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Hoffmann-La Roche Inc. and  
Roche Laboratories Inc.

**FILED**

JAN 29 2016

**NELSON C. JOHNSON, J.S.C.**

IN RE: ACCUTANE® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY

CASE NO. 271

CIVIL ACTION

ACCUTANE LITIGATION

**ORDER STAYING DEFENDANTS'  
OMNIBUS MOTIONS FOR SUMMARY  
JUDGMENT BASED ON FLORIDA AND  
NORTH CAROLINA'S STATUTES OF  
REPOSE, AND ALABAMA, IDAHO,  
MAINE, AND VIRGINIA'S STATUTES  
OF LIMITATIONS**

This matter having come before the Court at the request of the Court, and all parties having been represented by Counsel and having consented to the form, substance, and entry of the within Order, and for good cause shown,

IT IS on this 29<sup>th</sup> day of January 2016,

**ORDERED** as follows:

1. The following motions filed by Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. ("Defendants" or "Roche") are hereby stayed pending the outcome of McCarrell v. Hoffmann-La Roche Inc., No. A-28-15 (076524) ("McCarrell"), currently pending before the Supreme Court:

- a. Defendants' Omnibus Motion for Summary Judgment Based on Florida's Statute of Repose;

- b. Defendants' Omnibus Motion for Summary Judgment Based on North Carolina's Statute of Repose;
- c. Defendants' Omnibus Motion for Summary Judgment Based on Alabama's Statute of Limitations;
- d. Defendants' Omnibus Motion for Summary Judgment Based on Idaho's Statute of Limitations;
- e. Defendants' Omnibus Motion for Summary Judgment Based on Maine's Statute of Limitations; and
- f. Defendants' Omnibus Motion for Summary Judgment Based on Virginia's Statute of Limitations.

2. The cases subject to the aforementioned motions for summary judgment based on the respective statutes of limitations are included on the attached Exhibit A.

3. The cases subject to the aforementioned motions for summary judgment based on the respective statutes of repose are included on the attached Exhibit B.

4. This stay does not extend to any other motions or matters.

5. Subject to Paragraph 8 below, in the event the Supreme Court affirms the ruling of the Appellate Division that the law of the state of plaintiff's prescription, ingestion, diagnosis and treatment (Alabama) governs for purposes of the statute of limitations in McCarrell, all of the cases listed on Exhibit A shall be dismissed with prejudice.

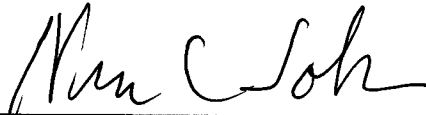
6. Subject to Paragraph 8 below, in the event the Supreme Court affirms the ruling of the Appellate Division in McCarrell, Florida or North Carolina law will apply to the cases listed on Exhibit B, and Plaintiffs may argue that Plaintiffs' causes of action are not barred under the laws of Florida and North Carolina, and Defendants may argue, without prejudice, that Plaintiffs' causes of action are barred by the laws of Florida and North Carolina.

a. Plaintiff Earlene Byrd, No. ATL-L-10095-11, may argue that New Jersey law should apply based upon case-specific facts relevant to a choice-of-law analysis, and Defendants may argue, without prejudice, that the law of Florida (or other state law) applies.

7. Subject to Paragraph 8 below, if the Supreme Court reverses the Appellate Division and rules that New Jersey law applies for statute-of-limitations purposes in McCarrell, which allows equitable tolling of statutes of limitations under “discovery rule” principles, the motions filed in the cases listed on Exhibit A and Exhibit B shall be denied, without prejudice to Defendants’ rights to argue that Plaintiffs’ causes of action are barred under New Jersey law.

8. This Order is entered without prejudice to the rights of any party to argue that the Supreme Court’s ruling in McCarrell does not apply because it is distinguishable on the facts and/or the law.

9. A copy of this Order shall be served on all counsel within 7 days of receipt by Defendants’ counsel.

  
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Hon. Nelson C. Johnson, J.S.C.

