

10/1/19

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**FILED**  
**SEP 30 2019**  
Judge James F. Hyland

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

IN RE ZOSTAVAX LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

MCL NO. 629

David Hess, et al., No. MID-L-007301-  
17

**DEFENDANTS' MOTION FOR AN  
ORDER TO SHOW CAUSE WHY THE  
CLAIMS OF THE PLAINTIFFS LISTED  
IN EXHIBIT D SHOULD NOT BE  
DISMISSED, WITH PREJUDICE**

**ORDER**

THIS MATTER having come before the Court on Defendants' Motion for Plaintiff to Show Cause why this case should not be dismissed with prejudice, and the Court having determined that Plaintiff failed to abide by this Court's June 12, 2019 Case Management Order by failing to serve a Plaintiff Fact Sheet and for good cause shown:

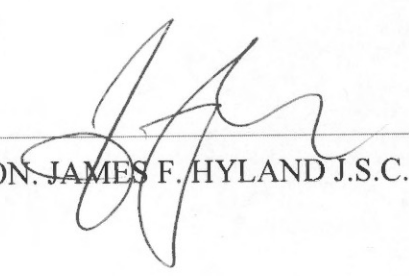
**IT IS** on this 30<sup>th</sup> day of September, 2019,

**ORDERED** that defendants' motion is **GRANTED**;

**IT IS FURTHER ORDERED** that Plaintiff shall appear and show cause on the 10<sup>th</sup> day of October, 2019 before the Superior Court at the Middlesex County Courthouse in New Brunswick, New Jersey at 10:00 AM, or as soon thereafter for failure to comply with this Court's June 12, 2019 Case Management Order, having failed to serve a Plaintiff Fact Sheet;

**IT IS FURTHER ORDERED** that the parties may appear in court on the date written above by telephone. A telephone number will be provided by moving Defendant, Fox Rothschild, LLP.

UNOPPOSED



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HON. JAMES F. HYLAND J.S.C.

A COPY OF THIS ORDER SHALL BE POSTED ONLINE BY THE COURT