

0105

EPSTEIN ARLEN, LLC
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BAILEY PERRIN BAILEY
440 Louisiana Street, Suite 2100
Houston, Texas 77002
(713) 425-7100 Telephone
Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;


IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, regarding Motions to exclude or *limine* is hereby granted;^{*}

IT IS FURTHER ORDERED that a copy of this Order shall be ^{mailed on line} ~~served upon~~ Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED

* The parties having consented to disposition of this motion in the papers and for the reasons set forth in the attached memorandum


JESSICA R. MAYER, J.S.C.

18. Plaintiff's motion *in limine* to bar Defendants from mentioning motions to exclude or *in limine*.

Defendants agree. Neither party shall mention motions to exclude or motions *in limine* filed in this case at trial. Therefore, this motion is **GRANTED**.

0106

EPSTEIN ARLEN, LLC
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FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

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Attorneys for Plaintiff

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of counsel, and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, regarding product labeling and other evidence of drugs other than Risperdal taken by Plaintiff is hereby ~~granted;~~ ^{denied; *}

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{filed in line}

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


12/16/4

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

19. Plaintiff's motion *in limine* to bar Defendants from mentioning product labeling and other evidence of drugs other than Risperdal® taken by Plaintiff.

Plaintiff's use of other drugs, specifically other antipsychotic medications, may have contributed to the development of Plaintiff's diabetes. Plaintiff also may or may not have read product labeling regarding other drugs. Therefore, the court must await the trial testimony to determine the relevancy of such testimony by either party based upon the issue for which such testimony is presented. Therefore, this motion is **DENIED**.

0107

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FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

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Attorneys for Plaintiff

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of counsel, and good cause having been shown;


IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any reference to how, when, or under what circumstances Plaintiff chose or employed any of his attorneys, the name of any other lawyer retained or consulted by Plaintiff, whether or not such lawyers were the original attorneys of record and

whether or not such lawyers or any other lawyer referred Plaintiff's case to the undersigned counsel is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{prop'd on line} ~~served upon~~ Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum

20. Plaintiff's motion *in limine* to bar Defendants from any reference to how, when, or under what circumstances Plaintiff chose or employed any of his attorneys, the name of any other lawyer retained or consulted by Plaintiff, whether or not such lawyers were the original attorneys of record and whether or not such lawyers or any other lawyer referred Plaintiff's case to the undersigned counsel.

Defendants agree they will not introduce such evidence provided Plaintiff agrees not to explore the circumstances regarding Defendants' retainer of their counsel. Neither party shall make any such references at trial. Therefore, this motion is **GRANTED**.

0108

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Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any reference suggesting or in any way reflecting the financial status or resources of any of Plaintiff's attorneys or their law firms, or any of those attorneys' other businesses or cases is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{printed on line} ~~served upon~~ Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


12/16/14

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

21. Plaintiff's motion *in limine* to bar Defendants from any reference suggesting or in any way reflecting the financial status or resources of Plaintiff's attorneys or their law firms, or any of those attorneys' other businesses or cases.

Defendants agree they will not introduce such evidence provided Plaintiff agrees not to make such suggestions or references with regard to Defendants. Neither party shall make any such references at trial. Therefore, this motion is **GRANTED**.

results of such judgment upon Defendants' insurance rates, premiums, finances, or ability to compete in the marketplace is hereby granted;*

IT IS FURTHER ORDERED that a copy of this Order shall be ^{printed on here} ~~served upon~~ Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the paper and for the reasons set forth in the attached memorandum.

22. Plaintiff's motion *in limine* to bar Defendants from indicating that Defendants may have to pay a judgment in this case, that Defendants have limited policy limits or cash, or the effect or results of such judgment upon Defendants' insurance rates, premiums, or finances or the ability of Defendants to compete in the market place.

Defendants agree not to introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

0110

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Attorneys for Plaintiff

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	


THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and the arguments of counsel, and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any suggestion that any recovery Plaintiff may receive in this case in the way of damages awarded by a jury verdict, be subject to prejudgment interest or judgment interest is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be served ^{per the rule} upon ~~Defendants' counsel~~ within seven (7) days of the date of this Order.

