

SUPERIOR COURT OF NEW JERSEY
ESSEX VICINAGE

CHAMBERS OF
EUGENE J. CODEY, JR.
Presiding Judge



HISTORIC COURTHOUSE
Newark, New Jersey 07102

March 16, 2010

Honorable Glenn A. Grant, J.A.D.
Administrative Director of the Courts
Hughes Justice Complex
Post Office Box 037
Trenton, New Jersey 08625-0037

Re: Application for Centralized Management
of Reglan Litigation

Dear Judge Grant:

Please accept this letter as an application submitted pursuant to R.4:38A and Directive #07-09, Revised Mass Tort Guidelines, requesting centralized management in one of the designated mass tort sites of all litigation involving the drug Reglan.

Reglan is the trade name for metoclopramide, a drug used to treat gastrointestinal problems, such as heartburn, gastric reflux, nausea associated with migraines or cancer treatments, pregnancy-related morning sickness, or to assist infants in the digestion of formula. Reglan was originated by Wyeth Pharmaceuticals, which appears to be the primary defendant in these cases, headquartered in Madison, Morris County, New Jersey. Wyeth sold the tablet form of Reglan to Schwarz Parma, Inc., headquartered in Wisconsin and the injectible to Baxter Healthcare, Inc., headquartered in Illinois. It is estimated that some 2 million people, including adults, nursing or pregnant mothers, infants and children have used this drug. On February 26, 2009, the FDA issued a black box warning, the most stringent type of warning, linking long-term use of the drug with tardive dyskinesia. Tardive Dyskinesia is a very serious and usually permanent neurological condition characterized by repetitive involuntary movements of the face, extremities and other parts of the body. Persons afflicted with this condition exhibit recurring movements of the tongue or lips, facial grimacing, rapid eye blinking, involuntary movements of

fingers, hands, arms, shoulders and swaying of the hips and trunk. This condition is rarely reversible, and there are no known effective treatments for it. Cases have started coming to Essex on a weekly basis, and have been filed by the New York law firm of Oshman and Mirisola in association with the Houston law firm of Matthews Associates. According to Michelle Perone, Chief of Civil Court Programs at the AOC who spoke directly to Theodore Oshman, the two firms estimate filing these Reglan cases in a couple of New Jersey counties and filings by these two firms alone will reach between 75 to 100 cases.

A number of other firms are on the Internet, advertising for clients. If you Google the words "Reglan Lawsuit" there are 2,410,000 entries. The main defendant is a New Jersey Domiciliary, and there is a significant potential for many additional cases to be filed in this State.

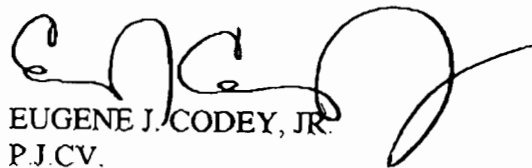
Besides the potential for many additional filings, the following other factors are present which supports this request.

1. geographical dispersement of parties
2. existence of common issues of law and fact
3. advantage of coordinated discovery
4. risk of unnecessary redundancy and inconsistent rulings by different judges, thereby resulting in undue delay and expense
5. high degree of remoteness between the court and the decision makers; and
6. increase in efficiency insofar as a single judge would need only rule once on pervasive issues

I understand that this matter will require publication of a new Notice to the Bar seeking comments and objections, with the matter, thereafter, being placed before the Supreme Court.

Thank you for your consideration.

Sincerely,



EUGENE J. CODEY, JR.
P.J.CV.

C: Hon. Patricia K. Costello, AJSC
Jane F. Castner
Michelle V. Perone