

#0034

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
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Tel. (732) 828-8600

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

BAILEY PERRIN BAILEY
440 Louisiana Street, Suite 2100
Houston, Texas 77002
(713) 425-7100 Telephone
Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

IT IS on this 16th day of December, 2011,

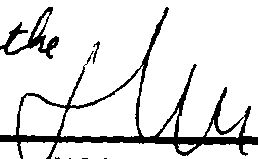
ORDERED that Plaintiff's Motion *in Limine* that Dr. Hammer Is Only Qualified to Testify as to Psychiatric Matters is hereby granted;

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{posted on line}

~~Defendants' counsel~~ within seven (7) days of the date of this Order.

OPPOSED

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.


JESSICA R. MAYER, J.S.C.

Laissen v. Johnson & Johnson, et al.
Docket No. L-6720-06 (MT)

Memorandum of Decision on Plaintiff's motion *in limine* to limit the testimony of Defendants' experts, Drs. Hammer and Shelmet:

1. Plaintiff's motion *in limine* to limit Dr. Hammer's testimony to psychiatric matters.

The court understands that Defendants intend to call Dr. Shelmet, an endocrinologist, as an expert witness at trial. As an endocrinologist with experience in the field of diabetes, and based upon the court's review of Dr. Shelmet's written report and deposition testimony, the court believes that Dr. Shelmet will offer testimony as to the lack of an association between Risperdal® and the development of diabetes. The court also believes that Dr. Shelmet will offer testimony that Plaintiff had multiple risk factors prior to treatment with Risperdal®, such as family history of diabetes and alcohol consumption, leading to Plaintiff's development of diabetes.

Dr. Hammer is a psychiatrist. As Dr. Hammer admitted during his deposition, he is not a specialist in the field of diabetes and is not an endocrinologist. See Deposition of Dr. Hammer dated August 1, 2011 ("Hammer Dep.") at 48:6-13. Further, based upon the expert report of Dr. Hammer for this Plaintiff, dated June 14, 2011, the focus of Dr. Hammer's testimony is addressed to the appropriateness of Risperdal® in the treatment of Mr. Laissen. Indeed, based upon his experience and training in the field of addictology, Dr. Hammer wrote that Plaintiff's "drinking behaviors even in the face of progressive neuropathic and other sequelae provide a fertile ground for both the onset of Diabetes and the development of sequelae." See Dr. Hammer's expert report for Plaintiff Laissen dated June 14, 2011 ("Hammer Report") at p. 4. Clearly, based upon this statement, Dr. Hammer leaves it to another expert to offer causation opinions as to why Plaintiff developed diabetes in this case.

Also, the court reviewed the entirety of Dr. Hammer's deposition in this case. During his deposition, Dr. Hammer conceded that he was not asked to determine what caused Plaintiff's diabetes. See Hammer Dep. at 20:8-17; 45:9-20 and 47:9-12. Based upon the court's review of the expert report submitted in Plaintiff's case, Defendants asked Dr. Hammer to examine the role of Risperdal® in the treatment of Plaintiff's mental disorder. If Defendants intend to use the testimony of Dr. Hammer to address the lack of an association between Risperdal® and the development of diabetes, such testimony would be cumulative of the testimony proffered by Dr. Shelmet who possesses medical expertise in the field of diabetes. Therefore, this motion is **GRANTED**.

#0758

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FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

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Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of counsel, and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* that Dr. Hammer Should Be Precluded from Testifying That Risperdal Was Not a Significant Contributing Factor to Plaintiff's Diabetes is hereby granted; ~~it~~

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served~~ ^{plotted on 1.4} upon

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

& The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

2. Plaintiff's motion *in limine* to preclude Dr. Hammer from testifying that Risperdal® was not a significant contributing factor to Plaintiff's diabetes.

The court understands that Defendants intend to call Dr. Shelmet, an endocrinologist, as an expert witness at trial. As an endocrinologist with experience in the field of diabetes, and based upon the court's review of Dr. Shelmet's written report and deposition testimony, the court believes that Dr. Shelmet will offer testimony as to the lack of an association between Risperdal® and the development of diabetes. The court also believes that Dr. Shelmet will offer testimony that Risperdal® was not a significant contributing factor to Plaintiff's development of diabetes.

