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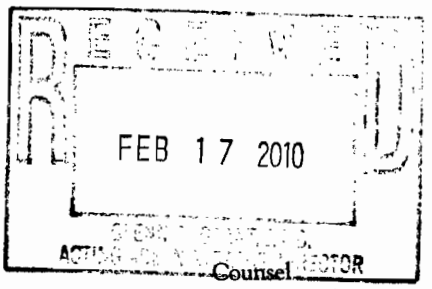

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February 16, 2010

VIA LAWYERS SERVICE

The Honorable Glenn A. Grant, J.A.D.
Administrative Director of the Courts
Administrative Office of the Courts
of the State of New Jersey
Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625

Re: Application to Designate Ethicon/Gynecare/Johnson & Johnson Pelvic Mesh Litigation for Centralized Case Management

Dear Judge Grant:

Please accept this letter request to designate pelvic mesh cases currently pending in the Superior Court against Ethicon, Inc., Ethicon Women's Health and Urology, Johnson & Johnson, and Gynecare, and those to be filed in the future, for Centralized Case Management, without the designation as a Mass Tort, in the Superior Court, Middlesex County.[1] This application is

[1] We reserve the right to later request designation as a Mass Tort, should the circumstances warrant in the future.

submitted on behalf of the law firms currently known to represent the plaintiffs in the cases pending in the Superior Court.[2]

PRELIMINARY STATEMENT

This application addresses numerous cases currently pending, and to be filed, in the Superior Court, arising from severe injuries suffered by women as a result of the implantation of Ethicon/Gynecare/Johnson & Johnson pelvic mesh products. Ethicon, Inc. ("Ethicon") is a wholly owned subsidiary of Johnson & Johnson, a New Jersey Corporation with worldwide headquarters located in Middlesex County, New Jersey. Ethicon Women's Health and Urology and Gynecare are divisions of Ethicon.

Ethicon designs, manufactures, markets, and sells pelvic mesh products known as Gynecare Prolift and Prolift +M Total, Anterior, and Posterior Support Systems (for treatment of pelvic organ prolapse), Gynecare Transvaginal Tape Support Systems (TVT, TVT-Obturator and TVT-Secur, for treatment of stress urinary incontinence), and Gynecare Gynemesh products (mesh which physicians shape and adapt for use as needed to treat pelvic organ prolapse). The pelvic mesh products are intended to provide support for prolapsed pelvic organs and/or the urethras where the supporting tissue and muscles have been weakened due to age or other causes. These products are used separately or in conjunction with one another, depending on a woman's condition.

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[2] In addition to the 39 cases filed by Mazie Slater Katz & Freeman, LLC to date, the law firms of Motley Rice LLC, Wexler Wallace, LLP, Cohen Placitella & Roth, Potts Sadaka, LLC, and Lanza & Lanza, have filed the balance of the currently pending Gynecare cases.

On October 20, 2008, the FDA issued an advisory to physicians with regard to pelvic mesh products, including those sold by Ethicon, advising in part as follows:

> Over the past three years, the FDA has received over 1,000 reports... of complications associated with surgical mesh devices used to repair POP and SUI. The most frequent complications included erosion through vaginal epithelium, infection, pain, urinary problems, and recurrence of prolapse and/or incontinence..... In some cases, vaginal scarring and mesh erosion led to a significant decrease in patient quality of life due to discomfort and pain, including dyspareunia. Treatment of the various complications included additional surgical procedures (some of them to remove the mesh), IV therapy, blood transfusions and drainage of hematomas or abscesses.

Each of the plaintiffs in the pending cases has suffered all or some combination of the debilitating injuries described by the FDA due to failures of the Gynecare pelvic mesh products. Each has already or will soon have to undergo surgery, in many cases multiple operations, in an often unsuccessful effort to remove mesh from their pelvic tissue and to treat the disabling complications and injuries resulting from these product failures.

At present, more than 60 pelvic mesh cases are pending in the Superior Court, and all but one of the cases have been filed in Middlesex County. The filing of additional cases is anticipated.

