

VICTORIA WITHERUP AND JOSEPH  
WITHERUP (CONSORTIUM),

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-10197-14  
*(Former Atlantic County Docket No: ATL-L-  
3545-14 – prior to transfer of MCL)*

Trident Multicounty Litigation Case No. 285

CIVIL ACTION

**DISMISSAL NOTICE ORDER**

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 has conducted a review of the few remaining MCL#285 cases.

IT IS ON THIS 26<sup>TH</sup> DAY OF APRIL 2023 **ORDERED** AS FOLLOWS:

1. With regard to the above captioned individual matter, this matter was originally filed on July 2, 2014 in Atlantic County, New Jersey, and transferred as part of MCL#285 to this Court in Bergen County in September 2014. Since that time no activities have been undertaken to pursue the action.
2. This captioned matter, which has been pending in this MCL since 2014 without any activity, is hereby receiving notice of dismissal without prejudice for lack of prosecution unless action is undertaken within thirty (30) days from the entry of

**FILED**


**APR 26 2023**

**RACHELLE L. HARZ  
J.S.C.**

this Order. If no action is undertaken within 30 days of this Order, then this case will be dismissed without prejudice.

3. If dismissal without prejudice is entered then 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 the dismissal without prejudice. If no motion to re-instate pursuant to this Order is made within 60 days of the dismissal without prejudice then a subsequent order will be entered dismissing this matter with prejudice without further notice.
4. 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.

  
Hon. Rachelle L. Harz, J.S.C.