

JUDITH and SHELDON LEWIS

Plaintiffs,

v.

HOWMEDICA OSTEONICS  
CORPORATION, a New Jersey corporation  
d/b/a  
STRYKER ORTHOPAEDICS,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

Docket No. BER-L-10166-14  
(Former Atlantic County Docket No: ATL-L-  
491-11 – prior to transfer of MCL)

Trident Multicounty Litigation Case No. 285

CIVIL ACTION

**ORDER OF DISMISSAL WITH TERMS**

**FILED**  
JUN 01 2023

GREGG A. PADOVANO, J.S.C.

Pursuant to the New Jersey Supreme Court's Order of March 31, 2009, all pending and future litigation relating to certain "Stryker Trident" cases were assigned to the Superior Court of New Jersey, Atlantic County vicinage for centralized case management and trial issue purposes. The Multicounty Litigation Docket number 285 ("MCL#285") was assigned to the consolidated litigation. On September 15, 2014 the then-pending Trident matters within MCL#285 were all transferred to this Court in the Bergen County vicinage. The related filings since that time have also been consolidated in this Bergen County vicinage. Accordingly, this Court is charged with management of this litigation, generally, as well as the individual matters that collectively comprise the MCL docket.

As part of its litigation management authority, this Court recently conducted a review of the few remaining MCL#285 cases. The above captioned pending individual matter, *Judith and Sheldon Lewis v. Howmedica Osteonics Corp., et al.*, was included in the cases reviewed by the Court. On April 27, 2023 this Court entered a Dismissal Notice Order in the *Lewis* matter setting forth the history of the case, including no activity by Plaintiffs for over 12 years, and notifying Plaintiffs that if no action is undertaken within thirty (30) days of the Notice Order then the case would be dismissed without prejudice to re-filing in this venue within sixty (60) days. The Notice

Order further stated that if no motion to reinstate is made within that time period then the matter will be dismissed with prejudice without further notice. This Court also noted further discovery obligations on the part of the Plaintiffs should the matter be reinstated.

The deadline for Plaintiffs' response to the April 27 Notice Order has passed and no response has been received and this Court is aware of no other activity in this case.

ACCORDINGLY, IT IS ON THIS 1<sup>st</sup> DAY OF JUNE 2023 **ORDERED** AS FOLLOWS:

1. The *Sheldon Lewis v. Howmedica Osteonics Corp., et al.* (Ber-L-10166-14), case is hereby dismissed without prejudice.
2. This matter may only be re-instated in this venue (Bergen County, New Jersey) under the individual case docket (not the master docket) and only for a period of 60 days from the date of this Order. If no motion to re-instate pursuant to this Order is made within 60 days hereof then the case will be dismissed with prejudice without further notice.
3. Should a motion be filed to re-instate the matter during the 60 day period then counsel or the party or parties seeking to reinstate the matter must provide documentation to the Court *in camera* including product identification, date of implant and other materials that enable the Court to determine if the implant at issue was included in the Stryker limited lot voluntary recall in 2008. If it is a 2008 recalled Trident implant, then the moving party must further provide additional records reflecting proof of early premature revision for reasons related to the 2008 limited lot recall. Once those initial proofs of recall status are made then the Court will issue a further case management order pertaining to preliminary expert report

obligations. If it is not a 2008 recalled Trident implant, then the Court will immediately issue an OTSC requiring the moving party to show cause why the matter should proceed, including the scheduling of initial expert reports identifying the liability and causation opinions upon which the moving party shall base their affirmative case.

**IT IS FURTHER ORDERED** that a copy of this Order shall be entered on the MCL website and mailed by the Court.



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Hon. Gregg A. Padovano, J.S.C.