CENTRALIZED CASE MANAGEMENT IS APPROPRIATE

The Gynecare pelvic mesh litigation involves a large number of plaintiffs who are geographically dispersed around the United States. Of the cases filed to date, at least three plaintiffs reside in New Jersey, with the balance residing in states including Delaware, South Dakota, Arizona, California, Missouri, Kentucky, Indiana, Connecticut, Virginia, Texas, New

York, Oregon, South Carolina, Louisiana, Georgia, Ohio, Florida, Tennessee, Mississippi, and Kansas.

These cases involve numerous common, recurrent issues of law and fact. For example, each of the products is manufactured from the same or very similar (polypropylene) base materials, and the injuries claimed in each case arise from certain recurring product failures and results – including erosion of the mesh, often down into and through the vagina, contraction of the mesh, tissue inflammation, infection, fistula formation, scar tissue formation, and the need for one or more re-operations to attempt to remove the mesh and/or treat the complications and injuries. Each case alleges violations of the Product Liability Act, and the determination of liability in each case will rely upon the same core of voluminous documents and medical literature. Common experts will in all likelihood be utilized in the cases, at least with regard to the liability issues. Therefore, the discovery and determination of the liability issues should be coordinated under the Centralized Case Management umbrella to promote efficiency, and prevent inconsistent legal rulings on the many common issues that will arise in the course of the litigation.

There will also be the need to coordinate discovery of witnesses around the country, particularly depositions of physicians around the country who have treated the various plaintiffs (likely via video conferencing in most instances). The volume of this discovery, and the need to coordinate when and where depositions will take place in order to prevent wasted time and overlap, and allow this discovery to proceed in orderly fashion is the type of issue that centralized case management is designed to address.

Due to the volume of documents, the complexity of the issues, and the number of cases, Centralized Case Management will also promote efficient utilization of judicial resources, including the Court's facilities and personnel. The specialized expertise of the Centralized Case Management Judge and staff will promote further efficiencies in the management of the complex discovery and substantive issues that will undoubtedly arise in these cases.

We believe that the Mass Tort designation is not necessary at present in light of the manageable number of cases currently pending, and the current posture of discovery. In the event we believe that Mass Tort designation is necessary in the future we reserve the right to submit that application.

THE CASES SHOULD BE CENTRALIZED IN MIDDLESEX COUNTY

All but one of the currently pending cases are venued in Middlesex County, which is the location of the worldwide headquarters of defendant Johnson & Johnson. The Ethicon offices are located near to Middlesex County in Somerville, New Jersey. The focus of liability discovery in these cases will likely be centered on Ethicon and Johnson & Johnson, and the activities and decisions emanating from those entities. Thus, Middlesex County is the most convenient venue for these cases, nearly all of which are already pending in Middlesex County.

In addition, current counsel includes law firms from Rhode Island and Chicago, who will have to travel to attend Court appearances. Middlesex County is convenient to Newark Airport as well.

CONCLUSION

For the foregoing reasons, it is respectfully requested that the Ethicon/Gynecare/Johnson & Johnson pelvic mesh cases pending in the Superior Court be designated for Centralized Case Management, and that Middlesex County be designated as the venue.

Respectfully,

ADAM M. SLATER

AMS/lat
cc: Honorable Heidi Willis Currier, J.S.C.
Honorable Jamie Happas, J.S.C.
Honorable Rachelle Harz, J.S.C.
Honorable James F. Hyland, J.S.C.
Honorable Vincent Leblon, J.S.C.
Honorable Jessica R. Mayer, J.S.C.
Honorable Phillip L. Paley, J.S.C.
Honorable Diane X. Pincus, J.S.C.
Honorable Edward J. Ryan, J.S.C.
Honorable Nicholas J. Stroumtsos, J.S.C.
Fidelma Fitzpatrick, Esq.
Edward Wallace, Esq.
Mark Sadaka, Esq.
Christopher Placitella, Esq.
Jonathan Lanza, Esq.
Anne Patterson, Esq.

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