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EILEEN OAKES MUSKETT
Attorney ID 020731994
FOX ROTHSCHILD LLP
Midtown Building, Suite 400
1301 Atlantic Avenue
Atlantic City, New Jersey 08401
Phone: (609) 348-4515
Attorney for Defendant
Merck Sharp & Dohme Corp.

FILED

AUG 30 2019

Judge James F. Hyland

JOEL DUNCAN,

Plaintiff

vs.

MERCK & CO., INC. and MERCK
SHARP & DOHME CORP.,

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID-L-003084-14

IN RE PROPECIA® LITIGATION

CASE CODE: 623

ORDER TO SHOW CAUSE

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 with no opposition having been received, and the Court having determined that Plaintiff failed to abide by this Court's May 30, 2019 Scheduling Order by failing to produce documentation required by Sections of I.A. and I.B., and pursuant to Section I.D. and R. 1:10-2 and R. 1:10-3 and for good cause shown;

IT IS on this 30th day of August , 2019,

ORDERED that the pro se Plaintiff, Joel Duncan shall appear and show cause on the 24th day of September, 2019 before the Superior Court at the Middlesex County Courthouse in New Brunswick, New Jersey at 10:00 AM, or as soon thereafter, why he should not be adjudged to be in contempt of court and face imprisonment and/or fines or have his case dismissed with prejudice for failure to comply with this Court's May 30, 2019 Scheduling Order, having failed to comply with Sections I(A) and I(B) within the deadlines prescribed:

I (A): Plaintiff failed to send written notice by registered mail (with return receipt) to certain individuals or entities, advising that the individual or entity may have records relevant to Plaintiff's claim and that any records relating to Plaintiff must be preserved pending collection by Plaintiff within ten (10) days of the entry of this Court's May 30, 2019 Scheduling Order.

I (B): Plaintiff failed to serve 1) a signed Certification verifying that the notices referenced in Section I (A) were sent as required by the Scheduling Order; 2) a completed and signed and dated Plaintiff Profile Form ("PDF") that complies with Practice and Procedure No. 5; 3) signed authorizations attached to the PDF; and 4) if not previously produced, letters of administration and/or other documentation required from an authorized legal representative to effectuate HIPAA authorization(s) by June 7, 2019.

IT IS FURTHER ORDERED as follows:

1. This Court shall provide pro se Plaintiff, Joel Duncan the opportunity to comply with Section I(A) and I(B) by September 13, 2019, however, Plaintiff must be prepared to appear on September 24, 2019 at 10:00AM unless an Order to Vacate this instant Order to Show Cause is entered before September 24, 2019.

2. The parties, including the pro se Plaintiff, Joel Duncan, and moving Defendant's counsel may appear in court on the date written above by telephone. A telephone number will be provided by moving Defendant, Fox Rothschild, LLP.

3. The Court will entertain testimony of the pro se Plaintiff, Joel Duncan as to his non-compliance of Sections I(A) and I(B) of this Court's May 30, 2019 Scheduling Order.

4. If pro se Plaintiff, Joel Duncan fails to appear in court on September 24, 2019, the Court may issue a warrant for his arrest without further notice from this Court or pro se Plaintiff's Complaint shall be dismissed with prejudice on said date provided that Fox Rothschild, LLP files proof of service with the Court.

5. A copy of this order to show cause be served upon the pro se Plaintiff, Joel Duncan, by ordinary mail, certified mail, return receipt requested, and electronic mail within seven (7)

days of the date hereof by Fox Rothschild LLP, counsel for the Defendant.

6. Fox Rothschild, LLP must file with the court proof of service of this Order to Show Cause on the pro se Plaintiff, Joel Duncan pursuant to R. 4:4-7, within seven (7) days of the date hereof.

(X) unopposed



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