

FILED

July 10, 2023

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER #33
JUNE 28, 2023
CASE MANAGEMENT CONFERENCE**

IN RE: ZOSTAVAX® LITIGATION

THIS MATTER, having come before the Court at a Case Management Conference on June 28, 2023 and counsel for plaintiffs and counsel for defendants having been present, and for good cause having been shown;

IT IS on this 10 day of July, ORDERED as follows:

1. ESTATE RELATED ISSUES

- a. Plaintiffs' counsel shall provide an update as to the outcome of the June 8, 2023 probate hearing for Hector Cordova, MID-L-658-19 by August 18, 2023. If a decision is issued regarding plaintiff's next of kin's application before August 18, 2023, Plaintiff's counsel shall notify the Court and counsel at that time.
- b. Plaintiffs' counsel shall provide an update as to the plaintiff's next of kin's request for oath of office in probate court for Genell Chambers, MID-L-7857-18 by August 18, 2023. If a decision is issued regarding plaintiff's next of kin's request for oath of office in probate court before August 18, 2023, Plaintiff's counsel shall notify the Court and counsel at that time. Plaintiff's counsel shall make a diligent effort to obtain documents confirming plaintiff's next of kin's oath of office request, scheduling and/or process. If documents are available to

document the affirmative steps taken, they shall accompany the August 18, 2023 detailed explanation. If there is no meaningful update or motion to substitute filed by August 18, 2023, the Court reserves the right to dismiss this case on motion made during the August 2023 Case Management Conference without the need for a separate motion.

c. Plaintiffs' counsel shall provide a detailed explanation as to the status of the probate process for the following cases by August 18, 2023:

- Beachy, Dale: MID-L-3830-19
- Knox, Karl: MID-L-4323-19
- Beemer, Cathy: MID-L-3570-20
- Shaver, Raymond: MID-L-6088-20

The detailed explanation shall include meaningful responses and state the affirmative steps taken by the next of kin to become personal representatives and substitute in as plaintiff on behalf of the estate. Plaintiff's counsel shall make a diligent effort to obtain documents confirming plaintiff's next of kin's oath of office request, scheduling and/or process. If documents are available to document the affirmative steps taken, they shall accompany the August 18, 2023 detailed explanation. If there is no meaningful update and forward motion or motion to substitute filed by August 18, 2023, the Court reserves the right to dismiss these cases on motion made during the August 2023 Case Management Conference without the need for a separate motion.

d. The following language shall be included in the attorney certification of motions filed pursuant to R. 4:34-1, or the motion will be denied:

“To the best of the undersigned counsel’s knowledge, _____ (*insert the representative’s name*) has the authority to serve and was designated as the authorized representative of plaintiff’s estate, and has authorized the undersigned counsel for the plaintiff to substitute him/her as plaintiff and proceed with this action on behalf of the estate.”

2. AMENDED PLAINTIFF FACT SHEETS

The following plaintiffs intend to amend their Plaintiff Fact Sheet to remove a shingles related injury as an alleged injury and shall do so by July 30, 2023.

- Jeanette Carpenter, MID-L-4788-21
- Cynthia Martinez, MID-L-3393-20
- Patricia Tippett, MID-L-5222-19

3. NEXT CASE MANAGEMENT CONFERENCE

The next Case Management Conference is scheduled for August 30, 2023 at 10:00 A.M. via zoom with a link to be provided by the Court. The liaison counsel meeting is scheduled for August 23, 2023 at 11:00 A.M. via zoom with a link to be provided by the Court.

/s/ Bruce J. Kaplan
The Honorable Bruce 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
June 29, 2023 AND WITH NO OPPOSITION BEING FILED.