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FILED

January 6, 2023

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

KAZUKO FUGITT AND ROBERT FUGITT,

Plaintiffs

vs.

MERCK SHARP & DOHME CORP. f/k/a
MERCK & CO., INC.,

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION

DOCKET NO. MID-L-7425-14

CIVIL ACTION CASE NO. 282

ORDER

THIS MATTER having been brought before the Court upon motion by Fox Rothschild LLP, attorney for Defendants, Merck & Co., Inc., and Merck Sharp & Dohme Corp., for an Order to Dismiss the Plaintiff's complaint without prejudice pursuant to R. 4:23-2(b)(3), for failure to effectuate the probate process to appoint a formal estate representative and substitute the estate, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

IT IS on this 6th day of January, 2023;

ORDERED that Defendants' Motion to Dismiss without prejudice **is hereby GRANTED**;
and it is further

ORDERED that should Plaintiff fail to effectuate the probate process to appoint a formal estate representative and substitute the estate 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.

151 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 in part essentially for the reasons set forth in the moving papers.