OPPOSED


12/14/14
JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

23. Plaintiff's motion *in limine* to bar Defendants from suggesting that any recovery that Plaintiff may receive in this case in the way of damages awarded by a jury verdict would be subject to prejudgment interest or judgment interest.

Defendants agree they will not introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

011

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Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6820-06(MT)
	:	PROPOSED ORDER

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and ~~the arguments of counsel,~~ and good cause having been shown;

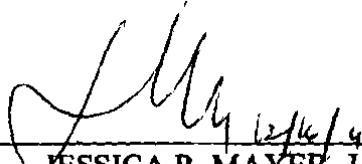
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, Plaintiff's fee arrangement and who is paying expenses, or is responsible for expenses, in connection with this litigation is hereby granted.*

IT IS FURTHER ORDERED that a copy of this Order shall be served upon ^{per fed in here} ~~upon~~

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

A

The parties having consented to disposition of the motion in the papers and for the reasons set forth in the attached memorandum.

24. Plaintiff's motion *in limine* to bar Defendants from referring to Plaintiff's fee arrangement and who is paying expenses, or is responsible for expenses, in connection with this litigation.

Defendants agree they will not seek to introduce such evidence at trial provided Plaintiff agrees not to make such suggestions or references with regard to Defendants. Neither party shall make any such references at trial. Therefore, this motion is **GRANTED**.

0112

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Attorneys for Plaintiff

FILED

DEC 16 2011

JUDGE JESSICA R. MANER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

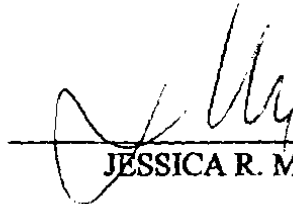
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any suggestion that if Defendants are made to pay a judgment in this case or other Risperdal or second generation antipsychotic product liability litigation cases, it may negatively affect the New Jersey economy or prompt or cause layoffs is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted online} ~~served upon~~

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED

 12/16/11

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

25. Plaintiff's motion *in limine* to bar Defendants from suggesting that if Defendants are made to pay a judgment in this case or other Risperdal® or second generation antipsychotic product liability cases, it may negatively affect the New Jersey economy or prompt or cause layoffs.

Defendants agree they will not introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

0113

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Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

<p>GARY SKALA, Plaintiff,</p> <p>vs.</p> <p>JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.</p>	<p>: SUPERIOR COURT OF NEW JERSEY</p> <p>: LAW DIVISION</p> <p>: MIDDLESEX COUNTY</p> <p>:</p> <p>: CIVIL ACTION</p> <p>: CASE CODE 274</p> <p>: (Risperdal/Seroquel/Zyprexa Litigation)</p> <p>:</p> <p>: DOCKET NO. MID-L-6820-06(MT)</p> <p>:</p> <p>: PROPOSED ORDER</p> <p>:</p>
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THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;


IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any comment or personal anecdote from any witness or lawyer for the Defendants about themselves, or family members who have used Risperdal is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted online} ~~served upon~~

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


12/16/11
JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion in the papers and for the reasons set forth in the attached memorandum.

26. Plaintiff's motion *in limine* to bar Defendants from any comment or personal anecdote from any witness or lawyer for the Defendants about themselves, or family members who have used Risperdal®.

Defendants agree not to introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to description of the motion on the papers and for the reasons set forth in the attached memorandum.

27. Plaintiff's motion *in limine* to bar Defendants from any comment or reference to "good deeds" carried out by Janssen.

The court finds that such testimony would be presented for the purpose of demonstrating the eleemosynary aspects of Defendants' operations. The testimony is not relevant to the compensatory damages sought in this case. The testimony might be relevant to the issue of punitive damages; however, based upon the court's ruling barring Plaintiff's request for punitive damages, the court need not consider allowing such testimony. Therefore, the motion is **GRANTED**.

0115

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Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	


THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of counsel, and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any comment or inference that bolsters the unchallenged character (e.g., honest) or traits (e.g., generous) of the Defendants' current or former employees, managers, consultants, experts, agents, or fiduciaries is hereby ~~granted~~, *denied*;

IT IS FURTHER ORDERED that a copy of this Order shall be ^{listed in here} ~~served upon~~
~~Defendants' counsel~~ within seven (7) days of the date of this Order.

