

ANAPOL WEISS

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FILED

December 24, 2024

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

Attorney for Plaintiffs (David Austeri and Kathleen McClinton)

Jane Austeri	:	SUPERIOR COURT OF NEW JERSEY
	:	MIDDLESEX COUNTY
Plaintiff,	:	
	:	LAW DIVISION
v.	:	Docket No. L-007657-14
	:	
MERCK SHARP & DOHME CORP.	:	Fosamax Litigation
	:	
Defendant	:	<u>ORDER</u>

THIS MATTER having come before the Court upon the application of Anapol Weiss, attorneys for Plaintiff, Jane Austeri and proposed Plaintiffs, Executor of Plaintiff’s Estate, David Austeri and Kathleen McClinton, for an Order for leave to file an Amended 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 24th day of December 2024,

ORDERED that Plaintiff’s Motion for Leave to file an Amended Complaint and substitute David Austeri and Kathleen McClinton as plaintiffs as **is hereby DENIED without 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 Plaintiff's Motion for Substitution of Parties. There was no opposition.

Plaintiff failed to provide the Court with a certification in satisfaction with the Case Management Order uploaded to eCourts on the Fosamax Docket (Docket No. 7153-14) on November 12, 2024, stating the following:

"To the best of the undersigned counsel's knowledge, _____ (insert the representative's name) has the authority to serve and was designated as the authorized representative of plaintiff's estate, and has authorized the undersigned counsel for the plaintiff to substitute him/her as plaintiff and proceed with this action on behalf of the estate."

Accordingly, the Motion is Denied.