

In Re: Singulair ® Litigation

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
MCL 637

MASTER DOCKET NO. ATL-L-481-22

CASE MANAGEMENT ORDER

THIS MATTER, having come before the Court and upon agreement of the Parties and for good cause having been shown:

IT IS on this 30th day of May, 2025, ORDERED as follows:

A. Applicability of Order

1. This Case Management Order (“CMO”) shall apply to all Plaintiffs who, at the time of conclusion of the “Settlement Period,”¹ allege personal injury claims against Defendants Merck & Co., Inc., Merck Sharp & Dohme LLC,² Organon & Co., and/or Organon LLC (“Merck” or “Defendants”) in this Multicounty Litigation (“MCL”) and who: (1) have cases pending against Merck; and (2) who have not provided to Merck an executed Confidential Release substantially completed in the form set out in Exhibit D to the Master Settlement Agreement and/or Stipulation of Dismissal with Prejudice, as required by the Master Settlement Agreement between the Parties. These Plaintiffs shall be referred to as the “Litigating Plaintiffs.”
2. Litigating Plaintiffs who represent themselves *pro se* shall be fully bound by the requirements of this CMO and shall fully comply with all obligations required of counsel by this CMO, unless otherwise stated.

¹ The term “Settlement Period” shall be defined by the applicable definition in the Master Settlement Agreement between the Parties of this MCL.

² Defendant Merck Sharp & Dohme Corp. has merged with and is now known as Merck Sharp & Dohme LLC.

B. Requirements to Produce Specified Information and Documentation

1. Litigating Plaintiffs shall serve the following documents and/or information on Merck:

- a. Plaintiff Fact Sheet (“PFS”): If not already completed, executed, and served, the Litigating Plaintiff must comply with all requirements of Case Management Order #6, and any subsequent amendments, including but not limited to: producing a substantially complete and executed PFS and all medical records that document the Litigating Plaintiff’s alleged Singulair® -related injury/injuries.
- b. Evidence of Usage: If not already completed, executed, and served, the Litigating Plaintiff must comply with all requirements of Case Management Order #14, and any subsequent amendments, including but not limited to producing: (i) “documentary/objective evidence” as that term is defined by CMO #14 (Evidence of Usage) evidencing the Litigating Plaintiff’s usage of Singulair® or (ii) where no such “documentary/objective evidence” exists, a certification that complies with the requirements of paragraph 7 of CMO #14.
- c. Expert Reports: Expert reports in compliance with New Jersey Rule 4:17-4(e) as follows:
 - i. A Rule 4:17-4(e) expert report on general causation concerning the Litigating Plaintiff’s alleged injury/injuries;
 - ii. A Rule 4:17-4(e) expert report concerning the specific causation of the Litigating Plaintiff’s alleged injury/injuries; and
 - iii. A Rule 4:17-4(e) expert report on the basis for liability concerning Merck – e.g., support for allegations that Merck’s warning labels for Singulair® were inadequate or that Merck negligently designed Singulair®.
- d. Retention Agreements: Signed retention agreements between Litigating Plaintiffs’ counsel and each expert who submits a report pursuant to Section B.1.b. above, which shall affirm the expert’s intention to attend a deposition, *Kemp* hearing, and trial, if necessary. These retention agreements shall not be produced to Merck with the other requirements under Section B; however, upon Merck’s unilateral request, Litigating Plaintiffs shall provide these retention agreements to Judge Porto, who may review the retention agreements *in camera* to assess their compliance with this CMO.

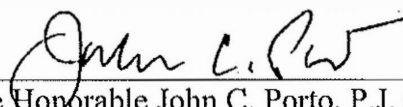
C. Deadline to Comply

1. The items required by Section B above shall be produced no later than 60 days after the effective date of all Confidential Releases provided pursuant to the Master Settlement Agreement between the Parties. Litigating Plaintiffs may make an application to the Court for an extension of the production deadline before the deadline expires, but must demonstrate good cause why the deadline should be extended.

D. Failure to Comply

1. Should any Litigating Plaintiff fail to comply with the applicable deadline for compliance set forth in Section C above, or should Merck deem a Litigating Plaintiff's attempted compliance with this CMO as deficient, Merck shall file a motion to dismiss pursuant to New Jersey Rule 4:23-2(b)(3). Before a motion to dismiss is filed, Merck shall notify the Litigating Plaintiff of their failure to comply with the Sections B and C requirements, setting forth the alleged deficiency/deficiencies, and provide 14 days for the Litigating Plaintiff to cure the deficiency/deficiencies. Any Litigating Plaintiff subject to such a motion to dismiss shall, either through counsel or, if applicable, *pro se*, respond to the motion within 14 days. If no response is filed within 14 days, the Court shall dismiss the Litigating Plaintiff's case with prejudice. If a response is filed within 14 days, Merck shall have 7 days to file a reply and the Court shall rule on the motion after the completion of all briefing.

It is so **ORDERED**.


The Honorable John C. Porto, P.J. Cv.