

CHRISTOPHER A. SEEGER^{NY NJ}
STEPHEN A. WEISS^{NY NJ}
DAVID R. BUCHANAN^{NY NJ}
DIOGENES P. KEKATOS^{NY NJ}
MOSHE HORN^{NY NJ}
JONATHAN SHUB^{CA MA}
JEFFREY S. GRAND^{NY NJ}
LAURENCE V. NASSIF^{NY NJ}

MICHAEL L. ROSENBERG^{CA MA NY}
MARC S. ALBERT^{NY NJ}
DONALD R. BRADFORD^{CA OR}
JAMES A. O'BRIEN III^{CA MA NY}

[^]COUNSEL
Attorneys admitted in
states as denoted.

SEEGER WEISS LLP
ATTORNEYS AT LAW
550 BROAD STREET
NEWARK, NEW JERSEY 07102-4573
(973) 639-9100
FAX (973) 639-9393
www.seegerweiss.com

RICK BARRECA^{NY NJ}
TERRIANNE BENEDETTO^{NY NJ}
KEVIN G. BOISVERT^{NY NJ}
PATRICIA D. CODEY^{NY NJ}
SINDHU S. DANIEL^{NY NJ MA}
DENNIS M. GEIER^{NY NJ}
SCOTT A. GEORGE^{NY NJ}
ANDREA M. PI-SUNYER^{NY NJ}
DENISE K. STEWART^{NY NJ}
CHRISTOPHER M. VAN DE KIEFT^{NY NJ}
DANIEL R. WASS^{NY NJ}
RICHARD C. WILLIAMS, JR.^{NY NJ}

August 20, 2008

VIA FEDERAL EXPRESS & HAND DELIVERY

Hon. Philip S. Carchman, P.J.A.D.
Acting Administrative Director of the Courts
Richard J. Hughes Justice Complex
25 Market Street, 7th Floor
Trenton, New Jersey 08625-0037

CIVIL PRACTICE DIV.

AUG 21 2008

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Re: Mass Tort Application for Cases Involving Fosamax

Dear Judge Carchman:

This letter is in response to the July 3, 2008 mass tort application submitted by the Honorable Carol E. Higbee, P.J.Cv., Superior Court of New Jersey, Atlantic County, requesting that all New Jersey Fosamax litigation be centralized for management under one Judge in coordination with the Zometa/Aredia mass tort, presently before the Honorable Jamie D. Happas, J.S.C., Superior Court of New Jersey, Middlesex County. Seeger Weiss presently serves as liaison counsel in the New Jersey Zometa/Aredia litigation. Additionally, we represent plaintiffs asserting Fosamax-related claims in New Jersey, as well as in the Fosamax MDL, which is centralized in the Southern District of New York before the Honorable John F. Keenan and where we serve as liaison counsel and on the Plaintiffs' Steering Committee. As a result of our leadership roles in these actions, we are intimately familiar with the scientific and medical issues surrounding these drugs, and which will be at issue in these cases. We respectfully urge the Court to consolidate these cases for management before a single Judge, as the efficiencies gained will be substantial.

Presently, there are 92 cases before Judge Happas asserting claims involving the prescription drugs Zometa and/or Aredia. In New Jersey, this litigation is still in its infancy. The parties are still conferring on initial discovery orders and document production issues. As indicated in Judge Higbee's letter, there are at least 34 Fosamax cases filed in Atlantic County and additional cases throughout New Jersey. To our knowledge, at least one case also alleges claims involving the prescription drug, Actonel. All of these prescription medications belong to a class of drugs called bisphosphonates, which are primarily prescribed for the treatment of

osteoporosis and in the case of Zometa and Aredia, to strengthen the bones of patients with cancer.

While the indications and strengths of these drugs may vary, their underlying mechanism of action is the same. Plaintiffs allege that all of these medications cause osteonecrosis of the jaw ("ONJ"), among other injuries. Indeed, bisphosphonate-induced ONJ is well recognized in the medical community both within and without the United States. Because there are scientific and medical issues common to this class of drugs, judicial economy will be well served by having all cases asserting bisphosphonate-related claims consolidated before one Judge, even if the litigations require separate schedules and case management conferences. Plaintiffs believe that either Judge Higbee or Judge Happas are well-situated to manage these cases, and that there will be no significant waste of judicial resources suffered as a result of such centralization because both of these litigations are still in their early stages in New Jersey.

In light all the factors and information discussed above, and consistent with Judge Higbee's letter request of July 3, 2008, we respectfully request that the Supreme Court centralize management of all bisphosphonate-related claims before a single court.

Respectfully submitted,



David R. Buchanan

cc: Michelle V. Perone, Esq., Chief, Civil Court Programs
The Hon. Carol E. Higbee, P.J.Cv.
The Hon. Jamie D. Happas, J.S.C.
Joe G. Hollingsworth, Esq.
Katharine R. Latimer, Esq.
Neil S. Bromberg, Esq.
Ethan D. Stein, Esq.
Wilfred P. Coronato, Esq.
Theodore V.H. Mayer, Esq.
Bart T. Valad, Esq.
John J. Vecchione, Esq.
Gregory S. Spizer, Esq.
Russel H. Beatie, Esq.
Ward S. Taggart, Esq.
Melanie H. Muhlstock, Esq.
Jamie L. Sheller, Esq.
Craig S. Hilliard, Esq.
Erica A. Reed, Esq.
Terry O. Tottenham, Esq.
Lana K. Varney, Esq.