[ ] Opposed  
[  ] Unopposed

### EXHIBIT A

Case Name	Docket Number	State and Motion Type
ABRAHAM, EDWARD G.	ATL-L-005262-10	AL - SOL
AULT, BRIAN J.	ATL-L-004758-10	VA - SOL
BACK, JOE THOMAS	ATL-L-000765-11	VA - SOL
BAKER, FRED WESLEY	ATL-L-007121-11	AL - SOL
BARRETT, HEATH E.	ATL-L-005175-12	ME - SOL
BEVIS, LINDSAY M.	ATL-L-007716-10	VA - SOL
BIRDSONG, JONATHAN BOYD	ATL-L-000490-12	AL - SOL
BISTLINE, KATHLEEN	ATL-L-005930-10	VA - SOL
BONNER, GERALDINE	ATL-L-000803-11	AL - SOL
BOSTIC, RACHEL	ATL-L-002771-10	AL - SOL
BRINN, ROYCE EDWARD	ATL-L-000368-11	VA - SOL
BUTTNER, FREDDIE AND LORI	ATL-L-000338-11	VA - SOL
CAMPBELL, DANIEL BLAKE	ATL-L-009773-11	AL - SOL
CAREY, MEGAN K.	ATL-L-006463-10	VA - SOL
CARTER, LANDON	ATL-L-003446-05	AL - SOL
CASTRO, DEBRA LYNNE	ATL-L-004546-11	VA - SOL
CHANCE, ROSE MARIE	ATL-L-005294-10	AL - SOL
CHO, JAMES & ANDREA	ATL-L-004015-12	VA - SOL
CLARKE, CHARLES STODDARD	ATL-L-004558-11	ME - SOL

COOPER, MARILYN G.	ATL-L-001096-12	AL - SOL
CUFFEE, ANTHONY L.	ATL-L-007724-11	VA - SOL
DANIEL, JAMES RICHARD	ATL-L-000774-12	VA - SOL
DRAPKIN, ERIC SCOTT	ATL-L-004667-09	AL - SOL
DUBIN, JACOB ARI	ATL-L-005449-11	AL - SOL
DUKE, DAWN MARIE	ATL-L-002876-10	VA - SOL
EVANS, DAVAN M.	ATL-L-007143-11	AL - SOL
FIELDS, JULIE GAIL	ATL-L-002751-12	VA - SOL
FORTENBERRY, AARON	ATL-L-000561-07	AL - SOL
FREEMAN, BROOKE WILSON	ATL-L-000526-12	AL - SOL
GARCIA, ANTHONY	ATL-L-013689-06	ID - SOL
GARDNER-HARRELSON, DANA MARLANE	ATL-L-002954-07	AL - SOL
GRAHAM, SHAWN L.	ATL-L-005577-10	ME - SOL
HICKS, LAURIE JO	ATL-L-001346-10	VA - SOL
HILL, RYAN SCOTT	ATL-L-005835-12	AL - SOL
HOLMES, MARSHA	ATL-L-001906-07	VA - SOL
HOWARD, CONNIE MARIE	ATL-L-003631-12	AL - SOL
HUCKABEE, MELISSA	ATL-L-003416-07	AL - SOL
IRIZARRY, LISA BETH	ATL-L-003065-12	VA - SOL
JOHNSON, ANGELA	ATL-L-004298-11	ID - SOL
KEY, ROBERT D.	ATL-L-000453-11	AL - SOL

