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*Attorneys for Defendants Merck & Co., Inc.
and Merck Sharp & Dohme LLC*

FILED

September 15, 2025

HON. BRUCE J. KAPLAN, P.J.Cv.

In Re: Fosamax® Litigation

APPLICABLE TO ALL CASES ON THE
ATTACHED EXHIBIT LISTS

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

MCL No. 282

MASTER DOCKET NO. MID-L-007153-14

**ORDER: DISMISSAL WITH
PREJUDICE**

THIS MATTER, having been brought before the Court by Eileen Oaks Muskett, Esquire, of Fox Rothschild LLP, attorney for Defendant Merck Sharp & Dohme Corp, seeking an order dismissing with prejudice the Complaints of the Plaintiffs enumerated on the attached Exhibit 1 “Case List”, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

IT IS on this 15th day of September, 2025;

ORDERED Defendant’s Motion to Dismiss the claims of all Plaintiff’s on the case list attached with prejudice is hereby **GRANTED**; 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.

UNOPPOSED

/s/ Bruce J. Kaplan

Honorable Bruce J. Kaplan P.J.Cv.

STATEMENT OF REASONS

This Motion comes before the Court by way of Defendant Merck Sharp & Dohme Corp's Motion to Dismiss with Prejudice the cases attached for lack of prosecution. The cases were previously dismissed without prejudice per the Orders entered on June 2, 2025. The Court notes that there was no opposition.

Pursuant to the Orders entered on June 2, 2025, Plaintiffs were duly notified that, in the event the individuals identified on Exhibit A failed to provide certifications in accordance with the February 10, 2025 and April 22, 2025 Case Management Orders, and reinstate the action in accordance with Rule 4:34-1, by substituting an authorized Personal Representative for the Estate of a deceased party, within sixty (60) days of said Order the Defendant would be entitled to file a motion for dismissal with prejudice. Upon a comprehensive review of the individual dockets corresponding to the cases listed below, the Court finds that each Plaintiff has failed to comply with the Court's Order of June 2, 2025. The Plaintiffs have not adhered to the directive to provide certifications and reinstate and substitute an authorized Personal Representative for the Estate of the deceased parties within the prescribed sixty (60) days.

In light of Plaintiffs' failure to comply with this Court's Orders and in light of the additional time provided previously, this Court will be entering an Order dismissing this case with prejudice. The Court finds that despite notice and opportunity, Plaintiffs have not provided the outstanding discovery, have not reinstated the complaint, or filed opposition.

In so doing, the Court notes pursuant to R. 4:23-5(a)(2), if "an order of dismissal ... without prejudice has been entered pursuant to paragraph (a)(1) of this rule and not thereafter vacated, the party entitled to the discovery may, after the expiration of 60 days from the date of the order, move on notice for an order of dismissal with prejudice." It is well-settled that "dismissal with prejudice is the ultimate sanction, [and that] it will normally be ordered only when no lesser sanction will suffice to erase the prejudice suffered by the non-delinquent party," *Zaccardi v. Becker*, 88 N.J. 245, 253 (1982) (internal citations omitted), "or when the litigant rather than the attorney was at fault." *Ibid.* (citing *Schlosser v. Kragen*, 111 N.J. Super. 337, 341 (1970)).

Our Supreme Court has also held that, "[t]he dismissal of a party's cause of action, with prejudice, is drastic and is generally not to be invoked except in those cases where the order for discovery goes to the very foundation of the cause of action ... or where refusal to comply is deliberate and contumacious." *Schlosser*, 111 N.J. Super. at 341 (citing *Tsibikas v. Morrof*, 5 N.J.

Super. 306 (App. Div. 1949)).

The unfortunate reality is given the length of time of non-compliance, and the lack of any opposition, the Court finds there is no “lesser sanction” that can suffice to remedy the violations of this Court’s order. More than 60 days has passed since Plaintiffs’ Complaints were dismissed without prejudice and Plaintiffs have failed to substitute the estate, have failed to file a Motion to Reinstate the case, and have failed to object to the requested relief.

Consequently, Defendant’s Motion to Dismiss with Prejudice is hereby granted with respect to each case enumerated on the Case List. This dismissal is effectuated in accordance with the clear terms of the Case Management Order, which explicitly afforded the Plaintiffs an opportunity to cure the deficiency within the designated timeframe, yet the Plaintiffs’ failure to comply necessitates the dismissal of their claims. Motion granted.

