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FILED

FEB 13 2020

Judge James F. Hyland

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

ORDER

**DISMISSAL WITH PREJUDICE FOR
FAILURE TO PROVIDE A FULLY
RESPONSIVE PLAINTIFF FACT SHEET**

THIS MATTER, having come before the Court at a case management conference on December 17, 2019 at which counsel for Plaintiffs and counsel for Defendants were present.

IT IS on this 13th day of February 2020, ORDERED as follows:

Plaintiffs listed in the attached Exhibit A did not make a good faith effort to comply with the Court's instruction at the December 17, 2019 or Case Management Order No. 7 and their claims are, therefore, dismissed *with prejudice*.

The case of Robert Johnson (MID-L-004575-18) is dismissed without prejudice. Plaintiff has thirty (30) days from the date of this Order to supplement his PFS responses.



James F. Hyland, J.S.C.

**Exhibit A – Plaintiffs for Whom Bern Submitted
an Egregiously Deficient PFS**

Plaintiff	Case Caption (Lead Plaintiff)	Docket Number
Aderhold, Nancy	Aderhold, Nancy v. Merck & Co., Inc.	MID-L-006837-18
Alis, Gloria	Alis, Gloria v. Merck & Co., Inc.	MID-L-007173-18
Amsden, Philip	Amsden, Philip v. Merck & Co., Inc.	MID-L-006423-18
Anderson, Ernest	Anderson, Ernest v. Merck & Co., Inc.	MID-L-007406-18
Andree, Alexis	Andree, Alexis v. Merck & Co., Inc.	MID-L-007230-18
Andrews, Catherine	Andrews, Catherine v. Merck & Co., Inc.	MID-L-006463-18
Arnold Nobriga, Betty Lou	Arnold Nobriga, Betty Lou v. Merck & Co., Inc.	MID-L-006723-18
Baldrige, Patricia	Baldrige, Patricia v. Merck & Co., Inc.	MID-L-007288-18
Bankard, William	Bankard, William v. Merck & Co., Inc.	MID-L-006905-18
Bell, Michael	Bell, Michael v. Merck & Co., Inc.	MID-L-006276-18
Bergemann, Carol	Bergemann, Carol v. Merck & Co., Inc.	MID-L-006400-18
Bertowice, Jean	Bertowice, Jean v. Merck & Co., Inc.	MID-L-007192-18
Black, Karen	Black, Karen v. Merck & Co., Inc.	MID-L-006259-18
Blackwell, Lorraine	Blackwell, Lorraine v. Merck & Co., Inc.	MID-L-006819-18
Bolez, Barbara	Bolez, Barbara v. Merck & Co., Inc.	MID-L-006211-18
Bonacci, Lois	Bonacci, Lois v. Merck & Co., Inc.	MID-L-006465-18
Bowen, Ricky	Bowen, Ricky v. Merck & Co., Inc.	MID-L-007229-18
Bowen, Rodney	Bowen, Rodney v. Merck & Co., Inc.	MID-L-006212-18
Kapps, Alice	Kapps, Alice v. Merck & Co., Inc.	MID-L-006518-18
Carter, Jeanette	Carter, Jeanette v. Merck & Co., Inc.	MID-L-007171-18
Cefalu, Peter	Cefalu, Peter v. Merck & Co., Inc.	MID-L-006484-18
Chunn, Lynda	Chunn, Lynda v. Merck & Co., Inc.	MID-L-007153-18
Clark, Kimberlee	Clark, Kimberlee v. Merck & Co., Inc.	MID-L-006867-18
Clubb, Brenda	Clubb, Brenda v. Merck & Co., Inc.	MID-L-006770-18
Colbert, Diana	Colbert, Diana v. Merck & Co., Inc.	MID-L-006777-18
Coleman, Vearlene	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Collet, Robert	Collet, Robert v. Merck & Co., Inc.	MID-L-007219-18
Collins, Ken	Collins, Ken v. Merck & Co., Inc.	MID-L-006577-18
Colman, Michael	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Contrarez, Conception	Contrarez, Conception v. Merck & Co., Inc.	MID-L-006402-18
Cook, Diane	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Cook, Sigrid	Cook, Sigrid v. Merck & Co., Inc.	MID-L-006279-18
Cranford, Patricia	Cranford, Patricia v. Merck & Co., Inc.	MID-L-007131-18
Crider, George	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
DaCosta, Stephen	DaCosta, Stephen v. Merck & Co., Inc.	MID-L-006631-18
Dammond, Amos	Dammond, Amos v. Merck & Co., Inc.	MID-L-007187-18

