

IN RE STRYKER REJUVENATE &
ABG II MODULAR HIP
IMPLANT LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
CIVIL ACTION

This Document Relates To the Following
Matter Only:

CASE NO. 296
Master Docket No. BER-L-936-13 MCL
Individual Case Docket No. BER-L-651-14

ULMER, Rosemarie, et al., BER-L-651-14

**ORDER WITH TERMS FOR
DISMISSAL WITH PREJUDICE**

FILED
APR 18 2023
RACHELLE L. HARZ
J.S.C.
Pursuant to the New Jersey Supreme Court's Order of January 15, 2013, MCL No. 296 (Master Docket Number BER-L-936-13) 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 March 17, 2023, the Court entered an Order regarding notice to Plaintiff Rosemarie Ulmer concerning her pending lawsuit before this Court (Docket No. BER-L-651-2014). In the Order the Court noted that the identified pending lawsuit asserts claims involving a plaintiff who has been deemed ineligible for the settlement program established during the course of this MCL. Based upon reports to this Court, there were only a small number of ineligible litigants in the settlement program over several years, and virtually all have now dismissed their lawsuits without remuneration. The Order also noted that counsel of record in the Ulmer matter seeks to be formally relieved of their representation of this Plaintiff based on counsel's termination of representation of the named Plaintiff and other underlying circumstances.

By way of the March 17, 2023 Order, the Court further set a April 12, 2023 hearing date for Plaintiff Rosemarie Ulmer (or her legal representatives) to appear and show cause why her unqualified settlement claim case should not be removed from the trial calendar and dismissed from the MCL docket with prejudice. Specific instructions for participation in the April 12, 2023 hearing by telephone were set forth in detail in the Order. The Order also indicated that if Plaintiff

failed to appear at the telephonic conference then the Court would dismiss her lawsuit with prejudice and allow her current counsel to withdraw from representation.

On April 12, 2023, the Court held a hearing at the noticed time using the conference call information set forth in the prior notice order. The Court held the hearing telephone line open for well over 30 minutes from the noticed start time and also dialed in an additional time to be certain of the participants. Despite notice of the hearing by way of Order, Plaintiff Rosemarie Ulmer failed to appear to show cause why her lawsuit should not be removed from the trial calendar and dismissed with prejudice.

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

IT IS on this 18th day of April 2023 **ORDERED**:

1. Only the following matter is within the scope of this Order:
 - ROSEMARIE ULMER, et al. v. Howmedica Osteonics Corp., et al. (BER-L-651-2014)
2. The law firm of Searcy Denney, P.A. has been permitted to, and has, withdrawn as counsel for the named plaintiff.
3. The identified matter is hereby dismissed with prejudice.

Dated: April 18, 2023


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