EXHIBIT 1- ORDER FOR DISMISSAL WITH PREJUDICE**NO RESPONSE REGARDING PLAINTIFF CERTIFICATIONS**

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal without Prejudice
Fer, Carole Ann	Aaron M. Levine & Associates	L-8843-14	06/02/2025
Healy, Betty	Anapol Schwartz	L-7560-14	06/02/2025
Mazza, Eleanor	Anapol Schwartz	L-8252-14	06/02/2025
Rosenbrock, Eleanor	Anapol Schwartz	L-6703-14	06/02/2025
Shafer, Emilie	Anapol Schwartz	L-8434-14	06/02/2025
Barnes, Doretha	Aylstock, Witkin, Kreis & Overholtz	L-8789-14	06/02/2025
Bruckner, Carlene	Aylstock, Witkin, Kreis & Overholtz	L-5437-15	06/02/2025
Corpuz, Ardelina	Aylstock, Witkin, Kreis & Overholtz	L-6897-14	06/02/2025
Cox, Margaret	Aylstock, Witkin, Kreis & Overholtz	L-8390-14	06/02/2025
Dixon, Debra Kay	Aylstock, Witkin, Kreis & Overholtz	L-7137-14	06/02/2025
Hammaker, Phyllis	Aylstock, Witkin, Kreis & Overholtz	L-8331-14	06/02/2025
Henriques, Amelia	Aylstock, Witkin, Kreis & Overholtz	L-6748-14	06/02/2025
Keel, Doris Ayers	Aylstock, Witkin, Kreis & Overholtz	L-6742-14	06/02/2025
Lau, Mary	Aylstock, Witkin, Kreis & Overholtz	L-864-15	06/02/2025
Lovin, Elsie	Aylstock, Witkin, Kreis & Overholtz	L-8387-14	06/02/2025
Scherkenbach, Bonnie	Aylstock, Witkin, Kreis & Overholtz	L-6839-14	06/02/2025
S krober, Judith	Aylstock, Witkin, Kreis & Overholtz	L-7564-14	06/02/2025
Knox, Patricia A.	Beasley Allen	L-8840-14	06/02/2025
Viker, Rhoda	Beasley Allen	L-8474-14	06/02/2025
Miller, Orvilene	Bern Ripka LLP	L-9227-14	06/02/2025
Tomasulo, Ellen	Bern Ripka LLP	L-7328-14	06/02/2025
Klotzbach, Norma	Cellino & Barnes, PC	L-7838-14	06/02/2025
Berold, Shirley	Cory Watson	L-7943-14	06/02/2025
Crow, Marilyn	Cory Watson	L-7947-14	06/02/2025
Douglass, Beverly	Cory Watson	L-8639-14	06/02/2025

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal without Prejudice
Heaton, Linda	Cory Watson	L-7027-14	06/02/2025
Maloney, Miriam	Cory Watson	L-1161-15	06/02/2025
McCloskey, Mary Dyanne	Cory Watson	L-7187-14	06/02/2025
Orme, Sharon	Cory Watson	L-9707-14	06/02/2025
Sinicrope, Joan	Cory Watson	L-7819-14	06/02/2025
Ashley, Stella	D'Arcy Johnson Day, P.C.	L-7742-14	06/02/2025
Dukeminier, Jamie	D'Arcy Johnson Day, P.C.	L-8487-14	06/02/2025
Brown, Harriet	Davis, Saperstein & Salomon, P.C.	L-8656-14	06/02/2025
Alford, Myles	Douglas & London	L-9103-14	06/02/2025
Karim, Zarina	Douglas & London	L-9341-14	06/02/2025
Metz, Maurine	Douglas & London	L-7290-14	06/02/2025
Mills, Sherrie	Douglas & London	L-7556-14	06/02/2025
Woods, Joann	Douglas & London	L-9260-14	06/02/2025
Lopez, Paula	German Rubenstein LLP	L-3791-15	06/02/2025
Gorman, Virginia	Goza & Honnold, LLC	L-7847-14	06/02/2025
Smyth, Anne B.	JTB Group f/k/a Blau & Leonard, LLC	L-7609-14	06/02/2025
Slattery, Sally	Lanier Law Firm	L-9724-14	06/02/2025
Kossoff, Marion	Levin Papantonio	L-7587-14	06/02/2025
Reitenbach, Sisun	Levin Papantonio	L-7496-14	06/02/2025
Johnson, Jana F.	Lieff Cabraser Heimann & Bernstein LLP	L-8716-14	06/02/2025
Burlingame, Donna Luellen	Locks Law Firm LLC	L-8868-14	06/02/2025
Cane, Linda	Locks Law Firm LLC	L-9146-14	06/02/2025
Green, Patricia Ann	Locks Law Firm LLC	L-7289-14	06/02/2025
Jaskol, Elaine Shein	Locks Law Firm LLC	L-7154-14	06/02/2025
Ott, Theresa K.	Locks Law Firm LLC	L-6919-14	06/02/2025
Owenby, Constance Parker	Locks Law Firm LLC	L-8897-14	06/02/2025
Ravalli, Patricia	Locks Law Firm LLC	L-8215-14	06/02/2025
Rich, Steven Joel	Locks Law Firm LLC	L-8892-14	06/02/2025
Rohde, Bernadette	Locks Law Firm LLC	L-8430-14	06/02/2025

