

TORT REFORM UPDATE

As of August 23, 2006, The Supreme Court of Ohio has agreed to review the constitutionality of Senate Bill 80 which enacted the 2005 version of Tort Reform in Ohio. *Arbino v. Johnson & Johnson, et al.*, Case No. 2006-1212 **08/23/2006 Case Announcements, 2006-Ohio-4288.**, (Ohio Aug. 23, 2006)

The *Arbino* case, which involves the Ortho Evra Birth Control Patch, is before Judge Katz (U.S. District Court for the Northern District of Ohio) pursuant to a multi-district litigation order that transferred hundreds of cases based on alleged defects of this product to Judge Katz. Plaintiff Arbino filed a motion for partial summary judgment in federal district court seeking a ruling on the constitutionality of four provisions of S.B. 80. In lieu of deciding the motion, on June 23, 2006, Judge Katz entered a certification order asking the Ohio Supreme Court to decide the constitutionality of the following four provisions:

- The non-economic damages limitation included in ORC §2315.18;
- The post-judgment review provision included in ORC §2315.19;
- The collateral source provision included in ORC §2315.20; and •

The punitive damages limitations included in ORC §2315.21.

Argument is expected in the late winter or spring of 2007.