

April 17, 2025

HON. BRUCE J. KAPLAN, J.

IN RE: FOSAMAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 282

MID-L-7153-14

ORDER FOR DISMISSAL

THIS MATTER, having come before the Court at a case management conference on January 28, 2025, counsel for Plaintiffs and counsel for Defendants having been present, pursuant to Amended Case Management Order dated February 10, 2025, and for good cause shown;

IT IS on this 17th day of April, 2025, **ORDERED** as follows:

The cases listed in Exhibit A are hereby dismissed without prejudice pursuant to R. 4:23-2, for failure to comply with the February 10, 2025 Amended Case Management Order by failing to dismiss each Plaintiff's claims or to move pursuant to R. 4:34-1 to substitute an authorized Personal Representative for the Estate of the deceased Plaintiff.

Plaintiffs in the cases dismissed by this Order 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.

/s/ Bruce J. Kaplan

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.

EXHIBIT A to Fosamax Deceased Plaintiff CMO (April 2025)

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Erbe, Nancy	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8492-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Hammaker, Phyllis	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-8331-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Keel, Doris Ayers	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-6742-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
King, Mildred	Aylstock, Witkin, Kreis & Overholtz, PLLC	L-7182-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Knox, Patricia A.	Beasley Allen	L-8840-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Sullivan, Irene C.	Beasley Allen	L-6888-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Viker, Rhoda	Beasley Allen	L-8474-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
McCloskey, Mary Dyanne	Cory Watson	L-7187-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Lopez, Paula	German Rubenstein LLP	L-3791-15	11/19/2024 - Letter Notice of Deceased Plaintiffs
Stannard, Elaine	Levin Papantonio	L-7535-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Johnson, Jana F.	Lieff Cabraser Heimann & Bernstein LLP	L-8716-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Rich, Steven Joel	Locks Law Firm LLC	L-8892-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Abele, Sally	Napoli Shkolnik LLP	L-8251-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Francis, Stella	Napoli Shkolnik LLP	L-7513-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Doane, DeAnne	Pro Se	L-7965-14	
French, Katherine	Rheingold Valet	L-7172-14	11/19/2024 - Letter Notice of Deceased Plaintiffs 12/23/2024 - Email from plaintiff counsel requesting 30-day extension; agreed to provide extension to 1/21/2025 (day prior to CMC)

Plaintiff Name	Plaintiff Counsel	Case No.	Status
Saparata, Victoria	Rheingold Valet	L-8732-14	11/19/2024 - Letter Notice of Deceased Plaintiffs 12/23/2024 - Email from plaintiff counsel requesting 30-day extension; agreed to provide extension to 1/21/2025 (day prior to CMC)
Unger, Ruth	Rheingold Valet	L-7467-14	11/19/2024 - Letter Notice of Deceased Plaintiffs 12/23/2024 - Email from plaintiff counsel requesting 30-day extension; agreed to provide extension to 1/21/2025 (day prior to CMC)
Snurr, Sandra	Robinson Calcagnie	L-8198-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Jones, Virginia B.	Seeger Weiss	L-11675-14	11/19/2024 - Letter Notice of Deceased Plaintiffs 12/19/2024 - Email from plaintiff counsel indicating family not interested in pursuing case; counsel asked that case be included on next motion to dismiss rather than filing stipulation of dismissal
Chudomelka, Doris R.	The Miller Firm, LLC	L-9696-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Smith, Martha	Weitz & Luxenberg	L-11648-14	11/19/2024 - Letter Notice of Deceased Plaintiffs
Watts, Bernice	Weitz & Luxenberg	L-6961-14	11/19/2024 - Letter Notice of Deceased Plaintiffs