KIDWELL SIMMONS, SHERRI LYNN	ATL-L-001313-11	VA - SOL
LAWSON, GLADYS R.	ATL-L-007621-10	AL - SOL
LEE, JEREMY	ATL-L-007159-06	VA - SOL
LETT, JOSEPH CHARLES	ATL-L-002880-12	AL - SOL
LOVE, ADRIAN DOROW	ATL-L-005559-11	AL - SOL
MAPLES, JAMES H.	ATL-L-005375-11	AL - SOL
MARBURY, LUTHER	ATL-L-007124-10	AL - SOL
MARTIN, TRENTON EUGENE	ATL-L-002554-12	AL - SOL
MEACHAM, ROBERT S.	ATL-L-005162-11	AL - SOL
MELL, DANIEL RICHARD	ATL-L-004695-11	VA - SOL
MITCHELL, IRVIN R.	ATL-L-005912-10	VA - SOL
MOORE, CATHY	ATL-L-001466-08	AL - SOL
MOORE-HARRY, MARY LEIGH	ATL-L-007093-10	AL - SOL
MOSTELLA, RESACA SEMMESE	ATL-L-010177-11	AL - SOL
MULLANEY, CONNOR PATRICK	ATL-L-001540-08	VA - SOL
MURPHREE, JOANN JORDAN	ATL-L-007984-11	AL - SOL
NASCA, PAULA	ATL-L-000471-11	VA - SOL
OPRANDY, MICHAEL ANTHONY	ATL-L-000239-11	VA - SOL
PALMER, RICH	ATL-L-006040-11	VA - SOL
PARKER, CHRISTOPHER M	ATL-L-007480-10	AL - SOL
RABUCK, TARA LISA	ATL-L-005446-11	VA - SOL

RAWLS, CECIL M.	ATL-L-007997-11	VA - SOL
ROBINSON, BEVERLY DENISE	ATL-L-010297-11	VA - SOL
ROSS, JR., DAVID M.	ATL-L-000417-12	AL - SOL
RUMSEY, BERNADETTE L.	ATL-L-005652-10	VA - SOL
RUZIC, MOLLY J.	ATL-L-005197-11	AL - SOL
SAMUELS, WADE ALAN	ATL-L-006019-11	VA - SOL
SANDERS, JOHN ERIC	ATL-L-006021-11	AL - SOL
SANDERS, MICHAEL P.	ATL-L-005810-10	AL - SOL
SHEPHERD, SUSAN T.	ATL-L-010085-11	AL - SOL
SIMMONS, JUSTIN ROY	ATL-L-007968-11	VA - SOL
SIMPSON, MATTHEW	ATL-L-001429-13	AL - SOL
SIROIS, WESLEY P.	ATL-L-002990-09	ME - SOL
SLATEN, LORI L.	ATL-L-005875-10	AL - SOL
SMITH, CHRISTOPHER RYAN	ATL-L-008823-11	VA - SOL
SMITH, ROOSEVELT	ATL-L-007171-10	AL - SOL
SPANN, CHRISTOPHER MICHAEL	ATL-L-004259-11	AL - SOL
SPANN, JACQUELINE ELIZABETH	ATL-L-001055-12	ID - SOL
SPRAKER, BETTY A.	ATL-L-003591-11	VA - SOL
STEWART, GARY MICHAEL	ATL-L-004266-11	AL - SOL
STOKES, BEVERLY C.	ATL-L-005915-10	AL - SOL
THOMPSON, TRAVIS O.	ATL-L-006979-11	AL - SOL

TODD, ETHEL J.	ATL-L-007421-10	AL - SOL
TOTH, ERIC	ATL-L-008280-05	AL - SOL
TURNER, DENNIS RYAN	ATL-L-000507-12	AL - SOL
VAMES, JENNIFER LEE	ATL-L-010588-11	VA - SOL
VISAYA, HEATHER LYNN	ATL-L-004763-10	ID - SOL
WATTS, GINGER	ATL-L-003906-12	AL - SOL
WHATLEY, MARION	ATL-L-003447-09	VA - SOL
WILLIAMS, VINCENT	ATL-L-003616-11	VA - SOL
WILLOUGHBY, MARITA G.	ATL-L-007647-10	VA - SOL
WILSON, DANIEL K.	ATL-L-008154-11	AL - SOL
YAMSHAK, JAMES R. JR.	ATL-L-006062-11	AL - SOL



