

IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION

FILED

FEB 24 2022

RACHELLE L. HARZ

This Document Relates To the Following
Matter Only:

- 1) **KENNETH J. WILEY (Deceased)**
[BER-L-4901-15]

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 624

Master Docket No. BER-L-7859-17
CIVIL ACTION

**ORDER REGARDING DISMISSAL OF
CERTAIN UNREVISED MATTER
PURSUANT TO SPECIFIC TERMS**

Pursuant to the New Jersey Supreme Court's Order of May 16, 2017, MCL No. 624 (Master Docket Number BER-L-7895-17) was assigned to this Court for centralized case management. Accordingly, this Court is charged with management of this MCL docket, generally, as well as the individual matters that collectively comprise the MCL docket.

On February 10, 2022, the Court entered an Order regarding certain unrevised matters, which included the *Kenneth J. Wiley* matter (BER-L-4901-15). In that Order the Court noted that the identified pending MCL matters asserted claims involving *unrevised* plaintiffs despite the fact that all prior unrevised plaintiffs have voluntarily dismissed such matters without remuneration. The Court further set a February 23, 2022 hearing for the identified unrevised plaintiffs (or their legal representatives) to appear and show cause why his/her unrevised plaintiff case should not be removed from the trial calendar and dismissed from the MCL docket with prejudice.

By way of the February 10, 2022 Order, the Court further permitted plaintiffs' counsel in those matters to withdraw after providing notice of a February 23, 2022 hearing to the identified plaintiffs, which was subsequently completed and confirmed by former counsel.

On February 23, 2022, the Court held a telephonic hearing at the noticed time, and, in addition to former Plaintiffs' counsel and counsel for Defendant, an individual who identified

herself as Cora Wiley, Plaintiff Kenneth J. Wiley's mother, appeared. At that time it was confirmed that Kenneth J. Wiley has been deceased for several years and the hip implant device in question was unrevised at the time of his death. Following a discussion of the current status of the matter, Cora Wiley requested additional time to explore new legal representation for decedent Plaintiff Kenneth J. Wiley's matter.

Accordingly, pursuant to its inherent authority and case management duties, the Court hereby issues the following Order:

IT IS on this 24th day of February 2022 **ORDERED**:

1. Only the following matter is within the scope of this Order:
 - Kenneth J. Wiley (*deceased*) [BER-L-4901-15]
2. The identified matter is hereby dismissed without prejudice to re-filing *in this MCL venue only* for a period of 90 days or by May 25, 2022. If no motion to re-file is filed by May 25, 2022 in this Court then the matter shall be dismissed with prejudice without further notice to Kenneth J. Wiley's identified representative, Cora Wiley.

Dated: February 24, 2022


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