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and Merck Sharp & Dohme Corp.*

IN RE ZOSTAVAX LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

MCL NO. 629

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS THE
COMPLAINT**

AND NOW, upon consideration of defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp.'s motion to dismiss certain claims as subsumed under the New Jersey Product Liability Act, and any response thereto,

It is hereby ordered on this 10th day of June, 2019

ORDERED that the defendants' Motion to Dismiss the Complaint is hereby **GRANTED** for the reasons stated on the record on the date hereof; and

IT IS FURTHER ORDERED that Count I (negligence), Count II (products liability – defective design), Count III (products liability – manufacturing defect), Count IV (products liability – failure to warn), Count VI (breach of implied warranty), Count VII (fraudulent misrepresentation), Count VIII (fraudulent concealment), Count IX (negligent misrepresentation), Count X (unjust enrichment), Count XII (violation of consumer protection laws) and Count XIII (loss of consortium) are **DISMISSED WITHOUT PREJUDICE**; and

FILED
JUN 10 2019
Judge James F. Hyland

IT IS FURTHER ORDERED that Plaintiffs are granted leave to file an amended Complaint pursuant to R. 4:9-1 within thirty (30) days of the date hereof; and

IT IS FURTHER ORDERED that a copy of this Order shall be served on all parties within seven (7) days of the date hereof.


HON. JAMES F. HYLAND, J.S.C.