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*Attorneys for Defendants Merck & Co., Inc.
and Merck Sharp & Dohme Corp.*

CARL PAILETTE and JANE PAILETTE,

Plaintiffs,

v.

MERCK & CO., INC., MERCK SHARP &
DOHME CORP., "JOHN DOE," "JANE
DOE," AND "XYZ CORP" (FICTITIOUS
NAMES),

Defendants.

FILED

SEPTEMBER 24 , 2021

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

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MIDDLESEX COUNTY

Case No. 629 In re Zostavax

DOCKET NO.: MID-L-005488-19

ORDER

WHEREAS, Defendants, Merck & Co., Inc., and Merck Sharp & Dohme, Corp., by and through its counsel, Fox Rothschild, LLP, with Plaintiffs' Complaint having been dismissed without prejudice on June 24, 2021, now moves the Court for an Order dismissing Plaintiff's case with prejudice pursuant to R. 4:23-2, and the Court having considered the moving papers, and for good cause shown,

IT IS ON this 24th day September 2021, hereby;

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

ORDERED that Plaintiffs' case be and is hereby **DISMISSED with prejudice**; 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
HON. BRUCE J. KAPLAN, J.S.C.

UNOPPOSED

Plaintiff's Complaint was dismissed on June 24, 2021 for failure to provide a Plaintiff Fact Sheet. sufficient proof of product usage. More than 60 days have passed since this case was dismissed without prejudice. No opposition was filed. Accordingly, this motion is granted, and Plaintiff's Complaint is dismissed with prejudice pursuant to R. 4:23-5(a)(2).

Having reviewed the within motion, this Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2., it will therefore be granted essentially for the reasons set forth in the moving papers