

FILED
Feb 20, 2015

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-----X
SLOMIN'S, INC.,

Plaintiff,

- against -

JACQUELINE WALKER,

Defendant.

-----X

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY
SPECIAL CIVIL PART**

DOCKET NO. DC-012458-14

CIVIL ACTION

**ORDER SUPPRESSING DEFENDANT'S
PLEADINGS FOR FAILURE TO
PROVIDE DISCOVERY**

THIS MATTER being opened to the court by KIRSCHENBAUM & KIRSCHENBAUM, P.C., attorneys for the plaintiff, SLOMIN'S, INC., by way of motion seeking an order dismissing Defendant's counterclaims, striking Defendant's answer, and entering default on Plaintiff's Complaint, and the Court having considered the motion, pleadings on file and/or argument of the moving party and for good cause appearing;

IT IS on this 20th day of February, 2015,

ORDERED that Defendant's counterclaims are dismissed, Defendant's answer is struck,

and a default is entered on Plaintiff's Complaint without prejudice, due to Defendant's failure to respond to interrogatories and to Plaintiff's document production requests; and

It is **FURTHER ORDERED** that a copy of this Order be served by the moving party upon all other parties, or their attorneys, if any, within 7 days of the date hereof.

The motion was: _____ **Opposed** X _____ **Unopposed**



LAWRENCE MARON, J.S.C.

Motion to Strike without Prejudice- R. 6:4-6 and R. 4:23-5(a)(1)

1. A demand for discovery was not complied with.
2. Affidavit reciting the facts of the delinquent party's default.
3. Affidavit recites that the moving party is not in default in any discovery obligations owed to the delinquent party.
4. Affidavit includes a representation of prior consultation with or notice to opposing counsel or pro se party as required by R. 1:6-2(c)

Complies with R. 6:4-6 and R. 4:23-5(a)(1).