**NEW JERSEY’S HIGHEST COURT APPLIES NEW JERSEY LAW IN MULTI-COUNTY ACCUTANE LITIGATION**

In Re: Accutane Litigation (A-26/27-17)(079933) (Decided October 3, 2018), the New Jersey Supreme Court  applied New Jersey’s choice-of-law rules to determine whether New Jersey’s Products Liability Act (PLA) exclusively applied to this multi-county litigation involving 532 cases against Hoffman-La Roche, Inc. and Roche Laboratories, Inc. (“Roche”), 18 New Jersey residents and 514 out-of-state residents.

The Court determined that although New Jersey’s rebuttable presumption of adequacy which specifically attaches to FDA-approved warnings, sets New Jersey law apart from other states, the Court acknowledged that defendant-by-defendant choice of law analysis is not feasible in every case, and the Court has discretion to apply the law of a single state to the entire matter based upon the most-significant relationship test, each state’s contacts, and choice-law-principles for consistent, fair, and reliable outcomes.

The Supreme Court found that New Jersey has the most significant relationship to the occurrence in that Accutane was labeled and manufactured in New Jersey, and the 514 plaintiffs alleged injuries as a result of the putative failure to give adequate warnings. Therefore, the application of the PLA’s rebuttable presumption of adequacy attached to a product label warnings approved by the FDA.

In applying New Jersey’s PLA, the Court found that plaintiffs did not overcome the PLA’s presumption of adequacy for medication warnings approved by the FDA; and, therefore, as a matter of law, the warnings provided physicians with adequate information. In so doing, the Court dismissed the 532 product liability actions brought against Roche.