

FILED

March 7, 2024

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 #39**  
**February 13, 2024**  
**CASE MANAGEMENT CONFERENCE**

**THIS MATTER**, having come before the Court at a Case Management Conference on February 13, 2024, and the liaison counsel meeting of March 5, 2024, counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

**IT IS** on this 7th day of March 2024, **ORDERED** as follows:

**1. GROUP B BELLWETHER POOL: REPLACEMENT CASES**

The following plaintiffs were selected as replacement cases for the Group B Core Fact Discovery Bellwether Pool:

- a. Bonnetta Pope, (MID-L-4993-19)
- b. Mary Doles, (MID-L-8481-20)

**2. GROUP B BELLWETHER EXPERT RETENTION & PLAINTIFF PROOF OF PARTICIPATION**

Each Group B Bellwether Plaintiff shall provide a general causation expert certification, similar to those utilized in the MDL litigation, to Defendants, no later than April 30, 2024.

In addition, Plaintiffs will provide Defendants with a certification from each Group B Bellwether Plaintiff stating they acknowledge they will need to meaningfully participate in this litigation which includes, but is not limited to, in person appearances, depositions, medical examinations, and trial. These certifications will be served upon Defendant no later than April 30, 2024.

### 3. DECEASED PLAINTIFFS

Plaintiffs' counsel shall update the Court and counsel at the next Case Management Conference as to the status of the following cases and the probate process:

- a. Dyan Grabbs, (MID-L-3288-21)
- b. Jennie Foley (MID-L-006947-20)

### 4. NEXT CASE MANAGEMENT CONFERENCE

The next Case Management Conference is scheduled for March 21, 2024, at 9:00 A.M. via Zoom with a link to be provided by the Court. The oral argument on the pending motion to bar currently will take place thereafter at 10:00am.

*/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 February 15, 2024, AND WITH OPPOSITION BEING FILED AND CONSIDERED.