OPPOSED


JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having consented
to disposition of the motion in
the papers and for the reasons
set forth in the attached memorandum.

28. Plaintiff's motion *in limine* to bar Defendants from any comment or inference that bolsters the unchallenged character (*e.g.*, honest) or traits (*e.g.* generous) of Defendants' current or former employees, managers, consultants, experts, agents, or fiduciaries.

This motion is vague and overly broad. The court must await the trial testimony to determine the relevancy of such testimony. If Plaintiff attacks the credibility or character of a defense witness, then such testimony may be permitted. Therefore, this motion is **DENIED.**

0114

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Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and the arguments of counsel, and good cause having been shown;

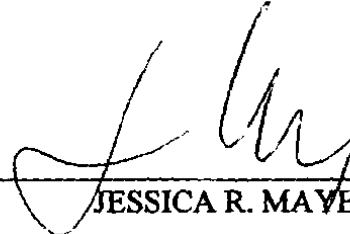
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any comment or suggestion that Defendants should not be exposed to fifty-one separate tort-law regimes is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{posted online}

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAVER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having agreed to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

29. Plaintiff's motion *in limine* to bar Defendants from any comment or suggestion that Defendants should not be exposed to fifty-one separate tort-law regimes.

Defendants agree not to introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

0118

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Attorneys for Plaintiff

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Scroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	[PROPOSED] ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any comment or suggestion that state law must be preempted to protect that public from recklessly warning of unsubstantial associations between drugs and health risks is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted on line} ~~served upon~~ Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED


JESSICA R. MAYER, J.S.C.

This motion was:

Opposed
 Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

30. Plaintiff's motion *in limine* to bar Defendants from any comment or suggestion that state law must be preempted to protect the public from recklessly warning of unsubstantiated associations between drugs and health risks.

Defendants agree not to introduce such evidence at trial unless Plaintiff "opens the door." Neither party shall argue or comment on this issue unless the court determines that the other party has "opened the door." Therefore, this motion is **GRANTED**.

0119

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Attorneys for Plaintiff

FILED
DEC 16 2011
JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CIVIL ACTION
	:	CASE CODE 274
	:	(Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and the arguments of counsel, and good cause having been shown;

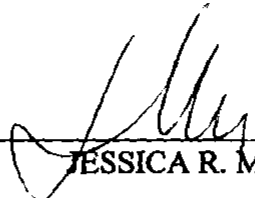
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any reference to personal matters related to Dr. William Wirshing is hereby ~~granted~~, ^{denied} *

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{posted on line}

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED

 12/16/11

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

31. Plaintiff's motion *in limine* to bar Defendants from any reference to personal matters related to Dr. William Wirshing.

Plaintiff's motion is overly broad and vague. However, Defendants agree they do not intend to address any personal matters related to Dr. Wirshing unless Plaintiff "opens the door." The court will await the testimony at trial to determine if any of the personal matters related to Dr. Wirshing may affect his credibility as an expert witness. Therefore, this motion is **DENIED**.

0120

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Attorneys for Plaintiff

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers,~~ and the arguments of counsel, and good cause having been shown;

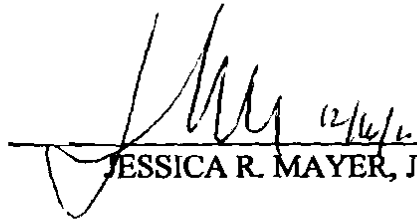
IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any video or reference to any video regarding extrapyramidal symptoms and other similar side effects of antipsychotic drugs is hereby granted; *

IT IS FURTHER ORDERED that a copy of this Order shall be served upon ^{posted on line} ~~upon~~

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED

 12/16/11

JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion as the papers and for the reasons set forth in the attached memorandum

32. Plaintiff's motion *in limine* to bar Defendants from any video or reference to any video regarding extrapyramidal symptoms and other similar side effects of antipsychotic drugs.

Based upon the evidence presented to the court in this case, the court does not believe that Plaintiff suffers from extrapyramidal symptoms or other side effects of antipsychotic drugs other than his claim to suffer from diabetes. Therefore, any reference by Defendants to symptoms not suffered by or not claimed by Plaintiff in this case is irrelevant and the prejudice of such testimony outweighs its probative value. Therefore, this motion is **GRANTED**. However, if Plaintiff intends to introduce evidence or testimony purporting to demonstrate safer alternatives in treating mental disorders, then the court may revisit this ruling and allow Defendants to introduce evidence and testimony limited to the benefits of second generation antipsychotic medications as compared to first generation antipsychotic medications.

