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

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*Attorneys for Defendants Merck & Co., Inc.
and Merck Sharp & Dohme Corp.*

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

ORDER

THIS MATTER, having come before the Court upon Five-Day Orders filed by Defendants, Merck & Co., Inc. and Merck Sharp & Dohme Corp, and the Court having considered the papers in support of those Orders and Plaintiffs opposition thereto, and having heard oral argument at which counsel for Plaintiffs and counsel for Defendants were present, and following Liaison Counsel meetings with the Court, and for good cause being shown;

IT IS on this 5th day of May 2021, hereby:

ORDERED that the cases listed in the attached Exhibit A are dismissed *without prejudice* for failure to provide proof of product usage pursuant to the Court's August 23, 2019 Product Usage Order, paragraph 4 of Case Management Order No. 7, the Court's instruction at the December 17, 2019 Case Management Conference and the Court's April 15, 2021 Order; and it is further

ORDERED that Plaintiff may, within sixty (60) days, move to have their complaints reinstated, having first provided sufficient proof of product use as defined in the Court's April 15, 2021 Order; and it is further

ORDERED that pursuant to R. 4:23-5(a)(2), Defendants may, after the expiration of 60 days from the date of the order, move on notice for an Order of dismissal with prejudice of any cases which Plaintiff has not moved to reinstate; and it is further

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

/s/ Bruce J. Kaplan

HONORABLE BRUCE J. KAPLAN, J.S.C.

On April 26, 2021, a meeting was held between Liaison Counsel for Plaintiffs and Defendants, at which the parties agreed that the instant Order should be entered. At the May 4, 2021 Case Management Conference, the Court indicated that it would be dismissing all Complaints under this order *without prejudice*. Plaintiff shall thereafter have sixty (60) days to come into compliance with outstanding discovery obligations and move to reinstate. In the event that Plaintiff's do not come into compliance and move to reinstate within sixty (60) days of the date of this order, pursuant to R. 4:23-5(a)(2), Defendants may move to dismiss such Complaints with prejudice.

Exhibit A

Plaintiff	Docket No.	Previous Docket No.
Alexander, Sharon (deceased) Alexander, Brian (admin)	MID-L-004849-20	MID-L-003374-18
Alvarez, Ma L.	MID-L-004126-20	MID-L-001318-18
Amburg, Cheryl	MID-L-005958-18	
Anderson, Katharyn	MID-L-005500-20	MID-L-003827-18
Arthur, Gloria	MID-L-005425-20	MID-L-004575-18
Babb, Nancy	MID-L-004827-20	MID-L-003015-18
Backlund, Maureen	MID-L-003718-20	MID-L-007635-17
Baggett, Shirley	MID-L-004842-20	MID-L-003014-18
Bailey, Sandra	MID-L-000092-19	
Baker, Carol	MID-L-004851-20	MID-L-003374-18
Baldrige, Patricia	MID-L-007228-18	
Baltierra, Beatrice	MID-L-005272-19	
Barboza-Clark, Frances	MID-L-007383-18	
Baron, Walter T.	MID-L-006424-18	
Barranco, Samuel, Jr.	MID-L-004977-20	MID-L-002500-18
Basco, Dawn	MID-L-004023-18	
Becker, Barbara	MID-L-001682-19	
Bellamy, Sylvia	MID-L-004929-17	
Bender, Francine L.	MID-L-003214-19	
Benefield, Rick	MID-L-004229-19	
Bennett, Carolyn	MID-L-003328-20	MID-L-004457-17
Bertowice, Jean	MID-L-007192-18	
Bessette, Raymond	MID-L-004979-20	MID-L-002500-18
Billingsley, William	MID-L-007509-18	
Bolduc, Janet	MID-L-004295-20	MID-L-001319-18
Bolton-Caron, Barbara	MID-L-004023-18	
Bonar, Wilma	MID-L-003473-20	MID-L-006162-17
Bonner, James	MID-L-004980-20	MID-L-002500-18
Bonnett, Sherry	MID-L-007226-18	
Boone, Frances	MID-L-007419-18	
Borotto, Verna	MID-L-006733-18	