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal without Prejudice
Chastain, Mary	Lopez McHugh	L-8066-14	06/02/2025
Dinnerman, Annis	Lopez McHugh	L-6927-14	06/02/2025
Turley, Arlene	Lopez McHugh	L-7266-14	06/02/2025
Gonzalez, Eugenia	Matthews & Associates	L-7014-14	06/02/2025
Brooks, Lorraine	Morelli Allers Ratner	L-7488-14	06/02/2025
Grossberger, Vickie	Morelli Allers Ratner	L-7188-14	06/02/2025
Boyd, Patricia	Motley Rice	L-10906-14	06/02/2025
Harvey, Emma B.	Motley Rice	L-6828-14	06/02/2025
Koebel, Maureen	Motley Rice	L-9608-14	06/02/2025
Francis, Stella	Napoli Shkolnik LLP	L-7513-14	06/02/2025
Berkowsky, Reisha	Oshman & Mirisola	L-6970-14	06/02/2025
Brown, Joann C.	Oshman & Mirisola	L-8302-14	06/02/2025
Cappiello, Deborah	Oshman & Mirisola	L-7149-14	06/02/2025
Cuomo, Barbara	Oshman & Mirisola	L-8194-14	06/02/2025
Edson, Marilyn	Oshman & Mirisola	L-8312-14	06/02/2025
Esposito, DeLanna	Oshman & Mirisola	L-7196-14	06/02/2025
Fleury, Barbara	Oshman & Mirisola	L-7450-14	06/02/2025
Jimenez-Howe, Maria Angelica	Oshman & Mirisola	L-8984-14	06/02/2025
Jones, Gwyndolyn C.	Oshman & Mirisola	L-7914-14	06/02/2025
Kotlyar, Dahlia	Oshman & Mirisola	L-7682-14	06/02/2025
Lewis, Donna K.	Oshman & Mirisola	L-6916-14	06/02/2025
Mael, Edith	Oshman & Mirisola	L-7610-14	06/02/2025
Melton, Deana Joy	Oshman & Mirisola	L-7681-14	06/02/2025
Moussa, Eglal	Oshman & Mirisola	L-7906-14	06/02/2025
Nelson, Arte Jr.	Oshman & Mirisola	L-7966-14	06/02/2025
Nishball, Geneieve	Oshman & Mirisola	L-7248-14	06/02/2025
Peardon, Joanne T.	Oshman & Mirisola	L-7007-14	06/02/2025
Ricciardi, Mildred	Oshman & Mirisola	L-6822-14	06/02/2025

