



# Jeffrey Hall-Gale Successfully Obtained an Order Dismissing the Plaintiff's Complaint Against the Firm's Retail Client

January 31, 2022

Jeff Hall-Gale, an associate in the firm's General, Tort, and Insurance Litigation Department, and resident in our Princeton, New Jersey office, successfully obtained an order dismissing the plaintiff's complaint against the firm's retail client in a Morris County New Jersey case. The case involved a Plaintiff who sustained a fractured patella which required open reduction internal fixation surgery. Initially, Cullen & Dykman filed a Motion to Dismiss the Plaintiff's Complaint without prejudice for plaintiff's continued failure to attend a deposition and a medical exam as required by the Court's prior discovery order. Due to Plaintiff's continued failure to attend a deposition and medical exam or otherwise reinstate the case following the dismissal without prejudice, Cullen & Dykman filed a Motion to Dismiss with prejudice. The Court agreed with the firm's position, finding that plaintiff's ongoing failure to attend a deposition and medical exam merited a dismissal with prejudice.

Pursuant to the New Jersey Rules of Court R. 4:23-5(a)(2), if an order of dismissal or suppression without prejudice has been entered for a party's failure to comply with discovery requirements and it not thereafter vacated, the party entitled to the discovery may, after the expiration of 60 days from the date of the order, move on notice for an order of dismissal or suppression with prejudice.

## Practices

- General Liability, Tort and Insurance Defense