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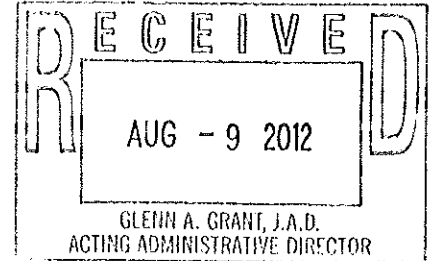
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August 9, 2012

VIA HAND DELIVERY

Honorable Glenn A. Grant, J.A.D.
Acting Administrative Director of the New Jersey Courts
Administrative Office of the Courts
Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625

Civil Practice Division

AUG 09 2012

RECEIVED

**Re: *Application for Centralized Management of Certain Cases
involving Mirena®***

Dear Judge Grant:

This firm represents Bayer HealthCare Pharmaceuticals, Inc., and a number of additional Bayer related entities in several matters recently filed in Morris County Superior Court alleging injuries as a result of use of the Defendants' contraceptive device, commonly known as Mirena®. To date, sixteen cases have been filed in Morris County containing similar allegations of damages following use of this product. A complete list of all matters currently pending is annexed hereto as Exhibit A. In the interests of judicial economy, as well as to facilitate expeditious handling of these matters, Defendants submit this application respectfully requesting Centralized Management of these matters.

Defendants are requesting Centralized Management in order to help conserve judicial resources, avoid the risks of duplicative discovery and avoid the risks of inconsistent rulings.

Each of these matters has been filed in Morris County Superior Court, presumably because Morris County is where the offices of Bayer HealthCare are located. Each of the plaintiffs resides out of State, and the plaintiffs' firms filing these matters reside out of

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State. Because Morris County does not have a Mass Tort Court, Defendants respectfully request Centralized Management of these matters in Middlesex County, the closest and most convenient Mass Tort venue to their original location.

BACKGROUND

Mirena® (levonorgestrel-releasing intrauterine system) is a hormone-releasing intrauterine system, or IUS. It is a small T-shaped device made of soft flexible plastic. Mirena® is inserted into a woman's uterus by a trained healthcare provider and is used to prevent pregnancy for up to 5 years. Mirena® is also used to treat heavy menstrual bleeding in women who choose intrauterine contraception.

Mirena® was first introduced in the United States in 2000 and is currently used by over two million women in the United States.¹

In each of the matters currently pending in Morris County, the female plaintiffs allege to have had a Mirena® device inserted and allege injuries and/or damages as a result of misplacement of the device.

There are currently sixteen Mirena® cases pending here in Morris County New Jersey as detailed on Exhibit A. In addition, there are seven additional cases pending around the Country, in various States. A detailed listing of the cases pending nationwide is annexed hereto as Exhibit B.

ARGUMENT

Bayer submits that the Mirena® litigation meets the criteria required under Directive #7-09 for Centralized Case Management and respectfully requests that these cases be consolidated for case management in the Middlesex County Superior Court.

¹ Based upon 2010 data.

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I. THE MIRENA® CASES SATISFY THE CRITERIA FOR CENTRALIZED CASE MANAGEMENT

A. Mirena® involves a large number of parties.

There are sixteen cases pending in Morris County totaling the claims of more than twenty-four plaintiffs. In addition, the plaintiffs' firms that have filed these actions have indicated their intentions to file additional cases. Moreover, advertisements are being run by several law firms nationwide regarding claims surrounding the Mirena® device. As such, Defendants submit that this litigation already involves a large number of parties in New Jersey and would benefit from Centralized Management.

B. Mirena® involves many claims with common, recurrent issues of law and fact, all associated with a single product.

Each of the matters listed on Exhibit A hereto, and encompassing all of the cases currently pending in New Jersey allege a set of facts regarding insertion and placement of the Mirena® device and alleged resultant injury and damages. While each of these matters involves a plaintiff specific set of facts, medical histories and conditions, each of the Complaints contains similar allegations and demands for damages against the Defendants.

In light of their similarities, the rulings in one matter will likely impact the findings in another case. Defendants submit that Centralized Case Management will streamline this litigation and benefit all parties.

