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FILED

April 28, 2025

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

MARIE CARNEY,  Plaintiff,  v.  MERCK, SHARP & DOHME, CORP., f/k/a MERCK & CO., INC., GLAXOSMITHKLINE, LLC, ROCHE LABORATORIES, INC., HOFFMAN LAROCHE and GENENTECH, INC.,  Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY  FOSAMAX LITIGATION CASE CODE: 282  CIVIL ACTION NO.: MID-L-006764-14  <b>ORDER GRANTING MOTION TO REINSTATE CASE</b>
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**THIS MATTER** having come before the Court by way of application by Scott. D. Levensten, Esq., attorney for Plaintiff, seeking an order reinstating the Complaint to the active trial list pursuant to this Court' September 18, 2025, Order, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown,

**IT IS** on this 28<sup>th</sup> day of April 2025,

**ORDERED** that Plaintiff's Motion to Reinstate the Complaint to the active trial Calendar **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 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

/s/ Bruce J. Kaplan  
HONORABLE BRUCE J. KAPLAN, J.S.C.

STATEMENT OF REASONS:

This matters comes before the Court by way of Plaintiff's Motion to Reinstate the Complaint to the active trial calendar. The Court notes that no opposition was filed.

By way of Case Management Order on September 19, 2024, this Court Ordered that all cases listed in Exhibit A of the July 16, 2024, Case Management Order were dismissed without prejudice. Same further stated that if Plaintiffs did not move to reinstate and move pursuant to R. 4:34-1 to substitute an authorized Personal Representative for the Estate of a deceased Plaintiff identified on Exhibit A within 60 days of September 19, 2024, Order, counsel for Defendants may file a motion to dismiss those cases with prejudice.

Although outside of 90-days from this Court September 19, 2024, Case Management Order, Defendants did not move to dismiss this case with prejudice. Moreover, Plaintiff has remedied the reason for dismissal and moved in a concurrent filing to substitute an authorized personal representative for the Estate. Accordingly, Motion granted.