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FILED

September 15, 2025

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

*Attorneys for Plaintiff*

BEATRICE QUIGLEY,  Plaintiff,  v.  MERCK SHARP & DOHME CORP,  Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY  CASE NO. MID-L-6872-14  <b>ORDER TO FILE OR AMEND COMPLAINT</b>
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**THIS MATTER** comes before the Court on the motion of James Douglas Barger, Esq., attorney for Plaintiff, Beatrice Quigley, seeking an Order to File or Amend the Complaint for Substitution of Plaintiff, and the Court having read and considered the moving papers, and for good cause having been shown;

**IT IS** on this 15<sup>th</sup> day of September, 2025,

**ORDERED** that Plaintiff's Motion to File or Amend the Complaint is **DENIED** without prejudice; 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*

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Honorable Bruce J. Kaplan P.J.Cv.

This matter comes before the court by way of Plaintiff's Motion to File or Amend the Complaint for Substitution of Plaintiff. There was no opposition.

The Court will be denying Plaintiff's Motion. In so doing, the Court emphasizes that, consistent with established requirements in the Fosamax litigation, Plaintiffs are obligated to provide letters of testamentary to the Court, demonstrating the proposed Plaintiff's legal capacity to assert the decedent's rights and proceed with the instant action.

Moreover, the Court issued a clerk notice on September 9, 2025, notifying Plaintiff they were to provide the Court with letters of testamentary. Plaintiff failed to do same. Accordingly, the Motion is denied without prejudice. The matter may be refiled once Plaintiff obtains and provides the letters of testamentary.