Dr. Hammer is a psychiatrist. As Dr. Hammer admitted during his deposition, he is not a specialist in the field of diabetes and is not an endocrinologist. Further, based upon the expert report dated June 14, 2011 submitted by Dr. Hammer in support of his conclusions regarding Plaintiff Laissen, the focus of his testimony involves the appropriateness of Risperdal® in the treatment of Mr. Laissen. Indeed, based upon his experience and training in the field of addictology, Dr. Hammer wrote that Plaintiff's "drinking behaviors even in the face of progressive neuropathic and other sequelae provide a fertile ground for both the onset of Diabetes and the development of sequelae." See Hammer Report at p. 4.

During his deposition, Dr. Hammer conceded that he was not asked to determine the cause of Plaintiff's diabetes. Based upon the court's review of the expert report submitted in Plaintiff's case, Defendants asked Dr. Hammer to examine the role of Risperdal® in the treatment of Plaintiff's mental disorder. If Defendants intend to use the testimony of Dr. Hammer to opine that Risperdal® was not a significant contributing factor leading to Plaintiff's diabetes, such testimony would be cumulative of the testimony proffered by Dr. Shelmet, who possesses medical expertise in the field of diabetes. Therefore, this motion is **GRANTED**.

#0989

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JUDGE JESSICA R. MAYER

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Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6720-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and ~~the arguments of counsel,~~ and good cause having been shown;

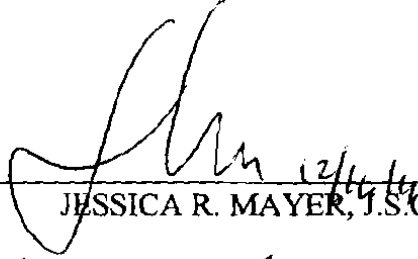
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* that Dr. Hammer Should Be Precluded from Testifying That Alcohol Consumption or Any Other Alleged Risk Factor Was a Significant Contributing Factor to Plaintiff's Diabetes is hereby granted *in part;* *

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ *posted on line*

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

3. Plaintiff's motion *in limine* to preclude Dr. Hammer from testifying that alcohol consumption or any other alleged risk factor was a significant contributing factor to Plaintiff's diabetes.

Based upon his clinical experience and training, Dr. Hammer treats patients who suffer from alcohol dependence and alcohol abuse. Dr. Hammer reviewed Plaintiff's medical records and opined that Plaintiff suffered from alcohol dependence/abuse. During his deposition, Dr. Hammer testified that, in addition to his expertise and experience in the field of psychiatry, he is an "addictionologist in the field of addiction psychiatry." Hammer Dep. at 35:25-36:2. Therefore, Dr. Hammer is qualified to offer testimony about the impact alcohol can have on the treatment of mental disorders. In reviewing the deposition testimony of Dr. Hammer, it was Plaintiff's counsel who questioned the doctor regarding alcohol consumption and the role that alcohol may have played in contributing to Plaintiff's diabetes.

Based upon the court's review of Dr. Shelmet's written report and deposition testimony, the court believes that Dr. Shelmet will offer testimony that Plaintiff had multiple risk factors that may have contributed to Plaintiff's development of diabetes, including Plaintiff's excess consumption of alcohol.

Based on the foregoing, this motion is **GRANTED IN PART**. Dr. Hammer's experience and training in addictology qualify him to offer testimony as to Plaintiff's alcohol addiction and alcohol dependence and the impact alcohol may have had on Plaintiff's mental condition. However, as Dr. Hammer repeated throughout his deposition testimony, he is not an expert in the field of diabetes and is not an endocrinologist trained in assessing the causes of diabetes in a particular patient.

