

April 22, 2025

HON. BRUCE J. KAPLAN, J.S.

IN RE: FOSAMAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 282

Docket No. MID-L-7153-14

**CASE MANAGEMENT ORDER  
APRIL 16, 2025  
CASE MANAGEMENT CONFERENCE**

**THIS MATTER**, having come before the Court at a case management conference on April 16, 2025, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

**IT IS** on this 22nd day of April, 2025, **ORDERED** as follows:

1. **DECEASED PLAINTIFFS**

a. The cases listed in Exhibit A have been identified as including a deceased Plaintiff for which there has been no substitution of an authorized Personal Representative. For those cases identified in Exhibit A, if Plaintiffs do not move either to dismiss the Plaintiff's claims or move pursuant to R. 4:34-1, to substitute an authorized Personal Representative for the Estate of the deceased Plaintiff by June 18, 2025 the claims of that Plaintiff will be dismissed without prejudice upon submission of an Order by defense counsel under the five day rule. This deadline may be extended by the Court if plaintiff's counsel files a motion to extend and demonstrates good cause.

b. From the date a case is dismissed without prejudice, Plaintiff will have 60 days to file a motion to reinstate their case and substitute an authorized Personal Representative for the Estate of the deceased Plaintiff or the claims of that Plaintiff may, upon motion, be dismissed with prejudice.

c. Plaintiffs filing motions pursuant to R. 4:34-1 shall include the following language in the attorney certification, or the motion will be denied: “To the best of the undersigned counsel’s knowledge, \_\_\_\_\_ (*insert the representative’s name*) has the authority to serve and was designated as the authorized representative of plaintiff’s estate, and has authorized the undersigned counsel for the plaintiff to substitute him/her as plaintiff and proceed with this action on behalf of the estate.”

2. **PLAINTIFF CERTIFICATIONS**

- By April 30, 2025, Plaintiffs, their representatives or anticipated representatives, shall submit a completed applicable Certification which was attached at Exhibit B to the February 10, 2025 CMO.
- Cases that have not submitted the applicable Certification by April 30, 2025 may, upon motion, be subject to dismissal without prejudice.
- From the date a case is dismissed without prejudice, Plaintiff or their representative will have 60 days to provide the applicable Certification and file a motion to reinstate their case or the claims of that Plaintiff may, upon motion, be dismissed with prejudice.

3. **TRIAL POOL**

- The parties shall identify 4 cases (2 to be selected by plaintiffs and 2 to be selected by Merck) by May 9, 2025, to comprise the “2026 Trial Pool.”
  - All 4 selections shall be chosen from cases that were previously selected for core discovery.
  - 1 of the 2 plaintiff selections shall be *Robin Caravello v. Merck*, MID-L-7297-14.
- Once notified of case selection for the 2026 Trial Pool, counsel shall take immediate steps to update the factual discovery necessary to proceed with trial, including prompt return of medical authorizations and updated Plaintiff Fact Sheet.
- Liaison Counsel shall meet and confer regarding the 2026 Trial Pool fact and expert discovery to be completed and the time frame for completion.
- Liaison Counsel shall submit a joint proposed 2026 Trial Pool CMO or competing proposed CMOs with the June CMC agenda.

4. **NEXT CASE MANAGEMENT CONFERENCE**

The next Liaison counsel meeting is scheduled in person, Courtroom 303, on June 11, 2025, at 1:00 p.m. EST. Counsel for those cases selected for inclusion in the 2026 Trial Pool shall attend the liaison counsel meeting. The next Case Management Conference is scheduled for June 11, 2025 at 2:30 p.m. via a zoom link provided by the court, unless otherwise notified by the court. An agenda for the Case Management Conference shall be submitted to the court seven days before the liaison counsel meeting.

*/s/ Bruce J. Kaplan*

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The Honorable Bruce J. Kaplan, J.S.C.

The posting of this Order on eCourts shall constitute service upon all counsel of record. If applicable, pursuant to Rule 1:5-1(a), the movant shall serve a copy of this Order upon all parties not served electronically within seven (7) days of receipt of this Order.

