

FILED

MAY 18, 2021

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

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IN RE ZOSTAVAX LITIGATION

Tony Reese,

Plaintiff

vs

MERCK SHARP & DOHME
CORP., et al.,

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY

MCL NO.: 629

Docket No.: MID-L-007937-18

ORDER TO VACATE

WHEREAS, Plaintiff, by and through his 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 Plaintiff's Complaint 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 Order dismissing Plaintiff's Complaint, and for good cause having been shown,

IT IS on this 18th day of May 2021, hereby:

ORDERED that the Motion to Vacate is hereby **GRANTED**, and it is further

ORDERED that Plaintiff is reinstated to the active trial calendar; 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).

UNOPPOSED

SEE STATEMENT OF REASONS ATTACHED

Statement of Reasons

This matter comes before the Court by way of Plaintiff's Motion to Vacate dismissal of Plaintiff's Complaint. The Complaint was dismissed by the Court on February 13, 2020 with prejudice for Plaintiff's counsel's failure to comply with numerous Court Orders and deadlines upon which Plaintiff's counsel was 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 this Complaint. Accordingly, upon the Court's finding that the standard referenced in R. 4:50-1 is met, the dismissal of the Complaint is vacated, and this case is placed back on the Court's active calendar. See R. 4:50-1(f).