

John M. McConnell, Esq. [#028152006]
Earyn J. Edwards, Esq. [#245852017]
 Goldberg Segalla LLP
 Mailing Center: PO Box 580, Buffalo, NY 14201
 301 Carnegie Center, Suite 200
 Princeton, NJ 08540
 609.986.1300
 609.986.1301 (fax)
Attorneys for Defendants, BJ's Wholesale Club, Inc. and Watchung UE, LLC

FILED

June 5, 2020

HON. BRUCE J. KAPLAN, J.S.C.

ELMA THOMAS and LENFORD THOMAS

Plaintiffs,

v.

BJ'S WHOLESALE CLUB, INC.,
 WATCHUNG UE, LLC., ET AL.

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-5518-19

CIVIL ACTION

ORDER

THIS MATTER having been opened by Goldberg Segalla, LLP, attorneys for Defendants, BJ's Wholesale Club, Inc. and Watchung UE, LLC (hereinafter referred to as "Moving Defendants"), in connection with the above-captioned matter brought by Plaintiffs, Elma and Lenford Thomas (hereinafter referred to as "Plaintiffs"), and the Court having read and considered the moving papers, the opposition papers, and the reply thereto, and for good cause having been shown **and for the reasons set forth in the attached Statement of Reasons;**

IT IS on this **5th day of June, 2020;**

ORDERED that Plaintiff, Elma Thomas, appear in-person for deposition on June 11, 2020 at 10:00 A.M. Eastern Standard Time, **or within thirty (30) days thereafter on a date and at a time and place mutually agreed upon by the parties;** and it is further

ORDERED that, in the event Plaintiff's deposition cannot occur in-person by **June 11, 2020 or within thirty (30) days of that date, Plaintiff's deposition must occur virtually by**

way of zoom or other teleconference system during that time period (by no later than July 11, 2020); and it is further

ORDERED that Plaintiff, Elma Thomas, must return signed, authorizations for Defendant to obtain Plaintiff's records from Medemerge (Atlantic Medical Group) and Exact Science Laboratories, **within ten (10) days of the date of entry of this order;** and it is further

ORDERED that Plaintiff, Elma Thomas, must provide a full, complete, and certified response to Defendants' interrogatory number 4, which includes amounts expended for medical care, amounts owed for medical care, if any, as well as the amount of any liens that are being asserted by any healthcare provider for any treatment Plaintiff, Elma Thomas, underwent in connection with the incident that is the subject of her Complaint, **within five (5) days of receipt of such information;** and it is further

ORDERED that service of this Order shall be deemed effectuated upon all parties upon its upload to e-Courts. Pursuant to Rule 1:5-1(a) movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.

/s/ Bruce J. Kaplan
HONORABLE BRUCE J. KAPLAN, J.S.C.

OPPOSED

STATEMENT OF REASONS

First, Defendant seeks an order compelling Plaintiff to appear for a virtual deposition on June 11, 2020. After reviewing all submissions of the parties, this Court accepts the representation of Plaintiff's Counsel that Plaintiff will experience significant hardships from conducting a virtual deposition, with no access to the internet, little to no knowledge of technology, and no one who lives with her to assist her with setting up the virtual "flight pack."

This Court also acknowledges, however, that this case must move forward and the Defendant is entitled to take the Plaintiff's deposition. With that said, this Court is ordering an in-person deposition to occur by no later than July 11, 2020, on a date and time mutually agreed upon by the parties (subject to the Stay at Home Orders). In the event an in-person deposition is unable to occur by

that date, Plaintiff's deposition must occur virtually via zoom or other teleconference system by that date (no later than July 11, 2020).

Second, Defendant seeks an order compelling Plaintiff to provide signed HIPAA authorizations for Medemerge (Atlantic Medical Group) and Exact Science Laboratories pursuant to R. 4:17-4(f). Plaintiff is not objecting to the request for the authorizations and has not refused to provide the authorizations. As such, Plaintiff shall provide same within ten (10) days of entry of this Order.

Lastly, Defendant seeks an order compelling Plaintiff to provide a more specific response to interrogatory #4, namely: the amount expended for Plaintiff's medical care, the amount owed for Plaintiff's medical care (if any), and the amount of any liens being asserted by healthcare providers for Plaintiff's treatment related to this litigation.

This Court accepts the representation of Plaintiff's Counsel, that Plaintiff is not refusing to provide the outstanding information and has provided all information received to date. This Court further accepts the representation that Plaintiff has requested the outstanding discovery, but simply has not received it yet. As such, Plaintiff shall provide the outstanding discovery related to Interrogatory #4 within five (5) days of its receipt.