#10760

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Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6720-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ^{considered} ~~heard~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

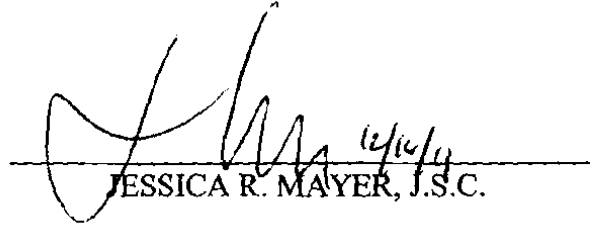
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* that Dr. Hammer Should Be Precluded from Testifying That Major Psychiatric Disorders Are Direct Causes of Diabetes is hereby ~~denied~~ ^{denied} granted;

IT IS FURTHER ORDERED that a copy of this Order shall be ^{per the rules} served upon

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having ~~consented~~ consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

4. Plaintiff's motion *in limine* to preclude Dr. Hammer's testimony that major psychiatric disorders are direct causes of diabetes.

Dr. Hammer was not asked to determine what caused Plaintiff to develop diabetes. However, as a practicing psychiatrist with significant training and experience, Dr. Hammer has treated many patients with major psychiatric disorders. To the extent that Dr. Hammer has treated patients with major psychiatric disorders who also suffer from diabetes, the court will allow such testimony based upon Dr. Hammer's experience but will consider an appropriate limiting instruction to be given to the jury. Therefore, this motion is **DENIED**.

0761

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JUDGE JESSICA R. MAYER

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(713) 425-7100 Telephone
Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	[PROPOSED] ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

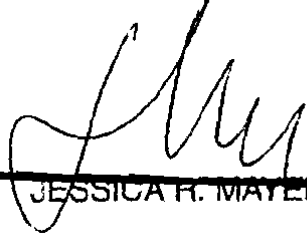
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* that Dr. Hammer Should Be Precluded from Opining That Risperdal Was a Life Saving Intervention for Plaintiff is hereby granted *in part*; *

IT IS FURTHER ORDERED that a copy of this Order shall be served upon Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.


JESSICA R. MAYER, J.S.C.

5. Plaintiff's motion *in limine* to preclude Dr. Hammer's testimony that Risperdal® was a life saving intervention for Plaintiff.

Having reviewed all of the medical evidence regarding Plaintiff's condition, Dr. Hammer opined in his written expert report dated June 14, 2011 that prescribing Risperdal® to Plaintiff was appropriate and that Plaintiff benefitted from Risperdal®. As a board certified psychiatrist, Dr. Hammer is permitted to offer his expert opinion regarding the benefits of Risperdal® based upon Plaintiff's specific mental condition. However, as Dr. Hammer was never Plaintiff's treating doctor, the court shall not permit Dr. Hammer to speculate that Plaintiff's ingestion of Risperdal® was a life saving intervention for Plaintiff. Therefore, this motion is **GRANTED IN PART**.

#0762

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FILED
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JUDGE JESSICA R. MAYER

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Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6720-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

IT IS on this with day of December, 2011,

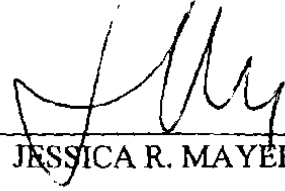
ORDERED that Plaintiff's Motion *in Limine* that Dr. Shelmet Should Be Precluded from Testifying as to Any Relative Risk Assessment of Risperdal Consumption Versus Other Diabetic Risks is hereby ~~granted~~ ^{denied *}

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{filed on line}

OPPOSED

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

** The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.*

7. Plaintiff's motion *in limine* to preclude Dr. Shelmet's testimony as to any relative risk assessment of Risperdal® consumption versus other diabetic risks.

Plaintiff's motion is overly broad and vague. The court must await the trial testimony to determine the foundation upon which Dr. Shelmet bases his belief that he cannot assign a specific degree of relative risk for each risk factor that may have led to Plaintiff's development of diabetes. Therefore, this motion is **DENIED**.

#0085

EPSTEIN ARLEN, LLC
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FILED
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JUDGE JESSICA R. MAYER

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(713) 425-7100 Telephone
Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

OPPOSED

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to Mr. Laissen's litigation history from Evidence at Trial is hereby ^{denied} ~~granted~~; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{put in line} ~~served~~ upon Defendants' counsel within seven (7) days of the date of this Order.

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum


JESSICA R. MAYER, J.S.C.