Plaintiff	Plaintiff Firm	Case No.
Bridges, Regina A.	Anapol Schwartz	L-6883-14
Buckingham, Janice	Anapol Schwartz	L-7207-14
Gittleman, Leba	Anapol Schwartz	L-7415-14
Herb, Maryjo	Anapol Schwartz	L-6736-14
Thompson, Rose	Anapol Schwartz	L-7379-14
Wallis, Mary E.	Anapol Schwartz	L-7760-14
Bellitti, Marie	Aylstock, Witkin, Kreis & Overholtz	L-7200-14
Brezene, Janet	Aylstock, Witkin, Kreis & Overholtz	L-7890-14
Bules, Carl	Aylstock, Witkin, Kreis & Overholtz	L-7905-14
Cacatian, Aurelia	Aylstock, Witkin, Kreis & Overholtz	L-6930-14
Coler-Dark, Pauline	Aylstock, Witkin, Kreis & Overholtz	L-7106-14
Cornish, Janet	Aylstock, Witkin, Kreis & Overholtz	L-8836-14
Koerner, Wanda J.	Aylstock, Witkin, Kreis & Overholtz	L-6747-14
Maskiewicz, Evelyn	Aylstock, Witkin, Kreis & Overholtz	L-8383-14
Niclo, Marlene	Aylstock, Witkin, Kreis & Overholtz	L-11734-14
Powell, Carol C.	Aylstock, Witkin, Kreis & Overholtz	L-8230-14
Sparer, Mary	Aylstock, Witkin, Kreis & Overholtz	L-6840-14
Thorne, Lynette	Aylstock, Witkin, Kreis & Overholtz	L-9270-14
Rainwater, Kathleen	Beasley Allen	L-6910-14
Goodman, Arlene S.	Bernstein Liebhard LLP	L-7247-14
Buxie, Cynthia	Clayco C. Arnold	L-8549-14
Sinicrope, Joan	Cory Watson	L-7819-14
Karim, Zarina	Douglas & London	L-9341-14
Gorman, Virginia	Goza & Honnold, LLC	L-7847-14
Maheshwari, Pushpa	JTB Group f/k/a Blau & Leonard, LLC	L-6868-14
Chase, Carolyn	Levin Papantonio	L-6858-14
Dean, Elizabeth S.	Levin Papantonio	L-8246-14
Garriss, Frances	Levin Papantonio	L-8779-14
Hollar, Rose	Levin Papantonio	L-8663-14
Kossoff, Marion	Levin Papantonio	L-7587-14
Liano, Kitty	Levin Papantonio	L-9352-14
McKenzie, Joyce	Levin Papantonio	L-8736-14
Miller, Shirley	Levin Papantonio	L-8256-14

Plaintiff	Plaintiff Firm	Case No.
Mitzel, Roberta	Levin Papantonio	L-9114-14
Purkin, Thelma (Tammy) L.	Levin Papantonio	L-8451-14
Rodriguez, Sheila	Levin Papantonio	L-7257-14
Saulsgiver, Priscilla	Levin Papantonio	L-7568-14
Smith, Catherine W.	Levin Papantonio	L-7404-14
Stearn, Janis E.	Levin Papantonio	L-8144-14
Stevens, Beatrice F.	Levin Papantonio	L-8497-14
Stoane, Sheila L.	Levin Papantonio	L-7429-14
Taylor, Connie K.	Levin Papantonio	L-7173-14
Weintraub, Dorothy	Levin Papantonio	L-7755-14
Coleman, Mary	Parker Waichman	L-8507-14
Griffin, Mona	Parker Waichman	L-8411-14
Herrick, Patricia	Parker Waichman	L-8402-14
Napier-Poorman, Rita A.	Parker Waichman	L-8912-14
Beulike, Betty	Rheingold Valet	L-9021-14
Blyseth, Elinor	Rheingold Valet	L-8048-14
Ceo, Lucille	Rheingold Valet	L-6749-14
Cosio, Amalia	Seeger Weiss	L 3116 16
D'Elia, Santa	Seeger Weiss	L-8147-14
Fujio, Betsy	Seeger Weiss	L-9123-14
Hooper, Susan	Seeger Weiss	L-8044-14
Jarrett, Susan J.	Seeger Weiss	L-7743-14
Keeton, Delores	Seeger Weiss	L-7194-14
Paradise, Barbara	Seeger Weiss	L-7107-14
Tang, Audrey C.	Seeger Weiss	L-6915-14
Adams, Joann	Weitz & Luxenberg	L-9256-14
Carter, Lucille	Weitz & Luxenberg	L-6701-14
Costello, Linda	Weitz & Luxenberg	L-6685-14
Dotson, Lanvy	Weitz & Luxenberg	L-9298-14
Edinoff, Lynn	Weitz & Luxenberg	L-7731-14
Gullixson, Janet	Weitz & Luxenberg	L-8933-14
Hannah, Patricia	Weitz & Luxenberg	L-9473-14
Kaplan, Toni	Weitz & Luxenberg	L-8122-14
Lund, Marilyn	Weitz & Luxenberg	L-9632-14
McGhee, Norma Jean	Weitz & Luxenberg	L-7409-14
McMillan, Donna	Weitz & Luxenberg	L-8914-14
Mone, Carol	Weitz & Luxenberg	L-7502-14
Moreo, Rozanne	Weitz & Luxenberg	L-7789-14
Parker, Josephine	Weitz & Luxenberg	L-6983-14