

FILED

NOV 04 2021

RACHELLE L. HARZ

J.S.C.  
SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

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IN RE Stryker Rejuvenate & ABG II  
Modular Hip Implant Litigation

CASE NO. 296  
MASTER DOCKET NO. BER-L-936-13

CIVIL ACTION

ORDER OF DISMISSAL  
WITH PREJUDICE OF CERTAIN  
RESOLVED MATTERS

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**This Matter** having been designated by the New Jersey Supreme Court on January 24, 2013 for Multicounty Litigation Status (“MCL”) as the “Stryker Rejuvenate & ABG II Modular Hip Implant Litigation” (hereinafter referred to as “MCL”)<sup>1</sup>, and subsequently assigned to the Honorable Rachelle L. Harz, J.S.C. pursuant to a July 22, 2016 Order, and now having come before the Court for an order dismissing certain Plaintiffs’ Complaints with prejudice in furtherance of the private Settlement Agreement under which these identified Plaintiffs’ claims have been resolved, and the identified parties having stipulated to the dismissal of these claims with prejudice, the following is hereby acknowledged and entered:

1. On November 3, 2014 (and by way of a subsequent July 1, 2015 amendment), the MCL Plaintiffs’ Resolution Committee and HOC announced the execution of a Master Settlement Agreement that established a private global settlement program (the “Settlement Program”) to resolve the claims of eligible patients who were implanted with an ABG II or Rejuvenate Modular-Neck Hip Stem (the “ABG II and Rejuvenate Modular”) and underwent a qualified revision surgery prior to November 3, 2014.

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<sup>1</sup> A related Multidistrict Litigation remains pending in the United States District Court before the Honorable Donovan W. Frank.

2. On December 19, 2016, MCL Plaintiffs' Resolution Committee and HOC announced execution of a second Settlement Agreement expanding the Settlement Program to the claims of eligible patients who were implanted with ABGII and Rejuvenate Modular and underwent a qualified revision surgery prior to December 19, 2016.

3. More recently on September 9, 2020, MCL Plaintiffs' Resolution Committee and HOC announced execution of a third Settlement Agreement modifying and expanding the Settlement Program to resolve the actions, disputes and claims of eligible claimants who were implanted with an ABII or Rejuvenate Modular and underwent a qualified revision surgery prior to September 9, 2020. For purposes of this Order, the November 3, 2014 Master Settlement Agreement (and the July 1, 2015 Amendment thereto), the December 19, 2016 settlement agreement, and the September 9, 2020 settlement agreement are referred to collectively as the "MSA."

4. Under the terms of the MSA, all patients with filed lawsuits who enrolled in the Settlement Program agreed to dismiss their pending lawsuits with prejudice if deemed eligible. As part of the agreement, enrolling plaintiffs executed and submitted signed stipulations of dismissal with their enrollment materials.

5. Upon enrollment in the Settlement Program, each plaintiff must indicate if the dismissal of his/her lawsuit is a total or partial dismissal based on the scope of the asserted claims and the terms of the settlement.

6. All of the plaintiffs who are identified in Schedule A attached hereto have signed a stipulation of dismissal of his/her entire lawsuit with prejudice to be filed following a determination of his/her eligibility for the Settlement Program and the funding of his/her award under the terms of the MSA.

7. For each Plaintiff listed on Schedule A, HOC has fully funded and transferred the respective Settlement Program award to the Qualified Settlement Fund Administrator pursuant to the MSA and this Court's prior Orders Establishing Qualified Settlement Fund for the Settlement Program and Appointing QSF Administrator (July 2, 2015, September 1, 2017 and September 9, 2020 Court Orders).

8. As such, pursuant to Section 10.3 of the September 9, 2020 Settlement Agreement, HOC is "free to file or cause to be filed [the] Dismissal with Prejudice Stipulation . . . in any relevant action or proceeding," which currently is comprised of those matters listed on the attached Schedule A. Accordingly, complete dismissal with prejudice of each Schedule A listed matter is proper at this time.

IT IS on this 4<sup>m</sup> day of November 2021,

**ORDERED**

1. The lawsuits of each of the Plaintiffs identified on Schedule A attached hereto are hereby dismissed in their entirety with prejudice.

  
RACHELLE L. HARZ, J.S.C.

