FILED, Clerk of the Supreme Court, 07 Aug 2025, **090150**

FILED, Clerk of the Appellate Division, May 14, 2024, **A-001501-23**

ALISON BEAVAN, Plaintiff-Respondent, v. ALLERGAN USA, INC., ALLERGAN INC., F/K/A INAMED CORPORATION, ALLERGAN PLC, ABBVIE INC., AND DOES 1 THROUGH 100, INCLUSIVE, Defendant-Appellant.	SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-001501-23 CIVIL ACTION ON APPEAL FROM: SUPERIOR COURT OF NEW JERSEY, LAW DIVISION: MORRIS COUNTY DOCKET NO. MRS-L-151-21 SAT BELOW: HON. LOUIS S. SCEUSI, J.S.C.

AMICI CURIAE BRIEF OF HEALTHCARE INSTITUTE OF NEW JERSEY AND NEW JERSEY BUSINESS & INDUSTRY ASSOCIATION

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PRELIMINARY STATEMENT

Proposed amici curiae HealthCare Institute of New Jersey ("HINJ") and New Jersey Business & Industry Association ("NJBIA") submit this Brief in support of their Motion for Leave to Appear as amici curiae in this matter. This case carries serious implications for New Jersey's life sciences industry and product manufacturers more broadly because the trial court denied summary judgment even though Plaintiff offered no admissible "evidence" in opposition, but mere hypothetical assertions and speculative expert testimony. Its decision misapplies the summary judgment standard and lowers the level of evidence necessary to overcome it so far that it upends New Jersey law on defect and causation under the Product Liability Act ("PLA"). If affirmed, the trial court's interpretation will invite meritless litigation, drain valuable resources from life sciences companies, the business community, and the courts, and chill future investment in New Jersey.

The life sciences industry plays a pivotal role in the health of New Jersey's economy. The biopharmaceutical industry accounts for 340,751 jobs through direct and indirect employment. HINJ, New Jersey's Life Sciences By the Numbers, https://hinj.org/new-jersey-by-the-numbers/ (last visited March 23, 2024). Another 12,000 workers are employed by New Jersey's medical technology companies. Id. According to the Department of Labor and Workforce Development, "[t]he vitality of the biopharmaceutical and life-sciences cluster in New Jersey is fundamental to

the state's economic health with its well-paying jobs." Dep't of Labor & Workforce Dev., Labor Market Information, https://www.nj.gov/labor/labormarketinformation/tools-resources/publications-reports/industrysectorfocus.shtml (last visited March 23, 2024).

Additionally, New Jersey boasts that it is the "#1 state for FDA registered manufacturing establishments" and "the birthplace of immunotherapy and the cure for hepatitis C." NJEDA, Life Sciences, https://www.njeda.gov/life-science/ (March 23, 2024). More than 3,200 life science companies call New Jersey home, and there are more than 3,000 active clinical trials in the State. Id. Indeed, "New Jersey is the medicine chest to the world." Id.

Mindful of the significant role the life sciences industry plays in this state, the Legislature has made concerted efforts over the years to attract and retain biopharmaceutical and medical technology companies in New Jersey. In fact, part of the rationale for the PLA was to "rebalance" the law to reduce the amount of burdensome litigation for life sciences companies while also protecting the public. The proposed amici curiae have a strong interest in this litigation, as the trial court's summary judgment decision represents a significant departure from previous rulings regarding the sufficiency of evidence at the summary judgment stage of product liability cases.

In particular, the trial court erred in relying on a response to a hypothetical question during which plaintiff's counsel asked a corporate representative "**if**" an Ozurdex applicator had contained a silicone particulate, would that have deviated from Allergan's specifications, as sufficient credible evidence that the applicator used to provide Ozurdex to Plaintiff on November 6, 2018 actually **did** deviate from Allergan's specifications. The conclusion that a hypothetical could somehow enable a plaintiff to defeat summary judgment is contrary to law. If plaintiffs can make it to a jury by simply having a defendant acknowledge that **if** one of its products contained a defect, that product would deviate from the company's performance standards, countless meritless cases will proceed to trial, risking a miscarriage of justice.

