

ROSELLI GRIEGEL LOZIER & LAZZARO, PC  
Mark M. Roselli, Esquire  
1337 State Highway 33  
Hamilton Square, New Jersey 08690  
(609) 586-2257  
Attorneys for Defendants

<b>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY</b>	
(IN RE BAYSIDE STATE PRISON LITIGATION)  ERROLL BURNETT,  Plaintiff,  v.  WILLIAM H. FAUVER, et al.,  Defendants.	Civil Action No. 11-cv-1471 (RBK)     <b>ORDER DISMISSING PLAINTIFF'S COMPLAINT WITH PREJUDICE</b>

**WHEREAS**, this matter was brought before the court upon Complaint of the plaintiff **ERROLL BURNETT** with the matter having been scheduled to be presented before the Special Master, with counsel for both parties appearing before the Special Master; and

**WHEREAS**, the Court entered an Order on March 2, 2011 requiring the plaintiff **ERROLL BURNETT** to appear before the Special Master on March 14, 2011 at 9:30 in forenoon to show cause as to why his claims should not be dismissed with prejudice, and unequivocally stating that the failure of the plaintiff to appear on March 14, 2011 without a showing of good cause would result in the dismissal, with prejudice, of the plaintiff's individual claims; and

**WHEREAS**, plaintiff's counsel made every reasonable effort to contact, advise and deliver a copy of the Order to Appear entered on March 2, 2011 to the plaintiff; and

**WHEREAS**, despite the best efforts of plaintiff's counsel, the plaintiff **ERROLL BURNETT** failed to appear before the Special Master on March 14, 2011 as ordered by the Court on March 2, 2011; and

**WHEREAS**, because of the plaintiff's failure to appear on Monday, March 14, 2011 pursuant to the Court's March 2, 2011 and upon application by attorneys for the defendants, the Special Master placed on the record a recommendation that the District Court dismiss with prejudice the complaint and claims brought by the plaintiff **ERROLL BURNETT** in the above-captioned matter.

**THEREFORE, FOR THE REASONS SET FORTH ABOVE, IT IS HEREBY ORDERED** that the complaint and claims brought by the plaintiff **ERROLL BURNETT** in the above-captioned matter are hereby dismissed with prejudice.

Date: 3-31-11



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HON. ROBERT B. KUGLER, U.S.D.J.