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KATHLEEN M. and JOHN D. ZARNOSKY,	:	SUPERIOR COURT OF NEW JERSEY
h/w,	:	LAW DIVISION
	:	MIDDLESEX COUNTY
	:	
Plaintiffs,	:	DOCKET NO.: MID-L-3972-98 MT
	:	
v.	:	
	:	
BAXTER HEALTH CARE CORPORATION, et	:	
al.,	:	<b>ORDER DENYING SUMMARY</b>
	:	<b>JUDGEMENT</b>
Defendants.	:	
	:	
	:	

**THE COURT**, having ordered Schneck Weltman & Hashmall LLP, counsel for defendant Smith & Nephew AHP, Inc. f/k/a Smith & Nephew, Inc.; Drinker Biddle & Shanley LLP, counsel for defendant Johnson & Johnson Medical, A Division of Ethicon, Inc.; and counsel for Plaintiff, Mr. John DiDonato of Brookman, Rosenberg, Brown & Sandler, to argue the issue of causation which arose from defendants’ initial motion for an Order granting summary judgment pursuant to Rule 4:46-1, and dismissing plaintiff’s complaint with prejudice as to these defendants, and the Court having reviewed the submissions of the parties, and the Court further having heard the argument of counsel on July 28, 2000, and for good cause shown;

**IT IS** on this 14th day of August, 2000, **ORDERED**:

1. Defendant Johnson & Johnson Medical’s and Defendant Smith & Nephew’s motion for summary judgment based on causation, returnable July, 28, 2000, is hereby **DENIED** with

prejudice.

2. Plaintiff, through her expert witnesses, has presented genuine issues of material fact with respect to proximate and medical causation.

3. Medical causation, as derived from Sholtis and Bessemer, may be satisfied in latex allergy occupational exposure cases when the plaintiff shows (1) factual proof of the plaintiff's frequent, regular and proximate exposure to the defendant's products, and (2) that the plaintiff's injuries were proximately caused by exposure to the defendant's product. Bessemer, 155 N.J. 279, 304.

4. A copy of this Order shall be served upon all counsel within 7 days from the date of entry.

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Hon. Marina Corodemus, J.S.C.

This motion was:

Opposed

Unopposed