

NOTICE TO THE BAR

New Jersey Medical Care Access and Responsibility and Patients First Act - Affidavit of Non-Involvement

The New Jersey Medical Care Access and Responsibility and Patients First Act (L. 2004, c. 17), signed into law on June 7, 2004 to take effect July 7, 2004, provides, in section 6.a., a mechanism for health care provider defendants to obtain a dismissal of the case against them by filing an "affidavit of non-involvement." By Supreme Court Order of July 8, 2004, which is published with this Notice, Rule 1:6-2 is relaxed and supplemented to provide that a party filing such an affidavit of non-involvement must do so by annexing the affidavit, which must comply with Rule 1:6-6, to a notice of motion for dismissal of the action as to that party.

The Order further provides that, if no opposition to the motion is filed in accordance with Rule 1:6-3, the action shall be dismissed as to the moving party. If, however, opposition to the motion is filed, the court will proceed in accordance with Rule 1:6-2.

Richard J. Williams
Administrative Director of the Courts
Dated: July 15, 2004

ORDER

It is ORDERED, pursuant to N.J. Const. Art. VI, sec. 2, par. 3, that effective immediately and until further Order, Rule 1:6-2 ("Form of Motion; Hearing") of the Rules Governing the Courts of the State of New Jersey is hereby relaxed and supplemented as follows:

- (1) A party filing an affidavit of non-involvement pursuant to the New Jersey Medical Care Access and Responsibility and Patients First Act (L. 2004, c. 17) shall do so by annexing the affidavit, which shall comply with Rule 1:6-6, to a notice of motion for dismissal of the action as to that party; and
- (2) If no opposition to the motion is filed in accordance with Rule 1:6-3, an order shall be entered dismissing the action as to the moving party; and
- (3) If opposition to the motion is filed, the court shall proceed in accordance with Rule 1:6-2.

For the Court
Deborah T. Poritz
Chief Justice
Dated: July 8, 2004