

**FILED**

**NOV 12 2019**

**RACHELLE L. HARZ  
J.S.C.**

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Attorneys for Defendants  
Ethicon, Inc. and Johnson & Johnson

KARLA B. NELSON and DIRK C. NELSON,

Plaintiffs,

v.

ETHICON, INC. et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BERGEN COUNTY  
DOCKET NO. BER-L-11114-14 MCL

MASTER DOCKET NO.  
BER-L-11575-14

In Re Pelvic Mesh/Gynecare  
Litigation, Case No. 291

CIVIL ACTION

**ORDER**

THIS MOTION having been brought before the Court by Defendants Ethicon, Inc. and Johnson & Johnson ("Defendants"), through its counsel Riker Danzig Scherer Hyland & Perretti, LLP, seeking an Order Dismissing Plaintiffs Karla B. Nelson and Dirk C. Nelson's Complaint without Prejudice (meaning Plaintiffs may move the Court to reinstate their Complaint in the future) under Rule 4:23-5(a)(1) based on Plaintiffs' failure to fully respond to Defendants' discovery requests; and the Court having

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considered the Motion, any opposition filed with respect to the Motion and any arguments of counsel; and for good cause shown,

IT IS on this 12<sup>th</sup> day of November, 2019,

ORDERED that this matter is now DISMISSED WITHOUT PREJUDICE pursuant to Rule 4:23-5(a)(1) for Plaintiffs' failure to fully respond to Defendants' discovery requests; and

IT IS FURTHER ORDERED that if Plaintiffs fail to fully respond to Defendants' discovery requests or move to vacate this Order, within (60) days of its entry, Defendants may move to dismiss the case with prejudice (meaning that it may not be refiled for any reason) pursuant to Rule 4:23-5(a)(2); and

IT IS FURTHER ORDERED that mailing of a copy of this Order by Defendants to Plaintiffs at 3812 52nd Avenue, Kenosha, WI 53144 shall constitute proper and effective service.

ALTERNATIVELY,

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

ORDERED that Plaintiffs Karla B. Nelson and Dirk C. Nelson are compelled to provide full discovery in response to Defendants' discovery requests within (10) days of entry of this Order;

IT IS FURTHER ORDERED that if Plaintiffs fail to comply with this Order, Defendants may renew their previously filed Motion to Dismiss under Rule 4:37-2(a) and Plaintiffs'

Complaint will be dismissed with prejudice (meaning that it may not be refiled for any reason); and

IT IS FURTHER ORDERED that mailing of a copy of this Order by Defendants to Plaintiffs at 3812 52nd Avenue, Kenosha, WI 53144 shall constitute proper and effective service.



Hon. Rachelle L. Harz, J.S.C.

Opposed

Unopposed

The Court's findings of fact and conclusions of law were placed on the record on the \_\_\_ day of \_\_\_\_\_, 2019, and were

Written

Oral