

M# 164  
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OCT 14 2016

Della Swoboda and John E. Swoboda  
  
Plaintiffs  
  
vs.  
  
Merck Sharp & Dohme Corp.  
  
Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
  
FOSAMAX LITIGATION  
  
DOCKET NO. MID-L-7581-14  
  
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 14<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. *A copy of this order shall be filed online by the court.*

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

**OPPOSED** - plaintiffs' counsel

*having complied with the requirements of Rule 4:23-5 by notifying plaintiffs of the pending motion and requesting that plaintiffs contact counsel. Plaintiffs' counsel has an additional 60 days per the court rule & cure disjunctive defenses.*

**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 I-A of the Court Rules.