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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THIS DOCUMENT APPLIES TO
PLAINTIFF(S): MARIS ANN
TSCHETTER, INDIVIDUALLY AND
AS SUCCESSOR-IN-INTEREST OF
GERALD EUGENE TSCHETTER,
DECEASED

Plaintiff,

v.

MERCK SHARP & DOHME CORP., and
DOES 1-100

Defendants.

Cause No. _____

**DECLARATION OF PROPOSED
INTERIM ESTATE
REPRESENTATIVE
(TESTATE DECEDENT)**

I, MARIS ANN TSCHETTER (“affiant” or “declarant”), declare as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts contained in this declaration, and if called as a witness I could and would testify competently to the truth of the facts stated herein.

2. I am the surviving spouse of Gerald Eugene Tschetter (“decedent”) who died on November 18, 2013, in Sarasota, Florida, and:

I am a named beneficiary of the will of the decedent. The other named beneficiaries who succeed to a cause of action under the Will are [NAMES OF HEIRS].

OR

I am the sole beneficiary named in decedent’s will.

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OR

I am authorized by the decedent’s will to act on behalf of the decedent's beneficiary or beneficiaries with respect to the decedent' s interest in this action or proceeding. The named beneficiary or beneficiaries who succeed to a cause of action under the Will are [**NAMES OF HEIRS**].

3. With respect to any surviving spouse and/or surviving children of the decedent [*Must select one of the three boxes below*]:

Any surviving spouse and all surviving children are among those identified in paragraph 2, above;

OR

To the extent not among those identified in paragraph 2, are as follows [Ted Alan Tschetter]

OR

The decedent had no surviving spouse and no surviving children.

4. The decedent’s Personal Representative as identified in the Will is Maris Ann Tschetter.

5. With respect to minor children:

None of the surviving children or beneficiaries identified in paragraphs 2 and/or 3, above, are minor children;

OR

The following surviving children or beneficiaries are minor children,

1 and their age and relationship to the decedent are as noted.

2 Name: _____

3 Age: _____

4 Relationship: _____

5 6. No proceeding is now pending or has been filed at any time in the
6 past in any state or federal court for administration of the decedent's estate.

7
8 7. All persons identified in paragraphs 2 and 4 above consent to my
9 appointment as the Interim Estate Representative for the decedent's estate in
10 accordance with the Order of this Court dated August 14, 2014.

11
12 8. No other person has a superior right to commence the action or
13 proceeding or to be substituted for the decedent in the pending action or
14 proceeding.

15
16 9. A certified copy of the decedent's death certificate is attached hereto.

17 Executed on the 22nd of November, 2013.

18
19 10. I declare under penalty of perjury under the laws of the United States
20 that the foregoing is true and correct.

21
22 Executed on the 17th day of the November, 2015.

23
24
25 _____
26 /s/ Maris Ann Tschetter

27 Maris Ann Tschetter