

FILED

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BRYAN D. GARRUTO, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
HRT LITIGATION

CASE NO. 266

CIVIL ACTION

CASE MANAGEMENT ORDER NO. 9
REGARDING PRO HAC VICE
ADMISSIONS

**IN RE: HORMONE REPLACEMENT
THERAPY LITIGATION**

THIS MATTER having been opened on the Court's own motion pertaining to pro hac vice admissions in all pending and future HRT Litigation matters, centralized as a mass tort in Middlesex County, and good cause having been shown:

IT IS on this 16th day of March, 2006

ORDERED as follows:

The court hereby approves the use of the pro hac vice application form attached hereto. The form will be posted on the judiciary's website at www.judiciary.state.nj.us/mass-tort/hrt/index.htm.

Any attorney seeking admission pro hac vice shall make a formal motion for admission returnable before Judge Garruto on a non-motion Friday. A motion must be made on the applicant's behalf by a fully licensed member of the New Jersey Bar, in each individual docket, utilizing the form of motion annexed hereto, along with supporting Certification and/or Affidavit. Motions for the admission of counsel pro hac vice shall be decided on the papers submitted unless opposition to the motion is filed or the court otherwise directs. No more than two counsel shall be admitted pro hac vice on behalf of any party during the same period. A motion filing fee shall be paid for each individual docket.

Required Representations for Pro Hac Vice Admission

The attorney seeking admission pro hac vice must warrant the representations set forth below to be true:

1. Counsel seeking pro hac vice admission has a long-standing relationship with the client on whose behalf they wish to appear and the client has requested their participation in the litigation as attorneys pro hac vice.
2. Counsel seeking pro hac vice admission is associated with New Jersey counsel of record.
3. Counsel seeking pro hac vice admission has reviewed the New Jersey Rules of Court and agrees to comply with said Rules, including all disciplinary rules.
4. Counsel seeking pro hac vice admission represent they are a member in good standing of the bar of the highest court of the state where counsel practices, that no disciplinary proceedings are pending against them in any jurisdiction and no discipline has previously been imposed against them in any jurisdiction, and that counsel understand their continuing obligation to advise the court of any disciplinary proceedings.
5. Counsel representing plaintiffs who seek pro hac vice admission must certify that all retainer agreements with clients in the subject litigation do not, and in the future will not, violate any of the contingency fee provisions found in the Rules Governing the Courts of New Jersey for the current year.
6. Counsel seeking pro hac vice admission to represent a corporate defendant must certify as to his or her prior involvement with that corporation or its related entities, including the capacity in which he or she was involved. Further, the attorney must include in the Affidavit a statement of his or her good faith belief that he or she was not involved with policy or management decisions which would require him or her to be called as a witness in any matter before the Court.

Conditions of Pro Hac Vice Admission

The following conditions shall apply to the admission pro hac vice of any attorney in these matters:

1. Counsel admitted pro hac vice shall abide by the New Jersey Rules of Court, including all disciplinary rules of the Courts of the State of New Jersey, Rule 1:20-1(b), Rule 1:28-2, and Rule 1:28 B-1(e).
2. Counsel admitted pro hac vice shall consent to the appointment of the Clerk of the Supreme Court of New Jersey as an agent upon whom service of process may be made for all actions against their firm that may arise out of their participation in this matter.
3. Pro hac vice counsel must be accompanied by a member of the New Jersey Bar at all proceedings.
4. Discovery, motions, trial and any other court proceedings will not be adjourned due to the inability of pro hac vice counsel to be in attendance.
5. Counsel admitted pro hac vice shall not be designated as trial counsel pursuant to Rule 4:25-4.
6. All pleadings, briefs and other papers filed with the court shall be signed by an attorney of record authorized to practice in this State, who shall be held responsible for them, the conduct of the cause and the admitted attorney.
7. Counsel admitted pro hac vice must notify the Court immediately of any matter affecting their standing at the Bar of any State in which they are admitted or of any other jurisdiction.
8. Counsel admitted pro hac vice must within ten (10) days of the entry of the order for admission, pay the fees required by Rule 1:20-1(b), Rule 1:28-2 and Rule 1:28 B-1(e) and submit affidavits of compliance within fifteen (15) days thereafter. During the pendency of these matters counsel admitted pro hac vice shall continue to comply with Rules 1:20-1(b), 1:28-2 and 1:28 B-1(e) on an annual basis and shall submit affidavits of compliance within thirty (30) days of such compliance.

9. Any admission pro hac vice shall be automatically terminated for failure to make the required annual payment to the Ethics Financial Committee, the New Jersey Lawyer's Fund for Client Protection, and the Lawyers Assistance Fund upon appropriate notification from the Administrative Office of the Courts that the annual payment has not been made. Proof of such payment, after filing proof of the initial payment, shall be made no later than February 1 of each year.

10. Noncompliance with any of the requirements of pro hac vice admission shall constitute grounds for removal.

11. A copy of the order granting pro hac vice admission shall be served on all parties within seven (7) days of its entry.

Miscellaneous

Any and all provisions pertaining to pro hac vice admissions in all prior Case Management Orders issued in HRT Litigation, contradictory to or inconsistent with the terms set forth in this Order, are hereby vacated.


BRYAN D. GARRUTO, J.S.C.