

FILED

OCTOBER 4, 2021

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

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER #20
SEPTEMBER 23, 2021
CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a case management conference on September 23, 2021 and counsel for plaintiffs and counsel for defendants having been present, and for good cause having been shown;

IT IS on this 4th day of October, **ORDERED** as follows:

1. CONSENT ORDERS FOR MOTIONS TO DISMISS WITHOUT PREJUDICE

Liaison counsel shall meet and confer regarding a procedure that would provide a consent order to dismiss a case without prejudice if plaintiff has not provided overdue proof of use, a plaintiff fact sheet, or a deficiency response by a specified date or failure to comply with a court order. The attorneys will report back to the Court regarding the meet and confer on a date to be scheduled the first week of October, at the court's convenience.

2. MOTIONS TO BE FILED IN THE NEXT THIRTY DAYS

Counsel have permission to file the motions set forth in Exhibit A.

3. DOUGLAS AND LONDON APPEARANCES

Douglas and London shall provide a list of cases pending in the MCL for which the general notice of appearance in the main docket, MID-L-4999-18 shall apply to by September 30, 2021.

4. MCKESSON DISMISSAL

Plaintiffs' counsel from the Marc J. Bern & Partners LLP law firm have agreed to dismiss McKesson from all pending cases and not to file any further claims against McKesson in this litigation. The parties have consented to an omnibus dismissal Order, which shall be filed in the general Zostavax docket, MID-L-4999-18, with a list of all individual cases pending that are subject to dismissal. Following entry of the Order, the Court shall upload the dismissal Order into the dockets for each of the individual cases subject to dismissal. McKesson shall not be required to file responsive pleadings in any cases included in MCL 629, and Plaintiffs shall not serve McKesson with new or reinstated cases included in MCL 629. Counsel for McKesson are not required to appear for any further case management conferences.

5. NEXT CASE MANAGEMENT CONFERENCE

The next Liaison Counsel Meeting is scheduled for November 3, 2021 at 9:00 A.M. via a video link, which shall be circulated by liaison counsel on a later date. The next Case Management Conference is scheduled for November 8, 2021 at 9:30 A.M., via a video link, which shall be circulated by the Court on a later date.

/s/ Bruce J. Kaplan

HONORABLE BRUCE J. KAPLAN J.S.C.

The posting of this Order on eCourts shall constitute service upon all counsel of record. If applicable, pursuant to *Rule 1:5-1(a)*, the movant shall serve a copy of this Order upon all parties not served electronically within seven (7) days of receipt of this Order.

SEE ATTACHED EXHIBITS

Exhibit A – CMO 20

Motions Merck Intends to File

Plaintiff	Docket No.	Motion Type
18 Plaintiffs from 8/3/2021 POU Dismissal Order		Motion to Dismiss with Prejudice
11 Plaintiffs from 8/6/2021 PFS Dismissal Order		Motion to Dismiss with Prejudice
11 Plaintiffs from both 8/3/2021 POU Dismissal Order & 8/6/2021 PFS Dismissal Order		Motion to Dismiss with Prejudice
Baldwin, Michael	MID-L-008506-20	Motion to Dismiss with Prejudice
Corwin, Joyce L.	MID-L-006737-20	Motion to Dismiss with Prejudice
Cotton, Marie	MID-L-007578-17	Motion to Dismiss with Prejudice
Everette, Joanie	MID-L-006110-20	Motion to Compel
Kingrea, Cleo	MID-L-008745-20	Motion to Dismiss with Prejudice
Liggins, Mercury	MID-L-005988-19	Motion to Dismiss with Prejudice
Lowrance Book, Barbara	MID-L-005341-18	Motion to Dismiss with Prejudice
Minyard, Alan	MID-L-006224-19	Motion to Dismiss with Prejudice
Olson, Peggy	MID-L-008815-20	Motion to Dismiss with Prejudice
Stafford, Brenda	MID-L-003844-19	Motion to Dismiss with Prejudice
Webb, Brenda	MID-L-000943-19	Motion to Dismiss with Prejudice

Motions Counsel for Bern Plaintiffs Intend to File

Plaintiff	Docket No.	Motion Type
Brown, Ella	MID-L-004862-20	Motion to Withdraw as Counsel
Brown, Wanda	MID-L-004823-20	Motion to Withdraw as Counsel
Bostick, Coza Nix (deceased) Johnson, Vickie Lee (admin) Ash, Denise (admin)	MID-L-005568-20	Motion to Vacate
Peterson, Frances	MID-L-004941-20	Motion to Vacate