RITA BATES,
 	
   Plaintiff,
 	
v.
 	
DEPUY ORTHOPAEDICS, INC., *et al.*
 	
   Defendants.
	SUPERIOR COURT OF NEW JERSEY
	LAW DIVISION: BERGEN COUNTY
	
	DOCKET NO. BER-L-5845-11
	
	CIVIL ACTION
	
	[PROPOSED] ORDER

FILED

OCT 25 2018

RACHELLE L. HARZ
J.S.C.

THIS MATTER, having been opened to the Court upon the application of counsel for Defendants DePuy Orthopaedics, Inc. and Johnson & Johnson for an Order dismissing Plaintiff's Complaint, without prejudice, pursuant to Rule 4:37-2, and the Court having considered the submissions of the parties, and for good cause shown,

   IT IS on this 25th day of _October_____, 2018

   HEREBY ORDERED that:

1. Defendants' Motion to Dismiss is hereby **GRANTED**.

2. Plaintiff's Complaint is hereby dismissed, without prejudice.

3. Within 90 days of entry of this Order, Plaintiff may re-file her case in <u>In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation</u> (3:11-md-02244) Multi-District Litigation pending in the Northern District of Texas, or in Indiana Superior Court, Marion County. If Plaintiff re-files the Complaint within the 90-day period, the filing date shall relate back to the date that the original Complaint was filed in this Court.

4. Alternatively, within one (1) year of entry of this Order, Plaintiff may move to re-open in this Court. If Plaintiff moves to re-open the Complaint within the 1-year period, the filing date shall relate back to the date that the original Complaint was filed in this Court.

5.   Plaintiff will not file a separate lawsuit in any other court alleging claims for the same PINNACLE® product(s) at issue in the case that was dismissed without prejudice, including but not limited to any claims against Defendants or any other person or entity.

6.   Entry of this Order shall not for any purpose be deemed to limit or adversely affect any defense that Defendants have, may have, or would have had in the absence of this Order.

7.   A copy of this Order shall be served upon all counsel within _____7_____ days of the date hereof.

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

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