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FILED

OCTOBER 22 , 2021

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

TRACY HILL AND CKRISSIS HILL,

Plaintiff,

v.

MERCK & CO., INC., MERCK SHARP & DOHME CORP., and McKESSON CORP.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-004879-20

ORDER

WHEREAS, Defendants, Merck & Co., Inc. and Merck Sharp & Dohme Corp., by and through counsel, Fox Rothschild, LLP, move before the Court to dismiss Plaintiffs' case with prejudice, and the Court having read and considered the moving papers submitted, and having found that this Motion is unopposed, and for good cause having been shown;

IT IS on this 22nd day of October, 2021,

ORDERED that Defendants' Motion to Dismiss **is hereby GRANTED**; and it is further

ORDERED that Plaintiff's case is **DISMISSED WITH PREJUDICE** in accordance with R. 4:23-5(a)(2); and it is further

ORDERED that this Order shall be deemed served upon its filing to eCourts. Movant shall serve all parties not electronically served within seven (7) days of the date of this Order in accordance with R. 1:5-1(a).

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

UNOPPOSED

SEE STATEMENT OF REASONS ATTACHED

Statement of Reasons

This Matter comes before the Court upon Defendants' Motion to Dismiss Plaintiff's Complaint with prejudice pursuant to R. 4:23-2 for Plaintiff's failure to provide Proof of Use. The Court, having considered the moving papers submitted, and having found this Motion unopposed, will be granting same essentially for the reasons set forth in the moving papers in accordance with R. 1:6-2. The Court notes the following additional procedural history: Plaintiff's case was dismissed without prejudice via Order on August 3, 2021, for failure to provide Proof of Use. Accordingly, at this time, more than sixty (60) days have passed since Plaintiff's case was dismissed without prejudice, Plaintiff has not filed a Motion to Reinstate, nor filed an opposition. A dismissal with prejudice is now warranted in accordance with R. 4:23-5(a)(2). Thus, this Motion is **GRANTED**, and Plaintiff's case is **DISMISSED WITH PREJUDICE**.