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FILED

February 2, 2024

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

THEODORE J. SCHOTT,

Plaintiff,

v.

MERCK & CO., INC., *et al.*,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-008634-18

**ORDER: DISMISSAL WITH PREJUDICE**

**THIS MATTER** having been brought before the Court upon motion by Fox Rothschild LLP, attorneys for Defendants, Merck & Co., Inc., and Merck Sharp & Dohme Corp., for an Order to dismiss with prejudice, pursuant to R. 4:23-5(a)(1), for failure to provide signed authorizations, and the Court having no objections placed on the record, read and considered the papers submitted in this matter, and no opposition filed, and for good cause having been shown;

**IT IS** on this 2nd day of February, 2024;

**ORDERED** that Defendants', Merck & Co., Inc., and Merck Sharp & Dohme Corp.'s, Motion to Dismiss with prejudice is hereby GRANTED; and

**IT IS FURTHER ORDERED** that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. 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.

UNOPPOSED

15/ Bruce J. Kaplan  
HONORABLE BRUCE J. KAPLAN, J.S.C.

STATEMENT OF REASONS

This matter comes before the Court by way of Defendant Merck's Motion to Dismiss with prejudice. By way of brief procedural background this matter was converted from a Motion to Compel to a Motion to Dismiss without prejudice during the November 1, 2023, Case Management Conference. At that time, no objection was placed on the record and the motion was converted and placed on an expedited motion schedule. No opposition was placed on the record nor was any opposition filed.

On November 6, 2023, this motion was dismissed without prejudice for failure to provide completed authorizations pursuant to the Court's July 13, 2023, Group B Bellwether CMO. In that Order, the Court stated that failure to provide authorizations within sixty (60) days would result in the matter being dismissed with prejudice. To date, the Plaintiff has not cured the deficiency and moved to reinstate their case. Accordingly, on January 8, 2024, the Defendant moved to dismiss this matter with prejudice. To date, no opposition has been filed to the motion. Accordingly, the Motion to Dismiss with prejudice is hereby GRANTED.