

FILED

SEP. 16 2019

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

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

IN RE STRYKER REJUVENATE &
ABG II MODULAR HIP
IMPLANT LITIGATION

**CASE NO. 296
Master Docket No. BER-L-936-13 MCL**

CIVIL ACTION

This Document Relates to ALL ACTIONS

**ORDER REGARDING
DUPLICATE CASES**

ORDER REGARDING DUPLICATE CASES

In further management of its docket, the Court has identified certain matters that appear to have duplicate complaints filed in this multicounty litigation (MCL). The Court hereby identifies such matters, and enters the following order regarding same:

IT IS HEREBY ORDERED BY THE COURT:

1. **Matters Listed in Schedule "A"**: Schedule "A" hereto identifies those duplicate filings pending in this MCL. Within forty-five (45) days from the date of this Order, counsel for plaintiffs listed on the attached Schedule "A" must confer and either: (i) submit to Lead Counsel for Defendant (Kim M. Catullo, GIBBONS PC), with a copy to Lead Counsel for Plaintiffs (Ellen Relkin, WEITZ & LUXENBERG), a stipulation of dismissal without prejudice for the case determined to be a duplicate, *or* (ii) file a written submission (maximum two pages in length) to this Court setting forth why one filed matter should prevail over the other. The Court will then rule on the disposition of the subject duplicate

filings. Failure to timely submit a stipulation of dismissal for one of the duplicate matters *or* a written explanatory submission to this Court shall result in a dismissal *without prejudice* of the duplicate matter (as defined by the later-filed date).

2. **Matters Listed in Schedule "B"**: Schedule "B" hereto identifies duplicate complaints pending in this MCL in which the plaintiff has enrolled in the Settlement Program and/or has resolved his/her case through the Settlement Program, and, as part of that settlement, has already dismissed the case under a different docket/civil action number. For each duplicate, previously resolved matter (as identified in Schedule "B"), the Court shall enter an order of dismissal *with prejudice* within **thirty (30) days** from the date of this Order.

Dated: September 16, 2019


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

EXHIBIT A

Pending Duplicate Filings

	Plaintiff Name	Venue	Case No.	Plaintiff Counsel	Status
1.	Bennett, Margie	NJ MCL	BER-L-006285-14	Weitz & Luxenberg	First Filed
		NJ MCL	BER-L-02467-16	Searcy Denney Scarola Barnhart & Shipley Hollis, Wright & Couch, P.C	Duplicate Case
2.	Byrd, Steven	NJ MCL	BER-L-005966-14	Weitz & Luxenberg Andrews & Thornton	First Filed
		NJ MCL	BER-L-006243-14	Parker Waichman LLP Neblett Beard and Arsenault	Duplicate Case
3.	Huber, Frances	NJ MCL	BER-L-006210-15	Aylstock Witkin	First Filed
		NJ MCL	BER-L-001101-18	Weitz & Luxenberg	Duplicate Case
4.	Pack, Donald	NJ MCL	BER-L-006271-14	Parker Waichman LLP Neblett Beard and Arsenault	First Filed
		NJ MCL	BER-L-008916-15	Weitz & Luxenberg	Duplicate Case
5.	Poindexter, Terry	NJ MCL	BER-L-006014-14	Weitz & Luxenberg Andrews & Thornton	First Filed
		NJ MCL	BER-L-004896-15	Anapol Schwartz	Duplicate Case
6.	Roberts, Dean	NJ MCL	BER-L-008825-14	Weitz & Luxenberg; Kiesel Law	First Filed
		NJ MCL	BER-L-003557-16	Weitz & Luxenberg	Duplicate Case

EXHIBIT B

**Duplicate Filings Associated with
Enrolled and/or Resolved Settlement Program Matters**

	Plaintiff Name	Venue	Case No.	Plaintiff Counsel	Status
1.	Blackman, Larry	NJ MCL	BER-L-004433-14	Keefe Bartels	<i>Enrolled Case</i>
		NJ MCL	BER-L-002388-14	Keefe Bartels	Duplicate Case
2.	Devore, Martha	MDL	0:14-cv-00312	Farris Riley, Hare Wynn	<i>Enrolled Case</i>
		NJ MCL	BER-L-006226-15	Aylstock Witkin	Duplicate Case
3.	Evans, Sandra	MDL	0:14-cv-02744	Phipps Cavazos	<i>Enrolled Case</i>
		NJ MCL	BER-L-005119-14	Weitz & Luxenberg	Duplicate Case
4.	File, Jr., Loyd	NJ MCL	BER-L-000090-14	Seeger Weiss LLP	<i>Enrolled Case</i>
		NJ MCL	BER-L-006445-14	Weitz & Luxenberg	Duplicate Case
5.	Howell, Carol	MDL	0:14-cv-04304	Bowersox Law Firm	<i>Enrolled Case</i>
		NJ MCL	BER-L-005400-14	Sanders Viener Grossman, LLP	Duplicate Case
6.	Johnson, Cacharel	MDL	0:14-cv-00629	McMath Woods	<i>Enrolled Case</i>
		NJ MCL	BER-L-005423-14	Weitz & Luxenberg	Duplicate Case
7.	King, Patrick	NJ MCL	BER-L-005326-14	Searcy Denney Scarola Barnhart & Shipley	<i>Enrolled Case</i>
		NJ MCL	BER-L-002232-14	Weitz & Luxenberg	Duplicate Case
8.	Price, Judith	MDL	0:14-cv-01313	Morgan & Morgan	<i>Enrolled Case</i>
		NJ MCL	BER-L-008898-13	Weitz & Luxenberg	Duplicate Case
9.	Santiago, Juan	MDL	0:14-cv-01452	Zimmerman Reed	<i>Enrolled Case</i>
		NJ MCL	BER-L-009310-14	Fleming, Nolen, & Jez, L.L.P.	Duplicate Case
10.	Smith, Robert	MDL	0:15-cv-02754	Hare Wynn	<i>Enrolled Case</i>
		NJ MCL	BER-L-003437-15	Weitz & Luxenberg	Unrevised
11.	Sniffen, Daisy	MDL	0:15-cv-04094	Aylstock Witkin	<i>Enrolled Case</i>
		NJ MCL	BER-L-005936-14	Weitz & Luxenberg	Duplicate Case

	Plaintiff Name	Venue	Case No.	Plaintiff Counsel	Status
12.	Stall, Richard	MICH	13-021185	Sommers Schwartz	<i>Enrolled Case</i>
		NJ MCL	BER-L-008413-13	Weitz & Luxenberg	Duplicate Case