

0087

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

FILED
DEC 16 2011
JUDGE JESSICA R. MYER

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

GARY SKALA, 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-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that a verdict for Plaintiff will adversely impact pharmaceutical companies' incentive/ability to develop new medications 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



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

Skala v. Johnson & Johnson, et al.
Docket No. L-6820-06 (MT)

Memorandum of Decision on Plaintiff's "omnibus" motion *in limine* to exclude evidence related to certain issues at trial:

1. Plaintiff's motion *in limine* to bar Defendants from advising the jury that a verdict for the Plaintiff will adversely impact pharmaceutical companies' incentive/ability to develop new medications.

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**.

0088

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAWER

GARY SKALA, 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-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that any award of damages in this case or other Risperdal or second generation antipsychotic product liability litigation cases will adversely affect the ability of any member of the jury to purchase, or have available medications in the future, or affect the

cost thereof, or have any adverse effect on the medical or health products available to individuals or industries in the United States or worldwide is hereby granted;

IT IS FURTHER ORDERED that a copy of this Order shall be ^{filed in line} ~~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 to disposition of the motion in the papers and for the reasons set forth in the attached memorandum

2. Plaintiff's motion *in limine* to bar Defendants from suggesting that any award of damages in this case or other Risperdal® or second generation antipsychotic product liability litigation cases will adversely affect the ability of any member of the jury to purchase, or have available medications in the future, or affect the cost thereof, or have any adverse effect on the medical or health products available to individuals or industries in the United States or worldwide.

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**.

0089

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
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

GARY SKALA, 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-6820-06(MT)
	:	
	:	ENCLOSURE ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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, X

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that this case or other Risperdal or second generation antipsychotic product liability litigation cases may have a negative impact on the stock price of

Janssen or any publicly traded pharmaceutical manufacturer, or cause any of them or their employees any sort of financial hardship or loss of employment is hereby granted;

IT IS FURTHER ORDERED that a copy of this Order shall be ^{filed on line} ~~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 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 bar Defendants from suggesting that this case or other Risperdal® or second generation antipsychotic product liability litigation cases may have a negative impact on the stock price of Janssen Pharmaceuticals LP or Janssen LP or any publicly traded pharmaceutical manufacturer, or cause any of them or their employees any sort of financial hardship or loss of employment.

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**.

0090

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	
	:	PROCEED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that this case or other Risperdal or second generation antipsychotic product liability litigation cases may cause an increase in the cost of purchasing or maintaining insurance 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


12/10/14

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

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

4. Plaintiff's motion *in limine* to bar Defendants from suggesting that this case or other Risperdal® or second generation antipsychotic product liability litigation cases may cause an increase in the cost of purchasing or maintaining insurance.

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**.

0092

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

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

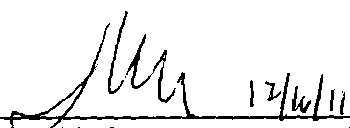
IT IS on this 16th day of December, 2011, *

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that this case or other Risperdal or second generation antipsychotic product liability litigation cases may cause an increase in the cost of purchasing medications for the public 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

 12/16/11

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.

5. Plaintiff's motion *in limine* to bar Defendants from suggesting that this case or other Risperdal® or second generation antipsychotic product liability litigation cases may cause an increase in the cost of purchasing medication for the public.

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**.

0095

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	
	:	[PROCESSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that Plaintiff is covered by some form of insurance or other collateral source for the injuries sustained as a result of having ingested Risperdal is hereby ~~denied~~ ^{denied} ~~granted~~ ^{*} granted;

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted online} ~~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 to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

6. Plaintiff's motion *in limine* to bar Defendants from advising that Plaintiff is covered by some form of insurance or other collateral source for the injuries sustained as a result of having ingested Risperdal®.

Defendants agree not to introduce evidence or comment at trial that Plaintiff had insurance or coverage from a collateral source. However, the court **DENIES** this motion as vague and overly broad. The court must await the trial testimony to determine the relevancy of such testimony, by either party, depending upon the issue for which such testimony is presented.

