

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|                                  |   |                          |
|----------------------------------|---|--------------------------|
| EDWARD SILIPENA, et al.,         | : | Hon. Joseph H. Rodriguez |
| Plaintiffs,                      | : | Civil Action No. 16-711  |
| v.                               | : |                          |
|                                  | : | ORDER                    |
| AMERICAN PULVERIZER CO., et al., | : |                          |
| Defendants.                      | : |                          |

This matter having come before the Court on motion of Plaintiffs for Default Judgment as to all Defendants for Fraud Upon the Court and Sanctions Pursuant to Rule 37 (c) [Dkt. No. 181]; and the Court having considered the written submissions of the parties, as well as the arguments advanced during the hearing in this matter on October 29, 2020; and for the reasons stated on the record, which include an agreement for Defendants’ to bear the cost of the additional discovery associated with re-deposing Christopher Antinora and Steven Merz and leave for the parties to amend expert reports as necessitated by the additional discovery;

IT IS on this 30<sup>th</sup> day of October, 2020 hereby

ORDERED that Plaintiffs’ motion for Default Judgment as to all Defendants for Fraud Upon the Court and Sanctions Pursuant to Rule 37 (c) [Dkt. No. 181] is denied without prejudice.

/s/ Joseph H. Rodriguez  
JOSEPH H. RODRIGUEZ,  
United States District Judge