

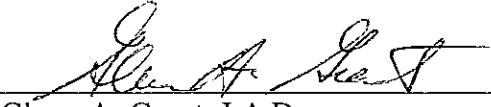
NOTICE TO THE BAR

MULTICOUNTY LITIGATION – PROPOSED TERMINATION OF MULTICOUNTY LITIGATION (MCL) DESIGNATION OF THE POMPTON LAKES LITIGATION

By Order of September 13, 2010, the Supreme Court assigned all New Jersey state court litigation seeking damages or other relief against E.I. DuPont DeNemours and Company and/or Royle Systems Group, LLC alleging environmental contamination in the Borough of Pompton Lakes, Passaic County to Bergen County for centralized management (now multicounty litigation (MCL)) by then Superior Court Judge Brian R. Martinotti. By Order dated July 22, 2016, the litigation was reassigned to Superior Court Judge Rachelle L. Harz. Judge Harz has reported to the Administrative Director of the Courts that all active litigation has been concluded and that the MCL designation of the Pompton Lakes Litigation therefore should be terminated.

In accordance with the provisions of Court Rule 4:38A and the Multicounty Litigation Guidelines (Directive #8-12), this Notice is to advise of the proposed termination of the MCL designation of the New Jersey state-court Pompton Lakes litigation. Any comments on or objections to this proposed action must be submitted in writing, with relevant supporting documentation, to the Administrative Director of the Courts, Attn: MCL Comments, P.O. Box 037, Trenton, NJ 08625-0037, by July 9, 2018. Comments or objections may also be submitted by e-mail to the following address: Comments.Mailbox@njcourts.gov.

Once this comment period has closed, the proposed termination of the MCL designation will be submitted to the Supreme Court for its consideration and action.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: June 8, 2018

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.gov • Phone: 609-376-3000 • Fax: 609-376-3002

June 8, 2018

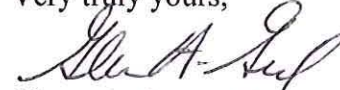
Hon. Rachelle L. Harz, J.S.C.
Bergen County Justice Center
10 Main Street, Room 359
Hackensack, NJ 07601

Re: Multicounty Litigation – Pompton Lakes Litigation

Dear Judge Harz:

Thank you for your recent correspondence recommending termination of the multicounty litigation (MCL) designation of the Pompton Lakes Litigation. As you know, in accordance with R. 4:38A and Directive #8-12, "Multicounty Litigation Guidelines," a notice setting forth that recommendation is being posted on the Judiciary's Internet website and published in the New Jersey Law Journal requesting any comments or objections. A copy of that notice is enclosed. The comment period will close on July 9, 2018, after which the matter will be submitted to the Supreme Court for its consideration and action. Thank you.

Very truly yours,



Glenn A. Grant, J.A.D.
Acting Administrative Director

Enclosure

Cc: Chief Justice Stuart Rabner
Hon. Bonnie J. Mizdol, A.J.S.C.
Hon. Robert L. Polifroni, P.J.Cv.
Steven D. Bonville, Chief of Staff
Jennifer M. Perez, Director, Trial Court Services
Laura A. Simoldoni, Trial Court Administrator
Taironda E. Phoenix, Assistant Director, Civil Practice
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Jessica Lewis Kelly, Special Assistant
Kathleen Stylianou, Civil Division Manager

CIVIL

SUPERIOR COURT OF NEW JERSEY

RACHELLE L. HARZ
JUDGE



BERGEN COUNTY JUSTICE CENTER
10 MAIN STREET, ROOM 359
HACKENSACK, N.J. 07601
(201) 221-0700, ext. 25557



May 15, 2018

Honorable Glenn A. Grant, J.A.D.
Acting Director, Administrative Office of the Courts
Hughes Justice Complex, 25 W. Market Street
P.O. Box 037
Trenton, New Jersey 08625

In Re: **Alleged Environmental Contamination of Pompton Lakes**
Case No. 290

Dear Director Grant:

In accordance with the Directive #08-12, Promulgation of Revised Multicounty Litigation Guidelines, superseding Directive #07-09, Promulgation of Revised Mass Tort Guidelines, attached here to please find Report and Recommendation to Terminate Centralized Management and Remove Mass Tort Designation.

Please do not hesitate to contact me if you have any questions or require any further information.

Respectfully submitted,

A handwritten signature in blue ink that reads "Rachelle L. Harz".

Rachelle L. Harz, J.S.C.

