

FILED

November 12, 2024

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

**ANAPOL WEISS**

By: Tracy A. Finken, Esquire  
Atty ID No. 03831998  
tfinken@anapolweiss.com  
10000 Lincoln Dr. E., Suite # 201  
Marlton, NJ 08053  
TEL: (856) 415-3116  
FAX: (215) 875-7731

*Attorney for Plaintiffs (David Austeri and Kathleen McClinton)*

<b>Jane Austeri</b>	:	<b>SUPERIOR COURT OF NEW JERSEY</b>
	:	<b>MIDDLESEX COUNTY</b>
<b>Plaintiff,</b>	:	
	:	<b>LAW DIVISION</b>
<b>v.</b>	:	<b>Docket No. L-007657-14</b>
	:	
<b>MERCK SHARP &amp; DOHME CORP.</b>	:	<b>Fosamax Litigation</b>
	:	
<b>Defendant</b>	:	<b>ORDER TO AMEND COMPLAINT AND SUBSTITUTE PLAINTIFF</b>

**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 as set forth in Exhibit “D” attached to Plaintiffs’ motion, and the Court having read the moving papers, and any papers filed in opposition thereto, and for good cause shown;

**IT IS** on this 12<sup>th</sup> day of November 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**; 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

*/s/ Bruce J. Kaplan*  
HONORABLE BRUCE J. KAPLAN, J.S.C.

**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.**