C. Geographical dispersement and Remoteness of Counsel require Centralized Management.

Bayer HealthCare Pharmaceuticals, Inc. maintains offices in Morris County, New Jersey. However, Bayer's in-house counsel and General Counsel are in Pittsburgh, Pennsylvania.

The two Plaintiffs firms that have filed these actions are the Parker Waichman firm from Port Washington, New York and the Motley Rice firm from, Mount Pleasant, South Carolina. In addition, Bayer's National Counsel in this litigation is the firm of Shook, Hardy & Bacon ("SHB"). The SHB attorneys currently working on this matter reside in Texas and Missouri.

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Further, as outlined in the attached case listing at Exhibit A, all of the Plaintiffs reside outside of New Jersey, in States including, Ohio, Tennessee Mississippi, Texas and Indiana. Bayer submits that this geographical diversity makes Centralized Management necessary for the efficient handling of this litigation.

D. Centralized Management will promote fairness and provide convenience to all parties and their Counsel.

Cases such as those in the Mirena® litigation involve a significant number of parties, court filings, court hearings and motion practice. As such, our Courts have found that the placement of these matters into one of the three Mass Tort venues in New Jersey allows for the prompt and effective management of these cases. While each of these matters are now consolidated in one County, Morris County is not a Mass Tort venue and as such, cannot provide the specialized expertise and case processing that is available from the Judges and Staff in Middlesex County.

Centralized Management in a Mass Tort venue, with an experienced Judge, will help ensure fairness to the parties, provide a streamlined approach to case management and avoid the possibility of duplicative motion practice and inconsistent discovery rulings between multiple Judges in Morris County.

E. Related Matters Pending

As is evidenced by the Chart annexed at Exhibit B, there are a number of other matters pending around the Country. At this time, Defendants do not expect the creation of an MDL in any one venue, and at this time, New Jersey has the most cases out of any other venues in the United States.

Defendants submit that Centralized Management before one of New Jersey's experienced Mass Tort Judges, together with their staff, will provide the most efficient and fair forum in which to litigate these matters.

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II. MIDDLESEX COUNTY IS THE MOST APPROPRIATE VENUE FOR THE
CENTRALIZED MANAGEMENT OF THESE CASES

Middlesex County is the closer of the Mass Tort venues to the original Court of filing in Morris County. Middlesex County is certainly the most convenient for traveling counsel. The Courthouse in New Brunswick is less than 25 miles from Newark airport; it has many hotels in the blocks surrounding the Courthouse and therefore provides the best setting for the management of this litigation involving out of state counsel, parties, witnesses and experts who will be required to regularly travel in and stay overnight.

Further, based upon review of the current mass tort caseloads, Middlesex County appears to be the proper venue for this litigation. Middlesex County's active Mass Tort caseload is 1,409 cases, down 64% over the last year as compared with Bergen County which has seen a 50% increase, and Atlantic County which has seen an 82% increase. *See New Jersey Judiciary, CIVIL CASELOAD SUMMARY BY CASETYPE, July, 2011- June, 2012, Middlesex, Atlantic and Bergen Counties*
<http://www.judiciary.state.nj.us/quant/gray1206.pdf>.

CONCLUSION

For all of the foregoing reasons, Bayer respectfully requests that each of the Mirena® matters identified in Exhibit A and any additional cases filed in New Jersey be consolidated for Centralized Management in Middlesex County.


All parties are hereby notified that this application will be sent by the Administrative Director to all Assignment Judges and Civil Presiding Judges, will be published by the Administrative Director in the legal newspapers, and will be posted on the Judiciary's Internet website both in the Notices section and in the Mass Tort Information Center. Once the comment period has closed, the Administrative Director will present this application, along with a compilation of any comments and objections received to the Supreme Court for its review and determination.

