

**FILED**

**MAY 14 , 2021**

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

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**IN RE ZOSTAVAX LITIGATION**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MIDDLESEX COUNTY

MCL NO.: 629

Master Docket No.: 4999-18

**ORDER TO VACATE**

**WHEREAS**, Plaintiffs, by and through their attorneys, Marc J. Bern & Partners LLP, upon notice to all interested parties, have moved before this Court to vacate the Court's February 13, 2020 Orders dismissing Plaintiffs' Complaints with prejudice, and the Court having reviewed the moving papers, and having been advised by counsel for Merck Sharp & Dohme Corp. and Merck & Co., Inc. ("Defendant") that Defendant does not oppose vacating the Orders dismissing the Plaintiffs referenced below, and for good cause having been shown,

**IT IS** on this 14 day of May, 2021,

**ORDERED** that the Motions to Vacate referenced in the Court's Statement of Reasons and attached Schedule be and are hereby **GRANTED**, and it is further

**ORDERED** that a copy of this Order shall be deemed upon its filing to eCourts. Movant shall serve all parties not electronically served within seven (7) days of the date of this Order in accordance with R. 1:5-1(a).

*/s/ Bruce J. Kaplan*

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

**UNOPPOSED**

**SEE STATEMENT OF REASONS ATTACHED**

### **Statement of Reasons**

This matter comes before the Court by way of Plaintiffs' Motion to Vacate dismissal of numerous Plaintiffs' Complaints. See Attached Schedule. These Complaints were dismissed by the Court on February 13, 2020 with prejudice for plaintiffs' counsel's failure to comply with numerous Court Orders and deadlines upon which plaintiffs' counsel were to provide defense counsel and the Court with sufficiently complete Plaintiff Fact Sheets ("PFS") and/or Proof of Product Usage. After a lengthy meet and confer process and numerous conferences with the Court, defense counsel has advised the Court and plaintiffs' counsel that Defendants will not oppose vacating dismissal of the Complaints in the dockets referenced in the Schedule attached to this Order. Accordingly, upon the Court's finding that the standard referenced in R. 4:50-1 is met, the dismissals of these Complaints are vacated, and these cases are placed back on the Court's active calendar. See R. 4:50-1(f).

### **Schedule**

- William Bankard (6905-18)
- Frank Candela (7510-18)
- Joseph Conte (6530-18)
- Sandra Custer (7197-18)
- Douglas Delfini (7491-18)
- George Ford (7492-18)
- Carol Gurgacz (7465-18)
- Selester Harris (7246-18)
- Alice Hutchinson (6896-18)
- Irene Vaughn (7461-18)
- Richard Jenkins (7880-18)
- Patsy Jones (6793-18)
- Mary Kist (6619-18)
- Iris Lane (6918-18)
- Jim McLaughlin (7906-18)
- Dana Messenger (6944-18)
- Diane Naill (7518-18)
- Marlene Niewind (6255-18)
- Leo Noel (7416-18)
- Francine Nuccio (7174-18)
- Clara Phelps (6616-18)
- Laura Pierce (7423-18)
- Charlotte Proulx (7935-18)
- Patricia Stark (6462-18)

- Gwen Templeman (7201-18)
- Gloria Torchia (7411-18)
- Charles Touchstone (6713-18)
- Belinda White (5953-18)
- Elta Woolbright (6335-18)
- Clara Riley (7940-18)