

This Order has been prepared and filed by the Court.

FILED

APR 29 2016

BRIAN R. MARTINOTTI
J.S.C.

ANGELA BURTON and CLARENCE BURTON,

Plaintiff,

v.

ETHICON, INC., ETHICON WOMEN'S
HEALTH AND UROLOGY, a Division of
Ethicon, Inc., GYNECARE, JOHNSON &
JOHNSON, AND JOHN DOES 1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-12482-14
MASTER DOCKET NO. BER-L-11575-14

Case No. 291

CIVIL ACTION ORDER

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

THIS MATTER having been opened to the Court upon Motion by Defendants Ethicon, Inc. and Johnson & Johnson ("Defendants"), through its counsel Riker Danzig Scherer Hyland & Perretti, LLP, seeking an Order to Dismiss Plaintiffs Angela and Charles Burton ("Plaintiffs") for Lack of Standing, and to Judicially Estop Plaintiffs from Personally Recovering Any Damages on Account of the Claims in this Action, and the Court having reviewed and considered the pleadings, briefing and submissions of the parties, both in support and in opposition to the Motion, for good cause shown, and for the reasons set forth in the accompanying Opinion:

IT IS on this 29 day of April 2016:

1. ORDERED Plaintiffs do not have standing to pursue this cause of action in their individual capacities; and
2. IT IS FURTHER ORDERED that Plaintiffs shall not personally receive any payment on account of any damages or other recovery if Defendants are adjudged to be liable in this action; and

3. IT IS FURTHER ORDERED that any damages or other recovery for which Defendants are adjudged to be liable in this action shall not exceed the amount necessary to pay, in full, the allowed claims asserted by unsecured creditors in Plaintiffs' Chapter 7 bankruptcy case, Case No. 12-81181 in the United States Bankruptcy Court for the Central District of Illinois; and
4. IT IS FURTHER ORDERED that Plaintiffs' Motion for Substitution of Plaintiff in Interest is GRANTED; and
5. IT IS FURTHER ORDERED that the Chapter 7 Trustee in the Bankruptcy Case shall have sixty (60) days from the date of this Order to file an Amended Complaint; and
6. IT IS FURTHER ORDERED THAT if the Chapter 7 Trustee fails to substitute for Plaintiffs in this action within sixty (60) days from the date of this Order, counsel for Defendants may file an Order to Show Cause to compel the Trustee to show cause as to why this matter should not be dismissed; and
7. IT IS FURTHER ORDERED THAT a copy of this Order shall be served upon all counsel within five (5) days of the receipt hereof.



HON. BRIAN R. MARTINOTTI, J.S.C.

Opposed
 Unopposed