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FILED

'AUG 06 2019

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

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 with prejudice under Rule 4:37-2(a) based on Plaintiffs' failure to comply with the Court's June 13, 2019 Order directing Plaintiffs to "file within fourteen (14) days a substitution of attorney or a disclosure stating that Plaintiffs intend to proceed *pro se*"; and the Court having 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 6th day of August, 2019,

ORDERED that this matter is now DISMISSED WITH PREJUDICE (meaning that it may not be refiled for any reason) pursuant to Rule 4:37-2(a) for Plaintiffs' failure to comply with this Court's June 13, 2019 Order; 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 must notify the Court within seven (7) days of entry of this Order as to whether they have retained new counsel or whether they intend to proceed *pro se* (representing themselves without an attorney), which *pro se* disclosure shall include adequate updated contact information (minimally including address and phone number) for service of legal documents;

IT IS FURTHER ORDERED that if Plaintiffs fail to comply with this Order, Defendants may renew their previously filed Motion to Dismiss 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

see attached Rider

RIDER

Nelson v. Ethicon, Inc.
Docket No. BER-L-11114-14 MCL
Master Docket No. BER-L-11575-14

Kelly Crawford, Esq., counsel for defendants, forwarded to this court correspondence received from plaintiffs dated July 22, 2019 indicating that they are seeking new counsel, but until new counsel is substituted, they intend to proceed pro se.

Accordingly, this court is denying the present motion as this court will deem the communication to Ms. Crawford as communication to this court in compliance with this court's June 13, 2019 order. While the communication was not within the time frame permitted, this court will accept it in the interests of justice.