Laissen v. Johnson & Johnson, et al.
Docket No. L-6720-06 (MT)

Memorandum of Decision on Plaintiff's motions *in limine* to exclude certain case specific subjects from evidence at trial

1. Plaintiff's motion *in limine* to exclude any reference to Plaintiff's litigation history.

Defendants contend that Plaintiff's litigation history may be introduced to impeach Plaintiff's credibility and to show character evidence and/or evidence of habit or routine. If Plaintiff gave testimony related to his physical condition under oath in connection with a prior or subsequent litigation, such testimony may be used to impeach Plaintiff's credibility provided such testimony differs from his testimony in this litigation. The court must await the trial testimony to determine the relevancy of such testimony, proffered by either party, depending upon the issue for which such testimony is presented. The court will consider an appropriate limiting instruction regarding prior testimony given under oath so as to avoid any jury confusion. Therefore, this motion is **DENIED**.

Notwithstanding this ruling, Defendants shall not introduce evidence of Plaintiff's prior or subsequent lawsuits to show that Plaintiff is a litigious person or seeks to recover money from other defendants for his injuries. Such testimony is irrelevant to Plaintiff's claims in this case and is unduly prejudicial to Plaintiff.

#0763

EPSTEIN ARLEN, LLC
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FILED

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JUDGE JESSICA R. MAVER

BAILEY PERRIN BAILEY
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(713) 425-7100 Telephone
Attorneys for Plaintiff

<p>SHON LAISSEN, Plaintiff,</p> <p>vs.</p> <p>JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.</p>	<p>: SUPERIOR COURT OF NEW JERSEY</p> <p>: LAW DIVISION</p> <p>: MIDDLESEX COUNTY</p> <p>:</p> <p>: CIVIL ACTION</p> <p>:</p> <p>: CASE CODE 274</p> <p>: (Risperdal/Seroquel/Zyprexa Litigation)</p> <p>:</p> <p>: DOCKET NO. MID-L-6720-06(MT)</p> <p>:</p> <p>: PROPOSED ORDER</p> <p>:</p>
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THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and the arguments of counsel, and good cause having been shown;


IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to Mr. Laissen's prior "bad acts" and/or criminal history, including any convictions or arrests from Evidence at Trial is hereby granted;

IT IS FURTHER ORDERED that a copy of this Order shall be served ~~upon~~ ^{placed in file}

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


12/11/14

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

2. Plaintiff's motion *in limine* to exclude any reference to Plaintiff's prior "bad acts" and/or criminal history, including any convictions or arrests.

At trial, Defendants agree not to introduce evidence regarding arrests that did not result in a conviction unless Plaintiff "opens the door." To the extent there are pending charges against Plaintiff in other matters, the court must await the outcome of those matters to see if there is a conviction and whether that conviction goes to Plaintiff's veracity. Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door" or that any conviction prior to the time of trial goes to Plaintiff's veracity. Therefore, this motion is **GRANTED**.

#0765

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JUDGE JESSICA R. MAYER

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Attorneys for Plaintiff

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	[PROPOSED] ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of counsel, and good cause having been shown;

OPPOSED

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to Mr. Laissen's wife's or parents' history of smoking tobacco from Evidence at Trial is hereby granted; ^A

IT IS FURTHER ORDERED that a copy of this Order shall be ^{input by} served upon Defendants' counsel within seven (7) days of the date of this Order.

The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum



JESSICA R. MAYER, J.S.C

3. Plaintiff's motion *in limine* to exclude any reference to Plaintiff's wife's or parents' history of smoking tobacco.

Defendants agree not to introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

#0766

EPSTEIN ARLEN, LLC
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 Somerset, New Jersey 08873
 Tel. (732) 828-8600

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

BAILEY PERRIN BAILEY
 440 Louisiana Street, Suite 2100
 Houston, Texas 77002
 (713) 425-7100 Telephone
 Attorneys for Plaintiff

SHON LAISSEN, Plaintiff, vs. JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	: SUPERIOR COURT OF NEW JERSEY : LAW DIVISION : MIDDLESEX COUNTY : : : CIVIL ACTION : : CASE CODE 274 : (Risperdal/Seroquel/Zyprexa Litigation) : : DOCKET NO. MID-L-6720-06(MT) : : [PROPOSED] ORDER :
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THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having heard and considered the moving papers, ~~any opposition papers, any reply papers,~~ ^(affidavit papers) and the arguments of counsel, and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to Mr. Laissen's history of bankruptcy from Evidence at Trial is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted on line} served upon Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.