Likewise, the trial court's decision to admit testimony from Plaintiff's experts also constitutes reversible error, given that one expert's opinion relies on false assumptions and the other's on pure speculation. Reliable expert testimony is essential in the complex litigation faced by New Jersey's manufacturing and life sciences industries, particularly in light of the Supreme Court's recent decision in In re Accutane, which strengthened the requirements for admissibility of expert testimony in New Jersey. The trial court mistakenly lowered the bar for admission of expert testimony even below the level that existed before In re Accutane, and certainly below that which exists now. Letting its decision stand contravenes the

law, will increase the amount and cost of litigation in this State, and will not promote fairness or efficiency in the judicial system. Accordingly, HINJ and NJBIA ask this Court to correct these legal errors, reverse the trial court's ruling and enter summary judgment for Defendants.

STATEMENT OF INTEREST

Proposed amici curiae HINJ and NJBIA will, if granted leave to appear as amici curiae, provide this Court with unique perspectives on the broad implications of this case. Their memberships consist of business leaders and the largest employers in the state, many of which are at the cutting edge of the research-based life sciences industry that contributes so vitally to New Jersey's economy and welfare. This Court should grant their motion to appear as amici curiae and consider the arguments and important public policy considerations set forth in this brief.

HINJ is the trade organization for New Jersey's leading research-based biopharmaceutical and medical technology companies. Among other efforts, HINJ promotes policies that support the life sciences industry's mission to discover and develop new cures, treatments, therapies, diagnostics and technologies to safeguard and improve global human health. HINJ also strives to increase public support for New Jersey's research-based biopharmaceutical and medical technology industry by increasing awareness and understanding of the industry's importance among New Jersey's elected and appointed officials, media, citizens, and opinion leaders. A list

of HINJ's member organizations is available at https://hinj.org/member-companies/. HINJ has been granted leave to appear as amicus curiae in numerous cases before this Court and the New Jersey Supreme Court.

NJBIA is New Jersey's largest statewide business association, representing member companies in all industries and regions of our state. Its mission is to provide information, services, and advocacy for its member companies and build a more prosperous New Jersey. NJBIA's members include most of the top 100 employers in the State, as well as thousands of small to medium-sized employers, from every sector of New Jersey's economy. One of NJBIA's goals is to reduce the costs of doing business in New Jersey, including unwarranted litigation burdens, in an effort to promote economic growth and benefit all of New Jersey. See N.J. Bus. & Industry Ass'n, About Us, http://www.njbia.org/JoinNJBIA/About.aspx. NJBIA has been granted leave to appear as amicus curiae in numerous cases before this Court.

PROCEDURAL HISTORY AND STATEMENT OF FACTS

The proposed amici curiae adopt and incorporate by reference the Procedural History and Statement of Facts set forth in Allergan USA, Inc.'s ("Allergan") opening brief filed in this appeal.

LEGAL ARGUMENT

I. THE TRIAL COURT'S RULING DISRUPTS THE BALANCE THE LEGISLATURE STRUCK IN ENACTING THE NEW JERSEY PRODUCT LIABILITY ACT BY ALLOWING A PLAINTIFF TO SURVIVE SUMMARY JUDGMENT WITHOUT ESTABLISHING A DEFECT IN THE SPECIFIC PRODUCT SHE RECEIVED

In denying Allergan's motion for summary judgment, the trial court rewrote basic principles of New Jersey's product liability law and the summary judgment standard, usurped the Legislature's role and the Supreme Court's rule-making authority, and made it nearly impossible for a manufacturer to obtain summary judgment, regardless of the lack of evidence to show that the particular product at issue was defective. The trial court's ruling cannot stand.

A. New Jersey Product Liability Act

As the New Jersey Supreme Court has recognized, the New Jersey Product Liability Act, N.J.S.A. 2A:58C–1 to –11, ("PLA"), "was enacted as a remedial measure to limit the liability of manufacturers by establishing 'clear rules with respect to certain matters . . . including certain principles under which liability is imposed.'" Kendall v. Hoffman-La Roche, Inc., 209 N.J. 173, 194 (2012) (quoting N.J.S.A. 2A:58C-1(a)); see also Zaza v. Marquess & Nell, Inc., 144 N.J. 34, 47 (1996) ("The Act has been interpreted as evincing a legislative policy 'to limit the expansion of products-liability law.'" (quoting Roberts v. Rich Foods, Inc., 139 N.J. 365, 374 (1995))). Indeed, the "Legislature intended for the Act to limit the liability of

manufacturers so as to 'balance[ ] the interests of the public and the individual with a view towards economic reality.'" Rowe v. Hoffman-La Roche, Inc., 189 N.J. 615, 623-24 (2007) (alteration in original) (quoting Zaza, 144 N.J. at 47-48). "In particular, in enacting the PLA, the Legislature intended to reduce the burden on manufacturers of FDA-approved products resulting from products liability litigation." Kendall, 209 N.J. at 194; accord Rowe, 189 N.J. at 623 (stating the PLA was enacted "to re-balance the law in favor of manufacturers").

