

FILED**NOVEMBER 3, 2021****HON. BRUCE J. KAPLAN, J.S.C.**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

CONSENT ORDER

IN RE: ZOSTAVAX® LITIGATION

AND NOW, this 3rd day of November 2021, upon consent of all counsel of record in this matter; it is hereby **ORDERED** as follows:

1. The cases set forth in Exhibit A shall be dismissed without prejudice if they fail to provide a materially complete and certified Plaintiff Fact Sheet within 45 days of the date of this Order.
2. Within 45 days of this Order, plaintiffs' counsel shall identify to counsel for Merck those cases from Exhibit A for which a materially complete and certified Plaintiff Fact Sheet has been served pursuant to this Order.
3. Following the 45th day, Defense counsel may submit an Order for dismissal of the cases without prejudice that have failed to comply with this Order and not identified by plaintiffs' counsel as compliant.
4. Any dispute as to sufficiency of the Plaintiff Fact Sheet responses provided since August 6, 2021 shall be resolved by the Judge upon motion and any such case will not be subject to this consent order.

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.

Exhibit A to Consent Order for PFS deficiency dismissal without prejudice

Plaintiff	Docket No.
Adams, Linda L. (deceased) Adams, Gary (admin)	MID-L-000835-19
Albon, Thomas, III	MID-L-003359-21
Alexander, Jodelle	MID-L-003314-19
Anderson, Sharon Lee	MID-L-007448-18
Badertscher, Terry	MID-L-005599-20
Barnes, Blenda	MID-L-005301-20
Berg, Paul	MID-L-008661-18
Bourne, Judith	MID-L-004089-20
Bowen, Larry	MID-L-005563-20
*Bradley, Roberta	MID-L-004859-20
Caswell, Beverly	MID-L-008281-18
Cordell, Donna	MID-L-006539-18
Coughlin, Kieran (deceased) Coughlin, Arlene (admin)	MID-L-008092-18
Crawford, Jacque	MID-L-004855-20
Cunningham, Pat	MID-L-001171-19
Cyko, Lillian	MID-L-006399-18
Dahlgren, Connie	MID-L-000974-19
Donaldson, Patsy	MID-L-006901-18
Doty, William	MID-L-000666-19
Dutson, Judy	MID-L-005428-20
Fisher, Helen	MID-L-006834-18
Foley, Faye	MID-L-007191-18
Foss, Allen	MID-L-000096-19
Franklin, Nancy	MID-L-000452-19
Gervais, Patricia	MID-L-008605-18
Gibbs, Carole	MID-L-003370-19
Gonzalez, Rosemary	MID-L-004804-20
Goodman, Rosaline S.	MID-L-007514-18
Green, James	MID-L-005571-20
Grisdale, Richard	MID-L-004888-20
Guillou, Ernest	MID-L-000836-19
Hamilton, Jeanna	MID-L-000482-19
Hanson, Estella	MID-L-004877-20
Hanson, Karin	MID-L-000897-19
Havens, William	MID-L-003151-19
Helton, Curtis	MID-L-000041-19
Henderson, Darlene	MID-L-007882-18
Herbst, Robert P.	MID-L-007883-18

Exhibit A to Consent Order for PFS deficiency dismissal without prejudice

Plaintiff	Docket No.
Hill, Dorothy	MID-L-000065-19
Hock, Lee	MID-L-004894-20
Holiday, Sandra	MID-L-000044-19
Inzenga, Richard	MID-L-006817-18
Johnson, Charlotte	MID-L-000492-19
Johnson, Christine	MID-L-004208-20
Jorquez, June	MID-L-003897-19
Keel, George	MID-L-003290-20
Kellogg, Joan	MID-L-005066-20
Kirk, Gene	MID-L-004891-20
Knight, Patty	MID-L-005189-19
Lincoln, Patricia	MID-L-004785-20
Lind, Robert	MID-L-000610-19
Macias, Sarah	MID-L-008691-18
Mai, Diana	MID-L-007224-18
McDonald, Bernice	MID-L-000919-19
Mehler, Barrie	MID-L-004914-20
Messenger, Robin	MID-L-000188-19
Moore, Paul	MID-L-000701-19
Owensby, Barbara	MID-L-004160-20
Palmer, Laura Eilene	MID-L-002592-19
Parks, Paula	MID-L-003499-20
Parks, Susan	MID-L-003692-20
Pinaire, Ann	MID-L-000014-19
Ploussard, Daniel	MID-L-005201-19
Pratt, Brenda	MID-L-007506-18
Razink, Judy	MID-L-000053-19
Rich, Sharon	MID-L-005519-20
Richards, Terry	MID-L-008671-18
Robertson, Dennis	MID-L-007941-18
Samia, Alice	MID-L-005411-20
Sandstrom, Jerome	MID-L-004322-20
Segal, Harvey	MID-L-003480-20
Shew, Judy	MID-L-003825-19
Slater, Linda	MID-L-003297-20
Tetuan, Lisa	MID-L-003753-20
Thomas, Deborah	MID-L-004960-20
Wentzel, Sallie	MID-L-003707-20
Wettstein, Richard	MID-L-000509-19
White, Ikuko	MID-L-008566-18

Exhibit A to Consent Order for PFS deficiency dismissal without prejudice

Plaintiff	Docket No.
Whiting, Duane	MID-L-003325-20
Williams, Ellon	MID-L-003302-20
*Wood, Charles	MID-L-004995-20
Wright, Lynnwood	MID-L-004245-20
Yowell, Dean	MID-L-005486-20
Zimmerman, Frances	MID-L-004702-20

*These two cases were dismissed without prejudice on 8/3/2021 for failure to provide sufficient proof of product usage. Merck moved to dismiss with prejudice on 10/5/2021.