NOTICE TO THE BAR

MASS TORTS – APPLICATION FOR MASS TORT DESIGNATION OF NEW JERSEY STATE-COURT LITIGATION INVOLVING ALLODERM® REGENERATIVE TISSUE MATRIX

Pursuant to Directive #7-09, "Revised Mass Tort Guidelines," an application has been made to the Supreme Court, through the Acting Administrative Director of the Courts, requesting designation of all New Jersey state-court litigation involving the human tissue graft sold under the trade name AlloDerm® Regenerative Tissue Matrix as a mass tort. The application includes a request that the litigation, if designated as a mass tort, be assigned to Atlantic County for centralized management.

Anyone wishing to comment on or object to this application should provide such comments or objections, with relevant supporting documentation, to the Acting Administrative Director of the Courts, P.O. Box 037, Trenton, NJ 08625-0037, by **July 1, 2011.**

A copy of the application is posted with this Notice and is also available on the Judiciary's Internet Website at (www.njcourts.com.) in the Mass Tort Information Center (http://www.judiciary.state.nj.us/mass-tort/index.htm).

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: May 23, 2011

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May 13, 2011

Civil Practice Division
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Hon. Glenn A. Grant, J.A.D
Acting Administrative Director of the New Jersey Courts
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Re: Application for Mass Tort Designation of cases involving AlloDerm®

Dear Judge Grant:

Pursuant to Rule 4:38A and Revised Mass Tort Guidelines (Directive #7-09), the undersigned hereby requests all litigation involving the human tissue graft sold under the trade name AlloDerm® Regenerative Tissue Matrix (hereinafter referred to as "AlloDerm"), manufactured by LifeCell Corporation, be designated as a mass tort. The undersigned also respectfully request centralized case management in Atlantic County before the Honorable Carol E. Higbee for the following reasons:

1. Anapol Schwartz currently has twelve (12) Complaints filed involving AlloDerm: one (1) in Somerset County and eleven in (11) in Atlantic County. Anapol Schwartz will have eighteen (18) Complaints filed by the date of this letter and at least twenty-five (25) cases filed by May 20, 2011. Anapol Schwartz has dozens of cases in active investigation and anticipates numerous additional filings in the near future. The plaintiffs in these cases are geographically dispersed and will benefit from centralized case management;

2. The AlloDerm litigation involves common procedural issues involving, but not limited to, venue for the filed and additional Complaints. Judge Higbee denied Defendant's Motion for Transfer of Venue from Atlantic County to Somerset County on April 13, 2011. Currently pending before Judge Higbee is a Motion for Reconsideration of her Order, in addition to seven nearly identical Motions for Transfer of Venue filed by Defendant;

3. Coordination of discovery will streamline the litigation for both the Court and the parties. In addition to the eight (8) motions currently pending in front of Judge Higbee in Atlantic County, there are outstanding discovery requests and responses due in several of the filed cases. Discovery responses will come due on the remaining filed cases in the near future;

4. LifeCell has begun the production of general liability documents electronically on DVD's. It will foster time and expense if a central document repository is set up. Anapol Schwartz can host such and make these documents available to all plaintiffs who later file suit in New Jersey; and

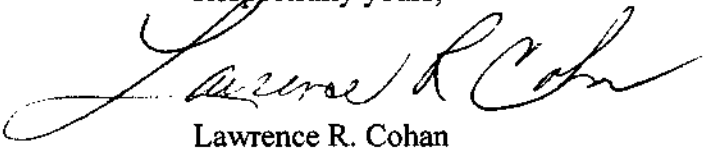
5. It is likely that other law firms will be filing related Complaints in New Jersey in the near future and coordinated case management will eliminate the risk of duplicative and inconsistent rulings.

The Alloderm litigation shares common issues of law and fact. AlloDerm is used by surgeons in abdominal repair surgeries, hernia repair surgeries, breast reconstruction surgeries, and other reconstructive surgeries. The litigation involves the failure of the biologic allograft manufactured by LifeCell and stems from damages suffered by Plaintiffs as a direct and proximate result of Defendant's negligent and wrongful conduct in connection with AlloDerm.

Plaintiffs claim that Defendant violated the New Jersey Products Liability Act (hereinafter referred to as "PLA") in designing, developing, processing, manufacturing, testing, packaging, advertising, promoting, marketing, distributing, labeling, and/or selling AlloDerm.[1] Specifically, Plaintiffs claim in part that AlloDerm was sold with inadequate warnings and instructions as to its natural properties and its potential failure rate. Both the theory of the case and the injuries have a common thread and are able to be addressed in consolidated proceedings.

Centralization will facilitate the efficient management of the AlloDerm cases. There ought to be no unreasonable delay as these cases are recently filed and discovery is underway. Plaintiffs represented by the undersigned respectfully request the designation of the Alloderm litigation as a mass tort and for centralized management in Atlantic County before Judge Higbee who is currently residing over these cases.

Respectfully yours,



Lawrence R. Cohan

LRC: jmc

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[1] Plaintiffs note that this litigation, as currently pled, assumes that AlloDerm is a product as defined by the PLA and therefore is covered by the statute. The issue of whether a graft derived from human tissue for use in reconstructive surgeries qualifies as a product for purposes of the PLA has not yet been decided by this Court.

cc: Hon. Carol E. Higbee
David Field, Esquire
Stephen Buckingham, Esquire
Sol Weiss, Esquire
Derek Potts, Esquire
Brett Votava, Esquire
Candice McNabb, Esquire