

**GIBBONS, DEL DEO, DOLAN
GRIFFINGER & VECCHIONE**

A Professional Corporation
One Riverfront Plaza
Newark, New Jersey 07102-5496
(973) 596-4500
Attorneys for Defendants
Hoffmann-La Roche Inc. and
Roche Laboratories Inc.

PLAINTIFF(S)

v.

HOFFMANN-LA ROCHE INC.; ROCHE
LABORATORIES INC., F. HOFFMANN-LA
ROCHE LTD; and ROCHE HOLDING LTD.

SUPERIOR COURT OF NEW JERSEY
LAW DIV.: ATLANTIC COUNTY

CASE NO. 271 MT

CIVIL ACTION

ACCUTANE LITIGATION

**DEFENDANTS HOFFMANN-LA
ROCHE INC. AND ROCHE
LABORATORIES INC.'S ANSWER
TO ABBREVIATED SHORT FORM
COMPLAINT**

Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. ("Defendants") by their undersigned counsel, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., as and for their Answer to the Abbreviated Short Form Complaint ("Master Short Form Complaint") filed by Plaintiffs and approved in the form attached to the Order, dated October 18, 2005, entered by the Hon. Carol E. Higbee, P.J.Cv., state as follows:

1. For its response to the Master Short Form Complaint for Accutane® Litigation, Defendants incorporate by reference the relevant portions of the Master Long Form Answer, Affirmative Defenses and Jury Demand on behalf of Defendants (hereinafter "Master Long Form Answer") on file in the litigation entitled In re Accutane® Litigation, Case No. 271, now

pending in the Superior Court of New Jersey, Law Division, Atlantic County, before the Honorable Carol E. Higbee.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "2" of the Master Short Form Complaint. If an answer is deemed required, Defendants deny all allegations pleaded in Paragraph "2" of the Master Short Form Complaint.

2A. Defendants deny each and every allegation set forth in Paragraph "2A" of the Master Short Form Complaint.

2B. Insofar as the allegations set forth in Paragraph "2B" of the Master Short Form Complaint do not set forth allegations of fact, no answer is required. If an answer is deemed required, Defendants admit that Plaintiff(s) purports to bring this action as indicated in the Master Short Form Complaint, but deny that there is any legal or factual basis for such relief.

2C. Defendants admit that Plaintiff(s) purports to bring this action as indicated in Paragraph "2C" of the Master Short Form Complaint, but deny that there is any legal or factual basis for such relief.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "3" of the Master Short Form Complaint. If an answer is deemed required, Defendants deny all allegations pleaded in Paragraph "3" of the Master Short Form Complaint.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph "4" of the Master Short Form Complaint. If an answer is deemed required, Defendants admit that Plaintiff's spouse purports to bring this

action as indicated in Paragraph "4" of the Master Short Form Complaint, but deny that there is any legal or factual basis for such relief.

5. Defendants adopt by reference Defendants' responses in the Master Long Form Answer to the following claims asserted in the Master Short Form Complaint:

- _____ Count I: Products Liability - Defective Design (N.J.S.A. § 2A:58C-2, et seq.)
- _____ Count II: Products Liability - Failure To Warn (N.J.S.A. § 2A:58C-2 et seq.)
- _____ Count III: New Jersey Consumer Fraud Act (N.J.S.A. § 56:8-2 et seq.)
- _____ Count IV: Breach Of Express Warranty
- _____ Count V: Punitive Damages Under The Products Liability Act (N.J.S.A. § 2A:58C-1)
- _____ Count VI: Wrongful Death
- _____ Count VII: Survival Action
- _____ Count VIII: Loss Of Consortium/Per Quod Claim

*If Plaintiff's(s') Master Short Form Complaint includes additional claims against entities other than Defendants or additional theories of recovery, and such are separately pleaded on separate sheets of paper, Defendants shall specifically respond herein to those allegations:

_____ As no additional theories of recovery or defendants were set forth in the Master Short Form Complaint, no further response is required by Defendants.

OR

_____ Defendants hereby respond to additional theories of recovery against it or other defendants pleaded by Plaintiff(s) in the Master Short Form Complaint as follows:

RELIEF REQUESTED

WHEREFORE, Defendants demand judgment against Plaintiff(s) dismissing the Master Short Form Complaint with prejudice, and awarding attorneys' fees and costs, and such other further relief as the Court deems just and proper.

AFFIRMATIVE DEFENSES

Defendants hereby adopt and incorporate by reference all of the affirmative defenses set forth in their Master Long Form Answer and the following additional affirmative defenses, if any, set forth as follows:

WHEREFORE, Defendants demand judgment against Plaintiff(s) dismissing the Master Short Form Complaint with prejudice, and awarding attorneys' fees, interest, and costs, and such other further relief as the Court deems just and proper.

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Roche Laboratories Inc.

By: _____
Diane E. Lifton

Dated: December __, 2005

CERTIFICATION PURSUANT TO N.J. COURT RULE 4:5-1

I hereby certify that, to the best of my knowledge, information and belief, no other actions or arbitration proceedings relating to the matters in dispute in the above-captioned litigation are presently pending and no such other court proceedings or arbitration proceedings are presently contemplated.

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DEMAND FOR STATEMENT OF DAMAGES

Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. hereby demand the delivery of a copy of Statement of Damages within five (5) days following the receipt of this pleading in accordance with New Jersey Court Rule 4:5-2.

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Diane E. Lifton

Dated: December __, 2005

CERTIFICATION PURSUANT TO RULE 4:6-1

I hereby certify that a copy of the within pleading was served upon counsel for Plaintiff(s) within the time period fixed by the New Jersey Court Rules.

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COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, Michael R. Griffinger and Diane E. Lifton are hereby designated as trial counsel for the Defendants.

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JURY DEMAND

Defendants hereby demand a trial by jury for all issues so triable.

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