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FILED

March 18, 2024

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

IN RE: ZOSTAVAX LITIGATION

Thomas Szelinski,

Plaintiff,

v.

**MERCK & CO., INC. and MERCK SHARP &
Dohme corp.,**

Defendants,

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY**

MCL NO.: 629

Docket No.: MID-L-004940-20

ORDER

WHEREAS, Plaintiffs represented by Marc J. Bern & Partners LLP, by and through their attorneys Marc J. Bern & Partners, LLP, upon notice to all interested parties, have moved before this Court for admission *pro hac vice* of Brian Depew, Esq., and the Court having considered the papers submitted in support thereof;

IT IS on this 18th day of March 2024

ORDERED that Brian Depew, Esq. be and hereby are admitted *pro hac vice* and are authorized to appear and participate with New Jersey counsel of record for Plaintiff Thomas Szelinski, in all phases of this matter, through and including trial, subject to the following conditions:

1. Brian Depew, Esq. shall abide by the *New Jersey Court Rules* including all disciplinary rules, R. 1:20-1 and R. 1:28-2.
2. Brian Depew, Esq. shall, and hereby do, consent to the appointment of the Clerk of the Supreme Court as their agent upon whom service of process may be made for all actions against Brian Depew, Esq. that may arise out of their participation in the matter.

3. Brian Depew, Esq. shall immediately notify the Court of any matter affecting their standing with the Bar of any other jurisdiction.

4. Brian Depew, Esq. shall have all pleadings, briefs, and other papers filed with the Court signed by an attorney of record authorized to practice in New Jersey, who shall be held responsible for them, the conduct of the litigation, and the attorney admitted herein.

5. Brian Depew, Esq. cannot be designated as trial counsel and must be accompanied by a member of the New Jersey Bar for all proceedings, unless specifically waived by the Court.

6. No discovery, motion, trial, or any other proceeding delay shall occur or be requested by reason of the inability of Brian Depew, Esq. to be in attendance.

7. Brian Depew, Esq. must, within ten (10) days, submit an affidavit of compliance affirming that they have paid the fees required by R. 1:20-1(b), 1:28B-1(e), and R. 1:28-2.

8. *Pro hac vice* admission will automatically terminate for failure to make the initial and any annual payment required by R. 1:20-1(b), R. 1:28B-1(e), and R. 1:28-2.

9. Non-compliance with any of the terms of this order shall constitute grounds for removal.

IT IS FURTHER ORDERED that service of this Order shall be deemed effectuated upon all parties upon its upload to e-Courts. 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

15/ Bruce J. Kaplan
HONORABLE BRUCE J. KAPLAN, J.S.C.

Having read and considered the above motion, the Court finds it to be unopposed, meritorious on its face, and in compliance with R. 1:21-2. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.