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FILED

DEC 16 2011

JUDGE JESSICA R. MAVER

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Attorneys for Plaintiff

GARY SKALA, Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
	:	MIDDLESEX COUNTY
vs.	:	
	:	
	:	CIVIL ACTION
JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.	:	CASE CODE 274 (Risperdal/Seroquel/Zyprexa Litigation)
	:	DOCKET NO. MID-L-6820-06(MT)
	:	
	:	PROPOSED ORDER
	:	

THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard~~ and considered the moving papers, ~~any~~ opposition papers, ~~any~~ reply papers, and the arguments of ~~counsel~~ and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any reference to the severity of bipolar disorder, psychosis, or schizophrenia is hereby ~~granted~~ ^{denied; *}

IT IS FURTHER ORDERED that a copy of this Order shall be ~~served upon~~ ^{p. Arlen here}

Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion in the papers and for the reasons set forth in the attached memorandum.

33. Plaintiff's motion *in limine* to bar Defendants from any reference to the severity of bipolar disorder, psychosis or schizophrenia.

Plaintiff's motion is overly broad and vague. The court will await trial to determine whether testimony regarding the severity of Plaintiff's mental health disorder is irrelevant and not unduly prejudicial. Therefore, this motion is **DENIED**.

017a

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Attorneys for Plaintiff

FILED

DEC 16 2011

JUDGE JESSICA R. MAYER

<p>GARY SKALA, Plaintiff,</p> <p>vs.</p> <p>JOHNSON & JOHNSON COMPANY, JANSSEN PHARMACEUTICA PRODUCTS, L.P. a/k/a JANSSEN, L.P., a/k/a JANSSEN PHARMACEUTICA, L.P., a/k/a JANSSEN PHARMACEUTICA, INC., Defendants.</p>	<p>: SUPERIOR COURT OF NEW JERSEY : : LAW DIVISION : : MIDDLESEX COUNTY : : : : CIVIL ACTION : : CASE CODE 274 : (Risperdal/Seroquel/Zyprexa Litigation) : : DOCKET NO. MID-L-6820-06(MT) : : : PROPOSED ORDER : :</p>
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THIS MATTER having been brought before the Court by Bailey Perrin Bailey and Epstein Arlen, attorneys for Plaintiff Gary Skala; the Court having ~~heard and~~ considered the moving papers, ~~any~~ opposition papers, ~~any reply papers, and the arguments of counsel,~~ and good cause having been shown;

IT IS on this 16th day of December, 2011,

ORDERED that Plaintiff's Omnibus Motion *in Limine* to Exclude Evidence at Trial, and/or for a limiting instruction, any references to Janssen as a "hometown," a "neighbor," being "from right here in New Brunswick," and the like, or to the fact that Plaintiff resides in a jurisdiction outside the State of New Jersey is hereby granted *in part*; *

IT IS FURTHER ORDERED that a copy of this Order shall be ^{posted in file} ~~served upon~~ Defendants' counsel within seven (7) days of the date of this Order.

OPPOSED



JESSICA R. MAYER, J.S.C.

This motion was:

Opposed

Unopposed

* The parties having consented to disposition of the motion on the papers and for the reasons set forth in the attached memorandum.

34. Plaintiff's motion *in limine* to bar Defendants from any references to Janssen as a "hometown company," a "neighbor," "being right here in New Brunswick," and the like, or to the fact that Plaintiff resides in a jurisdiction outside of the State of New Jersey.

Defendants agree not to overstate their ties to New Jersey and agree not to disparage Plaintiff for filing his claim in New Jersey. However, the court finds it would be impossible and impractical to sanitize the evidence and testimony to avoid mention of Plaintiff's home state or Defendants' place of business. Therefore, the motion is **DENIED**.

The motion is **GRANTED** in so far as Defendants shall not be permitted to refer to themselves as "local" and shall not emphasize the fact that Plaintiff resides out of state.