

FILED

February 13, 2023

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER #30
FEBRUARY 2, 2023
CASE MANAGEMENT CONFERENCE**

IN RE: ZOSTAVAX® LITIGATION

THIS MATTER, having come before the Court at a Case Management Conference on February 2, 2023 and counsel for plaintiffs and counsel for defendants having been present, and for good cause having been shown;

IT IS on this 13th day of February, ORDERED as follows:

1. ESTATE RELATED ISSUES

- a. Plaintiffs' counsel shall provide a detailed explanation as to the status of the probate process for the cases listed in Exhibit A by March 30, 2023. 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. If documents are available to document the affirmative steps taken, they shall accompany the March 30, 2023 detailed explanation. If there is no meaningful update and forward motion or motion to substitute filed by March 30, 2023, the Court reserves the right to dismiss these cases on motion made during the April 12, 2023 Case Management Conference without the need for a separate motion. For these Exhibit A cases, plaintiffs'

counsel must also provide written confirmation, as well as any corroborating documentation, to the representations made at the February 2, 2023 CMC by February 9, 2023.

- b. The cases set forth in Exhibit B will be dismissed without prejudice, pursuant to a separate order of dismissal submitted under the five day rule, for failure to comply with CMO 29 and substitute a personal representative or next of kin as plaintiff on behalf of the estate.
- c. Counsel for plaintiffs listed in Exhibit C have stated they have the documentation necessary to file a motion to substitute an authorized representative for the deceased plaintiff and shall file the motion by February 16, 2023.
- d. The following language which 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. DUPLICATE COMPLAINT DISMISSAL

Geraldine Sarboukh has filed two duplicate complaints, MID-L-7634-17 and MID-L-470-23. The complaint filed as MID-L-470-23 is dismissed with prejudice and the complaint filed as MID-L-7634-17 shall proceed.

3. NEXT CASE MANAGEMENT CONFERENCE

The next Case Management Conference is scheduled for April 12, 2023 at 9:00 A.M. via zoom with a link provided by the Court. The liaison counsel meeting shall proceed on April 5, 2023 at 9:00 A.M. and will be via zoom with a link 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
FEBRUARY 3, 2023 AND WITH NO OPPOSITION BEING FILED.

Please see attached Exhibits A, B, & C.

EXHIBIT A to CMO #30

Docket No.	Plaintiff
MID-L-008692-18	Hart, Julia
MID-L-000084-19	Barrett, Larry
MID-L-000539-19	Scott, Ronald
MID-L-000625-19	McCormick, Jaren
MID-L-004323-19	Knox, Karl
MID-L-003702-20	Henderson, Linda
MID-L-005315-20	Howarth, Carol
MID-L-006088-20	Shaver, Raymond

EXHIBIT B to CMO #30

Docket No.	Plaintiff
MID-L-006467-17	Brown, Angeline
MID-L-003932-18	Harvey, Marshall
MID-L-007924-18	Brooks, Everett
MID-L-008285-18	Rowell, Bivian
MID-L-000013-19	Pope, Lynn
MID-L-000569-19	Carrell, James
MID-L-001842-19	Mead, Ann
MID-L-003209-19	Nelson, Lynn
MID-L-004965-19	Haley-Dry, Deborah
MID-L-002954-20	Shorb, Gary
MID-L-003359-20	Fancher, Roger
MID-L-003511-20	Pagliuca, Anthony
MID-L-003723-20	Bogardus, Betty Jan
MID-L-004146-20	McGrath, Claudia
MID-L-004308-20	Sommers, Dawn
MID-L-004317-20	Scudder, Laura
MID-L-004906-20	Manson, Billy
MID-L-004953-20	Wallis, Bernnis
MID-L-005040-20	Wadsworth, Wilma
MID-L-005516-20	Mickler, Martha
MID-L-006740-20	McCluskey, Teresa McCluskey, Perry (POA)
MID-L-003051-21	Johnson, Carl

EXHIBIT C to CMO #30

Docket No.	Plaintiff
MID-L-000427-19	Rudolph, LaVerna
MID-L-006643-19	Bloch, Barbara