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NOTICE TO THE BAR

RE: Designation of Accutane Litigation as a Mass Tort

Accompanying the publication of this Notice to the Bar is a copy of the Supreme Court's May 2, 2005 Order designating all pending and future litigation statewide involving the drug Accutane, except five cases pending in Essex County, as a mass tort and transferring the management of all such cases to Atlantic County to be handled on a coordinated basis by the Honorable Carol E. Higbee. The cases exempt from the mass tort designation are:

Allen v. Hoffman La Roche ESX-L-10792-02
Balsham v. Hoffman La Roche ESX-L-5808-01
Cheek v. Hoffman La Roche ESX-L-7983-01
Pampell v. Hoffman La Roche ESX-L-5144-02
Palazzolo v. Hoffman La Roche ESX-L-5498-99

All questions relating to this matter should be directed to the following:

Michelle V. Perone, Esq.
Chief, Civil Court Programs
Civil Practice Division
P.O. Box 981
Trenton, NJ 08625
(609) 292-8471
Fax (609) 777-0844 E-Mail: michelle.perone@judiciary.state.nj.us.

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Dated: May 2, 2005

Supreme Court Order

On application made pursuant to Rule 4:38A and the Mass Tort Guidelines promulgated by Directive #11-03 in accordance with that Rule, it is hereby ORDERED that all pending and future actions seeking damages or other relief arising out of alleged injuries from the use of the drug Accutane, except as otherwise specified in this Order, are designated as a mass tort for centralized case management purposes; and

The following matters currently pending in Essex County are expressly exempted from this Order and shall continue to be venued and handled in Essex County:

Allen v. Hoffman La Roche ESX-L-10792-02 Balsham v. Hoffman La Roche ESX-L-5808-01 Cheek v. Hoffman La Roche ESX-L-7983-01
Pampell v. Hoffman La Roche ESX-L-5144-02 Palazzolo v. Hoffman La Roche ESX-L-5498-99

It is FURTHER ORDERED that any and all such complaints that have been filed in the various counties, other than those previously specified, and that are under or are awaiting case management and/or discovery shall be transferred from the county of venue to Superior Court, Law Division, Atlantic County (Vicinage No. 1), and assigned for management purposes to the Honorable Carol Higbee; and

It is FURTHER ORDERED that venue in all existing Accutane cases, except as previously noted, is transferred to Atlantic County; and that, pursuant to N.J.Const. (1947), Art. VI, sec. 2, par. 3, the provisions of Rule 4:3-2 governing venue in the Superior Court are supplemented and relaxed so that all future complaints seeking damages for alleged injuries from the use of Accutane, no matter where they might be venued, shall be filed in Atlantic County and assigned to Judge Higbee for management; and

It is FURTHER ORDERED that Judge Higbee shall oversee all management and trial issues for such cases and may, in her discretion, return such cases to the original county of venue for disposition; and

It is FURTHER ORDERED that no Special Master may be appointed in this litigation without the express approval of the Chief Justice.

For the Court
Chief Justice
Dated: May 2, 2005

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