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FILED

AUG 21 2019

Judge James F. Hyland

Harvey P. Short, 19003675
George W. Hill Correction Facility
P.O. Box 23
Thornton, PA 19373

Harvey Short,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - MIDDLESEX COUNTY
Pro se Plaintiff,	:	
	:	DOCKET NO. MID-L-128-15
vs.	:	Risperdal
	:	Civil Action
Janssen Pharmaceuticals,	:	
	:	ORDER DENYING PLAINTIFF'S MOTION TO SCHEDULE JURY TRIAL
Defendant	:	
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This matter having been brought by pro se Plaintiff Harvey Short by way of Motion to Schedule Jury Trial and Notice of Change of Mailing Address,

IT IS on this 21st day of August, 2019;

ORDERED that Pro se Plaintiff Harvey Short's Motion to Schedule Jury Trial is hereby **DENIED** for the reasons stated on the record on the date hereof; and

IT IS FURTHER ORDERED that the Defendant Janssen Pharmaceuticals, Inc. shall serve a copy of this order upon pro se Plaintiff and all parties within seven (7) days of the date hereof.

(X) OPPOSED

/s/ James F. Hyland

HON. JAMES F. HYLAND, J.S.C.

Statement of Reasons

On May 2, 2019, this Court served pro se Plaintiff Harvey Short with a Notice of Dismissal for Lack of Prosecution pursuant to R. 1:13-7 notifying pro se Plaintiff that his Complaint would be dismissed without prejudice for lack of prosecution. On July 1, 2019, pro se Plaintiff filed a Motion to Schedule Jury Trial and Notice of Change in Mailing Address.

As to the Notice of Change in Mailing Address, pro se Plaintiff need not file a Motion to change his mailing address, however, Court records have been updated with the new mailing address:

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As to the procedural aspect of pro se Plaintiff's Motion to Schedule Jury Trial, although pro se Plaintiff did not appropriately serve Defendant's counsel by using an incorrect address, Defendant's opposition to this instant Motion shall constitute receipt of same.

Pro se Plaintiff has a right to a jury trial, however, as argued by Defendant's counsel, this matter is not yet ripe for scheduling of same. Although some fact discovery has been conducted, including a plaintiff fact sheet, interrogatories, requests for document production, and collection of certain medical records, no fact witness depositions have occurred and expert discovery has not commenced. The delay in fact witness depositions relates almost entirely to the fact that Plaintiff has been incarcerated in the state of Pennsylvania for the almost four years.

Although we are not aware of the status of pro se Plaintiff's pre-trial conference that was scheduled for July 22, 2019, this Court finds that pro se Plaintiff should and shall be afforded the opportunity to set fact and/or expert discovery deadlines to move this matter forward so that he may appropriately litigate his claims.