Bostick, Coza Nix (deceased) Johnson, Vickie Lee (admin) Ash, Denise (admin)	MID-L-005568-20	MID-L-003827-18
Bouie, Michael	MID-L-007469-18	
Bozman, Sandra	MID-L-005305-20	MID-L-003595-18
Bradley, Eva	MID-L-004825-20	MID-L-003015-18
Brattin, Shirley	MID-L-001318-18	
Braun, Robert	MID-L-007147-18	
Brenton, James	MID-L-003595-18	
Bridges, Iva	MID-L-003014-18	
Brogren, Carly	MID-L-004846-20	MID-L-003014-18
Brooks, Everett	MID-L-007924-18	
Brown, Sharon	MID-L-008686-18	
Bryan, Beverly	MID-L-006810-18	
Burt, Jerry D. (deceased) Burt, Kevin D. (personal rep)	MID-L-002500-18	
Butler-Clark, Jeanne	MID-L-004983-20	MID-L-002500-18
Byrne, Marion	MID-L-004985-20	MID-L-002500-18
Canizio, Marilyn	MID-L-000161-19	
Capobianco, John	MID-L-003379-20	MID-L-004929-17
Capozzi, Dennis	MID-L-005487-20	MID-L-003827-18
Carey, Marietta (deceased) Wilson, Mary (admin)	MID-L-004986-20	MID-L-002500-18
Carney, Edwin J.	MID-L-007426-18	
Cerasi, Janet	MID-L-005651-20	MID-L-004023-18
Chambers, Raymond E.	MID-L-004130-20	MID-L-001318-18
Chantos, Beverly	MID-L-008658-18	
Chestnut, John (deceased) Heck, Jill (co personal rep) Heck, Tim (co personal rep)	MID-L-008558-18	
Ciambrano, Donald	MID-L-003374-18	
Clark, Timothy	MID-L-005335-20	MID-L-003595-18
Clubb, Brenda	MID-L-006770-18	
Cobb, Lois	MID-L-005664-20	MID-L-004023-18
Coffman, Ruth Marie	MID-L-004302-20	MID-L-001319-18
Cook, Bruce	MID-L-003375-20	MID-L-004457-17
Cooper, Arthur L.	MID-L-001526-19	
Cox, Karen	MID-L-002500-18	
Crider, George	MID-L-004575-18	
Crouch, Nancy	MID-L-003285-20	MID-L-004177-17

DaCosta, Stephen	MID-L-006631-18	
Davidson, Betty Gale	MID-L-000178-19	
Dennie, Mary	MID-L-005682-20	MID-L-004023-18
Dina, Laraine	MID-L-004575-18	
Dodson, Nancy	MID-L-004182-20	MID-L-001886-18
Duda, Joyce	MID-L-004575-18	
Edmonds, Mildred	MID-L-004135-20	MID-L-001318-18
Ehrlich, Sarah	MID-L-003806-19	
Eiland, John	MID-L-003472-20	MID-L-007028-17
Erickson, Karl Dennis	MID-L-007521-18	
Eubanks, James, Jr.	MID-L-004874-20	MID-L-003014-18
Evans, Carolyn	MID-L-007902-18	
Evarts, Isabel	MID-L-004871-20	MID-L-003374-18
Everett, Ellen	MID-L-004810-20	MID-L-003015-18
Farber, Harold	MID-L-005551-20	MID-L-003827-18
Farley, Letty	MID-L-005518-20	MID-L-004575-18
Fishburn, Peggy	MID-L-006874-18	
Fleming, Marilyn	MID-L-005684-20	MID-L-004023-18
Fontana, Joyce	MID-L-005498-20	MID-L-003827-18
Foreman, Agnes	MID-L-004249-20	MID-L-001886-18
Fraser, Bonnie	MID-L-004264-20	MID-L-001599-18
Frederick, Fred (deceased) Frederick, Elizabeth (admin)	MID-L-004188-20	MID-L-001886-18
Frenette, Lorraine	MID-L-004575-18	
Friis, Melody	MID-L-006607-18	
Fritz, Linda	MID-L-004305-20	MID-L-001319-18
Fuller, Kirby	MID-L-003374-18	
Gable, Richard N.	MID-L-007494-18	
Gabriles, Jerel	MID-L-007413-18	
Garrett-Coley, Josephine	MID-L-005523-20	MID-L-004575-18
Garvie, Gary	MID-L-004137-20	MID-L-001318-18
Gassman, Catherine	MID-L-005685-20	MID-L-004023-18
Giraldi, Linda	MID-L-003237-20	MID-L-004075-17
Gonzales, Margie	MID-L-004192-20	MID-L-001886-18
Goodlan, Patricia	MID-L-004575-18	
Gordon, Judith	MID-L-008112-18	
Gowanlock, Polly	MID-L-003810-19	
Graner, Wayne	MID-L-005687-20	MID-L-004023-18
Griffith, Virginia	MID-L-008590-18	

