

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ZOSTAVAX (ZOSTER VACCINE
LIVE) PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

Doris Atkins and Thomas Palus v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03361

Stanley Baldwin and Phyllis Baldwin v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03384

David Bales and Barbara Bales v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03330

Robert Balke and Mary Balke v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03392

Donald Beard and Helen Beard v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20226

Wendy Bechtol v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03395

Gregg Blank v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03327

MDL No. 2848

Civil Action No. 2:18-md-02848-HB

Alvin B. Bowler v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03336

Barbara Burke and Steven Burke v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03331

Bobby Carr and Brenda Carr v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20221

Jimmy Clark v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03368

Sharon Coogan, Individually and as the Personal Representative of William Coogan v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03373

Emily Corneluson and Henry Corneluson v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03334

Charles G. Covington and Vera Covington v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03375

Katherine A. Daigle and Roy Daigle v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03351

Frances Davis and Herman Davis v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20222

Jane D. Early and Roy L. Early v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03352

Virginia Fernandes v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20227

Patricia Ferraro v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03374

Thomas Ferrerio v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03394

Ann Marie Furiosi v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03356

Douglas George and Rose George v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20173

Sharon Giese and Marlon Giese v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03339

Terrie Gordon v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20188

Connie Grayson and Stephan Grayson v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03399

Ada Guffey and James Guffey v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03357

Georgia Gustafson and Jerry S. Gustafson v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03388

Roxanne Haines v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03401

Kristi Hamlin v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03402

Rebecca Hart and Danny Hart v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03386

Barbara Hellman v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03378

Wanda Sue Hill v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03354

Ann Hixson v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20230

Gordon Horton and Timothy Akins v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03328

Robert Jensen and Marilyn Jensen v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03381

Catherine P. Lockridge v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03379

Carmen Longoria v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03358

Ann Marmoraine and Joseph Marmoraine v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03355

Cheryl McBroom v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03400

Orelia McDowell v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03359

Janet McNeil v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03370

Josie Moore and Curtis Moore v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03364

Keith Olson v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03397

Wanda Parker and Alvin Parker v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03350

Charles Penninger and Caroline Penninger v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03340

Lorraine Powell and Curtis Powell v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03398

Shelia Prigmore v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03380

Karen Prorok and Gerald Prorok v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03353

Dora G. Randall and Michael Randall v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03345

Margaret Rankin v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03387

Betty Reader v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03367

Adrian Reed v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03342

Janie Rodriguez v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03341

Deborah Ross-Cole and Minus Cole v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03360

Lorene Schumacher and Charles Schumacher v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03335

Frederick Schunck v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03369

Thomas Sente v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03371

Michael Shanks v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03362

Martha Shear and Roger Heer v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03396

Betina Joan Sluss and Warren Sluss v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03363

Helen J. Stanley v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03343

Ora Terrell v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03377

Mary Thompson v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03382

Cynthia Tobias v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03383

Beverly Hilt Tortora and Steven Tortora v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03385

Carole Trott v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03338

Kathleen Trudeau and David Trudeau v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03349

Steven Turbyfill v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-20213

Beverly Tyler v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03390

Joyce Webb and Ronnie Webb v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03348

Marion Webb and Chester Webb v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03365

Joyce White v. Merck & Co., Inc., Merck Sharp & Dohme Corp., and McKesson Corp., Civil Action No. 2:19-cv-03393

***Lawrence Wilson and Shirley Wilson v.
Merck & Co., Inc., Merck Sharp &
Dohme Corp., and McKesson Corp., Civil
Action No. 2:19-cv-03366***

***Kathleen Youngman and David A.
Youngman v. Merck & Co., Inc., Merck
Sharp & Dohme Corp., and McKesson
Corp., Civil Action No. 2:19-cv-03372***

PRETRIAL ORDER NO. 307

AND NOW, this 28th day of May, 2020, for the reasons set forth in the foregoing Memorandum, it is hereby ORDERED that:

(1) Pretrial Order No. 254 is VACATED as moot with respect to Civil Action Nos. 19-03340, 19-03350, 19-03359, 19-03362, 19-03364, 19-03365, 19-03366, 19-03367, 19-03368, 19-03371, 19-03373, 19-03374, 19-03378, 19-03392, and 19-03402 on the ground that the parties have stipulated to dismiss these actions.

(2) Pretrial Order No. 254 is VACATED in Civil Action Nos. 19-03336, 19-03338, 19-03345, 19-03349, 19-03355, 19-03370, 19-03372, 19-03375, 19-03382, 19-03385, 19-03387, 19-03388, 19-03396, 19-03398, 19-03400, and 19-20221 on the grounds that Merck does not identify material deficiencies in the Plaintiff Facts Sheets in these actions and does not oppose vacating Pretrial Order No. 254 with respect to them.

(3) Civil Action Nos. 19-03341, 19-03343, 19-03356, and 19-20226 are DISMISSED with prejudice.

(4) The plaintiffs in Civil Action Nos. 19-03357, 19-03360, 19-03361, 19-03369, 19-03380, 19-03383, and 19-03390 shall submit to the Court, on or before June 5, 2020, electronic copies of the new medical release authorizations their counsel represents to the Court were served on Merck on or about January 17, 2020, evidencing the date they were served. The action of any plaintiff who fails to do so will be dismissed with prejudice.

(5) Pretrial Order No. 254 is VACATED in Civil Action No. 19-03397. However, plaintiff may not seek to admit evidence to support any claim for out-of-pocket medical expenses.

(6) Pretrial Order No. 254 is VACATED in Civil Action No. 19-03354. However, plaintiff may not seek to admit or reference any diaries, calendars, or other writings or recordings she made that describe, discuss, explain or refer to the injuries, damages, or causes of action she alleges that are in her possession and have not been served on Merck as of the date of this Order.

(7) Pretrial Order No. 254 is VACATED in Civil Action No. 19-03395. However, plaintiff may not seek to admit evidence in support of her claim that Zostavax caused her pneumonia for which she has not to date served an amended PFS that identifies dates or diagnosing and treating health care providers.

(8) Pretrial Order No. 254 is VACATED in the remaining Civil Action Nos. 19-03327, 19-03335, 19-03342, 19-03353, 19-03358, 19-03363, 19-03377, 19-03379, and 19-03384 on the ground that the Court finds these plaintiffs have shown cause as to why their actions should not be dismissed.

BY THE COURT:

/s/ Harvey Bartle III

J.