

DEC 23 2019

RACHELLE L. HARZ

IN RE STRYKER REJUVENATE &
ABG II MODULAR HIP
IMPLANT LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 296

Master Docket No. BER-L-936-13 MCL

CIVIL ACTION

This Document Relates to ALL ACTIONS

**ORDER REGARDING FAILURE TO COMPLY WITH PRIOR UNREVISED
PLAINTIFFS MANDATORY TOLLING ORDER**

In further management of its docket, on September 16, 2019 the Court entered the Order Regarding Unrevised Plaintiffs establishing certain mandatory tolling election response obligations on the part of Unrevised Plaintiffs in this Multi-county Litigation. Pursuant to that Order, the response deadline was October 31, 2019. The Order also included a provision in paragraph 1(D) noting that failure to timely serve a completed Election Form could result in a sanction, including dismissal of the matter with prejudice. It has come to the Court's attention that certain Unrevised Plaintiffs have failed to respond pursuant to the September 16, 2019 Order.

Accordingly, **IT IS HEREBY ORDERED BY THE COURT:**

1. Those Unrevised Plaintiffs who have failed to respond to date to the Mandatory Tolling Election Obligations set forth in the Court's prior September 16, 2019 Order Regarding Unrevised Plaintiffs must fully comply by **January 15, 2020**.
2. The complaints of Unrevised Plaintiffs who fail to respond by January 15, 2020 shall be dismissed without further notice.¹

¹ The Court specifically notes that failure of an Unrevised Plaintiff to respond to his/her counsel's communications regarding the tolling Election Form requirements, is not appropriate grounds to reject the tolling terms set forth in the September 16, 2019 Order. Rather, if no response is received by counsel then counsel must identify the matter to lead counsel for Plaintiffs (Ellen Relkin, Esq.) and Defendant (Kim Catullo, Esq.) by January 15, 2020.

SO ORDERED:

Dated: 12/23, 2019


HON. RACHELLE L. HARZ, J.S.C.