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**FILED**  
**SEPTEMBER 24 , 2021**  
**HON. BRUCE J. KAPLAN, J.S.C.**

VIRGINIA JUSTICE and JIMMY W.  
JUSTICE,

Plaintiffs,

v.

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

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

Case No. 629 Zostavax

DOCKET NO.: MID-L-005654-20

**ORDER**

**THIS MATTER** having come before the Court upon Defendants, Merck & Co., Inc., and Merck Sharp & Dohme Corp.'s Motion to Dismiss with Prejudice following the dismissal of Plaintiffs' complaint without prejudice on May 5, 2021 and the Court's Order on July 23, 2021 providing an additional thirty (30) days for compliance; the Court, having read and considered the moving papers, opposition filed, and the reply there to, and the Court having considered the argument of Counsel, and for the reasons stated on the record, and for good cause having been shown,

**IT IS** on this 24<sup>th</sup> day of September 2021, hereby;

**ORDERED** that the Defendants' motion be **GRANTED** and Plaintiffs' claims are **DISMISSED WITH PREJUDICE** in accordance with R. 4:23-5(a)(2) and for failure to comply with the Court's Orders; 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*  
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**HONORABLE BRUCE J. KAPLAN J.S.C.**

**OPPOSED**

On this date, pursuant to R.1:6-2  
the Court's statement of reasons  
have been set forth on the record.