

FILED

June 24, 2025

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

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James M. Apice as Executor of the Estate of
Cecilia Apice
Plaintiffs,

v.

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

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

Docket No. MID-L-08003-14

CIVIL ACTION
FOSAMAX LITIGATION

ORDER TO REINSTATE

THIS MATTER having come before the Court by Plaintiff, through their attorneys Parker Waichman, upon notice to all interested parties, have moved before this Court to vacate the April 28, 2023, order of dismissal without prejudice of the above matter, and for good cause shown,

IT IS on this 24th day of June, 2025,

ORDERED that Plaintiff's Motion to Reinstate the Complaint to the active trial calendar is hereby **GRANTED** and Plaintiff's claims are hereby **REINSTATED** against Defendant Merck, Sharp & Dohme Corp. f/k/a Merck & Co, Inc.; 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.

/s/ Bruce J. Kaplan

HONORABLE BRUCE J. KAPLAN, P.J.Cv.

UNOPPOSED

Having reviewed the within motion, this Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

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.