0094

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
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

GARY SKALA, 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-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

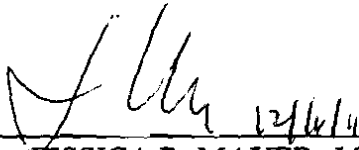
THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

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

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, to any reference to payments or coverage by Janssen for the costs of Risperdal samples or Risperdal prescriptions through a prescription drug assistance program is hereby granted, *in part, **

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



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 bar Defendants from any reference to payments or coverage by Janssen for the costs of Risperdal® samples or Risperdal® prescriptions through a prescription drug assistance program.

The court does not believe that Plaintiff obtained Risperdal® through a drug assistance program sponsored by Janssen or any charitable organization or governmentally funded program. Therefore, this motion is **GRANTED IN PART**.

However, to the extent that Plaintiff received samples of Risperdal® from his prescribing physician such testimony is relevant to Plaintiff's prescription history. Any possible prejudice is outweighed by its probative value regarding Plaintiff's ingestion of Risperdal®.

0095

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
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

GARY SKALA, 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-6820-06(MT)
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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;

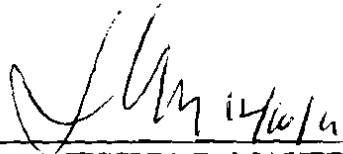
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, the purported "litigation crisis," "lawsuit abuse," or similar terms or phrases 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



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.

8. Plaintiff's motion to bar Defendants from using phrases suggesting the purported "litigation crisis," "lawsuit crisis," "lawsuit abuse," or similar terms or phrases.

Defendants agree not to employ such phrases. Similarly, Plaintiff shall not refer to Defendants as "Big Pharma," or the "corporate defense team," or other such negative phrases. Both parties are cautioned that civility among counsel during the course of the trial is paramount. 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**.

5096

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
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

GARY SKALA, 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-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that Plaintiff's attorneys and their law firms primarily represent plaintiffs in lawsuits, specialize in personal injury or product liability litigation, advertise, seek to

obtain clients in a manner different from that used by defense counsel, or routinely employ contingent fee arrangements is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{printed on list} ~~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 to disposition of the motion as the papers and for the reasons set forth in the attached memorandum.

9. Plaintiff's motion *in limine* to bar Defendants from advising that Plaintiff's attorneys and their law firm primarily represent plaintiffs in lawsuits, specialize in personal injury or product liability litigation, advertise, seek to obtain clients in a manner different from that used by defense counsel, or routinely employ contingent fee arrangements.

Defendants agree and will not seek to introduce such evidence. Plaintiff shall not address the financial resources or status of Defendants or their counsel. Neither party shall argue or comment on these issues unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

0097

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

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

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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;

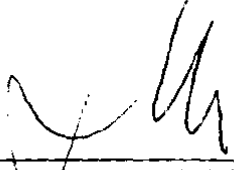
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, to any reference to other Risperdal cases and other cases involving Plaintiff's counsel or other drugs 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


12/16/11

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.

10. Plaintiff's motion *in limine* to bar Defendants from referring to other Risperdal® cases and other cases involving Plaintiff's counsel or other drugs.

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**.

0098

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that the potential impact on pharmaceutical companies and/or the FDA, if any, of permitting state failure to warn claims to be asserted or of following a plaintiff in such a case to prevail 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


12/16/11

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

11. Plaintiff's motion *in limine* to bar Defendants from discussing the potential impact on pharmaceutical companies and/or the FDA, if any, of permitting state failure to warn claims to be asserted or of allowing a plaintiff in such a case to prevail.

The potential impact of allowing failure to warn claims on industry or regulatory entities is not relevant to proving or disproving any essential fact in this case. See N.J.R.E. 401. Likewise, such testimony may be unduly prejudicial. See N.J.R.E. 403. The court's ruling does not preclude Defendants from introducing relevant evidence and testimony about Risperdal®'s development and the pre-marketing and post marketing history of Risperdal®. Therefore, this motion is **GRANTED.**

0099

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

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

FILED

DEC 16 2011

JUDGE JESSICA R. MAVER

GARY SKALA, 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-6820-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, the fees received and/or charged by Plaintiff's experts for work in lawsuits involving drugs other than Risperdal and any reference to them as "paid litigation experts" or the like is hereby granted, *in part, **

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



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.

