

Eileen Oakes Muskett, Esq.  
**FOX ROTHSCHILD LLP**  
Midtown Building, Suite 400  
1301 Atlantic Avenue  
Atlantic City, NJ 08401  
T: 609.572.2355 / F: 609.348.6834  
Attorneys For Defendants, Merck & Co., Inc. And Merck Sharp & Dohme Corp.

FILED

February 13, 2023

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

EVERETT BROOKS and  
JOANNE M. BROOKS,

Plaintiffs,

v.

MERCK & CO., INC. and MERCK SHARP  
& DOHME CORP., et al

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-7924-18

In re Zostavax, Case 629

ORDER

**AND NOW**, this matter having come before the Court during the February 2, 2023 Case Management Conference and upon consideration of defendants' request for dismissal of this case without prejudice for failure to comply with Case Management Order 29;

**IT IS** on this 13th day of February 2023;

**ORDERED** for good cause shown, that Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED** that service of this Order shall be deemed effectuated upon all parties upon its upload to e-Courts. Pursuant to Rule 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.

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

ORDER SUBMITTED UNDER 5 DAY RULE ON  
FEBRUARY 3, 2023 AND WITH NO OPPOSITION BEING FILED.