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**FILED**

**APR 05 2018**

**James J. DeLuca, J.S.C.**

MARY MCGINNIS AND THOMAS WALSH  
MCGINNIS,

Plaintiffs,

vs.

C. R. BARD, INC., BARD MEDICAL  
DIVISION, a Division of C. R.  
Bard, Inc., BARD UROLOGICAL  
DIVISION, a Division of Bard  
Medical Division, AND JOHN DOES  
1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, BERGEN COUNTY

CIVIL ACTION

**DOCKET NO. BER-L-017543-14**

**ORDER**

**THIS MATTER** having been opened to the Court by C. R. Bard, Inc. ("Bard") on its Motion for an Adverse Inference Instruction For Plaintiffs' Failure to Call Dr. Annamarie Connolly ("Motion") in the above-captioned matter, and having read and considered the arguments in support of the Motion and any opposition thereto, and for other good cause shown;

IT IS on 5 of April, 2018,

ORDERED that Defendant's Motion is **GRANTED**; and it is further

ORDERED that the jury shall be instructed that they are permitted to infer that Dr. Connolly's testimony at trial would have been unfavorable to Plaintiff, and it is further

ORDERED that a copy of this Order shall be served upon all counsel within three (3) days of the date of this Order.

  
Hon. James J. DeLuca, J.S.C.

Opposed  
 Unopposed