12. Plaintiff's motion *in limine* to bar Defendants from discussing the fees received and/or charged by Plaintiff's experts for work in lawsuits involving drugs other than Risperdal® and any reference to them as "paid litigation experts" or the like.

This motion is **GRANTED IN PART**. The amount of money charged by experts who testify on behalf of either party in other litigation matters is irrelevant to Plaintiff's claims in this case. However, the court will be instructing the jury that they may consider the fee charged by the experts in this litigation as bearing on the expert's reasons for testifying, if any. Moreover, experts who testify in court are permitted to be examined regarding their role as an expert for plaintiffs/defendants/both. Such information goes to the expert's credibility and the weight that the jury may give that expert's testimony. Neither party shall refer to any expert as a "hired gun," "paid litigation expert," or the like.

0100

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAVER

GARY SKALA, 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-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that any of Plaintiff's counsel in this case or other Risperdal product liability litigation cases may have advertised for persons injured by the use of Risperdal or in any other manner is hereby granted.*

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted online} ~~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 to designation of the motion in the papers and for the reasons set forth in the attached memorandum.

13. Plaintiff's motion *in limine* to bar Defendants from discussing that any of Plaintiff's counsel in this case or other Risperdal® product liability litigation cases may have advertised for persons injured by the use of Risperdal® or in any other manner.

There is no information in this case suggesting that Plaintiff only learned of an alleged association between his diabetes diagnosis and ingestion of Risperdal® as a result of advertisements placed by Plaintiff's attorneys. Therefore, such testimony is irrelevant under N.J.R.E. 401 and unduly prejudicial under N.J.R.E. 403. Therefore, this motion is **GRANTED.**

0101

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

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, that FDA approval of Risperdal means that Janssen met its standard of care and/or fulfilled its duty to warn as a matter of law is hereby granted;*

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

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

OPPOSED

 12/16/14

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.

14. Plaintiff's motion *in limine* to bar Defendants from discussing that FDA approval of Risperdal® means that Janssen met its standard of care and/or fulfilled its duty to warn as a matter of law.

It is the province of the court to instruct the jury as to the law. Neither party should offer testimony purporting to instruct the jury as to the law. Defendants may introduce testimony and evidence that Risperdal® was approved by the FDA but may not instruct the jury that FDA approval means that Defendants satisfied their duty of care and/or duty to warn. Therefore, this motion is **GRANTED**.

0102

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

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

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

GARY SKALA, 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-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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,

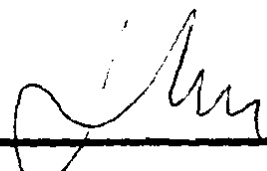
ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, regarding jury consultants is hereby granted; *

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

OPPOSED

* The parties having consented to disposition of motion on the papers and for the reasons set forth in the court's order.

1



JESSICA R. MAYER, J.S.C.

15. Plaintiff's motion *in limine* to bar Defendants from mentioning that plaintiff's counsel may have used jury consultants.

Defendants agree. Neither party shall mention the use of jury consultants prior to or at trial. Therefore, this motion is **GRANTED**.

0103

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

FILED
DEC 16 2011
JUDGE JESSICA R. MAVER

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

GARY SKALA, 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-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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;

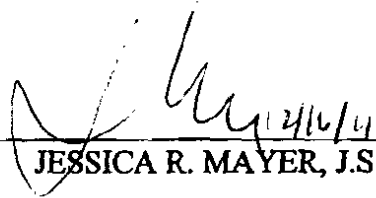
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, regarding settlement, negotiations, or the lack thereof 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



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

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

16. Plaintiff's motion *in limine* to bar Defendants from mentioning settlement, negotiations, or the lack thereof.

Defendants agree. Neither party shall mention settlement, negotiations, or the lack thereof, at trial. Therefore, this motion is **GRANTED**.

0104

EPSTEIN ARLEN, LLC
A New Jersey Limited Liability Corporation
220 Davidson Avenue, Suite 102
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

GARY SKALA, 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-6820-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; 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 Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, regarding stipulations is hereby granted;^{*}

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.

17. Plaintiff's motion *in limine* to bar Defendants from mentioning stipulations.

Defendants agree. Neither party shall mention stipulations at trial. Therefore, this motion is **GRANTED**.