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FILED

April 28, 2023

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

IN RE ZOSTAVAX LITIGATION

BEVERLY CUNNINGHAM as Substitute  
Trustee of MARGARET THOMAS (Deceased)  
v. MERCK & CO., INC., et al.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MIDDLESEX COUNTY

MCL NO.: 629

DOCKET NO.: MID-L-005512-20

**ORDER**

**WHEREAS**, Plaintiff, by and through their attorneys Marc J. Bern & Partners LLP, upon notice to all interested parties, has moved before this Court to substitute Plaintiff's heir, BEVERLY CUNNINGHAM as Successor Trustee of MARGARET THOMAS v. MERCK & CO., INC., et al. as Plaintiff in this matter, and the Court having read and considered the papers submitted in this matter, and for good cause shown;

**IT IS** on this 28th day of April, 2023;

**ORDERED** that the motion is **DENIED without prejudice**; and it is further

**ORDERED** that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Pursuant to R. 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the entry of the Order.

*/s/ Bruce J. Kaplan*  
HONORABLE BRUCE J. KAPLAN, J.S.C.

**UNOPPOSED**

Attached to the motion is a 1999 trust agreement that, in Article VII, identifies Beverly Cunningham as substitute trustee. What is not attached to the motion is any evidence that Beverly Cunningham has made the required filings and obtained authority to act as successor trustee.