

#0551  
10-28-16

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  
Attorney for Defendant Merck Sharp & Dohme Corp.

**FILED**

**OCT 28 2016**

**JUDGE JESSICA R. MAYER**

Richard Monka and Phyllis Monka  
  
Plaintiffs  
  
vs.  
  
Merck Sharp & Dohme Corp.  
  
Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION

DOCKET NO. MID-L-8970-14

CIVIL ACTION CASE NO. 282

**ORDER**

**WHEREAS**, Defendant Merck Sharp & Dohme Corp., by and through its attorneys Fox Rothschild LLP, upon notice to all interested parties, has moved before this Court for the dismissal of this matter against Defendant in this matter; and the Court having considered the papers submitted in support thereof; and for other good cause, **IT IS** on this 20<sup>th</sup> day of October, 2016, hereby **ORDERED** that the motion is granted, and all claims of Plaintiffs in this case are hereby dismissed without prejudice.

  
\_\_\_\_\_  
Hon. Jessica R. Mayer, J.S.C.

A COPY OF THIS ORDER SHALL BE POSTED ONLINE BY THE COURT

**OPPOSED** - plaintiffs' counsel having complied with the requirements of Rule 4:23-6 by notifying plaintiffs of the pending motion and requesting that plaintiffs contact counsel.

**ORDERED** that counsel for the delinquent party shall serve upon his or her client in accordance with R. 4:23-5(a)(1) a copy of this Order and the notice set forth in Appendix II-A of the Court Rules

app 40  
05-51  
mtr 1134  
10-28-16

Josephine Reina, Esq.  
WEITZ & LUXENBERG  
A New York Professional Corporation  
Attorney ID 079772015  
200 Lake Drive East, Suite 205  
Cherry Hill, New Jersey 08002  
Phone: (856) 755-1115

**FILED**

**OCT 28 2016**

JUDGE JESSICA R. MAYER

*Attorneys for Plaintiff Richard Monka*

-----	)	SUPERIOR COURT OF NEW JERSEY
RICHARD MONKA	)	LAW DIVISION: MIDDLESEX COUNTY
	)	
Plaintiff,	)	DOCKET NO.: MID-L-8970-14
vs.	)	
	)	CIVIL ACTION CASE NO. 282
MERCK SHARP & DOHME CORP.	)	
	)	<b>ORDER</b>
Defendant.	)	
-----	)	

This matter, having been opened to the Court on application by Weitz & Luxenberg, counsel for Plaintiff Richard Monka, an order in opposition to Defendant's Motion to Dismiss for Failure to Provide Discovery, having considered the submissions of the parties and for good cause shown.

IT IS on this 22<sup>nd</sup> Day of October 2016, that ~~the~~ <sup>Defendant's</sup> motion is ~~DENIED~~ <sup>GRANTED</sup> for the reasons noted in the court's order dated 10/28/16.

**OPPOSED**

  
\_\_\_\_\_  
HON. JESSICA R. MAYER, J.S.C.