

FILED
DECEMBER 16 , 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 #21
NOVEMBER 18, 2021
CASE MANAGEMENT CONFERENCE

THIS MATTER, having come before the Court at a case management conference on November 18, 2021 and counsel for plaintiffs and counsel for defendants having been present, and for good cause having been shown;

IT IS on this 16th day of December, **ORDERED** as follows:

1. BELLWETHER CASES: INTERROGATORY CERTIFICATIONS

By December 18, 2021, plaintiff's counsel shall provide certifications to plaintiff's interrogatories in the following matters:

Iannaci, et. al. v. Merck & Co., Inc., et. al., MID-L-3315-20

Swinney, et. al. v. Merck & Co., Inc., et. al., MID-L-7918-18

Any outstanding certifications will be re-served and certifications that have not been served at all will be served.

2. OUTSTANDING ESTATE ISSUES

By December 31, 2021, plaintiffs' counsel shall provide an update to the court and defense counsel regarding the status of the cases with a known deceased plaintiff for which an estate has not yet been substituted. If the status update would require the

disclosure of attorney/client privileged communications, the update for that case should be provided to the court only. For any cases that are not ready to proceed, the Court wants a complete list of what happened (status), why they are not ready, and when they will be ready to proceed.

3. ATTORNEY PRESENTATIONS

Counsel shall meet and confer to select a date(s) during the first week of March, 2022 to provide a presentation to the court regarding procedural and substantive aspects of the litigation. Counsel will also meet and confer regarding the content of the presentation and seek input from the court. The presentation will be discussed in more detail during the next Case Management Conference.

4. UPDATED CASE LISTS: BERN CASES FILED SINCE MARCH 3, 2021

Marc J. Bern & Partners LLP is to provide a full active case list indicating the docket number, full case caption, and the date the complaint was filed.

5. NEXT CASE MANAGEMENT CONFERENCE

The next Case Management Conference is scheduled for January 12, 2021, at 10:00 A.M., via a video link, which shall be circulated by the Court on a later date. The liaison counsel meeting will be held January 5, 2021 at 9:30 A.M. via a video link provided by Marc J. Bern & Partners.

/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.

The Court notes that this Order was filed with the Court under the 5-day rule, and no opposition or exception filed.