**Schedule A**  
**NJ MCL Total Dismissals**

	<b>Case No.</b>	<b>Plaintiff Last Name</b>	<b>Plaintiff First Name</b>	<b>Counsel</b>
1	BER-L-003780-14	Adams	Tonia	Searcy Denney Scarola Barnhart & Shipley
2	BER-L-001257-20	Austermiller	Judy	Anapol Weiss
3	BER-L-003551-16	Bales	Sherry	Anapol Weiss
4	BER-L-006596-14	Barber	Beverly and James	Searcy Denney Scarola Barnhart & Shipley; The Dicello Law Firm
5	BER-L-005005-13	Barber	Bobby and Jennifer	Weitz & Luxenberg; Hollis, Wright & Couch, P.C; Law Office of Gary Green
6	BER-L-006285-14	Bennett	Maggie	Weitz & Luxenberg
7	BER-L-003815-14	Bensing	Michael and Rosa Maria	Searcy Denney Scarola Barnhart & Shipley
8	BER-L-005834-15	Blizzard	Raymond E. and Marianne	Searcy Denney Scarola Barnhart & Shipley
9	BER-L-005120-14	Boersma	Ananias	Weitz & Luxenberg
10	BER-L-002067-18	Borg	Virginia and John	Douglas & London, P.C.
11	BER-L-004783-14	Breathed	Alyson and Brock Sorenson	Weitz & Luxenberg
12	BER-L-005132-14	Brown	Rhonda	Weitz & Luxenberg
13	BER-L-003320-18	Burda	Jane	Aylstock Witkin Kreis & Overholtz
14	BER-L-005830-14	Carver	Reginald A.	Shrager, Spivey & Sachs; Verhine & Verhine, PLLC
15	BER-L-003734-14	Chance	Craig	Searcy Denney Scarola Barnhart & Shipley; Gomez Trial Attorneys
16	BER-L-001008-18	Clark	Laura and Clifford	Weitz & Luxenberg
17	BER-L-003476-15	Cumper	George and Carol	Aylstock Witkin Kreis & Overholtz
18	BER-L-002469-16	Cunningham	Natasha N.	Searcy Denney Scarola Barnhart & Shipley Hollis, Wright & Couch, P.C
19	BER-L-008589-18	Danese	Paul	Weitz & Luxenberg
20	BER-L-001007-18	Dattoma	Marc and Katherine	Weitz & Luxenberg
21	BER-L-005968-14	Davenport	Sharon M.	Weitz & Luxenberg; Beasley, Allen, Crow, et al.
22	BER-L-005137-14	Davis	Thomas	Weitz & Luxenberg
23	BER-L-005127-14	Devilbiss	Thurlene	Weitz & Luxenberg
24	BER-L-004903-14	Drill	Barry and Karen	Kelley, Bernheim & Dolinsky, LLC
25	BER-L-002432-18	Durrett	Virginia	Searcy Denney Scarola Barnhart & Shipley
26	BER-L-001377-17	Dziewit	Mary Ann and Joseph	Weitz & Luxenberg
27	BER-L-000245-19	Edelman	Shirley and Leonard	Weitz & Luxenberg