Here, the trial court's decision to allow the case to proceed to trial based on speculation of a product defect disrupts the balance of interests the Legislature sought to achieve through the PLA. Although the PLA applied strict liability principles, the Legislature still required a plaintiff to prove certain basic, prima facie, elements to establish a product liability claim. N.J.S.A. 2A:58C-2 (requiring plaintiff to prove "by a preponderance of the evidence that the product causing the harm was not reasonably fit, suitable or safe for its intended purpose because it: a. deviated from the design specifications, formulae, or performance standards of the manufacturer…"); see also Myrlak v. Port Auth. of N.Y. & N.J., 157 N.J. 84, 97 (1999) ("[A] plaintiff must prove that the product was defective, that the defect existed when the product left the manufacturer's control, and that the defect proximately caused injuries to the plaintiff . . . ."). It is axiomatic that proof of a product defect is an essential element of a product liability claim. Zaza, 144 N.J. at

49 ("A prerequisite of any recovery under strict tort liability is the existence of a defective condition."). Moreover, a plaintiff must prove the product was defective, "by a preponderance of the competent evidence." Boyle v. Ford Motor Co., 399 N.J. Super. 18, 34 (App. Div. 2008); see also N.J.S.A. 2A:58C-2. Importantly, the plaintiff must establish that a defect existed in the specific product the plaintiff used. N.J.S.A. 2A:58C-2 (plaintiff must prove that "*the product causing the harm*" contained a manufacturing, design or warnings defect) (emphasis added); Sun Chem. Corp. v. Fike Corp., 243 N.J. 319, 333 (2020) (observing that the PLA requires "proof 'that the product causing the harm was not reasonably fit, suitable or safe for its intended purpose'" (quoting N.J.S.A. 2A:58C-2)). Evidence of a defect in some other product does not suffice to defeat summary judgment, but that is all Plaintiff has. Cf. Courtois v. General Motors Corp., 37 N.J. 525, 547 (1962).

This critical element distinguishes New Jersey's strict liability statutory scheme from one that imposes absolute liability and must be heeded. See O'Brien v. Muskin Corp., 94 N.J. 169, 179-80 (1983) ("The necessity of proving a defect in the product as part of the plaintiff's prima facie case distinguishes strict from absolute liability, and thus prevents the manufacturer from also becoming the insurer of a product."). Here, the trial court allowed plaintiff to survive summary judgment merely based on the facts that (1) a recall occurred, and (2) plaintiff experienced known risks that could have occurred *without* any product issue or recall. Plaintiff

attempts to rely on these two facts as "circumstantial evidence" of a defect, but it is pure speculation. Plaintiff has not connected the dots between the recall generally, the alleged defect in the specific product she used, and her alleged injuries. Without evidence that the actual product she received had the defect that led to the recall, and that that defect could cause, and in fact did cause, her injuries, the trial court transformed strict liability into absolute liability. Clearly, that outcome contravenes the statutory plain language of the PLA and undermines the Legislature's intent to rein in product liability litigation in this State. See Kendall, 209 N.J. at 194.

B. Summary Judgment Standard

The trial court's ruling improperly allowed Plaintiff to survive summary judgment by showing only the mere *possibility* of a product defect. See Triffin v. Am. Intern., 372 N.J. Super. 517, 523-24 (App. Div. 2004) (respondent must show more than "some metaphysical doubt as to the material facts" to survive summary judgment); see also Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 529 (1995) (noting that a party cannot survive summary judgment based on "a mere scintilla" of evidence). That is not the law. Summary judgment should be granted where, as here, there is no genuine dispute over the existence of an element of the cause of action. Canesi ex rel. Canesi v. Wilson, 295 N.J. Super. 354; 364-65 (App. Div. 1996), aff'd in part, rev'd in part, 158 N.J. 490 (1999); see also R. 4:42-6 (requiring motion to be granted where "there is no genuine issue as to any material fact

challenged and that the moving party is entitled to judgment or order as a matter of law").