**EXHIBIT B**

Case Name	Docket Number	State and Motion Type
ALEXANDER, JR., JOHN TRUMAN	ATL-L-002489-12	FL - SOR
ARSENAULT, PAULA E.	ATL-L-008378-11	NC - SOR
BALLARD, KEVIN J.	ATL-L-002401-13	FL - SOR
BEARDSLEY, CLINT TERRY	ATL-L-004902-11	FL - SOR
BERKMAN, IAN T.	ATL-L-010477-11	FL - SOR
BROWN, RONDA CHRISTINE	ATL-L-009986-11	NC - SOR
BYRD, EARLENE	ATL-L-010095-11	FL - SOR
CARMENATES, MARGARITA ROSA	ATL-L-004684-10	FL - SOR
CARTER, EVELYN B	ATL-L-005257-11	NC - SOR
CHARO-MURRIETTA, MIRIAM SABRINA	ATL-L-007725-11	NC - SOR
CLARK, JR., GARY DEAN	ATL-L-008375-11	NC - SOR
COLLINS, STEPHANIE	ATL-L-006233-11	NC - SOR
CREWS, BEVERLY JOANN	ATL-L-008123-11	NC - SOR
CUNNINGHAM, ALGERNON BRIAN	ATL-L-006298-10	FL - SOR
CURRIE, DEAN C.	ATL-L-004739-11	FL - SOR
CURTO, ROBERT JOHN	ATL-L-006488-10	FL - SOR
DAYBALL, DIANNE	ATL-L-010135-11	FL - SOR
DISHER, SUSAN E.	ATL-L-006748-10	NC - SOR
EDWARDS, KATHY DAWN	ATL-L-007080-11	NC - SOR

EUBANKS, THOMAS W.	ATL-L-005588-10	NC - SOR
FARMER, SUSAN ELAINE	ATL-L-006196-10	FL - SOR
FISCHERA, MICHAEL L.	ATL-L-007294-10	FL - SOR
FOGLEMAN, JANET G.	ATL-L-005659-10	NC - SOR
GAGNIER, PETER T.	ATL-L-007710-11	FL - SOR
GAVIN, RONALD MARVIN	ATL-L-004192-12	FL - SOR
GIBSON, JOSHUA DAVID	ATL-L-005319-11	NC - SOR
GILGO, JOSEPH GREGORY	ATL-L-006764-11	NC - SOR
GREEN, SARAH MERRIMAN	ATL-L-000196-12	NC - SOR
GREENE, SUSAN	ATL-L-001139-07	NC - SOR
GUY, ANNE BOLING	ATL-L-004227-11	NC - SOR
GWYN, BRADLEY MONROE	ATL-L-004599-11	NC - SOR
GWYN, OLGA H.	ATL-L-005660-10	NC - SOR
HACKWORTH, RICHARD SCOTT	ATL-L-005968-11	NC - SOR
HANES, JOSEPH C.	ATL-L-004604-11	FL - SOR
HARRINGTON, JULIAN P.	ATL-L-006336-10	NC - SOR
HELMAN, SHARON RENEE	ATL-L-005475-11	FL - SOR
HENSLEY, WANDA	ATL-L-002038-12	NC - SOR
HODGES, DEBORAH ELIZABETH	ATL-L-009478-11	NC - SOR
HOPKINS, III, OSCAR EDWARD	ATL-L-004724-11	NC - SOR
JACOBS, ROBERT D	ATL-L-004304-11	NC - SOR

