

IN RE: TASIGNA PRODUCTS
LIABILITY LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
L-4287-21

MASTER DOCKET NO.: BER-L-5018-21
CASE NO. 635

This document relates to:

EUGENE BODLE

BER-L-004287-21

FILED

JUL 19 2023

GREGG A. PADOVANO, J.S.C.

CIVIL ACTION

~~ORDER GRANTING DEFENDANT'S
CROSS-MOTION TO DISMISS FOR
FAILURE OF PARTY TO ATTEND AT
OWN DEPOSITION AND FOR
REASONABLE EXPENSES~~

THIS MATTER having been brought before the Court upon Cross-Motion by Harris Beach PLLC, counsel for Defendant Novartis Pharmaceuticals Corporation, as set forth in the Notice of Motion, for an Order dismissing with prejudice the above-captioned matter for plaintiff's failure to attend her own deposition and for reasonable expenses, and other relief set forth in Defendant's Cross-Motion, pursuant to R. 1:6-3(b), 4:23-1, -2(b)(3), -4, and 4:37-2(a), and the Court having considered the papers submitted; and the Court having heard the arguments of counsel, if any; and for good cause shown; *AND FOR THE REASONS SET FORTH ON THE REC'D COPY*

IT IS on this 19th day of JULY, 2023,

ORDERED as follows:

1. The Court ~~DENIES~~ **GRANTS** Plaintiff's Motion to Voluntarily Dismiss Without Prejudice.
2. The Court ~~GRANTS~~ **DENIES** Defendant's Cross-Motion to Dismiss For Failure of Party to Attend at Own Deposition and For Reasonable Expenses.
3. Pursuant to R. 4:34-1, that Plaintiff will be substituted and the caption in this matter shall be amended to reflect that Plaintiff is Vicki Bodle, Individually and as Successor in Interest for the Estate of Eugene Bodle.

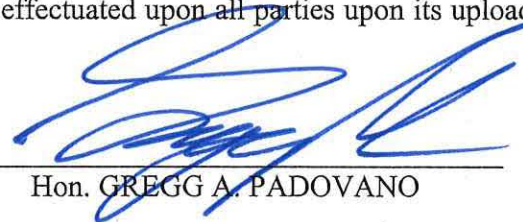
4. Plaintiff shall pay Defendant the reasonable expenses caused by plaintiff's failure to attend her deposition on five separate noticed dates, including the costs incurred by Defendant to unnecessarily depose the prescribing physician in this case, in the total amount of \$12,917.95 within fourteen days following entry of this Order. **DENIED**

5. Plaintiff shall also be ordered to pay specified costs and attorneys' fees for the underlying motion. Defendant shall file an affidavit detailing the costs and fees to be recovered from plaintiff for the underlying motion. **WITHOUST**

6. Pursuant to R. 4:37-2(a), all of Plaintiff's claims are dismissed **WITHOUST** with prejudice.

7. Upon dismissal of this action, NPC shall select another case for case-specific discovery in this MCL and notify the Court of its selection in accordance with the parties' September 21, 2022 Joint Submission Regarding Case-Selections. *See also* Sept. 7, 2022 Status Conf. Tr. at 36:1-17 (ECF No. 168); *In re: Tasigna Prod. Liab. Litig.*, Case No. 635, Master Case No. 6:21-md-3006-RBD-DAB.

8. Service of this Order shall be deemed effectuated upon all parties upon its upload to e-Courts.


Hon. GREGG A. PADOVANO

Opposed

Unopposed