Haddock, Myron	MID-L-004193-20	MID-L-001886-18
Hamlet, Egon	MID-L-007138-18	
Harvey, Marshall	MID-L-003932-18	
Haugh, Gloria	MID-L-008295-18	
Hawkins, Geraldine	MID-L-003595-18	
Hayne, Charlene	MID-L-004890-20	MID-L-003374-18
Henderson, Linda	MID-L-003702-20	MID-L-000321-18
Hicks, Suellen	MID-L-001784-19	
Hodge, Mary	MID-L-008252-18	
Howard, Shirley	MID-L-006564-18	
Hunter, Frances	MID-L-005056-20	MID-L-002500-18
Husak, Stephen	MID-L-008621-18	
Ioven, Maria	MID-L-005358-20	MID-L-003595-18
Ireland, Dennis	MID-L-007169-18	
Jenness, Judith	MID-L-008706-18	
Jensen, James	MID-L-004898-20	MID-L-003374-18
Jensen, John	MID-L-004891-19	
Johnson, Andrew	MID-L-004799-20	MID-L-003015-18
Johnston, Ronald	MID-L-007211-18	
Jones, Charles W.	MID-L-005060-20	MID-L-002500-18
Jones, Deborah	MID-L-004139-20	MID-L-001318-18
Jones, Joan	MID-L-004105-20	MID-L-000848-18
Jones, William	MID-L-005336-20	MID-L-003595-18
Joyner, Madge	MID-L-004214-20	MID-L-001886-18
Jurkowski, Paul	MID-L-004023-18	
Justice, Virginia	MID-L-005654-20	MID-L-004023-18
Kimball, Ruth	MID-L-003014-18	
Kinney, Alice	MID-L-005310-20	MID-L-003595-18
Kinsley, Mary Carol	MID-L-007657-20	MID-L-001886-18
Koloski, Richard	MID-L-006445-18	
Kuhr, Maria	MID-L-004790-20	MID-L-003015-18
Kupferschmid, Deborah	MID-L-001673-19	
Ladner, Mitzi	MID-L-004893-20	MID-L-003014-18
Lambert, Pat	MID-L-005669-20	MID-L-004575-18
Landeros, Miguel	MID-L-004897-20	MID-L-003014-18
Lane, Iris	MID-L-006918-18	
Leech, Mari	MID-L-005699-20	MID-L-004023-18
Leetch, Sandy	MID-L-004283-20	MID-L-001599-18
Lemerise, Joseph	MID-L-005679-20	MID-L-004023-18
Lerro, Nicholas	MID-L-003739-20	MID-L-007635-17

Lesowsky, Dennis	MID-L-006726-18	
Levy, Barry	MID-L-000194-19	
Lewis, Jeffery	MID-L-005600-20	MID-L-004023-18
Libbey, Martha	MID-L-004901-20	MID-L-003014-18
Link, August	MID-L-008298-18	
Liska, Jean	MID-L-006541-18	
Lubker, Laura	MID-L-003423-20	MID-L-005705-17
Lyles, Dorothy	MID-L-005321-20	MID-L-003595-18
MacElrath, Bruce	MID-L-008309-18	
Machonis, Alvin	MID-L-007463-18	
Magee, Susan	MID-L-008089-18	
Manson, Billy	MID-L-004906-20	MID-L-003014-18
Markuson, Elsie	MID-L-006728-18	
Mattes, Richard	MID-L-003741-20	MID-L-007635-17
McClellan, James	MID-L-004910-20	MID-L-003014-18
McDonnell, Joseph	MID-L-005081-19	
McFarland, Robert	MID-L-003015-18	
McGee, Velva	MID-L-004145-20	MID-L-001318-18
McLain, Willis	MID-L-003374-18	
McLean, James	MID-L-004779-20	MID-L-003015-18
McMichael, Josephine	MID-L-004911-20	MID-L-003014-18
Meriweather, William	MID-L-004354-20	MID-L-001319-18
Messer, Leah	MID-L-006531-18	
Miller, Tracy Lynette (Miller-Lynette, Tracy)	MID-L-005695-20	MID-L-004575-18
Moore, Lora	MID-L-003015-18	
Moore, Phyllis	MID-L-007189-18	
Morse, Glenda	MID-L-006548-18	
Muchow, Joe, III	MID-L-001886-18	
Mulligan, Donald	MID-L-003015-18	
Naperatz, George J. (deceased) Naperatz, Carol (admin)	MID-L-005004-20	MID-L-002500-18
Neaves, Robert	MID-L-004929-20	MID-L-003014-18
Nordstrom, Dean	MID-L-004917-20	MID-L-003374-18
Nunes, Edward	MID-L-002500-18	
Nunez, Patricia	MID-L-004774-20	MID-L-003015-18
Obear, Joann C.	MID-L-004772-20	MID-L-003015-18
Olgesby, Sandra	MID-L-008683-18	
Oliver, Jane	MID-L-005540-20	MID-L-003827-18
Owens, Patricia	MID-L-004348-20	MID-L-001319-18

