

FILED

JUL 01 2019

Judge James F. Hyland

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER #4
JUNE 13, 2019
CASE MANAGEMENT CONFERENCE**

IN RE: ZOSTAVAX® LITIGATION

THIS MATTER, having come before the Court at a case management conference on June 13, 2019 and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 1 day of July 2019, ORDERED as follows:

1. COURT SUBMISSIONS

- The following duplicative Complaints filed by plaintiffs shall be dismissed:
 - *John Davis v. Merck*, MID-L-4233-19
 - *Rita Waters v. Merck*, MID-L-1353-19
 - *Sharon Melillo v. Merck*, MID-L-3908-19
 - *Carol Thul v. Merck*, MID-L-3907-19
 - *Frank Maruski v. Merck*, MID-L-3903-19
 - *James Vogan v. Merck*, MID-L-3904-19
 - *Scott Joyce v. Merck*, MID-L-4402-19
- Plaintiffs' liaison counsel shall provide the court with an updated case list.
- A return envelope with prepaid postage must accompany all filed Complaints, or a filed stamped copy will not be provided to counsel.

2. 2019 PRO HAC VICE COMPLIANCES

- Attorneys admitted as pro hac vice must submit their 2019 pro hac vice compliance orders including separate Attorney Certifications that the appropriate fees were paid. All submissions must include a corresponding docket number within ten (10) days of the date hereof;
- The following attorneys are listed as non-compliant:

- Joseph Cappelli, Esq.
- Tammy Anderson v. Merck & Co.; L4177-17
- Rachele S. Norfolk, Esq. – requires case name and docket number
- Matthew Webb, Esq. – requires case name and docket number


3. MASTER PLEADINGS

- On June 10, 2019, the court granted Defendants' motion to dismiss Counts I, II, III, IV, VI, VII, VIII, IX, X, XII and XIII of Plaintiffs' Master Complaint without prejudice, giving Plaintiffs leave to file an Amended Master Complaint within 30 days of the date of that Order.

4. STAY OF DEADLINE TO FILE ANSWERS

- Defendants' Motions to Dismiss Counts of the Master Complaint have been granted and entered as Second Amended Orders on July 1, 2019.
- The Court permits the Plaintiff to file Motions to Amend their Master Complaint within sixty days of July 1, 2019
- Motions to Bifurcate shall be filed within sixty (60) days of the anticipated Orders deciding the Motions to Amend the Master Complaint.
- Defense and Plaintiffs' counsel shall meet and confer with plaintiffs' liaison counsel regarding a rolling procedure to respond to the complaints and a rolling procedure to submit motions to bifurcate multi-plaintiff complaints once Orders to the Motions to Amend the Complaint have been entered.
- If Plaintiffs do not file an Amended Master Complaint and/or Defendants do not move to dismiss portions of the Amended Master Complaint, counsel shall meet and confer at the time that determination is made to determine a rolling procedure to respond to the complaints and for the submission of motions to bifurcate multi-plaintiff complaints and submit this proposal to the court for approval.

5. The next Case Management Conference is scheduled for August 6, 2019 at 10:30 AM in courtroom 403.



HON. JAMES F. HYLAND, J.S.C.