FILED

December 24, 2024

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

JACQUELINE FIGANIAK	: SUPERIOR COURT OF NEW JERSEY
	: MIDDLESEX COUNTY
Plaintiff,	: LAW DIVISION
	:
	: Docket No. L-008979-14
	:
	: In Re: Fosamax Litigation
	:
	:
MERCK SHARP & DOHME CORP.	: ORDER TO REINSTATE THE COMPLAINT
Defendant	: AND TO SUBSTIUTE THE PROPER PARTY
	: PLAINTIFF

THIS MATTER having been opened by Tracy Ann Finken of Anapol Weiss, attorney for Plaintiff, seeking an order to reinstate Plaintiff's Complaint and an order substituting plaintiff, 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 December 2024,

ORDERED that Plaintiff's Motion to Reinstate the Complaint **is hereby GRANTED**; and it is further

ORDERED that Plaintiff's Motion to Substitute Plaintiff **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.

UNOPPOSED

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

STATEMENT OF REASONS:

This Motion comes before the Court by way of Plaintiff's Motion to Reinstate the Complaint and Substitute Plaintiff. There was no opposition.

In the Amended Case Management Order uploaded to Fosamax Docket (Docket No. 7153-14), dated September 19, 2024, Plaintiffs were informed that deceased Plaintiff's in "Group A" had sixty (60) days from the date of that Order to reinstate their case. In the present matter, deceased Plaintiff was in "Group A" and attorney for the deceased properly filed their Motion within the allotted timeframe. Accordingly, the Motion to Reinstate the Complaint is Granted.

However, in the Case Management Order of November 12, 2024, uploaded to the same Fosamax Docket, Plaintiffs were informed that they must provide the Court with the following certification in a motion to substitute plaintiff:

> "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."

Plaintiff failed to provide the same. Moreover, Plaintiff did not provide the Court with a Proposed Amended Complaint. Accordingly, the Motion to Substitute Plaintiff is denied.