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal without Prejudice
Spector, Rochel	Oshman & Mirisola	L-7122-14	06/02/2025
Weisberger, Lila	Oshman & Mirisola	L-8433-14	06/02/2025
Weldon, Patricia	Oshman & Mirisola	L-8247-14	06/02/2025
Cofer, Joan W.	Parker Waichman	L-9246-14	06/02/2025
Haney, Joey	Parker Waichman	L-8406-14	06/02/2025
Radcliffe, Nenita	Perlberger, Norman	L-8620-14	06/02/2025
Andelman, Margaret	Pittman, Dutton & Hellums, P.C.	L-6758-14	06/02/2025
Lenkoski, Maryann	Pittman, Dutton & Hellums, P.C.	L-6664-14	06/02/2025
Emerson, JoAnne	Pogust Braslow & Millrood, LLC	L-9201-14	06/02/2025
Landers, Linda	Popham Law Firm	L-8604-14	06/02/2025
Doane, DeAnne	Pro Se	L-7965-14	06/02/2025
Steil, Patricia Sue	Pro Se	L-7477-14	06/02/2025
Blandon, Viola Mercedes	Rheingold Valet	L-8654-14	06/02/2025
Craig, Ruby Gene	Rheingold Valet	L-8802-14	06/02/2025
Culhane, Catherine	Rheingold Valet	L-7184-14	06/02/2025
Darwin, Eileen	Rheingold Valet	L-7659-14	06/02/2025
Drum, Susan	Rheingold Valet	L-7487-14	06/02/2025
Finocchiaro, Martha	Rheingold Valet	L-6680-14	06/02/2025
French, Katherine	Rheingold Valet	L-7172-14	06/02/2025
Jew, Suen Kee	Rheingold Valet	L-6990-14	06/02/2025
Koehler, Suzanne	Rheingold Valet	L-7282-14	06/02/2025
Kovac, Suchen	Rheingold Valet	L-7157-14	06/02/2025
Long, Wenda	Rheingold Valet	L-9118-14	06/02/2025
Meagher, Robert	Rheingold Valet	L-8686-14	06/02/2025
Saparata, Victoria	Rheingold Valet	L-8732-14	06/02/2025
Schaer, Kaarin	Rheingold Valet	L-7982-14	06/02/2025
Smith, Ruth	Rheingold Valet	L-8484-14	06/02/2025
Unger, Ruth	Rheingold Valet	L-7467-14	06/02/2025
Vance, Deane Ann	Rheingold Valet	L-9056-14	06/02/2025

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal without Prejudice
Watson, Patricia	Rheingold Valet	L-8055-14	06/02/2025
Mathews, Jeanne Elizabeth	Robinson Calcagnie	L-8432-14	06/02/2025
Reidy, Carol K.	Robinson Calcagnie	L-8598-14	06/02/2025
Richter, Margaret	Robinson Calcagnie	L-7146-14	06/02/2025
Snurr, Sandra	Robinson Calcagnie	L-8198-14	06/02/2025
Hammond, Eugenia Constance	Seeger Weiss	L-6890-14	06/02/2025
Jones, Virginia B.	Seeger Weiss	L-11675-14	06/02/2025
Manzo-DeFalco, Elizabeth	Snyder & Sarno	L-8771-14	06/02/2025
Callighan, Rebecca Ann	The Michael Brady Lynch Firm	L-7648-14	06/02/2025
Clark, Hazel Anne	The Michael Brady Lynch Firm	L-7650-14	06/02/2025
Clark, Joanna Joy	The Michael Brady Lynch Firm	L-7687-14	06/02/2025
Doane, Barbara Ann	The Michael Brady Lynch Firm	L-7042-14	06/02/2025
Fusello, Dianne Marie	The Michael Brady Lynch Firm	L-7045-14	06/02/2025
Graser, Rita Donaghy	The Michael Brady Lynch Firm	L-7683-14	06/02/2025
Hebestreit, Jeanette	The Michael Brady Lynch Firm	L-8557-14	06/02/2025
Hughes, Dortha J.	The Michael Brady Lynch Firm	L-8472-14	06/02/2025
Koenig, Helga	The Michael Brady Lynch Firm	L-8556-14	06/02/2025
Koos, Patricia	The Michael Brady Lynch Firm	L-8493-14	06/02/2025
Muzikar, Denise	The Michael Brady Lynch Firm	L-8473-14	06/02/2025
Nubla, Velia Legasto	The Michael Brady Lynch Firm	L-9361-14	06/02/2025
Allen, Phyllis	Weitz & Luxenberg	L-2571-15	06/02/2025
Arnold, Doris	Weitz & Luxenberg	L-8706-14	06/02/2025
Kligler, Karen	Weitz & Luxenberg	L-7453-14	06/02/2025
Korn, Dina	Weitz & Luxenberg	L-8109-14	06/02/2025
Radeboldt, Marlene Florence	Weitz & Luxenberg	L-1898-15	06/02/2025
Shoflick, Ellen	Weitz & Luxenberg	L-9388-14	06/02/2025
Simon, Roslyn	Weitz & Luxenberg	L-9481-14	06/02/2025
Isbell, Margaret	Westmoreland Vesper & Quattrone	L-9335-14	06/02/2025

