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FILED

AUG 13 1999

JUDGE MARINA CRODEMUS

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, MONMOUTH COUNTY  
DOCKET NO. L-2371-99 MT  
CASE CODE NO. 243

ROBERT VARJAN and  
ELIZABETH VARJAN,

Plaintiffs,

- vs -

BAXTER INTERNATIONAL INC. et al.,

Defendants.

Civil Action

**LATEX LITIGATION**

**STIPULATION AND ORDER OF  
DISMISSAL WITHOUT PREJUDICE  
(PURSUANT TO CMO NO. 3,  
PARAGRAPH XVI)**

This matter having been brought before the Court by the consent and agreement of Jon Gelman, Esq., counsel for the plaintiffs, and Stuart M. Feinblatt, Esq., of Silks, Cummis, Radin, Tischman, Epstein & Gross, P.A., counsel for defendant Maxxim Medical, Inc., for an Order to dismiss said defendant from this action without prejudice; and for good cause shown:

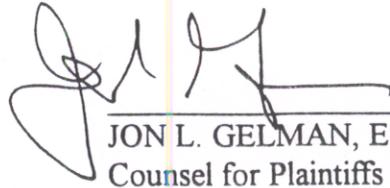
IT IS this 13<sup>th</sup> day of August, 1999; hereby

ORDERED that pursuant to R. 4:37-1, said defendant shall be dismissed from the action without prejudice and without costs;

IT IS FURTHER ORDERED that if for a period of one year following dismissal or ninety (90) days after completion of merits discovery, whichever occurs later, evidence of such use or

We hereby agree to the entry of the foregoing Order:

Date: 2/27/99

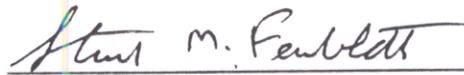


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JON L. GELMAN, ESQ.

Counsel for Plaintiffs Robert and Elizabeth Varjan

Date: 7/14/99



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STUART M. FEINBLATT, ESQ.

SILLS CUMMIS RADIN TISCHMAN

EPSTEIN & GROSS, P.A.

Counsel for Defendant Maxxim Medical, Inc.

exposure to said defendant's latex gloves which reasonably could have caused harm to plaintiff is developed and which was not reasonably known by or disclosed previously to plaintiff, the said defendant shall voluntarily return to the action by stipulation without asserting the statute of limitations as a defense assuming that the initial filing was timely. If after one year following the dismissal of said defendant or ninety (90) days after completion of merits discovery, whichever is later, said defendant has not been requested to return to the record of this case, then, upon request and notice to the plaintiff, the Court may enter an Order dismissing said defendant with prejudice.

IT IS FURTHER ORDERED that said defendant shall circulate a copy of this Order upon all parties to the action within seven (7) days from the date of entry of the Order.



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HONORABLE MARINA CORODEMUS, J.S.C.