

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER #12
DECEMBER 16, 2020
CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a case management conference on December 16, 2020 and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 20th day of January 2021, ORDERED as follows:

1. DECEASED PLAINTIFFS

- As set forth in CMOs #10 and 11, Plaintiffs' counsel shall not file complaints on behalf of a deceased Plaintiff unless filed through an estate representative.
- The cases identified in Exhibit A are hereby dismissed with prejudice since the complaint was filed after the Plaintiff was deceased and therefore the deceased Plaintiff did not have standing to file the complaint.
- If Plaintiffs' counsel has proof that the Plaintiff was not deceased at the time the complaint was filed, they may file a motion for reconsideration of the dismissal on that basis only.
- Plaintiff's counsel may seek to file a new complaint through an estate representative.

2. PLAINTIFF AUTHORIZATIONS FOR BELLWETHER CASES

- Plaintiffs' counsel shall provide the following authorizations by January 2, 2021.
 - **Thomas Szeklinski:**
 - Aetna and Humana proprietary authorizations requested on 11/24/2020.
 - **Margaret Raub:**

- Proprietary authorizations for Humana and Walgreens outstanding since 11/29/2020.

3. REMOTE DEPOSITION PROTOCOL

- Counsel shall conduct a second meet and confer regarding a deposition protocol on December 22, 2020.
- The parties shall submit either a joint or, if the parties are unable to agree, separate proposed orders regarding any potential deposition protocols that may be used to the court by December 29, 2020.

4. PROOF OF SERVICE AFFIDAVITS FOR SINGLE PLAINTIFF COMPLAINTS AGAINST MCKESSON.

- Plaintiffs' counsel shall serve all outstanding single plaintiff complaints upon McKesson and provide proof of service affidavits for single plaintiff complaints to counsel for McKesson by January 20, 2021.

5. PRO HAC VICE ADMISSION 2020 COMPLIANCE CERTIFICATIONS

- To the extent that counsel has not done so already, all pro hac vice sponsoring counsel shall submit their 2020 pro hac vice admission compliance certifications via e-courts to the court by ~~December 29, 2020~~^{January 31, 2021} and a confirming email to Marisol Rodriguez (at Marisol.Rodriguez@njcourts.gov) that the certifications have been filed.

The next Case Management Conference is scheduled for January 20, 2021 at 11:00 AM, telephonically.

/s/ James F. Hyland

James F. Hyland, J.S.C.

In Re: Zostavax CMO 12: Exhibit A

- Baker, Nicholas & Charlotte A. (admin) – (L-6336-18)
- Keith, Carl (L-0635-19) Carl Keith was originally in the California Spiso, et al. (filed 5/9/2017) case.
- Donald, Gerald Vance (L-2955-20)
- Meyer, Mark & Carol (admin) (L-6765-18)