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FILED

February 13, 2023

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

PERRY MCCLUSKEY,

Plaintiff,

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-6740-20

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.

/s/ 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.