Moreover, the trial court's diminished standard is a far cry from the preponderance of evidence standard plaintiffs must satisfy at trial, which the court must consider. See R. 4:46-2; Vizzoni v. B.M.D., 459 N.J. Super. 554, 567 (App. Div. 2019) ("The motion court must analyze the record in light of the substantive standard and burden of proof that a factfinder would apply in the event that the case were tried." (quoting Globe Motor Co. v. Igdalev, 225 N.J. 469, 480 (2016)). "[N]either the motion court nor an appellate court can ignore the elements of the cause of action or the evidential standard governing the cause of action." Ibid. (quoting Globe Motor, 225 N.J. at 480). Furthermore, a court's summary judgment decision must be based on "reasonable conclusions a rational jury can draw from the evidence." Brill, 142 N.J. at 535.

Lowering the bar for plaintiffs to survive summary judgment will undoubtedly invite more litigation, thus adding additional pressure to already stressed judicial resources and forcing manufacturing and life sciences companies to devote funds to defending lawsuits that would be better spent on research and development of life-saving and life-improving products. Undoubtedly, the specter of gratuitous litigation will discourage companies from investing in New Jersey. Indeed, as explained above, the PLA was enacted to rein in product liability litigation in this State—

particularly lawsuits involving pharmaceutical and other FDA-regulated manufacturers—but rulings like the one at issue here undermine the Legislature's intent by greatly weighting the scales in favor of plaintiffs. See Kendall, 209 N.J. at 194 ("In particular, in enacting the PLA, the Legislature intended to reduce the burden on manufacturers of FDA-approved products resulting from products liability litigation."); see also N.J.S.A. 2A:58C-1.

II. A PLAINTIFF DOES NOT, AND CANNOT, PRESENT SUFFICIENT CREDIBLE EVIDENCE OF PRODUCT DEFECT, NOR DEFEAT SUMMARY JUDGMENT, BY RELYING ON A HYPOTHETICAL DEPOSITION QUESTION

The trial court erroneously concluded that a company witness's affirmative response to a hypothetical deposition question—**if** an Ozurdex unit had dispensed a silicone particulate, would it have deviated from Allergan's performance standards—was sufficient evidence of a product defect. But "a hypothetical question cannot be invoked to supply the substantial facts necessary to support the conclusion." Townsend v. Pierre, 221 N.J. 36, 59 (2015) (quoting Stanley Co. of Am. v. Hercules Powder Co., 16 N.J. 295, 305 (1954)). Thus, a response to a hypothetical question that "lacks the requisite foundation in the facts" is not credible evidence on which a plaintiff can rely to defeat summary judgment. Ibid.

Yet, the trial court allowed Plaintiff to do just that:

> First, the court finds that Plaintiff has presented sufficient evidence that the Ozurdex applicator was defective to survive summary judgment. Despite Defendant's argument that the Ozurdex applicator did not deviate from the allowable "manufacturing specifications," Plaintiff presents testimony from Defendant's own expert that the disbursement of a silicone particulate *would deviate* from Allergan's own performance standards for the product, and that the Ozurdex applicator was not designed to dispense a silicone particulate in the steroid medication. Under the PLA, a manufacturer of a product shall be liable if the claimant proves that the product causing harm deviated from the "design specification . . . or the performance standards of the manufacturer. Therefore, the court finds that there is sufficient evidence that the subject Ozurdex applicator *was defective* under the PLA.
>
> [(Da0794 (citations omitted) (emphases added).)]

To be clear, Ms. Founds did not testify that Plaintiff's Ozurdex unit in fact generated a silicone particulate. She merely responded affirmatively to a hypothetical question about whether an Ozurdex unit that had dispensed a silicone particle would deviate from Allergan's standards. Nonetheless, the trial court made the illogical leap that this *hypothetical* testimony somehow sufficed to establish *the fact* that the specific applicator used to dispense Plaintiff's medicine *was* indeed defective. Ibid. Clearly, that was an unjustifiable inference even at the summary judgment stage.

