

FILED

FEB 26 2021

**IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
ROSEMARY E. HARZ
J.S.C.**

CASE NO. 624

Master Docket No. BER-L-7859-17

CIVIL ACTION

CASE MANAGEMENT ORDER #12

This Document Relates To ALL ACTIONS

All prior Orders remain in full force and effect except as modified by this Order

This Order applies to all cases previously and hereafter transferred to this multicounty litigation, Case No. 624, Master Docket No. 7859-17 (this "MCL"), or those which were directly filed in this MCL. In addition to posting of this Order, Plaintiffs' Lead Counsel shall promptly notify all plaintiffs' counsel of record in this MCL of this Order.

In anticipation of the previously scheduled March 3, 2021 Case Management Conference, the court ordered, *inter alia*, all individual plaintiffs' attorneys to review all open cases where they are counsel of record and ensure that: (1) counsel have met their ongoing "reasonable inquiry" obligations and their duties to disclose and supplement under Rule 1:4-8, including as to pleadings filed in this MCL, and under the court's prior orders¹; and (2) that they have fully completed, certified and supplemented as needed all plaintiffs' Fact Sheets following a diligent and reasonable inquiry as to the facts stated therein, in accordance with their obligation to supplement Plaintiff's Fact Sheets and to provide complete, correct, and any additional information. In addition, individual plaintiffs' attorneys were ordered to confer with lead counsel regarding their individual cases. [Case Management Order No. 10].

Lead counsel have reported that there remain a number of individual cases where

¹ The court specifically noted that the simple fact that a litigant has had implanted the medical implant that is the subject of this MCL is not a sufficient basis alone for the filing of a lawsuit.

individual plaintiffs' attorneys have failed to respond to lead counsel's inquiries, or have failed to comply with the requirements of Case Management Order No. 10.

Accordingly, the following is ORDERED:

- (1) All individual plaintiffs' attorneys are ORDERED to comply with Case Management Order No. 10 by no later than March 15, 2021, or face dismissal of their clients' individual actions *with prejudice*.
- (2) No later than March 24, 2021, lead counsel shall provide the court a list of cases where plaintiffs' individual counsel have either failed to confer as required or have failed to serve completed Fact Sheets as required by prior court orders.
- (3) The March 3, 2021 Case Management Conference is reset for March 31, 2021, at 10:30 A.M. Lead counsel shall confer and file a joint status report/agenda in advance of the Case Management Conference.
- (4) The partial stay of discovery as set forth in detail in Case Management Order #7 and previously extended by further court orders is hereby further extended to and including March 31, 2021, the date of the re-scheduled case management conference.

Dated: February 26th 2021



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