FILED

MAR 10 2016

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 293
MASTER DOCKET NO.:BER-L-3971-11

IN RE DePuy ASR™ Hip Implants

LITIGATION

CIVIL ACTION
CASE MANAGEMENT ORDER #37

All prior orders remain in full force and effect except as modified by this Order

This Matter having been assigned to the Honorable Brian R. Martinotti, J.S.C. pursuant to the Supreme Court's Order of April 12, 2011 ordering centralized case management of DePuy ASR ™ Hip Implants, (hereinafter referred to as "DePuy") and this Court having conducted a Case Management Conference on June 23, 2015, the following order is hereby entered:

IT IS on this 10th day of March 2016,

ORDERED,

CASE MANAGEMENT

[Counsel provided the Court with an update.]

1. **Docket report** – There are 53 matters pending on the docket as modified by this Order; four matters have been reinstated. (Orders entered).

OJ6

2. Order of dismissal with prejudice for cases that are now resolved

The ten (10) cases below are dismissed with prejudice.

No.	Plaintiff Name	Case No.	Plaintiff's Firm
1	Adamko, Walter	BER-L-5467-14	Borri Law Offices
2	Igoe, Brenda J.	BER-L-9211-14	Cohen & Feeley
3	Johnson, Martha	BER-L-3588-14	Cohen & Feeley
4	Riley, Louise Ann	BER-L-7077-11	Lanier Law Firm
5	Fried, Elizabeth	BER-L-1919-14	Morelli Ratner
6	Place, Yvonne	BER-L-9359-11	Rheingold Valet Rheingold
7	Schneider, Robert	BER-L-6600-13	Rheingold Valet Rheingold
8	McLynn, Virginia	BER-L-2953-14	Weitz & Luxenberg
9	Stroin, Joseph	BER-L-5007-14	Weitz & Luxenberg
10	Parsons, Debra	BER-L-5804-12	Wilentz Goldman & Spitzer

3. Order for plaintiffs revised fewer than 180 days after implant surgery

[which are not eligible for the program]

- *Lori Lapping v. DePuy Orthopaedics, Inc., et al.*
  Docket No. BER-L-7147-12 [100 days]

- *Laura Stadier, et al. v. DePuy Orthopaedics, Inc., et al.*
  Docket No. BER-L-7160-12 [56 days]

- *Jimmie Jones v. DePuy Orthopaedics, Inc., et al.*
  Docket No. BER-L-7194-11 [21 days]

- *Albert Alandzes v. DePuy Orthopaedics, Inc., et al.*
  Docket No. BER-L-10144-11 [2 days]

A case-specific Expert Proffer Order has been entered.

4. Non-registered Case

Plaintiff Janice Bewley (BER-L-8306-11) still has not registered with the settlement administrator as required by this Court's order of November 25, 2013 (CMO No. 28). An Order compelling registration has been entered. If the matter is not registered by March 30, 2016, the matter will be dismissed without prejudice.

5. Order of Dismissal Without Prejudice for Non-Revised Plaintiffs

The Court has entered an Order.

6. Round One Opt-Outs

No.	Plaintiff Name	Case No.	Plaintiff's Firm
1	Palmer, Randy	BER-L-5303-12	Oshman & Mirisola
2	Eyler, Joann	BER-L-5349-12	Williams Cuker Berezofsky

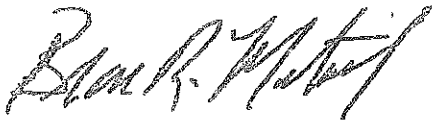
Within sixty (60) days, Plaintiffs Randy Palmer and Joann Eyler will meet with the Special Master. In the meantime, counsel will meet and confer to prepare a case-specific Case Management Order if the cases are not resolved. The Case Management Order will be submitted to the Court by email.

7. Revisions to CMO 31 on unrevised plaintiff dismissals; an Order has been entered.

GENERAL

1. The next Case Management Conference is scheduled for April 28, 2016 at 10:30 a.m.
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.
3. Counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to email liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition you must confirm your appearance, immediately following the proceeding. Absent the above, counsel's appearance will not be noted.
4. The Court directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.

5. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
6. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Anna Celentano at Anna.Celentano@judiciary.state.nj.us.
7. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.
8. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.
9. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
10. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.



BRIAN R. MARTINOTTI, J.S.C.