KEENE, JAMIE	ATL-L-013685-06	NC - SOR
KELLY, CYNTHIA H.	ATL-L-000519-12	FL - SOR
KEMPF, ROBERT L.	ATL-L-004177-12	NC - SOR
KING, ASHLEY TRIVETTE	ATL-L-000236-10	NC - SOR
KISER, KELLY	ATL-L-004371-11	NC - SOR
KOEMPEL, CYNTHIA ANN	ATL-L-004267-11	NC - SOR
KOENIG, CLIFFORD G.	ATL-L-006823-11	FL - SOR
KRUGER, LARRY	ATL-L-004060-11	NC - SOR
LAPAS, ANNETTE K.	ATL-L-007132-11	NC - SOR
LARIZ, JONATHAN C.	ATL-L-006308-10	NC - SOR
LAVINDER, TONY DEAN	ATL-L-005666-10	NC - SOR
LOCHAN, SARASWATTIE	ATL-L-004678-11	FL - SOR
MAILLOT, MARCIA	ATL-L-000439-11	FL - SOR
MANDELL, IAN R.	ATL-L-000755-11	FL - SOR
MATHIS, RICHARD E.	ATL-L-000465-12	NC - SOR
MATTHEWS, BRENDA DIANE	ATL-L-004096-11	NC - SOR
MCALISTER, GARRETT J.	ATL-L-005425-11	NC - SOR
MCGURK, MICHAEL J	ATL-L-005861-10	FL - SOR
MCMAHAN, KATHRYN ELIZABETH	ATL-L-002768-10	NC - SOR
MCPHERSON, RYAN BLAKE	ATL-L-005326-10	NC - SOR
MEJIAS, LOURDES M.	ATL-L-004465-10	FL - SOR

MULKEY, ALLISON S.	ATL-L-007458-10	FL - SOR
NASH, RUSSELL GLENN	ATL-L-007265-11	NC - SOR
NECHODOM, DEANA	ATL-L-003524-05	FL - SOR
NEWLIN, GARY	ATL-L-001231-06	NC - SOR
PAYNE, KERI DECKROW	ATL-L-003929-10	NC - SOR
POPE, III, DEWITT DIXON	ATL-L-000093-12	FL - SOR
PORTER, JORGE	ATL-L-006448-11	FL - SOR
PRICE, EDWIN J.	ATL-L-010519-11	FL - SOR
PROCTOR, JOSHUA DANIEL	ATL-L-006338-10	NC - SOR
RACKLEY, AMANDA	ATL-L-001802-12	NC - SOR
RHODEN, WILLIAM MATTHEW	ATL-L-005781-11	NC - SOR
ROBBINS, MICHAEL SHANE	ATL-L-004658-11	FL - SOR
ROBERTS, BRITON TAYLOR	ATL-L-007429-10	FL - SOR
ROSARIO, CHRISTINE MARIE	ATL-L-000905-12	FL - SOR
ROSARIO, SANDRA A.	ATL-L-004254-10	FL - SOR
ROSELLO, GEORGE J.	ATL-L-006688-10	FL - SOR
SALEH, KHALID M.	ATL-L-008355-05	NC - SOR
SALVATO, MICHAEL ANTHONY	ATL-L-002055-10	FL - SOR
SMITH, ALANNA K	ATL-L-007721-10	NC - SOR
SMITH, RANDY W.	ATL-L-007995-11	NC - SOR
STAINBACK, WINSTON T	ATL-L-005383-11	NC - SOR

STANLEY, MATTHEW RAY	ATL-L-006321-11	NC - SOR
TERRY, PAULA RENEE	ATL-L-006340-10	NC - SOR
THORNTON, THOMAS RUSSELL	ATL-L-005852-10	NC - SOR
TURKEL-LASKOWITZ, NANCY	ATL-L-006717-10	FL - SOR
TYSOR, JANET KAY	ATL-L-005188-11	NC - SOR
VALE, CAMERON	ATL-L-000209-11	FL - SOR
VREELAND, NATHAN PETER	ATL-L-005263-10	FL - SOR
WATTS, JASON	ATL-L-000239-10	NC - SOR
WILLIAMS, STEVEN L.	ATL-L-002810-12	NC - SOR
WILMOTH, TRAVIS RAY	ATL-L-002570-12	NC - SOR
WOODS, JEHREMIE MICHAEL	ATL-L-000202-11	FL - SOR
YAVORSKE JR., ALBERT LEIGH	ATL-L-000198-12	FL - SOR
ZAGAROW, BRIEL M.	ATL-L-003001-13	FL - SOR
ZUBROD, LORI ANNE	ATL-L-007659-11	NC - SOR