If plaintiffs can survive summary judgment simply because a corporate representative acknowledges that a hypothetically-defective product would deviate from the company's standards, meritless cases would go to trial, resulting in needless

litigation and an enormous burden on all of New Jersey's manufacturers, including those in the life sciences industry, and the courts. See Brill, 142 N.J. at 541 ("To send a case to trial, knowing that a rational jury can reach but one conclusion, is indeed 'worthless' and will 'serve no useful purpose.'"). There is no discernible benefit to allowing plaintiffs to reach a jury on insufficient hypothetical proofs.

Accordingly, this Court should reverse the trial court's order granting summary judgment based only on hypothetical evidence that Plaintiff's Ozurdex unit was defective, and enter judgment for Defendant.

III. THE TRIAL COURT FAILED IN ITS GATEKEEPING ROLE BY ADMITTING UNRELIABLE EXPERT TESTIMONY

"Expert testimony is required when the issue is beyond the 'common knowledge of lay persons.'" Froom v. Perel, 377 N.J. Super. 298, 318 (App. Div. 2005) (quoting Kelly v. Berlin, 300 N.J. Super. 256, 265-66 (App. Div. 1997)). Consequently, trial courts are tasked with determining the reliability of expert testimony and ensuring jurors are not exposed "to unsound science through the compelling voice of an expert." In re Accutane Litig., 234 N.J. 340, 389 (2018). "The danger of prejudice through introduction of unreliable expert evidence is clear. While juries would not always accord excessive weight to unreliable expert testimony, there is substantial danger that they would do so, precisely because the evidence is labeled 'scientific' and 'expert.'" Id. at 390 (quoting State v. Cavallo,

88 N.J. 508, 518 (1982). Thus, the trial court serves as a gatekeeper, requiring the court "to assess both the methodology used by the expert to arrive at an opinion and the underlying data used in the formation of the opinion." Id. at 396-97. "When a proponent [of expert testimony] does not demonstrate the soundness of a methodology, both in terms of its approach to reasoning and to its use of data . . . the gatekeeper should exclude the proposed expert testimony on the basis that it is unreliable." Id. at 400.

Additionally, the net opinion rule "forbids the admission into evidence of an expert's conclusions that are not supported by factual evidence or other data." Townsend, 221 N.J. at 53-54 (quoting Polzo v. Cnty. of Essex, 196 N.J. 569 (2008)). "An expert's conclusion is excluded if it is based merely on unfounded speculation and unquantified possibilities." Id. at 55. Indeed, "when an expert speculates, he ceases to be an aid to the trier of fact and becomes nothing more than an additional juror." Ibid.

Both of Plaintiff's experts offered opinions that were patently unreliable. Most glaringly, Dr. Phillip's view that it was "more likely than not" that Plaintiff's injuries were caused by a silicone particulate was based on an inaccurate estimate of the percentage of affected Ozurdex units in the lot at issue. (Da0796.) Dr. Phillips testified that he believed twenty-two to twenty-five percent of the units had issues, which is simply wrong. (Da0070.) Again, only two percent of the lot had the

particulate issue. (Da0229.) Thus, Dr. Phillip's opinion was predicated on false data and inherently unreliable.

Separately, Dr. Lalezary's opinions were based on deeply flawed reasoning. During his deposition, Dr. Lalezary repeatedly described Plaintiff's Ozurdex unit as defective. When asked how he knew the applicator was defective he replied, "It was part of the lot that was recalled." (Da0186.) Dr. Lalezary then went on to opine that Plaintiff's retinal detachment must have been caused by "a defective Ozurdex" because the purportedly defective applicator was the only variation from Plaintiff's previous treatments. (Da0187.) Defense counsel asked Dr. Lalezary again how he knew the Ozurdex was defective, and the doctor replied, "Because it's from a defective lot." (Id.) Surprisingly, Dr. Lalezary came to that conclusion despite knowing that only "two to three percent" of the lot was affected. (Da0193.) The flaw in Dr. Lalezary's reasoning is obvious—the fact that Plaintiff's Ozurdex unit came from a lot where two percent of the units had an issue is far from conclusive evidence that the product was defective. To the contrary, given that such a small percentage of the lot had problems, it was far more likely that Plaintiff's applicator was *not* one of the affected units. Moreover, Dr. Lalezary acknowledged that Plaintiff had "multiple risk factors" that could have led to a retinal detachment "in the absence of a silicone particulate," which made his reasoning regarding the applicator's defectiveness all the more speculative and improper. (Da0196-97.)