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Davis, Carolyn	Davis, Carolyn v. Merck & Co., Inc.	MID-L-006289-18
Davis, Gayl	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Davis, Murlene	Davis, Murlene v. Merck & Co., Inc.	MID-L-006869-18
Delfini, Douglas	Delfini, Douglas v. Merck & Co., Inc.	MID-L-007491-18
Denson, Dean	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
DiFronzo, Arcangelo	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Dina, Laraine	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Dischler, Katherine	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Duc nowski, Eunice	Ducnowski, Eunice v. Merck & Co., Inc.	MID-L-006902-18
Duda, Joyce	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Duke, Bobby	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Duncan, Delores	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Ekperikpel, Bettye	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Etheredge, John	Etheredge, John v. Merck & Co., Inc.	MID-L-007451-18
Evans, Kathy	Evans, Kathy v. Merck & Co., Inc.	MID-L-006604-18
Felton, Peggy	Felton, Peggy v. Merck & Co., Inc.	MID-L-007221-18
Ferree, Gwendolyn	Ferree, Gwendolyn v. Merck & Co., Inc.	MID-L-006873-18
Filosa, Mary	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Finch, Bonnie	Finch, Bonnie v. Merck & Co., Inc.	MID-L-006797-18
Fishburn, Peggy	Fishburn, Peggy v. Merck & Co., Inc.	MID-L-006874-18
Foote, Mary	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Frenette, Lorraine	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Friis, Melody	Friis, Melody v. Merck & Co., Inc.	MID-L-006607-18
Gable, Keith	Gable, Keith v. Merck & Co., Inc.	MID-L-006260-18
George, Marianne	George, Marianne v. Merck & Co., Inc.	MID-L-006611-18
Giblin, Anne	Giblin, Anne v. Merck & Co., Inc.	MID-L-006421-18
Glasier, Roanna	Glasier, Roanna v. Merck & Co., Inc.	MID-L-006608-18
Gonsowski, Debra	Gonsowski, Debra v. Merck & Co., Inc.	MID-L-006526-18
Goodlan, Patricia	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Guerra, Elvia	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Gutierrez, Rebecca	Gutierrez, Rebecca v. Merck & Co., Inc.	MID-L-007137-18
Hardey, Lizzie	Hardey, Lizzie v. Merck & Co., Inc.	MID-L-006895-18
Harris, Lillian	Harris, Lillian v. Merck & Co., Inc.	MID-L-006266-18
Hill, Mildred	Hill, Mildred v. Merck & Co., Inc.	MID-L-006537-18
Hodge, Daria	Hodge, Daria v. Merck & Co., Inc.	MID-L-007164-18
Howe, Frances	Howe, Frances v. Merck & Co., Inc.	MID-L-006903-18
Huber, Gladys	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Huber, Orville	Huber, Orville v. Merck & Co., Inc.	MID-L-007199-18
Hurttt, Hugh	Hurttt, Hugh v. Merck & Co., Inc.	MID-L-006904-18
Ingle, Harry	Ingle, Harry v. Merck & Co., Inc.	MID-L-007140-18
James, Shirley	James, Shirley v. Merck & Co., Inc.	MID-L-006807-18

Jimenez, Sarah	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Johnson, Carl	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Johnson, Robert	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Jones, Patsy	Jones, Patsy v. Merck & Co., Inc.	MID-L-006793-18
Jones, Renee	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Jordan, Joe	Jordan, Joe v. Merck & Co., Inc.	MID-L-006528-18
Kahn, Ruth	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Karambelas, Evelyn	Karambelas, Evelyn v. Merck & Co., Inc.	MID-L-006533-18
Kehoe, Kevin	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Kelgard, Lori	Kelgard, Lori v. Merck & Co., Inc.	MID-L-006536-18
Kierstead, William	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Kiouisiss, Caroline	Kiouisiss, Caroline v. Merck & Co., Inc.	MID-L-006406-18
Kist, Mary	Kist, Mary v. Merck & Co., Inc.	MID-L-006619-18
Koss, Debra	Koss, Debra v. Merck & Co., Inc.	MID-L-006620-18
Kurtz, Melinda	Kurtz, Melinda v. Merck & Co., Inc.	MID-L-006433-18
Lane, Iris	Lane, Iris v. Merck & Co., Inc.	MID-L-006918-18
Langford, Eva	Langford, Eva v. Merck & Co., Inc.	MID-L-006342-18
Lansberry, Gene	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Layman, Georgia	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Lee, James	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Legette, Betty	Legette, Betty v. Merck & Co., Inc.	MID-L-006273-18
Lemaster, Marilyn	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Leslie, Shirley	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Lovins, Willard	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Loza, Florence	Loza, Florence v. Merck & Co., Inc.	MID-L-006543-18
MacDonald, Sharon	MacDonald, Sharon v. Merck & Co., Inc.	MID-L-006921-18
Markuson, Elsie	Markuson, Elsie v. Merck & Co., Inc.	MID-L-006728-18
Marshall, Nevin	Marshall, Nevin v. Merck & Co., Inc.	MID-L-006626-18
Mattea, Vincent	Mattea, Vincent v. Merck & Co., Inc.	MID-L-007143-18
Maybee, Mary	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
McMahan, Deanna	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Means, Judith	Means, Judith v. Merck & Co., Inc.	MID-L-006864-18
Melser, Roger	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Messenger, Dana	Messenger, Dana v. Merck & Co., Inc.	MID-L-006944-18
Messer, Leah	Messer, Leah v. Merck & Co., Inc.	MID-L-006531-18
Miculka, Lehnert	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Monroe, Joseph	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Moore, Joyce	Moore, Joyce v. Merck & Co., Inc.	MID-L-006300-18
Moore, Phyllis	Moore, Phyllis v. Merck & Co., Inc.	MID-L-007189-18
Moore, Robert	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Moose, Edward	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18

