

FILED

September 8, 2023

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

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER #35  
AUGUST 29, 2023  
CASE MANAGEMENT CONFERENCE**

**THIS MATTER**, having come before the Court at a Case Management Conference on August 29, 2023 and counsel for plaintiffs and counsel for defendants having been present, and for good cause having been shown;

**IT IS** on this 8th day of September, ORDERED as follows:

**1. ESTATE RELATED ISSUES**

Counsel for Genell Chambers, (MID-L-7857-18) shall provide documentation confirming plaintiff's next of kin's request for oath of office in probate court, any scheduling related to the probate process and/or confirmation of the probate process has commenced by September 6, 2023. If there is no documentation produced or motion to substitute filed by September 6, 2023, counsel for Merck may file a motion to dismiss without prejudice.

**2. OUTSTANDING PLAINTIFF FACT SHEETS**

a. The following plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") and shall provide a substantially complete and certified PFS by October 1, 2023 or counsel for Merck may file a motion to dismiss without prejudice thereafter:

- MID-L-001407-23 Jorge, Roberto
- MID-L-001486-23 Nunez, Deborah

b. The following plaintiff has failed to serve a PFS and her case is dismissed without prejudice. The following plaintiff shall provide a substantially complete and certified PFS and Motion to Reinstate by September 11, 2023 or counsel for Merck may file a motion to dismiss with prejudice thereafter:

- MID-L-006455-22 Genco, Jewel

### **3. UNIFORM EXCHANGE TIME BETWEEN COUNSEL**

When counsel are required to exchange information or documents per court order, they shall do so no later than 7:00 PM EST.

### **4. NEXT CASE MANAGEMENT CONFERENCE**

The next Case Management Conference is scheduled for September 26, 2023 at 9:00 A.M. via zoom with a link to be provided by the Court. The liaison counsel meeting is scheduled for September 19, 2023 at 9:00 A.M. via zoom with a link to be provided by the Court.

*/s/ Bruce J. Kaplan*  
Honorable Bruce J. Kaplan, J.S.C.

Service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. If applicable, 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.

ORDER SUBMITTED UNDER 5 DAY RULE ON  
August 31, 2023 AND WITH NO OPPOSITION BEING FILED.