

FILED

February 18, 2025

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

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Attorneys for Plaintiff

PATRICIA MCKEOWN and
FRANCIS D. MCKEOWN,

Plaintiff,

v.

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

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-MIDDLESEX COUNTY
MCL Case No. 282

Docket No. MID-L-7179-14

CIVIL ACTION
FOSAMAX LITIGATION

**ORDER DENYING MOTION TO
AMEND COMPLAINT**

THIS MATTER having been opened to the Court upon the motion of Parker Waichman LLP, counsel for Plaintiff, seeking an order granting Plaintiff's Motion to Amend to substitute Plaintiff's, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

IT IS on the 18th day of February 2025,

ORDERED that Plaintiff's Motion for leave to file a First Amended Complaint, as set forth in the accompanying Certification, to substitute Wayne K. Caparas, as Personal Representative of the Estate of Patricia Mckeown, for plaintiff Patricia Mckeown, deceased, **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

ISI 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 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."

This Court, by way of clerk note on January 22, 2025, notified Plaintiff that they were missing the aforementioned certification and adjourned the Motion so that Plaintiff had a chance to file the same. Plaintiff failed to upload the certification. Further, Plaintiff failed to provide the Court with either the letters of testamentary or a copy of the proposed amended complaint. Accordingly, the Motion is denied.