

IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION

FILED

MAY 26 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 OF DISMISSAL WITH
PREJUDICE**

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.

On February 24, 2022, the Court dismissed the matter without prejudice to re-filing by May 25, 2022 noting that if a timely motion to reinstate had not been filed by that date then the matter would be dismissed *with prejudice and without further notice*.

As of this date, no motion to reinstate has been filed with the Court.

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

IT IS on this 26th day of May 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 with prejudice.

Dated: May 26th, 2022


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