

FILED

April 5, 2024

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 #40
MARCH 21, 2024
CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a Case Management Conference on March 21, 2024 and counsel for plaintiffs and counsel for defendants having been present, and for good cause having been shown;

IT IS on this April 5, 2024,

ORDERED as follows:

1. DECEASED PLAINTIFFS

Plaintiffs' counsel shall update the Court and counsel at the next Case Management Conference as to the status of the following cases and the probate process:

- a. Jennie Foley (MID-L-006947-20)
- b. Dorothy Goodwin (MID-L-004386-23)
- c. Dyan Grabbs, (MID-L-003288-21)

2. GROUP B BELLWETHER DISCOVERY: DEPOSITION SCHEDULING

Counsel for Merck intends to lead the scheduling process for the depositions of medical providers for the Group B Bellwether cases. Merck's Counsel will notify Plaintiffs' counsel of this intent via email and seek permission to have a paralegal contact the medical providers' offices to obtain dates and facilitate scheduling. If Plaintiffs' counsel does not consent to this process, they shall contact Merck's counsel and Judge Kaplan's chambers and specify the factual basis for not providing consent.

3. PLAINTIFF CERTIFICATIONS: GROUP B

Group B Plaintiffs shall complete the certification attached at Exhibit A and their counsel shall serve to Merck's counsel by April 30, 2024.

4. GENERAL EXPERT CERTIFICATIONS: GROUP B

Group B Plaintiffs' general causation experts shall complete the certification attached at Exhibit B and their counsel shall serve to Merck's counsel by April 30, 2024.

5. NEXT CASE MANAGEMENT CONFERENCE

The next Case Management Conference is scheduled for May 21, 2024 at 9:00 A.M. via zoom with a link to be provided by the Court. The liaison counsel meeting is scheduled for May 14, 2024 at 1:30 P.M. via zoom with a link to be provided by the Court.

ON CONSENT OF ALL PARTIES

151 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
March 28, 2024 AND WITH NO OPPOSITION BEING FILED.

Exhibit A

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

PLAINTIFF CERTIFICATION

I, _____ (print name), understand the below and certify that the below statements made by me are true.

1. I filed a lawsuit against Merck and I am a plaintiff in the Zostavax litigation in the New Jersey Superior Court located in New Brunswick, New Jersey.
2. My case has been selected for discovery and that may require:
 - (a) me to be questioned under oath at a deposition,
 - (b) me to travel to New Jersey and participate in a trial that could last for several weeks, and
 - (c) my medical providers to be questioned at a deposition about their care and/or treatment of me.
3. I certify that I am ready, willing, and able, to participate in this litigation and understand these commitments.

Plaintiff (print name)

Plaintiff Signature

Exhibit B

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

DECLARATION OF [*EXPERT'S NAME*]

I, _____ have reviewed the pertinent medical literature and [*any other information relied upon, if any*]. [*Plaintiff's name*] has alleged Zostavax caused the following conditions:

[*list all injury/injuries allegedly caused by Zostavax*].

Based on my review, it is my opinion, to a reasonable degree of medical certainty, that Zostavax can cause:

[*list injury/injuries being claimed by plaintiff*] (general causation).

I am prepared to testify to the foregoing opinions. A copy of my current curriculum vitae is attached.

Dated: _____

Signature

Name