**Schedule A**  
**NJ MCL Total Dismissals**

	<b>Case No.</b>	<b>Plaintiff Last Name</b>	<b>Plaintiff First Name</b>	<b>Counsel</b>
28	BER-L-003702-16	Ellis	Franklin and Belinda	Anapol Weiss
29	BER-L-008017-19	Epter	Jack and Joanne	Weitz & Luxenberg
30	BER-L-008019-19	Everett	Donzell and Marjorie	Weitz & Luxenberg
31	BER-L-003771-16	Gaudioso	Joann and Joseph	Anapol Weiss
32	BER-L-002754-19	Guillot	Mary Jane	Sanders Phillips Grossman, LLP
33	BER-L-006758-18	Gusmini	Louis P.	Aylstock Witkin Kreis & Overholtz
34	BER-L-001378-17	Gwin	Sharon	Weitz & Luxenberg
35	BER-L-004860-15	Haggerty	Thomas A and Margaret	Aylstock Witkin Kreis & Overholtz
36	BER-L-002418-18	Hall-Lambert	Marilyn and David	Searcy Denney Scarola Barnhart & Shipley
37	BER-L-003917-18	Harris	Robert and Beverly Gatling	Weitz & Luxenberg
38	BER-L-001006-18	Hartsock	Bruce and Laurie	Weitz & Luxenberg
39	BER-L-006209-15	Henderson	Stephen R	Aylstock Witkin Kreis & Overholtz
40	BER-L-006108-14	Hernandez	Gilbert	Dicello Law Firm
41	BER-L-005456-14	Hernlem	Fred and Robin	Weitz & Luxenberg
42	BER-L-005444-18	Hoffman	Neil and Margaret	Locks Law Firm
43	BER-L-002231-14	Hogan	Blanche	Weitz & Luxenberg
44	BER-L-008021-19	Holden	Wanda	Weitz & Luxenberg
45	BER-L-003318-18	Holt	Antha E.	Aylstock Witkin Kreis & Overholtz
46	BER-L-000247-19	Hough	Bryan and Janice	Weitz & Luxenberg
47	BER-L-001924-19	Irby	Deborah Martin	Pope, McGlamry, Kilpatrick, et al.
48	BER-L-009017-18	Jahn	Joy and Frankie Overtion	Weitz & Luxenberg; John David Hart
49	BER-L-007021-17	Jones	Larry	Weitz & Luxenberg
50	BER-L-006121-14	Jones	Richard Sr. and Ivy	Searcy Denney Scarola Barnhart & Shipley
51	BER-L-001926-19	Kaiser	Marie C. and Charles	Pope, McGlamry, Kilpatrick, et al.
52	BER-L-001408-20	Kelly	Casey	Bernstein Liebhard
53	BER-L-004569-14	Kendrick	Adele Diane and Matthew	Anapol Weiss
54	BER-L-001925-19	Kennedy, Jr.	John M. and Mary Ann	Pope, McGlamry, Kilpatrick, et al.
55	BER-L-004903-19	Klibert	Timothy and Cynthia Smith	Weitz & Luxenberg
56	BER-L-006205-14	Klipp	Denise and William	Rheingold, Valet, Rheingold, et al.
57	BER-L-004133-20	Kolka	Corey F.	Aylstock Witkin Kreis & Overholtz
58	BER-L-005662-14	Kreager	Connie Sue	Weitz & Luxenberg; Beasley, Allen, Crow, et al.
59	BER-L-005049-13	Kuehl	Steven and Connie	Bernstein Liebhard LLP; Law Office of Jan Meyer & Associates, PC

**Schedule A**  
**NJ MCL Total Dismissals**

	<b>Case No.</b>	<b>Plaintiff Last Name</b>	<b>Plaintiff First Name</b>	<b>Counsel</b>
60	BER-L-006230-15	Kwarsick	John	Aylstock Witkin Kreis & Overholtz
61	BER-L-004699-14	Lahr	Julie	Searcy Denney Scarola Barnhart & Shipley
62	BER-L-002402-20	Laurie	Susan	Meshbesher & Spence
63	BER-L-000248-19	Lefevre	Debra G.	Weitz & Luxenberg
64	BER-L-002436-18	Lipovetsky	Astrid and Leonida	Searcy Denney Scarola Barnhart & Shipley
65	BER-L-008590-18	Lopez	Camilo and Mildred	Weitz & Luxenberg
66	BER-L-003583-17	Martin	Scott and Doris	Locks Law Firm
67	BER-L-005327-19	Mason	Mary	Anapol Weiss
68	BER-L-003772-16	Mason	Reginald B.	Anapol Weiss
69	BER-L-007697-19	McCutcheon	Paul D. and Angela D.	Weitz & Luxenberg; Hollis, Wright & Couch, P.C
70	BER-L-009576-13	McKee	Robert and Jewel	Searcy Denney Scarola Barnhart & Shipley
71	BER-L-008857-17	McKinney	Colleen	The Miller Firm, LLC
72	BER-L-007923-17	McRee	Bonita and William	Anapol Weiss
73	BER-L-002680-18	Meacham	Debra	Rheingold, Giuffra et al. Westervelt, Johnson et al.
74	BER-L-006529-14	Medina	Diane M.	Seeger Weiss LLP
75	BER-L-008077-17	Meehan	James	Weitz & Luxenberg
76	BER-L-007758-15	Mitchell	Tasan	Douglas & London, P.C.
77	BER-L-001928-19	Morris	Karen	Pope, McGlamry, Kilpatrick, et al.
78	BER-L-006177-15	Morse	Roger	Aylstock Witkin Kreis & Overholtz
79	BER-L-005817-14	Motschke	Kevin and Jean	Searcy Denney Scarola Barnhart & Shipley; Goldenberg Law, PLLC
80	BER-L-008591-18	Murphy	Gail	Weitz & Luxenberg
81	BER-L-004030-16	Myers	Danielle and Scott	Anapol Weiss
82	BER-L-006655-14	Nall	Bobbie	Searcy Denney Scarola Barnhart & Shipley
83	BER-L-003892-14	Nieves	Herman and Rosa	Searcy Denney Scarola Barnhart & Shipley
84	BER-L-004028-16	Nowell	Anna and Larry	Anapol Weiss
85	BER-L-008281-15	Oates	Kathleen	Weitz & Luxenberg
86	BER-L-007701-19	Overman	Linda	Weitz & Luxenberg
87	BER-L-006269-14	Palumbo	Daniel	Weitz & Luxenberg
88	BER-L-005985-14	Perryman	Joseph	Weitz & Luxenberg; Beasley, Allen, Crow, et al.