RLH/kst
Enclosure

Cc: Hon. Bonnie J. Mizdol, A.J.S.C.
Hon. Robert L. Polifroni, P.J.S.C.
Laura Simoldoni, Trial Court Administrator
Kathleen Andes-Stylianou, Civil Division Manager

FILED

MAY 15 2018

RACHELLE L. HARZ

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

CASE NO. 290

MASTER DOCKET NO.: BER-L-10803-10

CIVIL ACTION

**REPORT AND RECOMMENDATION TO
TERMINATE CENTRALIZED
MANAGEMENT AND REMOVE MASS
TORT DESIGNATION PURSUANT TO
DIRECTIVE #08-12 AND R. 4:38A**

**IN RE ALLEGED
ENVIRONMENTAL
CONTAMINATION OF
POMPTON LAKES**

TO: Honorable Glenn A. Grant, J.A.D., Acting Administrative Director,

On September 13, 2010, the New Jersey Supreme Court entered an order designating all pending and future litigation against E. I. DuPont DeNemours and Company and/or Royle Systems Group, LLC alleging environmental contamination in the Borough of Pompton Lakes, Passaic County for centralized management (now multi-county litigation) and assigned these cases to the Honorable Brian R. Martinotti in the Bergen Vicinage. On July 22, 2016, the New Jersey Supreme Court entered an amended order assigning those same matters to the Honorable Rachelle L. Harz in the Bergen Vicinage.

Prior to centralization, one hundred and sixty five (165) cases with three hundred and forty (340) Plaintiffs had been filed in Passaic County beginning March 4, 2010. Upon centralization, all cases were then transferred from Passaic County to Bergen County. There have been in excess of thirty eight (38) case management conferences, and approximately twenty eight (28) substantive and procedural motions since the transfer.

The following is a summary of significant events:

- **November 10, 2010:** First case management conference held;
- **October 28, 2011:** Defendants Royale Systems Group, LLC, Alrabwah Inc., and Valbruna Stainless, Inc. were voluntarily dismissed without prejudice;

- **November 28, 2011:** Stipulation and order of voluntary dismissal of certain personal injury claims in:
 - Alvarez, BER-L-10749-10
 - Cortese, BER-L-11172-10
 - Courter, BER-L-10673-10
 - Dnistran, BER-L-12339-10
 - Mastrofilippo, BER-L-10744-10
 - Hannan, BER-L-10567-10
 - Mertis, BER-L-10657-10
 - Palombi, BER-L-10784-10
 - Roesch, BER-L-10709-10
- **February 16, 2012:** Stipulation and order of voluntary dismissal with prejudice of cases that had initially settled in the *Armona* action which was pending in federal court;
- **April 10, 2012:** Hon. Justice Zazzali (Ret.) was selected as a mediator by the parties;
- **August 8, 2012:** Summary Judgment granted in favor of Defendants in Bruno, BER-L-6510-10, and Gorman, BER-L-10797-10;
- **October 18, 2012:** First mediation session conducted with the mediator Hon. Justice Zazzali (Ret.);
- **Winter of 2014:** twenty six (26) plaintiffs voluntarily dismiss their complaints;
- **February 26, 2014:** Summary Judgment granted in favor of Defendants and against Plaintiffs in Moutenot, BER-L-10592-10;
- **February 19, 2015:** Order approving settlement of property claims for twenty one (21) minor plaintiffs;
- **Winter-Spring, 2015:** Stipulation of dismissal with prejudice of forty one (41) Complaints;
- **August 17, 2015:** Summary Judgment granted in favor of Defendants and against Plaintiffs in Dnistran, BER-L-12339-10, Magee, BER-L-10722-10, Monico, BER-L-10670-10, Recca, BER-L-10576-10, Felicetta, BER-L-6506-11, Stursberg, BER-L-10691-10;

- **Fall 2015:** Stipulation of dismissal with prejudice of seventeen (17) Complaints;
- **November 1, 2017:** Order relieving Weitz & Luxenberg, P.C., as counsel for Joseph Intintola, Sonia Anaya, BER-L-10766-10, and Harry Van Orden, BER-L-6509-11;
- **December 5, 2017:** Stipulation of dismissal with prejudice of thirty eight (38) Complaints;
- **January 18, 2018:** Dismissal of Joseph Intintola, Sonia Anaya, BER-L-10766-10, and Harry Van Orden, BER-L-6509-11, without prejudice.

In light of the absence of active files, and the unlikelihood that there will be future filings, I recommend that centralized management of *In Re Alleged Environmental Contamination of Pompton Lakes* litigation be terminated.

Respectfully submitted,


 Rachelle L. Harz, J.S.C.

Dated: May 15, 2018

cc: Hon. Bonnie J. Mizdol, A.J.S.C.
 Hon. Robert L. Polifroni, P.J.Cv.
 Laura Simoldoni, Trial Court Administrator
 Kathleen Andes-Stylianou, Civil Division Manager
 All Counsel on service list