EXHIBIT 1 – NOT PARTICIPATING / UNABLE TO LOCATE

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal
Williams, Christine Marie	Bernstein Liebhard LLP	L-8980-14	06/02/2025
Beaudry, Vivian	Goza & Honnold, LLC	L-11044-14	06/02/2025
Brooks, Bertha Mae	Goza & Honnold, LLC	L-9382-14	06/02/2025
Hernandez, Melca	JTB Group f/k/a Blau & Leonard, LLC	L-6898-14	06/02/2025
Coyle, Maryanne	Robinson Calcagnie	L-8821-14	06/02/2025
Ellerth, Frances	Robinson Calcagnie	L-7340-14	06/02/2025
Thompson, Darlene	Robinson Calcagnie	L-7766-14	06/02/2025
Breger, Joel	Seeger Weiss	L-7893-14	06/02/2025
Gonzalez-Nater, Elza	Seeger Weiss	L-6931-14	06/02/2025
Imamoto, Karen	Seeger Weiss	L-9119-14	06/02/2025
McCall, Edna	Seeger Weiss	L-7223-14	06/02/2025
McGowan, Julia	Seeger Weiss	L-9328-14	06/02/2025
Parker, Carol	Seeger Weiss	L-8593-14	06/02/2025
Reinhart, Patsy	Seeger Weiss	L-6779-14	06/02/2025
Reynolds, Rachel	Seeger Weiss	L-9062-14	06/02/2025
Shaatal, Rose	Seeger Weiss	L-8872-14	06/02/2025
Steinbrecher, Annette	Seeger Weiss	L-8729-14	06/02/2025
Tarrab, Suheila	Seeger Weiss	L-9562-14	06/02/2025
Thompson, Martha R.	Seeger Weiss	L-9170-14	06/02/2025
Tice, Sue	Seeger Weiss	L-8423-14	06/02/2025
Chudomelka, Doris R.	The Miller Firm, LLC	L-9696-14	06/02/2025
Robinson, Dorothy	The Miller Firm, LLC	L-6806-14	06/02/2025
Boyle, Mary Anne	Weitz & Luxenberg	L-6687-14	06/02/2025
Darnall, Joyce	Weitz & Luxenberg	L-9253-14	06/02/2025
Dolyak, Josephine	Weitz & Luxenberg	L-9586-14	06/02/2025
Donnelly, Joyce	Weitz & Luxenberg	L-9529-14	06/02/2025
Gentzler, Beverly	Weitz & Luxenberg	L-6975-14	06/02/2025
Goldberg, Barbara	Weitz & Luxenberg	L-11742-14	06/02/2025
Gouge, Caretta	Weitz & Luxenberg	L-9642-14	06/02/2025

Plaintiff	Plaintiff Firm	Case No.	Date of Dismissal
Kohn, Jean	Weitz & Luxenberg	L-900-15	06/02/2025
Locklear, Nadine	Weitz & Luxenberg	L-7884-14	06/02/2025
MacLeod, Lucy	Weitz & Luxenberg	L-9255-14	06/02/2025
McGhee, Norma Jean	Weitz & Luxenberg	L-7409-14	06/02/2025
Miller, Virginia	Weitz & Luxenberg	L-8678-14	06/02/2025
Moreo, Rozanne	Weitz & Luxenberg	L-7789-14	06/02/2025
Newell, Lois	Weitz & Luxenberg	L-9638-14	06/02/2025
Ontiveros, Barbara	Weitz & Luxenberg	L-9517-14	06/02/2025
Reid, Margaret	Weitz & Luxenberg	L-7102-14	06/02/2025
Rembold, Jean	Weitz & Luxenberg	L-9530-14	06/02/2025
Route, Willa Mae	Weitz & Luxenberg	L-8042-14	06/02/2025
Sawicki, Sandra	Weitz & Luxenberg	L-2829-15	06/02/2025
Smith, Geraldine	Weitz & Luxenberg	L-9493-14	06/02/2025
Smith, Martha	Weitz & Luxenberg	L-11648-14	06/02/2025
Sparks, Dorothy	Weitz & Luxenberg	L-9690-14	06/02/2025
Watts, Bernice	Weitz & Luxenberg	L-6961-14	06/02/2025
Zgoda, Concetta	Weitz & Luxenberg	L-7854-14	06/02/2025