

Eileen Oakes Muskett, Esquire
Attorney ID No. 020731994
FOX ROTHSCHILD LLP
Midtown Building, Suite 400
1301 Atlantic Avenue
Atlantic City, NJ 08401
Tel: (609) 348-4515
Fax: (609) 348-6834
emuskett@foxrothschild.com

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

FILED

November 6, 2023

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

MOTION TO DISMISS

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 Compel Signed Authorizations. During the November 1, 2023, Case Management Conference the motion was converted to a motion to dismiss without 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 6th day of November, 2023;

ORDERED that Defendants', Merck & Co., Inc., and Merck Sharp & Dohme Corp.'s, Motion to Dismiss without prejudice **is hereby GRANTED**; and it is further

ORDERED that should Plaintiff fail to produce authorizations within sixty (60) days of this Order, then a motion to dismiss with prejudice may be filed; 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.

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. Accordingly, the Motion to Dismiss without prejudice is hereby **GRANTED**.