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*Attorneys for Defendant
Novartis Pharmaceuticals Corporation*

DEBORAH G. TYRRELL and ROGER
TYRRELL,

Plaintiffs,

v.

MERCK SHARP & DOHME CORP.,
GLAXOSMITHKLINE, LLC., HOFFMAN-LA
ROCHE, INC., GENENTECH, INC., and
NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendants.

FILED

May 12, 2023

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY
Docket No. MID-L-2409-15

CIVIL ACTION
In Re Fosamax® Litigation
CASE NO. 282

ORDER

THIS MATTER having been opened to the Court by Sills Cummis & Gross P.C., attorneys for Defendant Novartis Pharmaceuticals Corporation (“NPC”), for an Order, pursuant to the Court’s February 3, 2023 Order and Rule 4:23-2(b), dismissing Plaintiffs’ Complaint without prejudice for failure to provide proof of use, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

IT IS on this 12th day of May 2023;

ORDERED that Defendant’s, Novartis Pharmaceuticals Corporation’s, Motion to Dismiss without prejudice **is hereby GRANTED**; and it is further

ORDERED that should Plaintiff fail to produce proof of use (“POU”) 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 essentially for the reasons set forth in the moving papers.