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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**LOREN ARNOFF, Individually And On
Behalf Of All Others Similarly Situated,**

Plaintiff,

v.

**MERCK & CO., INC., RAYMOND V.
GILMARTIN, KENNETH C. FRAZIER,
AND RICHARD C. HENRIQUES,**

Defendants.

CIVIL ACTION NO. 04-4657

NOTICE OF VOLUNTARY DISMISSAL

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

WHEREAS:

(a) Four putative securities class actions asserting federal securities claims arising under the Securities Exchange Act of 1934 against Merck & Co., Inc. ("Merck") and certain of its officers and directors were consolidated in February 2003 by the Honorable Kurt D. Engelhart of the United States District Court for the Eastern District of Louisiana as *Pringle Versus Merck & Inc., Co.*, Case No. 03-CV-3125, U.S.D.C. (E.D. La.) (the "*Pringle Action*");

(b) Judge Engelhart also appointed four individuals as Lead Plaintiffs in the *Pringle Action*, and the law firms of Milberg Weiss Bershad & Schulman LLP and Stull, Stull & Brody as Co-Lead Counsel;

(c) On August 6, 2004, plaintiffs in the *Pringle Action* filed a Consolidated and Second Amended Class Action Complaint against the Defendants on behalf of purchasers of the securities of Merck between May 21, 1999 and October 22, 2003, inclusive. On November 8, 2004, subsequent to the Defendants' announcement concerning the worldwide withdrawal of Vioxx, the *Pringle* Plaintiffs filed a Consolidated and Third Amended Class Action Complaint against Defendants on behalf of purchasers of securities of Merck between May 21, 1999, and October 29, 2004, inclusive;

(d) On October 1, 2004, Plaintiff in this Action filed a Class Action Complaint, asserting substantially similar claims and seeking essentially the same relief as set forth in the *Pringle Action*;

(e) The putative Class in the *Pringle Action* subsumes the putative Class in this Action, October 30, 2003 through September 29, 2004;

(f) The Action is in the preliminary stages, has not been certified as a class action, and defendants have not served either an answer or a motion for summary judgment;

(g) On November 10, 2004, Merck filed a Motion for Coordinated Pre-Trial Proceedings Pursuant to 28 U.S.C. § 1407 with the Judicial Panel on Multidistrict Litigation for an order transferring and coordinating lawsuits brought by or on behalf of Merck shareholders to the United States District Court for the Eastern District of Louisiana, *i.e.*, where the *Pringle Action* is currently pending;

(h) Plaintiff intends to refile this Action in the United States District Court for the Eastern District of Louisiana.

PLEASE TAKE NOTICE that Plaintiff, in the above-captioned action, through his respective counsel and pursuant to Rules 23 and 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily dismisses the Action, without prejudice, and with each party to bear its own costs and attorneys' fees.

Dated: November 23, 2004

By: 

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November 23, 2004

William T. Walsh, Clerk
United States District Court
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 E. State Street
Trenton, New Jersey 08608

RE: LOREN ARNOFF, Individually and on Behalf of all Others
Similarly Situated v. MERCK & CO., INC., RICHARD V.
GILMARTIN, KENNETH C. FRAZIER, and RICHARD C.
HENRIQUES, pending in the United States District Court,
District of New Jersey, Civil Action No. 3:04-cv-4864
(SRC)(JJH)

Dear Mr. Walsh:

Our firm represents Plaintiff in the above matter. Enclosed for filing please find an executed Notice of Voluntary Dismissal. Kindly provide us with a "filed" copy via electronic filing. Thank you.

Very truly yours,


Andrew R. Jacobs

ARJ/kg

Enc.

cc: Gregory M. Nespole, Esq.
Wilfred P. Coronato, Esq. (Via Facsimile 201-536-0799)