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FILED
JUN 30 2016
BRIAN R. MARTINOTTI, J.S.C.

DUANNE GARTLAN, ADMINISTRATRIX OF ESTATE OF MARY HUSSAR (DECEASED)	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-5609-15-CT
Plaintiff(s)	
v.	*CIVIL ACTION*
HOWMEDICA OSTEONICS CORPORATION A NEW JERSEY CORPORATION, D/B/A STRYKER ORTHOPAEDICS,	ORDER
Defendant(s)	

THIS MATTER, having been brought before the Court by Fernando Iamurri, Esq., Counsel for the Plaintiff, and the Court having considered the papers filed herein, and good cause having been shown;

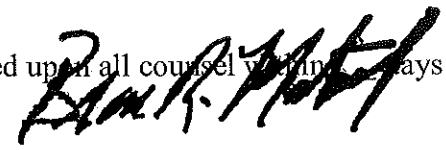
IT IS on this 30 day of June, 2016;

ORDERED: that Plaintiff's Motion to Compel Defendant to submit their responses to Plaintiff's Demand for Interrogatory Answers and Demand for Documents is hereby granted; and it is further

ORDERED: that Defendant shall provide to Plaintiff's counsel certified responses to discovery demands within _____ days from the date of this Order; and it is further

Denied for the reasons set forth in the Rider

ORDERED: that a copy of this Order shall be served upon all counsel within [illegible] days from the date hereof.



BRIAN R. MARTINOTTI, J.S.C.

J.S.C.

GARTLAN V. HOWMEDICA OSTEONICS CORP. — BER-L-5609-14

RIDER TO ORDER

Before this Court is Plaintiff Duanne Gartlan, Administratrix of the estate of Mary Hussar's, ("Plaintiff") Motion to Compel Discovery ("Motion"). This Motion is OPPOSED by Defendant Howmedica Osteonics Corporation ("Defendant").

This matter was designated as a Multicounty Litigation ("MCL") on March 31, 2009. The underlying purpose of MCL designation is to assure effective and efficient case management, and a consistency of rulings to streamline the litigation. See Manual for Complex Litigation (Fourth) § 22.1 (2004); and see generally *In re* DePuy ASR™ Hip Implants, No. BER-L-3971-11, slip op. at 3 (N.J. Super. Ct. Oct. 18, 2011) (recounting the purposes of the MDL program). In this application, Plaintiff seeks to go beyond the bounds of the case management strictures this court has established and with which other counsel have complied. To permit this application would eviscerate the underpinning of the MCL model.

More specifically, Plaintiff's Motion is improper, because it did not comply with Case Management Order ("CMO") No. 1, which sets forth procedures for filing motions in the Stryker Trident™ Multicounty Litigation. (See CMO No. 1, April 6, 2009, available at http://www.judiciary.state.nj.us/mass-tort/stryker/stryker_cmo1.pdf.) CMO No. 1 provides that "[c]onference with the Court is required before any motion related to discovery issues is filed." (Id. at § VI(7).) Plaintiff filed the present Motion without requesting a conference with the Court, has not shown an attempt to follow the procedures in all prior orders, and has not met and conferred with Defendant.

For the foregoing reasons, Plaintiff's Motion is DENIED.