

FILED

April 28, 2025

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

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*Attorneys for Plaintiff*

CECELIA APICE,

Plaintiff,

v.

MERCK SHARP & DOHME CORP. f/k/a  
MERCK & CO., INC., ET AL.,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-MIDDLESEX COUNTY  
MCL Case No. 282

Docket No. MID-L-8003-14

CIVIL ACTION  
FOSAMAX LITIGATION

**ORDER GRANTING MOTION TO FILE  
OR AMEND**

**THIS MATTER** having been opened to the Court upon the motion of Parker Waichman LLP, counsel for Plaintiff, seeking an order Granting leave to file the proposed First Amended Complaint, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

**IT IS** on this 28th day of April 2025;

**ORDERED** that Plaintiff be granted leave to file the proposed First Amended Complaint, substituting James M. Apice, as Executor of the Estate of Cecelia Apice, as Plaintiff, **is hereby GRANTED**; and it is further

**ORDERED** that Plaintiff shall file and serve the Amended Complaint within ten (10) days of this Order; and it is further

**ORDERED** that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Pursuant to Rule 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.

UNOPPOSED

*Bruce J. Kaplan*  
HONORABLE BRUCE J. KAPLAN, J.S.C.

Having reviewed the within motion, this Court finds it meritorious on its face and is unopposed. This Court is granting leave to amend the Complaint in accord with R. 4:9-1. Moreover, the Court is granting substitution of Plaintiff as permitted under R. 4:34-1. Pursuant to R. 1:6-2, this Motion will be granted essentially for the reasons set forth in the moving papers.