

SUPERIOR COURT OF NEW JERSEY

CHAMBERS OF  
KAREN M. CASSIDY  
ASSIGNMENT JUDGE



COURTHOUSE  
ELIZABETH, NEW JERSEY 07207  
(908) 659-4871

May 18, 2010

**Civil Practice Division**

**MAY 21 2010**

**RECEIVED**

Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Richard J. Hughes Justice Complex  
PO Box 037  
Trenton, New Jersey 08625-0037

Re: Pelvic Mesh Litigation

Dear Judge Grant:

Please consider this letter as an application pursuant to R. 4:38A and Directive #7-09 for:

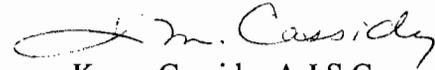
- centralized management without mass tort designation of all litigation involving pelvic mesh products manufactured by C. R. Bard, Inc. (hereinafter referred to as "Bard"); and
- coordination of this litigation by the same Judge assigned to handle the centralized management of the litigation involving Ethicon/Gynecare/ Johnson & Johnson pelvic mesh products.

It should be noted that the Ethicon/Gynecare/Johnson & Johnson pelvic mesh litigation was the subject of a request for centralized management submitted in February 2010 by counsel for plaintiffs in the Ethicon/Gynecare/Johnson & Johnson cases. Subsequent to the submission of that request, a Notice to the Bar requesting comments was published. This application enlarges the scope of that request to cover products manufactured by Bard, a different corporation.

Currently, there are three pelvic mesh suits pending in Union County against Bard and there are at least five additional cases pending in other counties. In these cases, plaintiffs claim the same type of damages as in the Ethicon/Gynecare/Johnson & Johnson cases. In October 2008, the Food and Drug Administration (FDA) issued an advisory regarding all pelvic mesh products, including those manufactured by Bard, that over the three years immediately prior to the advisory, the FDA had received in excess of 1000 reports of problems associated with these devices, including erosion of vaginal tissue, infection, pain, urinary problems and recurrence of pelvic organ prolapse and incontinence. These conditions require surgery and sometimes multiple surgeries to treat the complications and to remove the mesh.

The Bard cases should be included in the centralized management insofar as these cases will likely involve common, recurrent issues of law and fact. Not including them will result in a number of judges unnecessarily dealing with duplicative issues resulting in an undue waste of Judiciary resources.

Sincerely,

  
Karen Cassidy, A.J.S.C.

- c. Hon. Lisa Chrystal
- Hon. Kathryn Brock
- Jane F. Castner, Esq.
- Michelle V. Perone, Esq. ✓
- Sandra Thaler-Gerber, Esq.
- Mark T. Sadaka, Esq.
- Melissa Geist, Esq.
- Francis Manning, Esq.
- Stradley Ronon Stevens & Young
- Beth Rose, Esq.