

Justices Hear Arguments in \$25 Million Accutane Verdict Appeal

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Lawyers argued before the New Jersey Supreme Court Thursday over whether an appeals court erred in overturning a \$25 million verdict against a pharmaceutical company because the plaintiff violated the statute of limitations in the state where he lives.

A lawyer representing the plaintiff, Andrew McCarrell, asked the court on Oct. 13 to reinstate the verdict, saying New Jersey's statute of limitations should apply because of the state's interest in protecting consumers from injuries caused by products manufactured in New Jersey.

Conversely, the lawyer representing defendants Hoffmann-La Roche Inc. and Roche Laboratories said allowing plaintiffs such as McCarrell, who is from Alabama, to avail themselves of New Jersey's statute of limitations would allow them to go forum shopping if their home states had more restrictive laws.

The New Jersey Civil Justice Institute also participated as amicus. Its attorney, David Kott, also urged the court to affirm the Appellate Division's ruling.

A ruling to the contrary would have a detrimental effect "on our largest industry and largest employers, and also on companies that make the most important products," said Kott, of Newark's McCarter & English.

Kott said the only reason McCarrell sued in New Jersey was that he was barred from doing so in Alabama, because that state has more restrictive tolling rules.