

## **NOTICE TO THE BAR**

### **DESIGNATION OF HORMONE REPLACEMENT THERAPY (HRT) LITIGATION AS MASS TORT**

Accompanying publication/posting of this Notice to the Bar is a copy of the Supreme Court's September 14, 2004 Order designating all pending and litigation involving Hormone Replacement Therapy statewide as a mass tort and transferring all such cases to Atlantic County for centralized management by the Judge Carol E. Higbee. Also accompanying this Notice is a copy of [Judge Higbee's September 21, 2004 Case Management Order](#) setting forth the details of the transfer. All questions relating to this matter should be directed to:

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Philip S. Carchman, J.A.D.

Acting Administrative Director of the Courts

Dated: September 28, 2004

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## **ORDER**

On application made pursuant to Rule 4:38A and the Mass Tort Guidelines promulgated by Directive #11-03 in accordance with that Rule, it is hereby ORDERED that all pending and future actions seeking damages or other relief arising out of alleged injuries from the use of hormone replacement therapy (HRT) drugs are designated as a mass tort for centralized case management purposes; and

It is FURTHER ORDERED that any and all such complaints that have been filed in the various counties and that are under or are awaiting case management and/or discovery shall be transferred from the county of venue to Superior Court, Law Division, Atlantic County (Vicinage No. 1), and assigned for management purposes to the Honorable Carol Higbee; and

It is FURTHER ORDERED that venue in all existing HRT cases is transferred to Atlantic County; and that, pursuant to N.J.Const. (1947), Art. VI, sec. 2, par. 3, the provisions of Rule 4:3-2 governing venue in the Superior Court are supplemented and relaxed so that all future complaints seeking damages for alleged injuries from the use of hormone replacement therapy drugs, no matter where they might be venued, shall be filed in Atlantic County and assigned to Judge Higbee for management; and

It is FURTHER ORDERED that Judge Higbee shall oversee all management and trial issues for such cases and may, in her discretion, return such cases to the original county of venue for disposition; and

It is FURTHER ORDERED that no Special Master may be appointed in this litigation without the express approval of the Chief Justice.

For the Court Deborah T. Poritz Chief Justice Dated: September 14, 2004

