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FILED

March 31, 2025

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

SHIRLEY SMITH,

Plaintiff,

v.

MERCK SHARP & DOHME CORP.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

FOSAMAX LITIGATION Case No. 282
DOCKET NO.: MID-L-9718-14

**ORDER GRANTING MOTION TO FILE OR
AMEND COMPLAINT**

THIS MATTER having come before the Court on Motion by Brendan A. McDonough, Esquire, attorney for Plaintiff and proposed Plaintiff Susan Smith, seeking an Order to file or amend complaint to name Susan Smith as executrix of the estate of Shirley Smith, deceased, as Plaintiff, and the Court having read and considered the papers submitted in this matter, and for good cause having been shown;

IT IS on this 31st day of March 2025,

ORDERED that Plaintiff's Motion for Leave to file an Amended Complaint and substitute Susan Smith as Executrix of the Estate of Shirley Smith, deceased, as Plaintiff **is hereby GRANTED**; and

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

/s/ 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.