 JESSICA R. MAYER, J.S.C.

4. Plaintiff's motion *in limine* to exclude any reference to Plaintiff's bankruptcy history.

Defendants agree not to introduce such evidence at trial unless Plaintiff asserts a claim for lost wages. Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
Somerset, New Jersey 08873
Tel. (732) 828-8600

FILED 0767
DEC 16 2011
JUDGE JESSICA R. MAYER

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FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

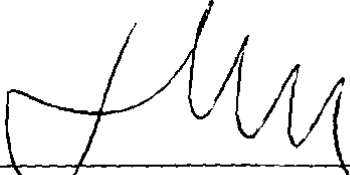
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to Mr. Laissen's disability or social security benefits applications or receipt of benefits from Evidence at Trial is hereby ~~granted,~~ ^{denied *}

IT IS FURTHER ORDERED that a copy of this Order shall be ^{put on file} served upon

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C. 12/14/17

This motion was:

Opposed
 Unopposed

The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

5. Plaintiff's motion *in limine* to exclude any reference to Plaintiff's disability or social security benefits applications or receipt of benefits.

If Plaintiff seeks to introduce testimony in support of a claim for lost wages as a result of his diabetes, then Defendants may be able to use Plaintiff's applications for disability and/or social security to rebut any claim for wage losses due to diabetes. Further, Plaintiff's applications for disability and/or social security may contain information related to plaintiff's mental and physical conditions at issue in this case which may or may not be admissible at trial. Thus, the court must await the trial testimony to further rule on this issue. Therefore, this motion is **DENIED**.

Notwithstanding this ruling, Defendants shall not refer to Plaintiff's receipt of disability and/or social security benefits to the extent that such statements are made for the sole purpose of implying to the jury that Plaintiff has been remedied through receipt of such benefits.

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FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	
	:	PROPOSED ORDER
	:	

OPPOSED

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to Mr. Laissen's family history of mental illness from Evidence at Trial is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{posted online}

~~Defendants' counsel~~ within seven (7) days of the date of this Order.

The parties having consented to disposition of the motion and the papers and for the reasons set forth in the attached memorandum

JESSICA R. MAYER, J.S.C.

6. Plaintiff's motion *in limine* to exclude any reference to Plaintiff's family history of mental illness.

The court is unaware of any testimony indicating that Plaintiff's treating doctors relied on a family history of mental illness in prescribing Risperdal® to Plaintiff. Therefore, this motion is **GRANTED**.

The court may revisit this ruling if there is evidence or testimony that a family history of mental illness was considered by Plaintiff's physician in prescribing Risperdal® to Plaintiff.

*0769

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SHON LAISSEN, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6720-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Shon Laissen; the Court having heard and considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of counsel, and good cause having been shown;

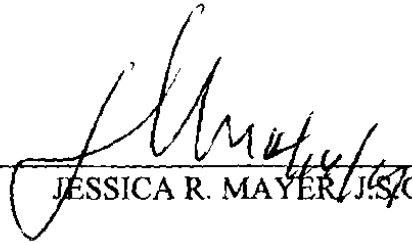
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Motion *in Limine* to Exclude any reference to whether or not Mr. Laissen spoke to his doctor about the metabolic risks of Risperdal after seeing a lawyer's advertisement from Evidence at Trial is hereby granted *in part*; *

IT IS FURTHER ORDERED that a copy of this Order shall be served upon *posted on line*

~~Defendants' counsel~~ within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

7. Plaintiff's motion *in limine* to exclude any reference to whether or not Plaintiff spoke to his doctor about the metabolic risks of Risperdal® after seeing a lawyer's advertisement.

The timing of discussions (before/after seeing a legal advertisement) with Plaintiff's doctor about the metabolic risks of Risperdal® is irrelevant. However, discussions between Plaintiff and his prescribing physician at the time the drug was prescribed are relevant to the "learned intermediary" doctrine and whether Plaintiff's prescribing physician was aware of an alleged association between the use of Risperdal® and the development of diabetes. Therefore, this motion is **GRANTED IN PART**.