**Schedule A**  
**NJ MCL Total Dismissals**

	<b>Case No.</b>	<b>Plaintiff Last Name</b>	<b>Plaintiff First Name</b>	<b>Counsel</b>
89	BER-L-008148-15	Peters	Roberta L. and Richard J.	Bernstein Liebhard LLP Law Office of Jan Meyer & Associates, PC
90	BER-L-005989-14	Porter	Robert A.	Weitz & Luxenberg; Beasley, Allen, Crow, et al.
91	BER-L-006576-13	Privitera	Leonard and Tara	Finkelstein & Partners, LLP
92	BER-L-002129-20	Rich	Dorlene	Bernstein Liebhard
93	BER-L-000087-16	Rios, Sr.	Cesar and Ivonne	Weitz & Luxenberg
94	BER-L-008825-14	Roberts	Dean	Weitz & Luxenberg; Kiesel Law
95	BER-L-006982-17	Rohl	Janice	Weitz & Luxenberg
96	BER-L-006313-14	Rowe	Selda J. and Rickey W.	Weitz & Luxenberg; Beasley, Allen, Crow, et al.
97	BER-L-008075-17	Santiago	Iris D.	Weitz & Luxenberg
98	BER-L-009355-15	Scaramuzzo	William J. and Gail J.	Robins, Kaplan, Miller & Ciresi L.L.P.
99	BER-L-004986-14	Sedam	Patricia	Williams Cuker Berezofsky, LLC; Dean Law Firm
100	BER-L-001883-19	Shiver	Rachel	Pope, McGlamry, Kilpatrick, et al.
101	BER-L-003085-18	Signorino	Ellen	Bernstein Liebhard
102	BER-L-005034-18	Snider	Steve and Toni	Weitz & Luxenberg
103	BER-L-005948-14	Spooner	Earl	Weitz & Luxenberg
104	BER-L-001929-19	Stevens	Daniel and Rebecca	Pope, McGlamry, Kilpatrick, et al.
105	BER-L-008163-14	Strauss	Nancy	Williams Cuker Berezofsky, LLC; Sheller, P.C.
106	BER-L-006248-14	Talton	Virgina M.	Parker Waichman LLP; Neblett Beard and Arsenault
107	BER-L-002435-18	Tillman	Martha and Wayne	Searcy Denney Scarola Barnhart & Shipley
108	BER-L-006240-15	Triffon	Madeline	Aylstock Witkin Kreis & Overholtz
109	BER-L-001882-19	Tyler	David and Kimberly	Pope, McGlamry, Kilpatrick, et al.
110	BER-L-006038-14	Warfel	Stephen and Denise	Weitz & Luxenberg; Andrews & Thornton
111	BER-L-004078-16	Welty	Robert Lee	Anapol Weiss
112	BER-L-001915-19	Williams	Charles	Pope, McGlamry, Kilpatrick, et al.
113	BER-L-006368-15	Williams	Richard and Beverly	Weitz & Luxenberg
114	BER-L-001698-18	Williamson	Gaynell	Anapol Weiss
115	BER-L-006247-14	Willis	Loutisha	Parker Waichman LLP; Neblett Beard and Arsenault
116	BER-L-004988-14	Woodson	Betty J.	Rheingold, Valet, Rheingold, et al.
117	BER-L-001901-19	Woodward	Anthony and Andrea	Pope, McGlamry, Kilpatrick, et al.
118	BER-L-003105-19	Zakarin	Marshall	Sanders Phillips Grossman, LLP