

FILED

December 29, 2023

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 #38**  
**December 14, 2023**  
**CASE MANAGEMENT CONFERENCE**

**THIS MATTER**, having come before the Court at a Case Management Conference on December 14, 2023, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

**IT IS** on this 29th day of December 2023, **ORDERED** as follows:

**1. Group A Cases and Supplemental Cases**

- a. Motion to strike Dr. Poznansky's opinion due December 29, 2023, the Opposition brief due January 19, 2024, and Reply brief due February 2, 2024.

**2. GROUP B CASE POOL: AUTHORIZATIONS**

- a. Authorizations shall be provided within 24 hours of receipt by Plaintiffs' counsel.

**3. GROUP B BELLWETHER POOL: REPLACEMENT CASES**

- a. The following Plaintiffs were selected as replacement cases for the Group B Bellwether Pool and are now permanent Group B Bellwether Pool cases.
  - i. Ann Marie Hopkins (MID-L-8594-20), substituted for Jennie Foley (MID-L-6947-20).

ii. Frazer McGee (MID-L-8558-18), substituted for Theodore Schott (MID-L-8634-18).

iii. Maxene Rivkind (MID-L-1181-19), substituted for Charles Still (MID-L-2952-20).

#### **4. DECEASED PLAINTIFFS**

a. Dyan Grabbs, (MID-L-3288-21) is recently deceased. Plaintiff's counsel shall update the Court and counsel at the next Case Management Conference as to the status of this case and the probate process.

b. Jennie Foley (MID-L-6947-20) is recently deceased. Plaintiff's counsel shall update the Court and counsel at the next Case Management Conference as to the status of this case and the probate process.

c. Linda DePaul, (MID-L-6723-17): Plaintiff's counsel shall file a motion to substitute the estate by January 31, 2023.

#### **5. NEXT CASE MANAGEMENT CONFERENCE**

The next Case Management Conference is scheduled for February 13, 2024, at 9:00 A.M. via Zoom with a link to be provided by the Court. The liaison counsel meeting is scheduled for February 6, 2024 at 9:00 A.M. via Zoom with a link to be provided by the Court.

*/s/ Bruce J. Kaplan*  
HONORABLE BRUCE J. KAPLAN, J.S.C

Service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. If applicable, pursuant to R. 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the entry of the Order.

ORDER SUBMITTED UNDER 5 DAY RULE ON December 14, 2023, AND WITH NO OPPOSITION BEING FILED.