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Respectfully Submitted,

COUGHLIN DUFFY LLP



Lorna A. Dotro

LAD/bmw
Enclosures

cc: Honorable Stephan C. Hansbury, J.S.C., *via hand delivery*
Honorable David B. Rand, P.J. Civ., *via hand delivery*
Honorable Robert J. Brennan, J.S.C., *via hand delivery*
Carmen Scott, Esq., *via electronic mail*
Gary Falkowitz, Esq., *via electronic mail*

EXHIBIT A

**PENDING MIRENA LAWSUITS IN NEW JERSEY
THAT REQUIRE COORDINATION**

Case Name	Docket No.	Judge	Plaintiff(s) Residence	Plaintiff(s) Counsel
Ernestine Ayissi v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-924-12	Judge Stephan C. Hansbury	Ohio	Parker Waichman LLP; Port Washington, NY
Samantha Ann Barnett v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1665-12	Judge Robert J. Brennan	Tennessee	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Jayne L. Bucher and Brandon Bucher v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1830-12	Judge Stephan C. Hansbury	Pennsylvania	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Samantha Lynn Demastus v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1108-12	Judge David B. Rand	Ohio	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Kimberly D. Elliott v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1816-12	Judge Stephan C. Hansbury	Indiana	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC

Case Name	Docket No.	Judge	Plaintiff(s) Residence	Plaintiff(s) Counsel
Michele Lee Fowler and David F. Fowler v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1815-12	Judge Stephan C. Hansbury	Mississippi	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Suzi Gluck v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1817-12	Judge Stephan C. Hansbury	Florida	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Ashleigh Nicole Hall and Craig L. Hall v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1818-12	Judge Stephan C. Hansbury	Ohio	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Joy Viola Holt v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1262-12	Judge Robert J. Brennan	Texas	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Carrie Elizabeth Madden v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1263-12	Judge Robert J. Brennan	Oklahoma	Parker Waichman LLP; Port Washington, NY

Case Name	Docket No.	Judge	Plaintiff(s) Residence	Plaintiff(s) Counsel
Princess E. Mashala v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1910-12	Judge Robert J. Brennan	Indiana	Parker Waichman LLP; Port Washington, NY
Angela Gayle Oakley and B. Keith Oakley v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1822-12	Judge Stephan C. Hansbury	Tennessee	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Patricia Reid and Samuel B. Reid v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1823-12	Judge Stephan C. Hansbury	Tennessee	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Sharee Mark Chu Schwantz and Charles Macon Thomas Schwantz v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1826-12	Judge Stephan C. Hansbury	Arizona	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC
Jennifer Renee Simon and Ryan Dale Simon v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1827-12	Judge Stephan C. Hansbury	Texas	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC

Case Name	Docket No.	Judge	Plaintiff(s) Residence	Plaintiff(s) Counsel
Jessica Marie Thomas and Rowdy Thomas v. Bayer Corporation, Bayer Healthcare LLC, Bayer Pharmaceuticals Corporation, Bayer Healthcare Pharmaceuticals, Inc., Berlex Laboratories, Inc. and Berlex, Inc.	MRS-L-1829-12	Judge Stephan C. Hansbury	Illinois	Parker Waichman LLP; Port Washington, NY Motley Rice, LLC; Mt. Pleasant, SC

EXHIBIT B

**OTHER MIRENA LAWSUITS
PENDING AROUND THE COUNTRY**

Case Name	Court	Docket No.
Kelli Baugh and Justin Baugh v. Bayer Corporation, et al.	USDC, District of South Carolina	4:11-cv-00525
Sanjuan B. Butler, et al. v. Louisiana University Health Science Center and Bayer Pharmaceuticals	1st Judicial District Court, Caddo Parish, Louisiana	557927-C
Stephanie Fairbrass v. Bayer Corporation, et al.	Clay County, Missouri	09CY-CV04109
Siria Gonzalez v. Bayer Healthcare Pharmaceuticals, Inc., Planned Parenthood of Houston and Southeast Texas	USDC, Southern District of Texas	4:12-cv-01412
Carrie Richards Osborne and Edward Jason Osborne v. Bayer Corporation, et al.	USDC, Middle District of Georgia	5:11-cv-00421
Megan Reed Wife of/and Kurtis Reed v. Bayer Healthcare Pharmaceuticals, Inc.	22nd Judicial District Court, Parish of St. Tammany, Louisiana	2011-11991
Celine Winans, Jon Winans, Heather Willis and Ryan Willis v. Bayer Healthcare Pharmaceuticals, Inc.	New York County, New York	100482/2011