Morse, Glenda	Morse, Glenda v. Merck & Co., Inc.	MID-L-006548-18
Neuman, Judith	Neuman, Judith v. Merck & Co., Inc.	MID-L-006306-18
Niewind, Marlene	Niewind, Marlene v. Merck & Co., Inc.	MID-L-006255-18
Nuccio, Francine	Nuccio, Francine v. Merck & Co., Inc.	MID-L-007174-18
Ousaklidis, Erma	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Pace, Brenda	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Perez, Celia	Perez, Celia v. Merck & Co., Inc.	MID-L-007168-18
Platt, Margaret	Platt, Margaret v. Merck & Co., Inc.	MID-L-007176-18
Plotkin, Daniel	Plotkin, Daniel v. Merck & Co., Inc.	MID-L-007167-18
Rogers, Wilfred	Rogers, Wilfred v. Merck & Co., Inc.	MID-L-006210-18
Runge, Jean	Runge, Jean v. Merck & Co., Inc.	MID-L-007196-18
Sellers, Brenda	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Sinclair, Goldie	Sinclair, Goldie v. Merck & Co., Inc.	MID-L-007145-18
Smith, Kenneth	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Sorben, Marilyn	Sorben, Marilyn v. Merck & Co., Inc.	MID-L-006258-18
Sorrells, Debbie	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Souza, John	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Spradlin, Vicki	Spradlin, Vicki v. Merck & Co., Inc.	MID-L-007913-18
Staggs, Bridget	Staggs, Bridget v. Merck & Co., Inc.	MID-L-007158-18
Stanton, Linda	Stanton, Linda v. Merck & Co., Inc.	MID-L-007146-18
Stark, Patricia	Stark, Patricia v. Merck & Co., Inc.	MID-L-006462-18
Stedman, David	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Storto, Nicholas	Storto, Nicholas v. Merck & Co., Inc.	MID-L-006301-18
Templeman, Gwen	Templeman, Gwen v. Merck & Co., Inc.	MID-L-007201-18
Thigpen, Mattie	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Thomas, Douglas	Thomas, Douglas v. Merck & Co., Inc.	MID-L-006590-18
Thorn, Terry	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Touchstone, Charles	Touchstone, Charles v. Merck & Co., Inc.	MID-L-006713-18
Turner, Wanda	Turner, Wanda v. Merck & Co., Inc.	MID-L-007206-18
Urquhart, Roxana	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Valasek, Walter	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Valminuto, Elinor	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Vanderlee, Carol Ann	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Vierkant, Carla	Vierkant, Carla v. Merck & Co., Inc.	MID-L-007149-18
Wahlfeldt, Walter	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Weaver, Leslie	Weaver, Leslie v. Merck & Co., Inc.	MID-L-006722-18
Wegner, Barbara	Wegner, Barbara v. Merck & Co., Inc.	MID-L-006422-18
White, Belinda	White, Belinda v. Merck & Co., Inc.	MID-L-005953-18
Wiker, Phyllis	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Wileman, Wanda	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Williams, James	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18

Williams, Maurice	Williams, Maurice v. Merck & Co., Inc.	MID-L-006721-18
Woods, Roxann	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Woolbright, Elta	Woolbright, Elta v. Merck & Co., Inc.	MID-L-006335-18
Young, Charles	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Young, Dixie	Morgan, Jeanette et al. v. Merck & Co., Inc.	MID-L-004575-18
Zipkis, Sandra	Zipkis, Sandra v. Merck & Co., Inc.	MID-L-006535-18

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