

FILED

January 31, 2025

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

ANAPOL WEISS

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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	:	ORDER GRANTING MOTION TO FILE OR AMEND COMPLAINT

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, seeking an order for leave to file an Amended Complaint to substitute plaintiffs, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

IT IS on this 31st day of January 2025,

ORDERED that Plaintiffs Motion to Amend the Complaint to substitute proposed Plaintiffs David Austeri and Kathleen McClinton, as Co-Administrators of the Estate of Jane Austeri, deceased, as Plaintiffs **is hereby GRANTED**; and it is further

ORDERED that Plaintiff shall file and serve the Amended Complaint within ten (10) days of this Order; 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.

UNOPPOSED

Bruce J. Kaplan
HONORABLE BRUCE J. KAPLAN, J.S.C.

Having reviewed the within motion, this Court finds it meritorious on its face and is unopposed. This Court is granting leave to amend the Complaint in accord with R. 4:9-1. Moreover, the Court is granting substitution of Plaintiff as permitted under R. 4:34-1. Pursuant to R. 1:6-2, this Motion will be granted essentially for the reasons set forth in the moving papers.