Padgette, Mary Ellen	MID-L-000184-19	
Padilla, Victoria	MID-L-003889-19	
Page, Virgie	MID-L-004964-19	
Palmer, Charlene	MID-L-005481-20	MID-L-003827-18
Parris, Alton	MID-L-007233-18	
Patterson, Carylin	MID-L-004937-20	MID-L-003014-18
Patterson, Evelyn (deceased) Patterson, Sherwood (personal rep)	MID-L-004240-19	
Patterson, Mildred	MID-L-004768-20	MID-L-003015-18
Patton, Michael	MID-L-001166-19	
Payne, Robert	MID-L-004210-20	MID-L-000728-18
Pearson, Mary Frances	MID-L-000451-19	
Peck, Linda	MID-L-005357-20	MID-L-003595-18
Penard, Vern	MID-L-003014-18	
Peters, Gordon	MID-L-001672-19	
Petersen, Florence	MID-L-005490-20	MID-L-003827-18
Peterson, Frances	MID-L-004941-20	MID-L-003014-18
Pickersgill, James	MID-L-002500-18	
Pine, Phillip	MID-L-005086-20	MID-L-002500-18
Pitcock, Judy	MID-L-004338-20	MID-L-001319-18
Poepelmeier, Phyllis	MID-L-004148-20	MID-L-001318-18
Pope, Albert	MID-L-003500-20	MID-L-007028-17
Premoe, Elizabeth	MID-L-005322-20	MID-L-003595-18
Quinn, Cathy	MID-L-007668-20	MID-L-001886-18
Reed, Stephanie	MID-L-004861-20	MID-L-003015-18
Reese, Tony	MID-L-007937-18	
Rensch, Mary	MID-L-004230-20	MID-L-001886-18
Ricciuto, Karen	MID-L-003552-20	MID-L-006620-17
Rich, Anne Marie	MID-L-004301-20	MID-L-001599-18
Richardson, Sheryl	MID-L-003362-20	MID-L-004659-17
Riley, Frank	MID-L-005529-20	MID-L-004575-18
Robare, Mary	MID-L-003015-18	
Roberison, Geraldine	MID-L-004701-20	MID-L-003015-18
Roberts, Lydia	MID-L-004946-20	MID-L-003014-18
Robinson, Gary	MID-L-004925-20	MID-L-003374-18
Rodgers, Noel	MID-L-003535-20	MID-L-006620-17
Rodriguez, Lynette	MID-L-005644-20	MID-L-004023-18
Ruccolo, Anthony	MID-L-007144-18	
Rushton, Janet Hayes	MID-L-004878-20	MID-L-003014-18

Sack, Julian	MID-L-004760-20	MID-L-003015-18
Santa-Maria, Charles	MID-L-008693-18	
Schiller, Hazel	MID-L-004759-20	MID-L-003015-18
Schott, Diane	MID-L-004754-20	MID-L-003015-18
Scudder, Laura	MID-L-004317-20	MID-L-001319-18
Seagle, Carolyn	MID-L-003334-20	MID-L-004457-17
Seaton, Janet	MID-L-004583-19	
Sebring, Sherri	MID-L-005334-20	MID-L-003595-18
Sellers, Sondra	MID-L-003482-20	MID-L-006162-17
Sena, Carol	MID-L-003374-18	
Seward-Ehrenreich, Sharon	MID-L-004284-20	MID-L-001599-18
Shamburger, Margaret	MID-L-005604-20	MID-L-004023-18
Shaver, Mary Lou	MID-L-004938-20	MID-L-003374-18
Shipman, Edna	MID-L-004958-20	MID-L-003014-18
Simien, Margaret	MID-L-003549-20	MID-L-006270-17
Simmons, Roosevelt	MID-L-006529-18	
Slemp, Donald	MID-L-005419-20	MID-L-004575-18
Slipka, Ruby	MID-L-004954-19	
Smith, Cecil W.	MID-L-002052-19	
Smith, Karen	MID-L-003335-20	MID-L-004457-17
Smith, Randall	MID-L-004151-20	MID-L-001318-18
Sobarnia, Geraldine	MID-L-003014-18	
Sommers, Dawn	MID-L-004308-20	MID-L-001599-18
Stacy, Sandra Faye	MID-L-005715-20	MID-L-004023-18
Stanley, James	MID-L-006595-18	
Stanton, Linda	MID-L-007146-18	
Stanton, Norma	MID-L-000840-19	
Stead, Jeana	MID-L-002668-19	
Stewart, Willie	MID-L-003015-18	
Stone, Sadie	MID-L-000456-19	
Struckman, Bonnie M.	MID-L-000960-19	
Stubbs, Louise	MID-L-004312-20	MID-L-001599-18
Suggs, Brenda Joyce	MID-L-004955-19	
Sutton, Frank	MID-L-003502-20	MID-L-006620-17
Swennes, Jan M.	MID-L-004314-20	MID-L-001319-18

