

IN RE STRYKER REJUVENATE &  
ABG II MODULAR HIP  
IMPLANT LITIGATION

**FILED**

**MAR 31 2023**

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

This Document Relates To the Following  
Matters Only:

- 1) HARTSUIKER, Berend, et al., BER-L-5335-2014

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY**

**CASE NO. 296**

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

**CIVIL ACTION**

**ORDER REGARDING ONLY CERTAIN  
IDENTIFIED PENDING UNREVISED  
MATTERS**

Pursuant to the New Jersey Supreme Court's Order of January 15, 2013, MCL No. 296 (Master Docket Number BER-L-936-13) was assigned to this Court for centralized case management. Accordingly, this Court is charged with management of this MCL docket, generally, as well as the individual matters that collectively comprise the MCL docket.

On March 1, 2023, the Court entered an Order regarding certain unrevised matters, which included the Berend Hartsuiker, et al. matter (BER-L-5335-2014). In that Order the Court noted that the identified pending MCL matters asserted claims involving *unrevised* plaintiffs despite the fact that all prior unrevised plaintiffs have voluntarily dismissed such matters without remuneration. The Court further set a March 27, 2023 hearing for the identified unrevised plaintiffs (or their legal representatives) to appear and show cause why these unrevised plaintiff cases should not be removed from the trial calendar and dismissed from the MCL docket with prejudice. Within the March 1, 2023 Order were specific instructions for participating in the March 27, 2023 hearing by telephone.

By way of the March 1, 2023 Order, the Court further permitted plaintiffs' counsel in those matters to withdraw after providing notice of the hearing to the identified plaintiffs, which was subsequently completed and confirmed by former counsel.


On March 27, 2023, the Court held a hearing at the noticed time. The Court held the hearing telephone line open for over 30 minutes from the noticed start time. Appearing at the conference were Plaintiffs' former counsel at Searcy Denney P.A., and counsel for Defendant Howmedica Osteonics Corp. from Gibbons, P.C. Despite notice of the hearing, Plaintiffs in the Hartsuiker matter failed to appear to show cause why their unrevised device matter should not be removed from the trial calendar and dismissed with prejudice.

Accordingly, pursuant to its inherent authority and case management duties, the Court hereby issues the following Order:

IT IS on this 31<sup>st</sup> day of March 2023 **ORDERED**:

1. Only the following matter is within the scope of this Order:
  - **BEREND HARTSUIKER, et al. v. Howmedica Osteonics Corp., et al.** (BER-L-5335-2014)
2. The law firm of Searcy Denney, P.A. has been permitted to, and has, withdrawn as counsel for the named plaintiffs.
3. The identified matter is hereby dismissed with prejudice.

Dated: March 31, 2023

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