> day of January 2025,

**ORDERED** Defendant's Motion to Dismiss Plaintiff Judith Ann Glaze's Complaint with prejudice **is hereby GRANTED** and Plaintiff's claims are dismissed with 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.

*/s/ Bruce J. Kaplan*

HONORABLE BRUCE J. KAPLAN, J.S.C.

UNOPPOSED

**STATEMENT OF REASONS**

This Motion comes before the Court by way of Defendant Merck Sharp & Dohme Corp's Motion to Dismiss with Prejudice Plaintiff's claims for lack of prosecution. The matter was previously dismissed without prejudice per the Case Management Order filed on September 18, 2024. The Court notes that there was no opposition. Per Defendant's 11/21/24 correspondence, Plaintiff's surviving relative has consented to dismissal of the case and was noticed of the instant motion via Fedex. See LCV20243040529.

Pursuant to the Case Management Order entered on September 18, 2024, Plaintiffs were duly notified that, in the event the individuals identified on Exhibit A and Exhibit B failed to reinstate the action and proceed in accordance with Rule 4:34-1 by substituting an authorized Personal Representative for the Estate of a deceased party within sixty (60) days of said Order, the Defendant would be entitled to file a motion for dismissal with prejudice. Upon a comprehensive review of the individual dockets corresponding to the cases listed below, the Court finds that the Plaintiff has failed to comply with the Court's Order of September 18, 2024. The Plaintiff has not adhered to the directive to reinstate and substitute an authorized Personal Representative for the Estate of the deceased party within the prescribed sixty (60) days. Consequently, Defendant's Motion to Dismiss with Prejudice is hereby granted. This dismissal is effectuated in accordance with the clear terms of the Case Management Order, which explicitly afforded the Plaintiffs an opportunity to cure the deficiency within the designated timeframe, yet Plaintiff's failure to comply necessitates the dismissal of her claims. Motion granted.