

Yaz Court in NJ Issues Bellwether Trial CMO

July 26, 2011 by [Sean Wajert](#)

The court overseeing the coordinated litigation in New Jersey state court over the birth control pills Yaz, Yasmin, and Ocella recently issued a case management order. See [CMO No. 25 - Bellwether Trial Selection Plan](#).

Here at *MassTortDefense* we are always interested in the nuts and bolts of how mass tort litigation is managed, and have [posted](#) about bellwether trials before. The NJ court order calls for creation of a pool of 18 cases from which the first trials will come. Nine will be selected by plaintiffs and nine by defendant. Of the nine on each side, 3 must allege each of the three main alleged injuries in this litigation.

Case specific discovery for the cases in the pool will begin in August, 2011, and must be completed in November, 2011. The order establishes a schedule for expert discovery and challenges to experts.

The bellwether trials will be selected from the group of 18. If the parties cannot agree on a sequence, the Court will decide. The first trial is set for September, 2012.

There are about 1,000 cases pending in the New Jersey proceedings. The Court stated it had not yet decided whether there will be [individual trials or consolidations](#). See *In re Yaz, Yasmin, and Ocella Litigation*, N.J. Super. Ct., No. 287 (7/8/11).