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FILED

February 17, 2023

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

IN RE ZOSTAVAX LITIGATION

BARBARA KEITH, individually, and as heir of  
ERNEST KEITH (Deceased) v. MERCK &  
CO., INC., et al.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MIDDLESEX COUNTY

MCL NO.: 629

DOCKET NO.: MID-L-005530-20

**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, BARBARA KEITH, individually, and as heir of ERNEST KEITH 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 17th day of February, 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**

The motion states that “[a] true and correct copy of the State of Indiana Certificate of Clerk for the Small Estate is attached hereto,” but said Certificate of Clerk is not attached. Instead, an Affidavit for Transfer of Assets Without Administration is attached to the motion.