

DEC 18 2019

RACHELLE L. HARZ

IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 624

Master Docket No. BER-L-7859-17

CIVIL ACTION

This Document Relates To ALL ACTIONS

CASE MANAGEMENT ORDER #7

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

This Order amends the Court's prior procedural orders in MCL Master Docket No. ("MCL No. 7859-17") as set forth herein. This Order applies to all cases previously and hereafter transferred to this MCL, or those which were directly filed in this MCL. Plaintiffs' Lead Counsel shall promptly notify all counsel of record for Plaintiffs of this Order.

IT IS HEREBY ORDERED BY THE COURT:

1. Partial Stay of Litigation: On November 2, 2018, the court stayed discovery in this litigation through July 31, 2019. The discovery stay is reinstated for a period of 120 days from the date of this Order, except as provided herein or as ordered by the Court.
2. Case Questionnaires and Certifications: Pursuant to Case Management Order #1 entered on June 26, 2017 ("CMO#1"), each Plaintiff is required to complete and serve the Case Questionnaire, a copy of which is attached to CMO #1. For each case that has not otherwise been resolved or dismissed from this docket as of the date of this Order, Plaintiff's counsel of record *shall execute and serve a Case Questionnaire Certification* attached hereto as Exhibit 1, and shall serve the Case Questionnaire Certification *along with Plaintiff's completed Case Questionnaire (including required documentation)* via the service instructions attached hereto as Exhibit 2 **within**

thirty (30) days of this Order, or within thirty (30) days of the direct filing of a case in, or transfer of a complaint to, this MCL (whichever is later).

3. Plaintiff Fact Sheets and Certifications: Pursuant to the Fact Sheet Implementation Order entered on October 31, 2017, each Plaintiff is required to complete, verify and serve the Plaintiff Fact Sheet (“PFS”) adopted and referenced in the Fact Sheet Implementation Order. For each case that has not otherwise been resolved or dismissed from this docket as of the date of this Order, Plaintiff’s counsel of record shall execute and serve a *PFS Certification* attached hereto as Exhibit 3, and shall serve the PFS Certification along with Plaintiff’s completed PFS (including required documentation in the form previously approved in the Fact Sheet Implementation Order) via the service instructions attached hereto as Exhibit 2 **within forty-five (45) days** of this Order, or within forty-five (45) days of the direct filing of a case in, or the transfer of a complaint to, this MCL (whichever is later).

4. Notice of Deficiency and Dismissal for Failure to Prosecute: In the event a Plaintiff does not provide a fully completed Case Questionnaire or PFS, or counsel failed to provide a signed Case Questionnaire Certification or signed PFS Certification by the above noted deadlines, and the deficiency is not cured within fifteen (15) days of notice of the deficiency by Defendant, Plaintiff’s action may be dismissed. The Court notes that failure to serve a fully completed Case Questionnaire accompanied by a signed Case Questionnaire Certification or failure to serve a fully completed PFS accompanied by a signed PFS Certification shall be deemed a failure to timely serve same for purposes of this provision.

5. Notice of Death of Plaintiff: In all actions pending in this MCL or filed or transferred to this MCL in the future, if a Plaintiff has died since bringing the action, counsel shall

notify lead plaintiffs' and defense counsel, and shall file a motion to amend the complaint to reflect the death and to substitute the appropriate estate representative(s). Both the notice to counsel and the motion to amend must be filed within thirty (30) days of this order or within thirty (30) days of learning of the death (whichever is later). If the notice to counsel and motion to amend are not timely served pursuant to the terms of this Order, then the action will be dismissed.

6. Ongoing Obligations of Counsel of Record Regarding Filed Complaints and Certifications: With regard to each complaint pending in this MCL, or filed or transferred to this MCL in the future, and each certification required by this Order, the Court reminds Plaintiff's counsel of record of the ongoing "reasonable" inquiry obligations set forth in Rule 1:4-8 and the duties to disclose or supplement under the New Jersey Court Rules. If the court determines that either of these rules have been violated, the Court may impose an appropriate sanction on any attorney or law firm that violated the rule or is responsible for the violations.