Surely, an expert cannot properly claim that a product is defective because "[i]t was part of the lot that was recalled," (Da0186), when only 2.2% of the lot had the issue that led to the recall. Townsend, 221 N.J. at 55 ("An expert's conclusion is excluded if it is based merely on unfounded speculation . . . ."). Nor can an expert rely on a plaintiff's alleged injury as evidence of product defect. Cf. Zaza, 144 N.J. at 49 ("An inference of defectiveness may not be drawn from the mere fact that someone was injured."); O'Brien, 94 N.J. at 179-80 ("Proof that the product was defective requires more than a mere showing that the product caused the injury."). That is particularly important where, as here, the plaintiff alleges injuries that could have occurred *without* any alleged defect or because of her other pre-existing medical conditions, and the expert conducted no analysis and applied no methodology to rule out any of those other potential causes.[1] See In re Accutane, 234 N.J. at 397 (examining "whether an expert's reasoning or methodology underlying the testimony is scientifically valid"). Dr. Lalezary's opinion is a classic net opinion that should have been excluded, Townsend, 221 N.J. at 55, and it cannot create a dispute of material fact or defeat summary judgment, Smith v. Est. of Kelly, 343 N.J. Super. 480, 496-97 (App. Div. 2001).

[1] For these reasons, Plaintiff's experts' opinions on the issue of causation were wholly unreliable and should have been excluded. Amici agree with Defendant's arguments in its opening brief on that point and do not repeat them here. (Db33-43.)

Undoubtedly, trial courts—as gatekeepers—must shield jurors from such unsound, speculative expert testimony. See Accutane, 234 N.J. at 396-97. The need for courts to be effective gatekeepers is particularly acute in cases involving pharmaceuticals and medical devices, given how there will nearly always be confounding variables that require more than a rudimentary analysis to sort through. Experts who misapprehend essential facts or draw inappropriate conclusions from simple percentages cannot be permitted to testify before a jury. Moreover, the dangers of unreliable expert testimony are even more pronounced in cases like this, where the plaintiff's claims are based entirely on speculation, and jurors have little else to go on to decide the case. See id. at 390.

CONCLUSION

The trial court erred in concluding that Plaintiff had presented sufficient evidence to survive summary judgment. The court's discussion about the significance of a company witness's testimony skips the critical step of identifying actual evidence that supports an inference that Plaintiff's Ozurdex applicator disbursed a particulate. Instead, the court wrongly concluded that a hypothetical acknowledging that if such a disbursement had occurred, it would be a deviation from performance standards, was sufficient evidence of a product defect under the PLA. Moreover, the record reveals significant problems with the methodology and reasoning of Plaintiff's experts such that the court should have exercised its

gatekeeping function and excluded their opinions. Accordingly, this Court should reverse the decision of the trial court and enter summary judgment for Defendants.

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ORDER ON MOTION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO.: A-001501-23T2
MOTION NO.: M-004679-23
BEFORE: PART C
JUDGE(S): FRANCIS J. VERNOIA

ALISON BEAVAN
v.
ALLERGAN USA, INC., ALLERGAN INC., F/K/A INAMED CORPORATION, ALLERGAN PLC, ABBVIE INC., AND DOES 1 THROUGH 100, INCLUSIVE

MOTION FILED: 05/02/2024

BY: HEALTHCARE INSTITUTE OF NEW JERSEY and NEW JERSEY BUSINESS AND INDUSTRY ASSOCIATION

ANSWER(S) FILED:

BY:

SUBMITTED TO COURT: May 13, 2024

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 13th day of May, 2024, HEREBY ORDERED AS FOLLOWS:

MOTION BY MOVANT

MOTION TO APPEAR AS AMICUS CURIAE — GRANTED

SUPPLEMENTAL: Amicus will be granted ten minutes to participate in oral argument, in the discretion of the merits panel.

FOR THE COURT:

Francis J. Vernoia

FRANCIS J. VERNOIA, P.J.A.D.

MRS-L-151-21 MORRIS
ORDER - REGULAR MOTION
DLK