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FILED

January 7, 2025

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

MARILYN STAHL and MARION,
STAHL, w/h,

Plaintiffs,

v.

MERCK SHARP & DOHME CORP., and
JOHN DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CIVIL PART
MIDDLESEX COUNTY

Docket No. MID-L-009109-14

FOSAMAX LITIGATION
(CASE NO. 282)

**ORDER DENYING SUBSTITUTION OF
PARTIES**

THIS MATTER having been brought before the Court by Andrew J. D'Arcy, Esquire, of D'arcy Johnson Day P.C., attorney for Plaintiffs, Marilyn Stahl and Marion Stahl, seeking an Order to Amend Plaintiffs' Complaint to substitute Stuart D. Stahl as 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 7th day of January 2025

ORDERED and that Plaintiffs Motion to Amend the Complaint to name as Plaintiff Stuart D. Stahl, Executor for the Estate of Marilyn Stahl and Marion Stahl **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 matter comes before the Court by way of Plaintiff's Motion to Amend the Complaint to Substitute Plaintiff. The Court notes there was no reply.

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.”

Moreover, Plaintiff failed to provide the Court with letters of testamentary granting proposed plaintiff the authority to act on behalf of Decedents' estate. Accordingly, Plaintiff's Motion is denied without prejudice.