

FILED

JUN 07 2022

IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION

RACHELLE L. HARZ
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 624
Master Docket No. BER-L-7859-17
CIVIL ACTION

This Document Relates To the Following
Matter Only:

ORDER OF DISMISSAL

1) **DIANE GOLD** [BER-L-6198-18]

In further management of its docket, on December 18, 2019 the Court entered Case Management Order No. 7 in this MCL ("CMO #7"). With regard to deceased plaintiffs, CMO #7 (para. 5) required that counsel who becomes aware of the death of a plaintiff in a pending lawsuit in this MCL, provide notice to defense counsel and a motion to amend the complaint to reflect the death and substitute the appropriate estate representative(s) within 30 days of CMO #7 or within 30 days of learning of the death, whichever is later. If a timely notice and motion to amend are not served/filed then CMO #7 provides that the action *will* be dismissed.

Pursuant to CMO #7, on January 13, 2020 counsel for Plaintiff Diane Gold notified defense counsel of Plaintiff's death in the above captioned matter, and advised that after consultation with Plaintiff's known surviving heirs, they had advised counsel that they would not be filing a motion to amend to continue the action on behalf of decedent. Plaintiff's counsel further advised that since no party had been assigned to act on behalf of the decedent's estate, counsel did not have authority to actually dismiss the action via consent, but expected that it would be dismissed for failure to file a motion to amend, which counsel would not oppose.

As of this date, no motion to amend the complaint on behalf of deceased Plaintiff Diane Gold's estate or legal representative(s) has been filed as required by CMO #7.

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

IT IS on this 7th day of June 2022 **ORDERED:**

1. Only the following matter is within the scope of this Order:
 - Diane Gold [BER-L-6198-18]
2. The identified matter is hereby dismissed without prejudice to re-filing *in this MCL venue only* for a period of 90 days from this Order. If no motion to re-file is filed within that time period in this Court then the matter shall be dismissed with prejudice without further notice.

Dated: June 7th, 2022



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