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FILED

February 17, 2023

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

IN RE ZOSTAVAX LITIGATION

DARLENE SCHMITT as Successor Trustee of
WILLIS SCHMITT (Deceased), v. MERCK &
CO., INC., et al.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY

MCL NO.: 629

DOCKET NO.: MID-L-004757-20

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, DARLENE SCHMITT as Successor Trustee of WILLIS SCHMITT 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

Attached to the motion is 1993 trust agreement and 1996 amendment. What is not attached to the motion is any evidence that Darlene Schmitt has been formally appointed as successor trustee.