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*Attorneys for Defendant Teva*

*Pharmaceuticals USA, Inc.*

SHIRLEY SMITH,

Plaintiff,

v.

MERCK SHARP & DOHME CORP., et al.,

Defendants.

FILED

February 3, 2023

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

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
DOCKET NO. MID-L-7354-14  
MCL CASE NO. 282

CIVIL ACTION

**ORDER**

**THIS MATTER**, having been brought before the Court on February 3, 2023, by Motion of Greenberg Traurig, LLP, attorneys for Defendant Teva Pharmaceuticals USA, Inc. (“Teva”), for an Order to Dismiss the Plaintiff’s Complaint without prejudice for failure to comply with the Court’s December 13, 2022 Case Management Order to provide by December 21, 2022 proof that Plaintiff used generic alendronate manufactured by Teva Pharmaceuticals USA, Inc., and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

**IT IS** on this 3rd day of February, 2023;

**ORDERED** that Teva's Motion to Dismiss without prejudice **is hereby GRANTED**; and it is further

**ORDERED** that Plaintiff's, Shirley Smith's, Complaint is hereby **DISMISSED WITHOUT PREJUDICE** as to Defendant Teva Pharmaceuticals USA, Inc.; 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 essentially for the reasons set forth in the moving papers.