Tamboli, Rose	MID-L-007919-18	
Taulbee, Mary	MID-L-005546-20	MID-L-004575-18
Taylor, Grace	MID-L-001806-19	
Thibodeau, Stuart	MID-L-004247-20	MID-L-000728-18
Thom, Clyde	MID-L-004235-20	MID-L-001886-18
Thomas, Betty	MID-L-004943-20	MID-L-003374-18
Thomas, Douglas	MID-L-006590-18	
Thomas, Pamela	MID-L-003276-20	MID-L-004075-17
Thompson, Donald	MID-L-005667-20	MID-L-004023-18
Thompson, Gwendolyn	MID-L-005011-20	MID-L-002500-18
Thompson-Riendeau, Linda	MID-L-007185-18	
Thorup, Kathe	MID-L-004309-20	MID-L-001319-18
Tollefson, Marlene	MID-L-003827-18	
Tomlin, Irene	MID-L-004961-20	MID-L-003014-18
Torres, Joaquin	MID-L-003343-20	MID-L-004508-17
Tousignant, Cynthia	MID-L-004714-20	MID-L-003015-18
Traynham, Rosie	MID-L-004996-20	MID-L-002500-18
Tudor, Viola	MID-L-000973-19	
Turner, Wanda	MID-L-007206-18	
Ullery, Susan	MID-L-005366-20	MID-L-003595-18
Valentine, Ray Wayne	MID-L-000503-19	
Velasquez, Mary	MID-L-004713-20	MID-L-003015-18
Verbiski, Ronald	MID-L-004315-20	MID-L-001599-18
Vinci, Janine	MID-L-008694-18	
Vohan, Nancy	MID-L-005038-20	MID-L-002500-18
Vohringer, Neil	MID-L-004355-20	MID-L-001319-18
Volpe, Angelo	MID-L-004947-20	MID-L-003374-18
Voyles, Emma J.	MID-L-007942-18	
Wagner, Joan	MID-L-007420-18	
Wajda, Vicki	MID-L-005042-20	MID-L-002500-18
Walentowski, Ralph	MID-L-005717-20	MID-L-004023-18
Walker, Rosecilla	MID-L-005511-20	MID-L-003827-18
Walls, Patricia	MID-L-006589-18	
Wampler, Daniel	MID-L-000962-19	
Watson, Luseal	MID-L-004434-19	
Weaver, Jane	MID-L-003348-19	
Webster, Edith	MID-L-004973-19	
Weigand, Rea	MID-L-008293-18	
Wheat, Terry	MID-L-005721-20	MID-L-004023-18
White, Belinda	MID-L-005953-18	
White, Sandra	MID-L-007876-18	

Whitehead, Kathy J.	MID-L-005624-20	MID-L-004023-18
Wiggins, Ninnia	MID-L-007382-18	
Williams, Carol	MID-L-006628-18	
Williams, Carol Ann	MID-L-005227-19	
Williams, Maurice	MID-L-006781-18	
Williams, Robert	MID-L-006928-18	
Williams, Willie Mae	MID-L-003781-20	MID-L-007635-17
Willis, Doris	MID-L-004157-20	MID-L-001318-18
Winfield, Betty	MID-L-004968-20	MID-L-003014-18
Wingate, Thelma B.	MID-L-002693-19	
Winters, Evangeline	MID-L-004969-20	MID-L-003014-18
Wise, Jimmy	MID-L-005057-20	MID-L-002500-18
Wojtecki, Bette	MID-L-000911-19	
Wolf, Joseph	MID-L-004954-20	MID-L-003374-18
Yerra, Harry	MID-L-007408-18	
Young, Cornelius	MID-L-005484-20	MID-L-003827-18
Yows, Michael A.	MID-L-000963-19	
Zack, Ronald	MID-L-004323-20	MID-L-001599-18