Dated: December 18, 2019


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

EXHIBIT 1

**IN RE STRYKER LFIT CoCr V40
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LITIGATION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

**CASE NO. 624
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**CASE QUESTIONNAIRE
CERTIFICATION OF COUNSEL**

I, [INSERT COUNSEL NAME], hereby represent and declare that I currently represent [INSERT PLAINTIFF NAME] in the above-referenced Multi-County Litigation. After diligent and reasonable inquiry by me, I further represent, declare and certify that to the best of my knowledge, information and belief, all of the information provided in this Case Questionnaire is true, correct and complete. I further acknowledge my ongoing duty to supplement this Case Questionnaire in accordance with the court's prior orders to provide complete, correct, and/or additional information within 30 days of becoming aware of such information.

Insert Counsel Name
INSERT FIRM NAME
Insert Firm Address
Email: Insert Email Address
Telephone: Insert Telephone Number

Counsel for Plaintiff(s)
Insert Plaintiff(s) Name(s)

Dated:

EXHIBIT 2

**IN RE STRYKER LFIT CoCr V40
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**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

CASE NO. 624

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**INSTRUCTIONS FOR SERVICE OF
PLAINTIFF FACT SHEETS AND CASE
QUESTIONNAIRES IN NEW JERSEY
MULTI-COUNTY LITIGATION**

Service of all Case Questionnaires (“CQ”) and Plaintiff Fact Sheets (“PFS”) in the above-noted litigation ***must*** be completed using counsel for defendant Howmedica Osteonics Corp.’s (“HOC”) designated secure FTP as set forth below:

1. Plaintiffs’ counsel must email StrykerV40MCLPFS@gibbonslaw.com and request credentials to access the FTP. Plaintiffs’ counsel will receive a responding email with their log-in credentials. These credentials will provide access *only* to their firm’s designated folder. Plaintiffs’ counsel must then upload each respective plaintiff’s CQ and PFS in that plaintiff’s designated folder. **HOC *will not* accept service of CQ or PFS that are not properly uploaded into the individual plaintiff’s designated folder.** In the event Plaintiffs’ Counsel cannot find their client’s designated folder, please contact StrykerV40MCLPFS@gibbonslaw.com.
2. Once upload is complete, Plaintiffs’ counsel ***must*** then email StrykerV40MCLPFS@gibbonslaw.com and lead Plaintiffs’ counsel, Ellen Relkin of Weitz & Luxenberg at erelkin@weitzlux.com with the date of upload as well as the name and docket number of each plaintiff for whom a CQ and PFS was served. Plaintiffs’ counsel will then receive a responsive email confirming receipt for their records.

Please note that HOC *will not* accept service of CQ or PFS via email or regular mail.

EXHIBIT 3

**IN RE STRYKER LFIT CoCr V40
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**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

**CASE NO. 624
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**PLAINTIFF'S FACT SHEET
CERTIFICATION OF COUNSEL**

I, [INSERT COUNSEL NAME], hereby represent and declare, that I currently represent [INSERT PLAINTIFF NAME] in the above-referenced Multi-County Litigation. After diligent and reasonable inquiry by me, I further represent, declare and certify that to the best of my knowledge, information and belief, all of the information provided in this Plaintiff's Fact Sheet is true, correct and complete. I further acknowledge my ongoing duty to supplement this Plaintiff Fact Sheet in accordance with the court's prior orders to provide complete, correct, and/or additional information within 30 days of becoming aware of such information.

Insert Counsel Name
INSERT FIRM NAME
Insert Firm Address
Email: Insert Email Address
Telephone: Insert Telephone Number

Counsel for Plaintiff(s)
Insert Plaintiff(s) Name(s)

Dated: