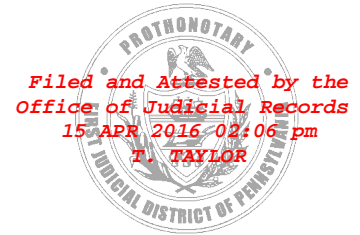


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Attorneys for Plaintiff

IN RE: RISPERDAL® LITIGATION

NICHOLAS MURRAY,

Plaintiff,

v.

JANSSEN PHARMACEUTICALS, Inc., et al.

Defendants.

:
:
: **PHILADELPHIA COUNTY**
: **COURT OF COMMON PLEAS**
: **TRIAL DIVISION**
:
: **APRIL TERM 2013**
:
: **No. 1990**
:
:

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Nicholas Murray hereby appeals to the Superior Court of Pennsylvania, pursuant to Pa.R.A.P. 341, from the Judgment entered on March 10, 2016 in the amount of \$680,000 in favor of Plaintiff Nicholas Murray and against Defendants Janssen

Pharmaceuticals, Inc., Janssen Pharmaceutical Research and Development, LLC, and Johnson & Johnson. A copy of the Order entering Judgment is attached as Exhibit “A”. This same Order also denies Defendants’ motion for post-trial relief and grants Defendants’ motion for remittitur. The Judgment has been entered on the docket as evidenced by the relevant docket entries attached as Exhibit “B”.

By appealing from the Judgment entered February 10, 2016, Plaintiff appeals all previously non-final Orders that merged into the Judgment and were made appealable by its entry on the docket.¹ This includes appeal of the Order entered May 2, 2014, granting Defendants’ Motion for Partial Summary Judgment as the Plaintiffs’ Claims for Punitive Damages (attached as Exhibit “C”). This also includes appeal of the trial court’s Order entered July 18, 2014, denying Plaintiff’s Motion for Reconsideration (attached as Exhibit “D”).

The May 2 and July 18 Orders were entered on the general docket for Risperdal litigation rather than the docket of the instant case. *See Risperdal Global Docket* (attached as Exhibit “E”). However, the Orders are appealable in the instant CASE by virtue of Case Management Order No. 1 of *In re: Risperdal Litigation*, Phila CCP, March Term 2010, No. 296, entered May 26, 2010 (“CMO 1”) (attached as Exhibit “F”).

By way of background, CMO 1 governs all Risperdal cases filed in Philadelphia County. It establishes a mass tort program for cases filed in Philadelphia County involving allegations of personal injury resulting from ingestion of the prescription drug Risperdal. It establishes a global docket “for the filing of pleadings, motions, orders, and other documents common to the Risperdal®/Risperidone cases.” *Id.* In particular, CMO 1 provides that once a document is filed

¹ A final judgment subsumes and renders appealable all previously interlocutory orders. *See K.H. v. J.R.*, 826 A.2d 863, 70-71 (Pa. 2003) (merger of interlocutory orders following trial); *Betz v. Pneumo Abex LLC*, 44 A.3d 27, 54 (Pa. 2012) (merger of orders following summary judgment).

in the global docket, the document may be “incorporated by reference” within another document filed in an individual Risperdal case. The relevant language provides:

Once a pleading, motion, order or other document is filed on this docket and copies are provided to all other interested counsel involved in the Risperdal®/Risperidone litigation, the pleadings, motion, order, or other document may be incorporated by reference, either orally before the Court, or within another properly filed pleadings, motion, order, or other document.

Id. at p.1. Thus, CMO 1 provides a mechanism for incorporating by reference documents filed in the global docket into the docket of an individual Risperdal case.

This case is part of the Risperdal Mass Tort Program and is subject to CMO 1. Under CMO 1, Plaintiff hereby incorporates by reference the following documents that were filed on the global docket for Risperdal litigation into this Notice of Appeal, such that those filings are deemed to have been filed in the instant case and are part of the record on appeal for this case:

- Defendants’ Motion for Partial Summary Judgment as to Plaintiffs’ Claims for Punitive Damages, filed Feb. 10, 2014;
- Plaintiffs’ Response to Defendants Motion for Partial Summary Judgment, filed March 24, 2014;
- Defendants’ Reply in Support of Motion for Partial Summary Judgment, filed March 31, 2014;
- Order granting Motion for Partial Summary Judgment, entered May 2, 2014;
- Plaintiffs’ Motion for Reconsideration, filed June 3, 2014;
- Defendants Opposition to Plaintiffs’ Motion for Reconsideration, filed June 9, 2014;
- Plaintiffs Reply in Support of Motion for Reconsideration, filed June 12, 2014
- Order denying Motion for Reconsideration, entered July 18, 2014.

Under CMO 1, each of these documents is deemed to have been filed within the instant case and

to be part of the record on appeal within the meaning of Pa.R.A.P. 1921.

In summary, Plaintiff appeals from the Judgment entered in this case on March 10, 2016. The Judgment subsumes and makes appealable all prior Orders in the case. Pursuant to CMO 1, the orders merged into the Judgment include the Order entered January 5, 2016 denying Plaintiff's motion for post-trial relief, and the aforementioned interlocutory Orders entered on the Risperdal Global Docket on May 2, 2014 and July 18, 2014.

Respectfully submitted,

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Dated: April 15, 2016

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Attorneys for Plaintiff

IN RE: RISPERDAL® LITIGATION

NICHOLAS MURRAY,

Plaintiff,

v.

JANSSEN PHARMACEUTICALS, Inc., et al.

Defendants.

:
:
: **PHILADELPHIA COUNTY**
: **COURT OF COMMON PLEAS**
: **TRIAL DIVISION**
:
: **APRIL TERM 2013**
:
: **No. 1990**
:
:
:

REQUEST FOR TRANSCRIPT

A notice of appeal having been filed in this matter, Plaintiff hereby states that the official transcript of proceedings is necessary for the appeal and has been ordered and produced by the court reporters. The official transcript has been provided only to the parties, but it has not been

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on the following persons by the manner indicated below:

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/s/ Charles L. Becker
Charles L. Becker, Esq.

Dated: April 15, 2016

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Nicholas Murray,
Plaintiff,

v.

Janssen Pharmaceuticals, Inc.
Johnson & Johnson,
Janssen Research & Development,
LLC, et al.
Defendants,

:
:
:
:
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:

APRIL TERM, 2013

No. 1990

Control Nos. 15113405
15112736
15121493

DOCKETED
COMPLEX LIT CENTER

MAR 10 2016

J. STEWART

ORDER

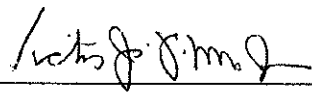
And Now this 10th day of March, 2016, the Post Trial motions of the Defendant, Janssen Pharmaceuticals, Inc., Johnson & Johnson, and Janssen Research & Development, (hereinafter referred to as "Defendant") seeking JNOV is Denied. Defendant's Motion for Remittitur is Granted. Judgment is entered in favor of the Plaintiff, Nicholas Murray, and against Defendant in the amount of \$680,000.00. Plaintiff's Motion for Delay of Damages is Denied.

BY THE COURT:

Murray Vs Janssen Pharm-ORDOP



13040199000256



Hon. Victor J. DiNubile, Jr. J.

Case ID: 130401990

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

Nicholas Murray,	:	
Plaintiff,	:	
	:	APRIL TERM, 2013
v.	:	
	:	No. 1990
Janssen Pharmaceuticals, Inc.	:	
Johnson & Johnson,	:	Control Nos. 15113405
Janssen Research & Development,	:	15112736
LLC, et al.	:	15121493
Defendants,	:	

OPINION

This Opinion arises from the Court’s rulings on Post Trial motions filed by each party and an entry of judgment on a remitted jury verdict in favor of Plaintiff, Nicholas Murray, and against the Defendant, Janssen Pharmaceuticals, Inc., and Janssen Research & Developments, LLC, wholly owned companies of Johnson & Johnson (hereinafter referred to as “Defendant” or “Janssen”). Defendant’s motion for judgment notwithstanding the verdict (JNOV) is denied. Defendant’s motion for remittitur,¹ however, is granted and accordingly the jury’s verdict of \$1,750,000 is reduced to \$680,000. Plaintiff’s petition for delay damages is denied. Judgment is entered in favor of Plaintiff in the amount of the remitted sum of \$680,000.

Plaintiff instituted suit against Janssen on the grounds that the drug manufacturer was negligent in failing to warn physicians and health care prescribers of the risk of “gynecomastia” (male breast growth) arising from the use of its drug Risperdal.² Janssen argued at trial that it

¹ The term remittitur used in this decision means molding by reducing the verdict in accordance with the Maryland cap on non-economic damages pursuant to Md. Code Ann., Cts. & Jud. Proc. § 11-108.

² Risperdal is the trade name for the generic drug risperidone.

was not negligent. It asserted that it complied with the requests of the Food and Drug Administration (FDA) by supplying all available information about the risks of the drug during the time it sought approval for the use of Risperdal for irritability arising from autism in children and adolescents. In addition, Janssen maintained that Plaintiff did not suffer from gynecomastia, and that even if he did that it was not caused by its drug Risperdal. The jury found otherwise. The defendant raises certain issues in Post Trial motions requesting JNOV which this Court respectfully believes are without merit. The defendant's motion for remittitur, however, is granted. Plaintiff's Petition for delay damages is denied. These issues will be discussed *ad seriatim* after a brief statement of the facts.

Plaintiff, who is now twenty-one years old, was administered Risperdal by several of his treating pediatricians, namely, Mark Langfitt, M.D., and Arvoranee Pinit, M.D., beginning in April of 2003 and terminating at the request of Plaintiff's mother on or about February of 2008. This drug was recommended by psychologist Richard Greenbaum, Ph.D., whom Dr. Langfitt had consulted because Plaintiff had difficulty sleeping, most probably arising from what Defendant's expert, pediatric psychiatrist, Nadine Schwartz, termed "autism spectrum disorder." The drug was prescribed for Plaintiff "off-label." It was not approved for pediatric use by the FDA until 2006, and then only for use with "irritability arising from autism."

Risperdal was approved by the FDA for schizophrenia in adults in the 1990s but was used off-label for pediatric patients until it was finally approved by the FDA in 2006. Although the drug is effective in treating certain mental health disorders, it has the propensity to create a hormonal imbalance in patients by increasing the levels of the hormone prolactin. This increase in prolactin levels can lead to what is termed hyperprolactinemia. In turn, this condition can lead to the development of breast tissue in males, termed gynecomastia.

It was undisputed that Janssen knew and was concerned about the fact that Risperdal could, by raising prolactin levels, lead to gynecomastia. They undertook studies to determine the relationship between hyperprolactinemia and gynecomastia prior to and during the time period Plaintiff consumed the drug. Plaintiff's counsel asserted that Janssen both knew about and encouraged the off-label use of Risperdal for children and adolescents, but failed to notify physicians, health care providers, or the FDA of the significant risk of gynecomastia that Janssen's own studies revealed. Plaintiff's counsel pointed to a 2003 study commissioned and published by Defendant, referred to at trial as the "Findling article" after the name of its lead author, which addressed long-term Risperidone treatment in children and adolescents. The final published version of the article concluded that there was no significant correlation between high prolactin levels and gynecomastia after taking Risperdal. Certain draft articles, however, referenced studies showing that during 8-12 weeks of use there was a high correlation between side effects and higher than normal prolactin levels. These studies showed that 7.8 % of the children tested who suffered prolactin related side effects, including gynecomastia, had higher than normal prolactin levels as opposed to 2.9 % of those with normal levels. This study did not appear in the final published article. It was argued at trial that the 8-12 week study should have been included in the article and the failure to do so indicated that Defendant knew of a significant risk but failed to inform the public. In addition, the plaintiff presented a pooled study comprised of five separate studies undertaken by Defendant. One of these studies was an international study termed "INT-41", which showed that after one year of use 24 out of 504, or 4.8 %, of patients on Risperdal suffered from gynecomastia.

Plaintiff's counsel, through its expert, David M. Kessler, M.D., also cited other studies indicating that Defendant knew that there was a significant risk of gynecomastia in male children

and adolescents but failed to warn healthcare providers. Dr. Kessler asserted that the data submitted to the FDA was done so by Janssen in such a fashion as to diminish the risk of gynecomastia.

Dr. Kessler also argued that the information contained in the Risperdal label vastly understated the risk. Two labels were at issue: one from 2002 and another from 2006. The 2002 label stated that there were insufficient studies concerning the effects of the use of Risperdal in children and adolescents. This label provided that gynecomastia was a “rare” side effect, which is defined by the FDA as something that occurs in 1 in every 1,000 cases. The label also stated that Risperdal did not increase prolactin any greater than other antipsychotic drugs in its class. Dr. Kessler argued that the risk was actually much greater than this, and he alleged that Defendant knew much more about the risk of gynecomastia arising from the use of Risperdal than what was contained in the label. As a result of the Findling draft and the INT-41 study in particular, Dr. Kessler testified that Defendant knew that its drug Risperdal increased prolactin levels greater than other drugs in its class and this in turn lead to a greater risk of gynecomastia in children and adolescents. By contrast the 2006 label, which represented the FDA’s approval of the use of Risperdal for children and adolescents suffering from irritability from autism, contained the admonition that Risperdal actually increased the prolactin levels greater than other drugs in its class. The 2006 label also provided that the reported rate of gynecomastia was 2.3 % arising from the 1885 participants in the eighteen studies submitted to the FDA by the defendant. Dr. Kessler concluded that Janssen knew about this information contained in the 2006 label well before and during the time Plaintiff took the drug. Consequently he concluded that the defendant was negligent in failing to adequately advise physicians/health care providers of the significant risk of gynecomastia arising from the use of Risperdal.

The defense vigorously contested every aspect of Plaintiff's negligence claim. Defendant denied that there was any significant risk of gynecomastia from the use of Risperdal. It presented testimony from Danielle Coppola, M.D., who had been employed at Janssen since 2005 and who had worked with safety issues involving Risperdal. She opined that when taking into consideration the time period in which the subjects of the studies were on the drug the risk of gynecomastia was minimal. Janssen further denied that the studies cited by Plaintiff indicated that Janssen knew or had reason to know that the risk of gynecomastia was any greater than rare (as indicated in the 2002 label) during the time period plaintiff took the drug. Defendant maintained that the omitted prolactin study contained in the Findling draft and the INT-41 study did not tell the full story. The Findling draft, in what was termed "Table 21", contained data showing high prolactin levels only at 8-12 weeks of use. Janssen asserted that this data was not included in the final article because it merely showed high prolactin levels over this short period of time. Other studies show that prolactin levels usually rise after initial use of the drug and then diminish over time, and thus this one study involving an 8-12 week time period was irrelevant and insignificant when compared to the overall use of the drug. In addition, the INT-41 study was only one of five contained in the pooled studies. It was also only one of eighteen studies sponsored by Janssen. Analyzing all the studies, and considering the fact that gynecomastia occurs frequently during puberty without the use of Risperdal, the defendant argued that they had reasonably concluded that gynecomastia was not a significant risk. They alleged that the contents of the 2006 label were the result of a culmination of additional studies and did not reflect what was known when Plaintiff was first prescribed the drug. The defendant further argued that a risk/benefit analysis indicated that the benefit from the use of Risperdal clearly

outweighed any risk of gynecomastia. Despite the defendant's contentions the jury, by a vote of eleven to one, decided the issue of negligence in favor of the plaintiff.

Causation was hotly contested as well. On this issue of causation, the jury found in favor of the plaintiff by a vote of ten to two. Plaintiff's major witness was Francesco DeLuca, M.D., a pediatric endocrinologist who examined Plaintiff's breasts. He concluded that Plaintiff suffered from gynecomastia. Critical to this diagnosis was what Dr. DeLuca discovered when he palpated Plaintiff's chest. Dr. DeLuca explained that breast tissue is firm whereas fat tissue is soft; he found Plaintiff's breast tissue to be firm. He supported his conclusion with various photos of Plaintiff that were taken during the time period in Plaintiff took the drug. Dr. DeLuca also cited to Plaintiff's school, medical, and pharmacy records. He also ruled out other possible causes. In addition, a mammogram performed in November, 2015, found firm, dense tissue "suggesting gynecomastia." In consideration of the time period in which Plaintiff ingested the drug, Dr. DeLuca concluded that Mr. Murray's gynecomastia was caused by Risperdal.

Defendant's expert Alan Rogol, M.D., an academic pediatric endocrinologist, concluded otherwise. He asserted that any relationship between Risperdal and gynecomastia is rare. He pointed out that Plaintiff's medical records showed that his pediatricians never diagnosed gynecomastia, nor marked any abnormality of the chest. The jury, however, accepted the assertions of the plaintiff. It came to the reasonable conclusion that Mr. Murray suffered from gynecomastia which was caused by Risperdal, and awarded him the sum of \$1,750,000 for the permanent deformity and embarrassment and humiliation arising from this condition.

Defendant seeks a JNOV on the following grounds:

Sufficiency of the Evidence As To Causation

Janssen's attorneys argue that there was insufficient evidence presented as to whether the plaintiff had gynecomastia and, if he did, that it was caused by Risperdal. The facts outlined herein belie this contention. The disputed facts created a jury question which were resolved against the defendant. *Dorsey v. Continental Associates*, 591 A.2d 716, 718 (Pa. Super. 1991), *Moure v. Raeuchle*, 604 A.2d 1003, 1007 (Pa. 1992).

JNOV Issues Arising From Plaintiff's Negligence Claim

Notwithstanding the argument as to causation pertaining to gynecomastia, the defense makes three arguments for JNOV involving the sufficiency of the evidence presented as to the proof of negligence. Firstly, Defendant maintains that under the "learned intermediary doctrine", which extends the drug manufacturer's duty to warn only to the treating physicians and not to the patient, Defendant is absolved from liability. Defendant's counsel argue that the treating physicians knew of the risk of gynecomastia and made the informed decision to prescribe the drug to the plaintiff, as evidenced by the fact that they would have prescribed this drug today for a similar patient. Secondly, the defendant argues that as a matter of law Dr. Kessler's testimony was insufficient to establish negligence, particularly during the time period after the issuance of 2006 label by the FDA approving the drug for autism in children and adolescents. Thirdly, Defendant argues that there can be no liability for off-label use of the drug. This Court respectfully disagrees.

**Sufficiency of the Evidence/Treating Physicians Would Not Have Changed Their
Respective Prescribing Decisions**

Counsel for Defendant begins this argument by stating that Maryland law, the domicile of Plaintiff, applies. Under Maryland law the learned intermediary doctrine provides that drug manufacturers need only warn the prescribing physician and not the patient directly. In this Court's opinion, Maryland law does not differ from Pennsylvania law on this issue; the learned intermediary doctrine applies. Plaintiff's counsel argues that Maryland has not adopted the learned intermediary doctrine, but this issue is moot because the application of the doctrine did not affect the scope of the duty in this case. The trial court recognized this duty by advising the jury several times during the trial and finally in its charge that the duty technically extends only to the physician/health care providers. The Court however, did correctly state to the jury that if the manufacturer negligently fails to advise the physician/health care providers of a known risk it would be liable to the general public. For example, if the physician prescribes the drug to a party, not knowing of a certain risk because the manufacturer was negligent by failure to inform and the user suffers from a condition stemming from the risk, there is clear liability on the part of the manufacturer. Liability exists even though the duty did not technically extend to the user. Regardless of whether the duty is to the healthcare providers or directly to the general public, it is of no importance because Plaintiff presented ample evidence that this duty was breached.

The defense then goes on to assert that the Court's admonition was not sufficient to prevent a JNOV because Dr. Langfitt and Dr. Pinit would have prescribed the drug even if they knew of the higher risk of gynecomastia. Defendant points to testimony from Dr. Langfitt and Dr. Pinit, who stated that they stood by their medical decision to prescribe the drug. This Court, however, views the testimony differently; their testimony on this point was not clear-cut. The

pediatricians' testimony, coupled with that of Dr. Greenbaum, the psychologist who recommended the use of the drug for Plaintiff to Dr. Langfitt, was such as to create a jury question as to whether they would have prescribed Risperdal in any event. Dr. Greenbaum testified that although he was familiar with gynecomastia he was not aware in April of 2003 when he recommended the drug that there was a significant relationship between its use and gynecomastia. He further testified that if had known about this relationship he would have discussed it with the parents first before recommending its use. Dr. Langfitt stated that he knew when he prescribed Risperdal to the plaintiff that it was "off-label." As early as 2000, he did not associate Risperdal with gynecomastia. He believed that gynecomastia was rare, as stated on the pre-2006 label. Although he testified that he did a risk/benefit analysis before prescribing the drug to the plaintiff, if he had known the risk was not rare he would have discussed the issue of prescribing Risperdal to the parents. Dr. Pinit testified basically in a similar fashion. She stated that in 2003 she knew Risperdal was associated with increased weight; she did not, however, know that Risperdal could raise prolactin levels. She could not recall whether Risperdal could cause gynecomastia nor whether it was rare. She stated that she would have wanted to know these facts and would have discussed them with the parents. After analyzing all of the testimony of these individuals involved in prescribing the drug to Plaintiff, the issue of whether they would have nevertheless recommended or prescribed Risperdal was not clear. Another factual aspect that the jury could have considered was Plaintiff's mother's unequivocal testimony that she was never warned of the risk of female breast development and that she would have sought an alternative for her son if she had known of this significant risk. All of these factors created a jury question on these issues. The jury's verdict answered this question in favor of the plaintiff.

Consequently, the defendant's JNOV claim based on this reasoning must fail. *See Dorsey* and *Maury*, supra.

Sufficiency of the Evidence/Dr. Kessler's Testimony was Insufficient to Prove Negligence

Dr. Kessler's testimony was clear-cut, as outlined earlier in this opinion. He maintained *inter alia* that through the omitted Findling study, as well as the INT-41 study, that the defendant knew that the risk of gynecomastia was much greater than what was contained in the pre-2006 label. It clearly created a jury issue, which was resolved in favor of the plaintiff and JNOV is clearly inappropriate. *See Dorsey* and *Moure*, supra.

The defense also argues that the 2006 label approving Risperdal for use for children and adolescents for autism was adequate because it stated that Risperdal increased prolactin levels greater than other antipsychotic drugs in its class and no longer stated that the risk of gynecomastia was "rare." As a result, Defendant argues that there could be no negligence post the 2006 label. This argument neglects the obvious. Plaintiff took the drug from 2003-2008, and therefore even assuming Defendant's argument is correct, it does not overcome the fact that Dr. Kessler's testimony clearly established negligence during the three year period prior to 2006. In any event, Dr. Kessler testified that Janssen never informed the FDA of the Findling draft dealing with high prolactin levels and that it was its duty to do so. He further opined that Defendant's conduct was additionally negligent by failing to emphasize to physicians and healthcare providers of the significance of the risk of gynecomastia, which in his opinion was greater than the 2.3 % as contained in the label. This portion of Dr. Kessler's testimony, as all of his testimony, must be viewed in a light most favorable to the plaintiff. In doing so, Dr.

Kessler's post-2006 opinions concerning Defendant's negligence were certainly ample enough for the jury to accept.

Sufficiency of the Evidence/No Duty to Warn for Off-Label Use-Preemption

The defense makes a third argument for JNOV on the grounds that since the drug was used off-label Janssen cannot be liable for failure to warn. The case of *Robak v. Abbott Labs*, 797 F.Sup. 475 (D.Md. 1992) is cited to support this contention. This case is clearly inapposite. *Robak* seemed to deal with a *non-foreseeable* use of the drug by the prescribing physician. Here, the defendant clearly knew that the drug was extensively used off-label to treat children and adolescents. In fact, it was Janssen who initiated studies to determine the relationship between high prolactin levels and gynecomastia arising from use of Risperdal. They did so because they wanted to have the drug approved by the FDA for children and adolescents. How can the defense now say, under these circumstances, that they cannot be held liable if they negligently failed to warn of the risk of gynecomastia merely because it was prescribed to the plaintiff off-label?

The defense interweaves this off-label use argument with the Federal preemption doctrine. It is argued that since Risperdal was used off-label Federal law precludes the plaintiff's state law negligence claim asserted in this case. *Wyeth v. Levine*, 129 S.Ct. 1187, 1197-1198 (2009), has held to the contrary. Original manufacturers cannot assert that they are immune from state causes of action merely because they complied with FDA requirements. The duty rests with the manufacturers, who bear the responsibility for the content of their labels, to inform physicians/healthcare providers of all significant risks which they know or have reason to know. Failure to do so opens the manufacturers to state tort claims, thereby precluding Federal

preemption. Defendant seems to maintain that since, at least prior to 2006, the FDA had required no warnings pertaining to the prescribing of Risperdal for children and adolescents, Federal preemption applies barring recovery. *Wyeth* holds otherwise. The facts presented by Plaintiff, and accepted by the jury, were that Defendant knew of the drug's off-label use, encouraged it, and sought FDA approval. All the while, it negligently failed to advise physicians/healthcare providers as to the relationship between high prolactin levels and gynecomastia resulting from the consumption of Risperdal. Under these circumstances, Janssen's JNOV claim must fail.

Liability of Johnson & Johnson and Janssen Research and Development, LLC

Plaintiff's counsel argue that two of the defendant entities, namely, Johnson & Johnson and Janssen Research and Development, LLC, should be absolved from liability due to failure of proof. This Court's disagrees. Initially, these companies appeared in the promotional materials and internal communications that were admitted into evidence. No specific objection was ever made at trial to the effect that these documents did not pertain to a particular defendant entity. In addition, the Court's instruction to the jury throughout the trial, as well as during its charge, referred to all three entities as "Janssen." The questions to be answered by the jury on the verdict sheet referred to Janssen as well. No request was ever made to distinguish the companies for liability purposes. It also appeared from the trial that all three companies were inextricably interwoven. Consequently, this assertion must fail.

Remittitur Pursuant to Maryland Law

Because Plaintiff is domiciled in the state of Maryland, the law of Maryland controls the damage issue in this case. Maryland imposes a cap on the amount of “noneconomic damages” available to a plaintiff in a personal injury case, and this cap is applicable in the instant matter. Pursuant to **Md. Code Ann., Cts. & Jud. Proc. § 11-108** the maximum allowable award available to Plaintiff is \$680,000.³ Therefore, the jury’s original verdict of \$1,750,000 is reduced to this amount.

Plaintiff’s counsel asserts that Maryland law does not apply in the instant matter, and therefore the Maryland’s cap on damages should not operate to reduce his award. Two arguments are advanced in support of this position, but neither is persuasive. First, it is asserted that the Maryland cap is part of the procedural and not substantive law of that state. If this were true, the cap would not be applicable because Pennsylvania as the forum state must apply its own procedural law. *Commonwealth v. Sanchez*, 716 A.2d 1221, 575-576 (Pa. 1998). In support of the contention that the Maryland cap is procedural in nature, Plaintiff’s counsel point to the fact that the Act imposing the cap is found in the procedural rules section of the Maryland law and not under general statutes. Nonetheless, this Court cannot agree that any rule or statute pertaining to recovery of damages in a tort case is merely procedural in nature. The issue of damages and any limitation on its award is clearly substantive. Substantive law is “the portion of the law which creates the rights and duties of the parties to a judicial proceeding...” *Wilson v.*

³ The Maryland Act provides that pain and suffering awards cannot exceed \$500,000 for causes of actions arising on or after October 1, 1994, with an additional \$15,000 to be added to the cap each year beginning on October 1, 1995, depending on when the cause of action arises. Plaintiff began taking the drug in 2003; it is assumed for purposes of calculation that the cause of action arose at this time. The verdict was rendered in November, 2015. Therefore, the sum of \$180,000 (15,000 times twelve years) is added to the \$500,000 base amount, totaling \$680,000.

Transport Ins. Co., 889 A.2d 563, 571 (Pa. Super. 2005) (citing *Ferraro v. McCarthy-Pascuzzo*, 777 A.2d 1128, 1137 (Pa. Super. 2001)). The very heart of a tort action is the damages which stem from its commission. Damages and the issues arising from them are far removed from any procedural rules that may be promulgated. The fact that the rule of law limiting damages is found in a particular section of the Maryland code is of no moment. While not binding on this Court, it should be noted that Maryland's highest court has determined that the cap is part of the substantive and not procedural law of Maryland. *See Erie Ins. Exchange v. Heffernan*, 925 A.2d 636, 653 (Md. 2007)

The second argument that the full award should stand by application of Pennsylvania law, although not without logic, cannot be accepted either. It is argued that even if the Maryland cap is regarded as substantive, it was nonetheless meant to apply only to suits brought in Maryland. Plaintiff argues that the cap was enacted to protect from excessive verdicts defendants doing business within the state of Maryland and the insurance companies who them, and to lower liability insurance premiums within the state. With these facts in mind, it is further argued that Pennsylvania therefore would have no interest in limiting damages in this case where the suit involved a non-resident plaintiff and a defendant corporation domiciled (principal place of business) outside of Pennsylvania. The purpose of the cap, Plaintiff asserts, was not to affect the parties in this litigation. This Court respectfully disagrees with this analysis. Although it is conceded that this position has considerable merit, it cannot overcome the wording of the law itself and the basic Pennsylvania conflict of law principles which govern this case. First of all, there is absolutely no wording contained in the Maryland statute confining its application to only those suits brought within the state of Maryland. Secondly, and most importantly, it is clear in applying Pennsylvania rules as to the choice of law analysis that Plaintiff's argument must fail.

Pennsylvania choice of law principles places great emphasis on the relationship of the state to the litigation. *See In re Estate of Agostini*, 457 A.2d 861, 871 (Pa. Super. 1983). Applying this principle, Maryland clearly has the most significant contacts to the issues arising from this litigation. The plaintiff was and still is a resident of Maryland. Risperdal was recommended and proscribed by health care providers located in Maryland. Plaintiff purchased and ingested the drug in Maryland and was injured and treated there as well. Under these circumstances, Maryland has a much greater relationship to this case than Pennsylvania. The latter is merely the forum state where Plaintiff chose to sue. To hold otherwise would result in a circumvention of Maryland law. The plaintiff whose domiciled state has a restriction on pain and suffering awards could sue Defendant here or any other state with no such restrictions. The law of the state with the most significant ties then would be ignored. This is exactly the situation which would occur here if the Court would apply Pennsylvania damage law to this case.

Plaintiff further asserts, in support of its argument to apply Pennsylvania law to this case, that this Court already has done so by applying Pennsylvania law to the negligence issues. Therefore, it is argued that it would be inconsistent not to do so as to the damage issue as well. There is no inconsistency here. The trial court in accordance with the forum state's conflict of laws principles applied Pennsylvania law to the negligent failure to warn claim; but did so only because there was no conflict between the law of the two states. If there had been, then this Court would have been obligated to apply Maryland law. It is therefore not inconsistent for the Court to apply Maryland law to the limitation of damage issue, since there exists a clear conflict. For the foregoing reasons, the Court respectfully rejects the argument of Plaintiff's counsel.

Plaintiff's Petition for Delay Damages

Plaintiff's motion for delay damages must be denied as untimely filed. Pennsylvania Rules of Civil Procedure Rule 238(c) provides that such a motion must be filed within ten days after verdict or notice of decision. An attempted filing occurred on November 24, 2015, well over ten days after the rendering the jury's verdict of November 9, 2015.

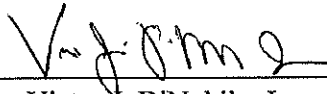
Defendant timely filed Post Trial motions on November 19, 2015. On November 24, 2015, Plaintiff's counsel, in an attempt to circumvent Rule 238, filed a cross-motion for delay damages accompanying their reply to Defendant's Post Trial motions.⁴ There is nothing in the Rules that allows a late filing for delay damages to be incorporated into a reply to Post Trial motions. Rule 227.1 permits the adverse party against whom motions were filed to answer these motions. Rule 227.1(c) also allows for the answering party to file its own Post Trial motion within ten days of the filing of the first Post Trial motion. This Rule 227.1, however, does not grant a right to file for delay damages under it for two reasons. First, Rule 238 specifically requires a motion for delay damages to be filed within ten days of verdict or decision. A ruling to the contrary would be directly contra to Rule 238. Second, the wording of Rule 227.1(c) limits the replying party to substantive post trial issues. A motion for Post Trial relief may not be filed to proceedings which do not constitute a trial. **See Note under Rule 227.1(c)**. An example of a proper motion permitted under this rule is as follows. Take a situation where Plaintiff has won a negligence verdict in which the gross sum awarded was \$100,000. The jury also found the plaintiff 50% contributorily negligent. The trial judge then accordingly molds the verdict to \$50,000. The defense timely files a motion on the tenth day seeking JNOV/new trial. The plaintiff then properly files its own Post Trial motion attacking the jury's finding of

⁴ Defendant countered with a Motion to Strike Plaintiff's Cross-Motion. In light of this Court's ruling denying delay damages, the Motion to Strike is moot.

comparative negligence, requesting JNOV and a restoration of the full award of \$100,000. This motion by the plaintiff would be considered timely filed under the Rule as long as it was done within ten days of Defendant's Post Trial motion filing. It is a proper Post Trial motion because it deals with what took place at the trial itself. Here Plaintiff tried to use a reply to assert delay damages under the guise of Post Trial motions. This attempt is improper. Rule 227 cannot be used as a vehicle to circumvent a late delay damage filing. Consequently, Plaintiff's motion for delay damages is denied. Judgment is entered accordingly.

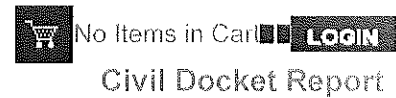
BY THE COURT:

March 10, 2016



Hon. Victor J. DiNubile, Jr. J.

EXHIBIT B



A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 130401990
Case Caption: MURRAY VS JANSSEN PHARMACEUTICALS, INC. ETAL
Filing Date: Friday , April 12th, 2013
Court: MASS TORT
Location: City Hall
Jury: JURY
Case Type: MASS TORT - RISPERDAL
Status: JURY VERDICT FOR PLAINTIFF

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.








Case motions



No case motions were found.




Case Parties



Seq #	Assoc	Expn Date	Type	Name
1		01-APR-2014	ATTORNEY FOR PLAINTIFF	MCCORMICK JR, BRIAN J
Address:	ROSS FELLER CASEY LLP 1650 MARKET STREE SUITE 3450 PHILADELPHIA PA 19103 (215)231-3740	Aliases:	<i>none</i>	
2	10		PLAINTIFF	MURRAY, NICHOLAS
Address:		Aliases:	<i>none</i>	



Case ID: 130401990


	 Click link(s) to preview/purchase the documents 20151109 PLs Memo Concerning the Courts Prop Jury Verdict (00238503xDB6E3).pdf			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	(FILED ON BEHALF OF NICHOLAS MURRAY)			
10-NOV-2015 10:04 AM	JURY VERDICT FOR PLAINTIFF	DINUBILE, JR., VICTOR J	\$680,000.00	10-NOV-2015 10:05 AM
Documents:	 Click link(s) to preview/purchase the documents WSJVP_240.pdf			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	JURY VERDICT IN FAVOR OF PLTF, NICHOLAS MURRAY AND AGAINST DEFT, JANSSEN PHARMACEUTICALS INC (JOHNSON & JOHNSON) IN THE AMOUNT OF \$1,750,000.00. BY THE COURT ...DINUBILE,J 11/9/15 *** VERDICT MOLDED BY COURT ORDER DATED 3/10/2016 FOR A TOTAL OF \$680,000.00			
10-NOV-2015 10:04 AM	NOTICE GIVEN UNDER RULE 236			10-NOV-2015 12:28 PM
Docket Entry:	NOTICE GIVEN ON 10-NOV-2015 OF JURY VERDICT FOR PLAINTIFF ENTERED ON 10-NOV-2015.			
19-NOV-2015 02:02 PM	POST TRIAL MOTION	MURPHY, KENNETH A		19-NOV-2015 02:51 PM
Documents:	 Click link(s) to preview/purchase the documents 2015-11-19 - Murray Post Trial.pdf Ex. A - Anderson v. Wyeth.pdf B.pdf Motion CoverSheet Form			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	36-15112736 POST TRIAL MOTION (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)			
19-NOV-2015 04:34 PM	POST TRIAL MOTION ASSIGNED			19-NOV-2015 04:34 PM
Docket Entry:	36-15112736 POST TRIAL MOTION ASSIGNED TO JUDGE: DINUBILE, JR., VICTOR J. ON DATE: NOVEMBER 19, 2015			
24-NOV-2015 06:14 PM	POST TRIAL MOTION	ITKIN, JASON A		25-NOV-2015 09:40 AM
Documents:	 Click link(s) to preview/purchase the documents Cross-Motion for Post-Trial Relief.pdf			 Click HERE to purchase all documents related to this one docket entry

	Motion CoverSheet Form			
Docket Entry:	05-15113405 POST TRIAL MOTION (FILED ON BEHALF OF NICHOLAS MURRAY)			
25-NOV-2015 10:22 AM	POST TRIAL MOTION ASSIGNED			25-NOV-2015 10:22 AM
Docket Entry:	05-15113405 POST TRIAL MOTION ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: NOVEMBER 25, 2015			
25-NOV-2015 11:24 AM	MOTION ASSIGNMENT UPDATED			25-NOV-2015 11:24 AM
Docket Entry:	05-15113405 REASSIGNED TO JUDGE DINUBILE, JR., VICTOR J ON 25-NOV-15			
07-DEC-2015 06:12 PM	ANS-OPP. TO POST- TRIAL MOTION	ITKIN, JASON A		08-DEC-2015 09:44 AM
Documents:	<p> Click link(s) to preview/purchase the documents Response to Motion for Post-Trial Relief.pdf Ex A King v Pfizer Pharmaceutical Co Inc.pdf Ex B Defendants Motion for Summary Judgment.pdf Ex C Order on Defs MSJ - Granted and Denied in Part.pdf Ex D LANGFITT.pdf Ex E Pinit Dep (Sections Admitted into Evidence), May 15, 2015.pdf Ex F 2006 Label Admitted as PX 3.pdf Ex G RIS 71 topine results admitted as PX 0014.pdf Ex H Bergstresser v Bristol-Myers Squibb Co.pdf Ex I 2015-10-28 - MURRAY V JANSSEN Greenbaum - Notepad.pdf Ex J 2015-10-30 - MURRAY V JANSSEN (Murray).pdf Ex K 2015-11-04 - Murray vs. Janssen (Caers).pdf Ex L 2015-10-29 - Murray vs. Janssen (Deluca).pdf Ex M Mcdonald-Lerner v Neurocare Assocs, PA.pdf Ex N Walker v Paradise Grand Hotel Ltd.pdf </p>			<p>  Click HERE to purchase all documents related to this one docket entry </p>
Docket Entry:	05-15113405 ANSWER IN OPPOSITION OF POST-TRIAL MOTION FILED. (FILED ON BEHALF OF NICHOLAS MURRAY)			
11-DEC-2015 11:20 AM	MOTION TO STRIKE PLEADING	MURPHY, KENNETH A		11-DEC-2015 11:25 AM
Documents:	<p> Click link(s) to preview/purchase the documents Murray - Defendants Motion to Strike Plaintiffs Cross-Motion for Post-Trial Relief.pdf Murray - Brief ISO Motion to Strike Plaintiffs Cross-Motion for Post-Trial Relief.pdf Motion CoverSheet Form </p>			<p>  Click HERE to purchase all documents related to this one docket entry </p>

Docket Entry:	93-15121493 RESPONSE DATE 12/21/2015. (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)			
11-DEC-2015 03:47 PM	POST TRIAL MOTION REPLY FILED	MURPHY, KENNETH A		11-DEC-2015 04:11 PM
Documents:	Click link(s) to preview/purchase the documents Murray - Answer to Plaintiffs.pdf Murray- Brief ISO Answer.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	05-15113405 REPLY IN OPPOSITION TO POST-TRIAL MOTION FILED. (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)			
22-DEC-2015 08:01 AM	ANSWER (MOTION/PETITION) FILED	ITKIN, JASON A		22-DEC-2015 10:12 AM
Documents:	Click link(s) to preview/purchase the documents Response to Motion to Strike.pdf Motion CoverSheet Form		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	93-15121493 ANSWER IN OPPOSITION OF MOTION TO STRIKE PLEADING FILED. (FILED ON BEHALF OF NICHOLAS MURRAY)			
23-DEC-2015 03:06 PM	MOTION ASSIGNED			23-DEC-2015 03:06 PM
Docket Entry:	93-15121493 MOTION TO STRIKE PLEADING ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: DECEMBER 23, 2015			
11-JAN-2016 05:05 PM	POST TRIAL MOTION REPLY FILED	MURPHY, KENNETH A		12-JAN-2016 09:40 AM
Documents:	Click link(s) to preview/purchase the documents Murray - Brief ISO Motion for Post-Trial Relief.pdf Ex. A- FDA Resp.pdf Ex. B.PDF Ex. C.PDF		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	36-15112736 REPLY IN SUPPORT TO POST-TRIAL MOTION FILED. (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)			

15-JAN-2016 01:51 PM	MOTION ASSIGNMENT UPDATED			15-JAN-2016 01:51 PM
Docket Entry:	93-15121493 REASSIGNED TO JUDGE DINUBILE, JR., VICTOR J ON 15-JAN-16			
11-FEB-2016 07:43 PM	ANS-OPP. TO POST-TRIAL MOTION	ITKIN, JASON A		12-FEB-2016 10:27 AM
Documents:	<p> Click link(s) to preview/purchase the documents 2-11-16 Response to brief in support of motion for post-trial relief.pdf Ex A King v Pfizer Pharmaceutical Co Inc.pdf Ex B Defendants Motion for Summary Judgment.pdf Ex C Order on Defs MSJ - Granted and Denied in Part.pdf Ex D LANGFITT.pdf Ex E A. Pinit Dep.pdf Ex F - A 2006 Label Admitted as PX 3.pdf Ex F - B 2006 Label Admitted as PX 3.pdf Ex G RIS 71 topine results admitted as PX 0014.pdf Ex H Bergstresser v Bristol-Myers Squibb Co.pdf Ex I R. Greenbaum Trial Transcript.pdf Ex J J. Murray Transcript.pdf Ex K Caers Trial Transcript.pdf Ex L DeLuca Transcript.pdf Ex M Mcdonald-Lerner v Neurocare Assocs, PA.pdf Ex N Walker v Paradise Grand Hotel Ltd.pdf</p>			
Docket Entry:	05-15113405 ANSWER IN OPPOSITION OF POST-TRIAL MOTION FILED. (FILED ON BEHALF OF NICHOLAS MURRAY)			
22-FEB-2016 02:11 PM	POST TRIAL MOTION REPLY FILED	MURPHY, KENNETH A		22-FEB-2016 02:20 PM
Documents:	<p> Click link(s) to preview/purchase the documents REPLY BRIEF IN SUPPORT OF MOTION FOR POST-TRIAL RELIEF.pdf</p>			
Docket Entry:	36-15112736 REPLY IN SUPPORT TO POST-TRIAL MOTION FILED. (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)			
10-MAR-2016 11:14 AM	ORDER AND OPINION FILED	DINUBILE, JR., VICTOR J		10-MAR-2016 11:14 AM
Documents:	<p> Click link(s) to preview/purchase the documents ORDOP 256.pdf</p>			
Docket Entry:	05-15113405 15112736 & 15121493 IT IS ORDERED THAT THE POST TRIAL MOTIONS OF DEFTS, JANSSEN PHARMACEUTICALS INC, JOHNSON & JOHNSON AND JANSSEN RESEARCH & DEVELOPMENT			

SEEKING JNOV IS DENIED. DEFTS' MOTION FOR REMITTITUR IS GRANTED. JUDGMENT IS ENTERED IN FAVOR OF PLTF, NICHOLAS MURRAY AND AGAINST DEFT IN THE AMOUNT OF \$680,000.00. PLTF'S MOTION FOR DELAY DAMAGES IS DENIED. OPINION ATTACHED. BY THE COURT ...DINUBILE,J 3/10/16				
10-MAR-2016 11:14 AM	NOTICE GIVEN UNDER RULE 236			10-MAR-2016 05:07 PM
Docket Entry:	NOTICE GIVEN ON 10-MAR-2016 OF ORDER AND OPINION FILED ENTERED ON 10-MAR-2016.			
11-MAR-2016 10:25 AM	CORRECTIVE ENTRY			11-MAR-2016 12:00 AM
Documents:	Click link(s) to preview/purchase the documents CORCT_258.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	***PLEASE NOTE*** THE ORDER AND OPINION ENTERED ON 3/10/16 CONTAINED SEVERAL TYPOS. SCANNED TO THIS ENTRY IS THE CORRECTED DOCUMENT. (J.STEWART/CLC)			
11-MAR-2016 10:25 AM	NOTICE GIVEN UNDER RULE 236			11-MAR-2016 12:21 PM
Docket Entry:	NOTICE GIVEN ON 11-MAR-2016 OF CORRECTIVE ENTRY ENTERED ON 11-MAR-2016.			
15-MAR-2016 02:32 PM	STIPULATION FILED	MURPHY, KENNETH A		15-MAR-2016 02:34 PM
Documents:	Click link(s) to preview/purchase the documents STIPULATION FOR STAYSUPERSEDEAS.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	97-16032197 STIPULATION TO STIPULATION FOR STAY/SUPERSEDEAS FILED. AWAITING JUDICIAL APPROVAL (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)			
15-MAR-2016 03:16 PM	STIPULATION ASSIGNED			15-MAR-2016 03:16 PM
Docket Entry:	97-16032197 STIPULATION FILED ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: MARCH 15, 2016			

16-MAR-2016 01:27 PM	MOTION ASSIGNMENT UPDATED			16-MAR-2016 01:27 PM
Docket Entry:	97-16032197 REASSIGNED TO JUDGE DINUBILE, JR., VICTOR J ON 16-MAR-16			
16-MAR-2016 02:17 PM	STIP ASSIGNMENT CLOSED	DINUBILE, JR., VICTOR J		16-MAR-2016 02:17 PM
Docket Entry:	97-16032197 STIPULATION FOR SUPERSEDEAS ASSIGNMENT CLOSED. DOES NOT REQUIRE JUDICIAL APPROVAL.			
31-MAR-2016 11:06 AM	OTHER EVENT CANCELLED			31-MAR-2016 11:06 AM
Docket Entry:	93-15121493			
31-MAR-2016 11:06 AM	OTHER EVENT CANCELLED			31-MAR-2016 11:06 AM
Docket Entry:	36-15112736			
01-APR-2016 01:29 PM	APPEAL TO SUPERIOR COURT	MURPHY, KENNETH A		01-APR-2016 02:43 PM
Documents:	Click link(s) to preview/purchase the documents Murray - Notice of Appeal (3).pdf Ex. A - 2015-11-09 Verdict Entry.pdf Ex. B - 2016-03-10 Molded Verdict Order.pdf Ex. C - Murray Full Docket.pdf Ex. D - Murray Request for Transcript.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	***** NOTICE OF APPEAL FROM THE DECISION DATED 11/10/0015 03/10/0016 AND BY JUDGE DINUBILE, JR., VICTOR. PROOF OF SERVICE FILED. (FILED ON BEHALF OF JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, L, JOHNSON & JOHNSON COMPANY AND JANSSEN PHARMACEUTICALS, INC.)*****			
08-APR-2016 04:03 PM	FEE PD PURSUANT TO ORDER			08-APR-2016 12:00 AM
Docket Entry:	CHECK NO. 6649 IN THE AMOUNT OF \$85.50 DISBURSED TO SUPERIOR COURT OF PENNSYLVANIA			

[▶ Case Description](#)

[▶ Related Cases](#)

[▶ Event Schedule](#)

[▶ Case Parties](#)

[▶ Docket Entries](#)

[Search Home](#)

EXHIBIT C

IN RE: RISPERDAL[®] LITIGATION

Plaintiff(s),

v.

Janssen Pharmaceuticals, Inc.;
Johnson & Johnson; and Janssen
Research & Development, LLC;
Excerpta Medica, Inc.; and
Elsevier Inc.,

Defendants.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

MARCH TERM 2010

No. 296

DOCKETED
COMPLEX LIT CENTER

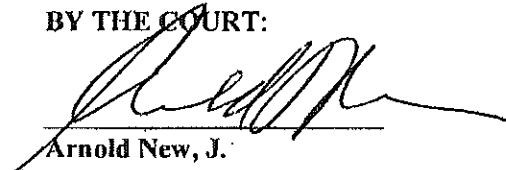
MAY 2 2014

J. STEWART

ORDER

AND NOW, this 2nd day of May, 2014, upon consideration of Defendants
Janssen Pharmaceuticals, Inc.; Johnson & Johnson; and Janssen Research & Development,
LLC's Motion for Partial Summary Judgment as to Plaintiffs' Claims for Punitive Damages
(Count XI), and the response of Plaintiffs, if any, it is **ORDERED** that motion is **GRANTED**.¹

BY THE COURT:


Arnold New, J.

In Re: Risperdal Litiga-ORDER



10030029600139

¹ This Court finds that New Jersey law applies to the issue of punitive damages. Pursuant to the New Jersey Products Liability Act and controlling New Jersey case law, New Jersey law does not permit Plaintiffs to recover punitive damages.

EXHIBIT D

IN RE: RISPERDAL® LITIGATION

Plaintiff(s),

v.

Janssen Pharmaceuticals, Inc.; Johnson &
Johnson; and Janssen Research
& Development, LLC;
Excerpta Medica, Inc.; and
Elsevier Inc.,

Defendants.

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

MARCH TERM 2010

NO. 296

DOCKETED


JUL 18 2014

S. MacGREGOR
COMPLEX LIT. CENTER

ORDER

AND NOW, this ^{18th} day of July, 2014, upon consideration of Plaintiffs' Motion for Reconsideration, Motion to Amend Order Dated May 2, 2014 to Determine Finality Under PA.R.A.P. 341(c), and Motion to Amend Order Dated May 2, 2014 to Certify Interlocutory Appeal by Permission Under PA.R.A.P. 1311 and the response of Defendants Janssen Pharmaceuticals, Inc.; Johnson & Johnson; and Janssen Research & Development, LLC, it is **ORDERED** that the motion is **DENIED**.

By the Court:

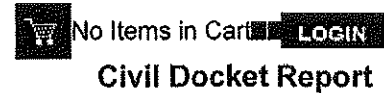


Arnold L. New, J.

In Re: Risperdal Litigation-ORDER



EXHIBIT E



A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 100300296
Case Caption: IN RE: RISPERDAL LITIGATION
Filing Date: Tuesday , March 02nd, 2010
Court: MASS TORT
Location: City Hall
Jury: JURY
Case Type: MASS TORT - RISPERDAL
Status: ACTIVE CASE

Related Cases

No related cases were found.

Case Event Schedule


No case events were found.



Case motions

Motion	Assign/Date	Control No	Date/Received	Judge
MOTION FOR SUMMARY JUDGMENT	26-JUN-2014	14052424	20-MAY-2014	NEW, ARNOLD L

Case Parties




Seq #	Assoc	Expn Date	Type	Name
1		10-APR-2014	ATTORNEY FOR PLAINTIFF	SHELLER, JAMIE L
Address:	SHELLER, P.C. 1528 WALNUT STREET 4TH FLOOR PHILADELPHIA PA 19102 (215)790-7300		Aliases:	<i>none</i>

	(2108895_1)(2).pdf Ex. G - 20140108 - Letter to K Murphy re Patriot Cases.pdf Motion CoverSheet Form			
Docket Entry:	10-14020810 RESPONSE DATE 02/26/2014. DEFENDANTS JANSSEN PHARMACEUTICALS, INC., JOHNSON & JOHNSON AND JOHNSON & JOHNSON PHARMACEUTICAL RESEARCH AND DEVELOPMENT, LLC'S MOTION TO ENFORCE COMPLIANCE W (FILED ON BEHALF OF JANSSEN RESEARCH & DEVELOPMENT, LLC, JANSSEN PHARMACEUTICA INC AND JOHNSON & JOHNSON)			
10-FEB-2014 05:29 PM	MOTION FOR SUMMARY JUDGMENT	MURPHY, KENNETH A		11-FEB-2014 10:46 AM
Documents:	Click link(s) to preview/purchase the documents Defendants Janssen Pharmaceuticals, Inc. s Motion For Partial Summary Judgment As To Plaintiff s Claims For Punitive Damages (2154987_1) part 1.pdf EX A part 1.pdf EX A part 2.pdf EX A part 3.pdf EX A part 4.pdf EX A part 5.pdf EX A part 6.pdf EX B.pdf Motion CoverSheet Form			 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	36-14021436 RESPONSE DATE 02/18/2014. (FILED ON BEHALF OF JANSSEN RESEARCH & DEVELOPMENT, LLC, JANSSEN PHARMACEUTICA INC AND JOHNSON & JOHNSON)			
12-FEB-2014 11:24 AM	MOTION RESPONSE DATE UPDATED			12-FEB-2014 12:00 AM
Docket Entry:	36-14021436 MOTION FOR SUMMARY JUDGMENT RESPONSE UPDATED TO 3/3/14 (INCORRECTLY ENTERED - SHOULD BE 20 DAY RESPONSE PERIOD PURSUANT TO CMO ISSUED)			
12-FEB-2014 11:29 AM	MOTION RESPONSE DATE UPDATED			12-FEB-2014 11:29 AM
Docket Entry:	36-14021436 MOTION FOR SUMMARY JUDGMENT MOTION RESPONSE DATE UPDATED TO 03/03/2014.			
26-FEB-2014 10:16 AM	MOTION RESPONSE DATE UPDATED			26-FEB-2014 10:16 AM



Docket Entry:		36-14021436 MOTION FOR SUMMARY JUDGMENT MOTION RESPONSE DATE UPDATED TO 03/17/2014.		
26-FEB-2014 03:07 PM	ANSWER (MOTION/PETITION) FILED	MCCORMICK JR, BRIAN J		26-FEB-2014 03:11 PM
Documents:	Click link(s) to preview/purchase the documents Proposed Order.pdf Plaintiffs Response to Motion to Enforce CMO 1.pdf Exhibit A.pdf Exhibit B.pdf Motion CoverSheet Form			
		 Click HERE to purchase all documents related to this one docket entry		
Docket Entry:		10-14020810 ANSWER IN OPPOSITION OF MISCELLANEOUS MOTION FILED. (FILED ON BEHALF OF PLAINTIFFS)		
28-FEB-2014 09:59 AM	MOTION ASSIGNED			28-FEB-2014 09:59 AM
Docket Entry:		10-14020810 MISCELLANEOUS MOTION ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: FEBRUARY 28, 2014		
13-MAR-2014 01:00 PM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		13-MAR-2014 01:00 PM
Documents:	Click link(s) to preview/purchase the documents ORDER 128.pdf			
		 Click HERE to purchase all documents related to this one docket entry		
Docket Entry:	03-13113503 AND NOW, THIS 13 DAY OF MARCH, 2014, UPON CONSIDERATION OF DEFENDANTS JANSSEN PHARMACEUTICALS, INC.; JOHNSON & JOHNSON; AND JANSSEN RESEARCH & DEVELOPMENT, LLC'S MOTION TO MAINTAIN THE CONFIDENTIALITY OF CERTAIN DOCUMENTS AND PLAINTIFFS' RESPONSE, IF ANY, IT IS ORDERED THAT THE MOTION IS GRANTED. THE DOCUMENTS IDENTIFIED IN PLAINTIFFS' CHALLENGE SHALL RETAIN THEIR CONFIDENTIALITY DESIGNATION AND BE TREATED ACCORDINGLY. BY THE COURT: JUDGE ARNOLD L. NEW			
13-MAR-2014 01:00 PM	NOTICE GIVEN UNDER RULE 236			13-MAR-2014 04:05 PM
Docket Entry:		NOTICE GIVEN ON 13-MAR-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 13-MAR-2014.		

13-MAR-2014 01:07 PM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		13-MAR-2014 01:07 PM
Documents:	Click link(s) to preview/purchase the documents ORDER_129.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	<p>10-14020810 AND NOW, THIS 13 DAY OF MARCH, 2014, UPON CONSIDERATION OF THE MOTION TO ENFORCE COMPLIANCE WITH CASE MANAGEMENT ORDER NO. 1, FILED BY DEFENDANTS JANSSEN RESEARCH & DEVELOPMENT, LLC (JANSSEN), AND ANY RESPONSE THERETO, IS HEREBY ORDERED AND DECREED THAT JANSSEN'S MOTION IS GRANTED. IT IS FURTHER ORDERED AND DECREED THAT PLAINTIFFS SHALL IMMDEIATELY CEASE FILING COMPLAINTS THAT INCLUDE ALLEGATIONS OF EITHER RISPERDAL OR RISPERDONE USE WHICH ALSO NAME PATRIOT PHARMACEUTICALS LLC AS DEFENDANT (JEREINAFTER "PATRIOT PHARMACEUTICALS CASES") IN THE DAY FORWARD PROGRAMS. IT IS FURTHER ORDERED AND DECRED THAT FROM THIS DATE FORWARD, PLAINTIFF SHALL ONLY FILE PATRIOT PHARMACEUTICALS CASES IN THE RISPERDAL MASS TORT PROGRAM. IT IS FURTHER ORDERED AND DECREED THAT WITHIN TEEN (10) DAYS OF THE DOCKETING OF THIS ORDER, LIAISON COUNSEL SHALL SUBMIT A PROPOSED ORDER WHICH TRANSFERS THOSE PATROIT PHARMACEUTICLAS CASES CURRENTLY PENDING IN THE DAY FORWARD 2013 AND DAY FORWARD 2014 PROGRAMS TO THE RISPERDAL MASS TORT PROGRAMS. BY THE COURT: JUDGE ARNOLD L. NEW</p>			
13-MAR-2014 01:07 PM	NOTICE GIVEN UNDER RULE 236			13-MAR-2014 04:05 PM
Docket Entry:	NOTICE GIVEN ON 13-MAR-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 13-MAR-2014.			
20-MAR-2014 10:31 AM	MOTION ASSIGNED			20-MAR-2014 10:31 AM
Docket Entry:	36-14021436 MOTION FOR SUMMARY JUDGMENT ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: MARCH 20, 2014			
20-MAR-2014 12:32 PM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		20-MAR-2014 12:00 AM
Documents:	Click link(s) to preview/purchase the documents ORDER_133.pdf		 Click HERE to purchase all documents related to this one docket entry	

Docket Entry:	IT IS ORDERED THAT THE CASES ON THE LIST ATTACHED HERETO AS EXHIBIT "A" ARE TRANSFERRED TO THE RISPERDAL MASS TORT PROGRAM. BY THE COURT ...NEW,J 3/20/14			
20-MAR-2014 12:32 PM	NOTICE GIVEN UNDER RULE 236			21-MAR-2014 03:20 PM
Docket Entry:	NOTICE GIVEN ON 21-MAR-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 20-MAR-2014.			
24-MAR-2014 02:30 PM	ANSWER (MOTION/PETITION) FILED	SHELLER, STEPHEN A		24-MAR-2014 02:38 PM
Documents:	<p>Click link(s) to preview/purchase the documents</p> <p>Proposed Order Partial MSJ Punitive Damages.pdf</p> <p>Resp to Motion for Partial SJ Punitive Damages.pdf</p> <p>Exhibits 1-10.pdf</p> <p>Exhibits 11-20.pdf</p> <p>Exhibits 21-34.pdf</p> <p>EXHIBIT 35-1.pdf</p> <p>EXHIBIT 35 - 2.pdf</p> <p>EXHIBIT 35 - 3.pdf</p> <p>Exhibits 36-41.pdf</p> <p>Exhibits 42-50.pdf</p> <p>Exhibits 51-62.pdf</p> <p>Motion CoverSheet Form</p>			
Docket Entry:	36-14021436 ANSWER IN OPPOSITION OF MOTION FOR SUMMARY JUDGMENT FILED. (FILED ON BEHALF OF PLAINTIFFS)			
31-MAR-2014 11:34 AM	MOTION/PETITION REPLY FILED	MURPHY, KENNETH A		31-MAR-2014 12:27 PM
Documents:	<p>Click link(s) to preview/purchase the documents</p> <p>Ris - Reply ISO MSJ on Punitive Damages.pdf</p> <p>Exhibit 1.pdf</p> <p>Exhibit 2.pdf</p> <p>Motion CoverSheet Form</p>			
Docket Entry:	36-14021436 REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT FILED. (FILED ON BEHALF OF JANSSEN RESEARCH & DEVELOPMENT, LLC, JANSSEN PHARMACEUTICA INC AND JOHNSON & JOHNSON)			

10-APR-2014 10:09 AM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		10-APR-2014 12:00 AM
Documents:	Click link(s) to preview/purchase the documents ORDER_137.pdf <div style="float: right; border: 1px solid black; padding: 2px;">  Click HERE to purchase all documents related to this one docket entry </div>			
Docket Entry:	CASE MANAGEMENT ORDER #8 ENTERED. THOMAS KLINE ESQ, STEPHEN SHELLER ESQ AND CHRISTOPHER GOMEZ ESQ ARE APPOINTED AS PLTFS' LIAISON COUNSEL. THESE ATTYs ARE SUBSTITUTED FOR FORMER PLTFS' LIAISON COUNSEL JAMIE SHELLER ESQ AND BRIAN MCCORMICK JR ESQ. BY THE COURT ...NEW,J 4/4/14			
10-APR-2014 10:09 AM	NOTICE GIVEN UNDER RULE 236			10-APR-2014 01:36 PM
Docket Entry:	NOTICE GIVEN ON 10-APR-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 10-APR-2014.			
02-MAY-2014 04:21 PM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		02-MAY-2014 04:21 PM
Documents:	Click link(s) to preview/purchase the documents ORDER_139.pdf <div style="float: right; border: 1px solid black; padding: 2px;">  Click HERE to purchase all documents related to this one docket entry </div>			
Docket Entry:	36-14021436 IT IS ORDERED THAT DEFTS, JANSSEN PHARMACEUTICALS INC, JOHNSON & JOHNSON AND JANSSEN RESEARCH & DEVELOPMENT LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLTFS' CLAIMS FOR PUNITIVE DAMAGES (COUNT XI) IS RANTED. BY THE COURT ...NEW,J 5/2/14			
02-MAY-2014 04:21 PM	NOTICE GIVEN UNDER RULE 236			05-MAY-2014 01:48 PM
Docket Entry:	NOTICE GIVEN ON 05-MAY-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 02-MAY-2014.			
19-MAY-2014 07:38 PM	MOTION FOR SUMMARY JUDGMENT	MURPHY, KENNETH A		20-MAY-2014 11:53 AM
Documents:	Click link(s) to preview/purchase the documents Motion for Partial Summary Judgment as to Affirmative Defense of Statute of Limitations.PDF Statute of Limitations TOC.PDF Ex. A - Second Amended Master Long Form <div style="float: right; border: 1px solid black; padding: 2px;">  Click HERE to purchase all documents related to this one docket entry </div>			

<p><u>Complaint.PDF</u> <u>Ex. B - Plaintiff s Master Long-Form</u> <u>Complaint.PDF</u> <u>Ex. C - First Amended Master Long Form</u> <u>Complaint as Filed.PDF</u> <u>Ex. D - December 1993 Package Insert.pdf</u> <u>Ex. E - October 2006 Label.pdf</u> <u>Ex. F. Journal of Clinical</u> <u>Psychopharmacology.pdf</u> <u>Ex. G - Holzer et al - Risperidone-induced</u> <u>Symptomatic Hyperprolactinemia.pdf</u> <u>Ex. H - Ambrosini, M.D., Paul J.pdf</u> <u>Ex. I - currentpsychiatry - about us.pdf</u> <u>Ex. J - Wirshing-Update on Atypicals Practical</u> <u>tips to manage common side effects 2003.pdf</u> <u>Ex. K - Medical Letter - Choice of</u> <u>Antipsychotics 2003.pdf</u> <u>Ex. L - The medical Letter about website.pdf</u> <u>Ex. M - Haddad .pdf.pdf</u> <u>Ex. N - Byerly .pdf</u> <u>Ex. O - Bostwick .pdf</u> <u>Ex. P - Roke et al - Antipsychotic Medication in</u> <u>Children and Adolescents.pdf</u> <u>Ex. Q - www.sheller - gynacomastia.pdf</u> <u>Ex. R - CMO 1 Risp. Seoouel.pdf</u> <u>Ex. S - New Jersey Courts Website.pdf</u> <u>Ex. T - Case Management Order No. 1 (2).PDF</u> <u>Ex. U - 2010-01-06 Banks Complaint.PDF</u> <u>Ex. V - Burling.pdf</u> <u>Ex. W - Black.pdf</u> <u>Ex. X - Dockman.pdf</u> <u>Ex. Y - Huff Amended.pdf</u> <u>Ex. Z - NY Post.pdf</u> <u>Ex. AA - Fox.pdf</u> <u>Ex. BB - Phila. Inquirer.pdf</u> <u>Ex. CC - Talaska Risp.pdf</u> <u>Ex. DD - Bernstein Website.pdf</u> <u>Ex. EE - Steinberg.pdf</u> <u>Ex. FF - Various Info Posted Part 1.pdf</u> <u>Ex. FF - Various Info Posted Part 2.pdf</u> <u>Motion CoverSheet Form</u></p>				
Docket Entry:		24-14052424 RESPONSE DATE 06/09/2014. (FILED ON BEHALF OF JANSSEN RESEARCH & DEVELOPMENT, LLC, JANSSEN PHARMACEUTICA INC AND JOHNSON & JOHNSON)		
23-MAY-2014 11:43 AM	MOTION RESPONSE DATE UPDATED			23-MAY-2014 11:43 AM
Docket Entry:		24-14052424 MOTION FOR SUMMARY JUDGMENT MOTION RESPONSE DATE UPDATED TO 06/24/2014.		
02-JUN-2014 05:41 PM	MOTION FOR RECONSIDERATION	APONTE ESQ, KIMBERLY A		03-JUN-2014 02:49 PM

<p>Documents:</p>	<p>Click link(s) to preview/purchase the documents Plaintiffs Motion for Reconsideration.pdf Order 1.pdf Order 2.pdf Order 3.pdf Exhibit 1.pdf Exhibit 2.pdf Exhibit 3.pdf Exhibit 4.pdf Exhibit 5.pdf Exhibit 6.pdf Exhibit 7.pdf Exhibit 8.pdf Exhibit 9.pdf Exhibit 10.pdf Exhibit 11.pdf Exhibit 12.pdf Exhibit 13.pdf Exhibit 14.pdf Exhibit 15.pdf Exhibit 16.pdf Exhibit 17.pdf Exhibit 18.pdf Exhibit 19.pdf Exhibit 20.pdf Exhibit 21.pdf Exhibit 22.pdf Exhibit 23.pdf Exhibit 24.pdf Motion CoverSheet Form</p>			 Click HERE to purchase all documents related to this one docket entry
<p>Docket Entry:</p>	<p>85-14060385 MOTION FOR RECONSIDERATION OF JUDGE NEW'S ORDER DATED 5-2-14. (FILED ON BEHALF OF ALL PLAINTIFFS)</p>			
<p>04-JUN-2014 11:15 AM</p>	<p>MOTION ASSIGNED</p>			<p>04-JUN-2014 11:15 AM</p>
<p>Docket Entry:</p>	<p>85-14060385 MOTION FOR RECONSIDERATION ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: JUNE 04, 2014</p>			
<p>09-JUN-2014 01:48 PM</p>	<p>ANSWER (MOTION/PETITION) FILED</p>	<p>MURPHY, KENNETH A</p>		<p>09-JUN-2014 02:34 PM</p>
<p>Documents:</p>	<p>Click link(s) to preview/purchase the documents Opposition to Motion for Reconsideration (Punitive Damages).PDF Motion CoverSheet Form</p>			 Click HERE to purchase all documents related to this one docket entry
<p>Docket Entry:</p>	<p>85-14060385 ANSWER IN OPPOSITION OF MOTION FOR RECONSIDERATION FILED. (FILED ON BEHALF OF JANSSEN</p>			








RESEARCH & DEVELOPMENT, LLC, JANSSEN PHARMACEUTICA INC AND JOHNSON & JOHNSON)				
12-JUN-2014 09:47 AM	MOTION/PETITION REPLY FILED	APONTE ESQ, KIMBERLY A		12-JUN-2014 02:08 PM
Documents:	Click link(s) to preview/purchase the documents Plaintiffs Sur Reply Brief.pdf Exhibit A.pdf Motion CoverSheet Form			
 Click HERE to purchase all documents related to this one docket entry				
Docket Entry:	85-14060385 REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION FILED.			
13-JUN-2014 12:18 PM	MOTION TO AMEND	SHELLER, STEPHEN A		13-JUN-2014 02:52 PM
Documents:	Click link(s) to preview/purchase the documents Motion to Amend Second Master Long Form Complaint.pdf Proposed Order.pdf Exhibit A.pdf Exhibit B.pdf Exhibit C.pdf Exhibit D.pdf Exhibit E.pdf Exhibit F.pdf Exhibit G.pdf Motion CoverSheet Form			
 Click HERE to purchase all documents related to this one docket entry				
Docket Entry:	84-14061584 RESPONSE DATE 06/23/2014. (FILED ON BEHALF OF PLAINTIFFS)			
16-JUN-2014 06:09 PM	ANSWER (MOTION/PETITION) FILED	SHELLER, STEPHEN A		17-JUN-2014 10:44 AM
Documents:	Click link(s) to preview/purchase the documents Plaintiffs Response In Opposition.pdf Proposed Order.pdf Exhibit 1.pdf Exhibit 2.pdf Exhibit 3.pdf Exhibit 4.pdf Exhibit 5.pdf Exhibit 6.pdf Exhibit 7.pdf Exhibit 8.pdf Exhibit 9.pdf Exhibit 10.pdf			
 Click HERE to purchase all documents related to this one docket entry				

	Exhibit 11.pdf Exhibit 12.pdf Exhibit 13.pdf Exhibit 14.pdf Exhibit 15.pdf Exhibit 16.pdf Exhibit 17.pdf Exhibit 18.pdf Exhibit 19.pdf Exhibit 20.pdf Exhibit 21.pdf Motion CoverSheet Form			
Docket Entry:	24-14052424 ANSWER IN OPPOSITION OF MOTION FOR SUMMARY JUDGMENT FILED. (FILED ON BEHALF OF PLAINTIFFS)			
17-JUN-2014 02:38 PM	ANSWER (MOTION/PETITION) FILED	SHELLER, STEPHEN A		17-JUN-2014 04:51 PM
Documents:	Click link(s) to preview/purchase the documents Plaintiffs Supplemental Response In Opposition to Motion for Partial Summay Judgment.pdf Exhibit 1.pdf Motion CoverSheet Form			
		 Click HERE to purchase all documents related to this one docket entry		
Docket Entry:	24-14052424 ANSWER IN OPPOSITION OF MOTION FOR SUMMARY JUDGMENT FILED. (FILED ON BEHALF OF PLAINTIFFS)			
23-JUN-2014 07:20 PM	MOTION/PETITION REPLY FILED	MURPHY, KENNETH A		24-JUN-2014 11:56 AM
Documents:	Click link(s) to preview/purchase the documents Reply ISO MSJ as to Statute of Limitations.pdf Ex. A - 2010-01-7 - Ltr. to Judge Moss from S. Sheller Re Application for Mass Tort Designation.pdf Motion CoverSheet Form			
		 Click HERE to purchase all documents related to this one docket entry		
Docket Entry:	24-14052424 REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT FILED. (FILED ON BEHALF OF JANSSEN RESEARCH & DEVELOPMENT, LLC, JANSSEN PHARMACEUTICA INC AND JOHNSON & JOHNSON)			
25-JUN-2014 02:27 PM	MOTION ASSIGNED			25-JUN-2014 02:27 PM
Docket Entry:	84-14061584 MOTION TO AMEND ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: JUNE 25, 2014			

26-JUN-2014 09:53 AM	MOTION ASSIGNED			26-JUN-2014 09:53 AM
Docket Entry:	24-14052424 MOTION FOR SUMMARY JUDGMENT ASSIGNED TO JUDGE: NEW, ARNOLD L. ON DATE: JUNE 26, 2014			
01-JUL-2014 03:31 PM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		01-JUL-2014 03:31 PM
Documents:	Click link(s) to preview/purchase the documents ORDER_153.pdf  Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	84-14061584 IT IS ORDERED THAT PLTFs SHALL ELECTRONICALLY FILE THE PROPOSED THIRD AMENDED MASTER LONG FORM COMPLAINT FORTHWITH UPON RECEIPT OF RULE 236 NOTICE. BY THE COURT ...NEW,J 6/30/14			
01-JUL-2014 03:31 PM	NOTICE GIVEN UNDER RULE 236			01-JUL-2014 04:28 PM
Docket Entry:	NOTICE GIVEN ON 01-JUL-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 01-JUL-2014.			
09-JUL-2014 02:59 PM	AMENDED COMPLAINT FILED	GOMEZ, CHRISTOPHER A		10-JUL-2014 10:18 AM
Documents:	Click link(s) to preview/purchase the documents RIS PCCP 3rd Amended Master Complaint.pdf  Click HERE to purchase all documents related to this one docket entry			
Docket Entry:	THIRD AMENDED MASTER LONG FORM COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY(20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED. (FILED ON BEHALF OF PLAINTIFFS)			
09-JUL-2014 02:59 PM	JURY TRIAL PERFECTED			10-JUL-2014 10:18 AM
Docket Entry:	12 JURORS REQUESTED.			
10-JUL-2014 10:13 AM	PRAECIPE- SUBSTITUTE/ATTACH			10-JUL-2014 11:44 AM




		GOMEZ, CHRISTOPHER A		
Documents:	Click link(s) to preview/purchase the documents Praecipe to Substitute Exhibit PFS and SFC.pdf Exhibit A.pdf Exhibit B.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	PRAECIPE TO SUBSTITUTE/ATTACH FILED. (FILED ON BEHALF OF PLAINTIFFS)			
18-JUL-2014 04:00 PM	ORDER ENTERED/236 NOTICE GIVEN	NEW, ARNOLD L		18-JUL-2014 12:00 AM
Documents:	Click link(s) to preview/purchase the documents ORDER_158.pdf		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	<p>AND NOW, THIS 18TH DAY OF JULY, 2014, UPON CONSIDERATION OF PLAINTIFF'S MOTION FOR RECONSIDERATION, MOTION TO AMEND ORDER DATED MAY 2, 2014 TO DETERMINE FINALITY UNDER PA.R.A.P. 341(C), AND MOTION TO AMEND ORDER DATED MAY 2, 2014 TO CERTIFY INTERLOCUTORY APPEAL BY PERMISSION UNDER PA.R.A.P. 1311 AND THE RESPONSE OF DEFENDANTS JANSSEN PHARMACEUTICALS, INC.; JOHNSON & JOHNSON; AND JANSSEN RESEARCH & DEVELOPMENT, LLC, IT IS ORDERED THAT THE MOTION IS DENIED. BY THE COURT: NEW, J. 7/18/14.</p>			
18-JUL-2014 04:00 PM	NOTICE GIVEN UNDER RULE 236			21-JUL-2014 03:50 PM
Docket Entry:	NOTICE GIVEN ON 21-JUL-2014 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 18-JUL-2014.			
28-JUL-2014 10:57 AM	OTHER EVENT CANCELLED	NEW, ARNOLD L		28-JUL-2014 10:57 AM
Docket Entry:	85-14060385 ASSIGNMENT EVENT CLOSED. MOTION FOR RECONSIDERATION ALREADY DETERMINED. SEE ORDER ENTERED AND DOCKETED ON 7/18/14			
08-OCT-2014 11:56 AM	MISCELLANEOUS MOTION	IMBRIGLIA, STEPHEN J		09-OCT-2014 12:07 PM
Documents:	Click link(s) to preview/purchase the documents		 Click HERE to purchase all documents related to this one docket entry	

EXHIBIT F

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

IN RE: RISPERDAL LITIGATION

MARCH TERM, 2010
NO. 00296

DOCKETED
COMPLEX LIT CENTER

MAY 26 2010

This Document Relates to All Cases

J. STEWART

**CASE MANAGEMENT ORDER NO. 1:
GOVERNING ALL RISPERDAL®/RISPERIDONE CASES**

It is the goal of this Court to secure the just, speedy, and cost-effective determination of each case filed by a Plaintiff alleging injuries and/or death as a result of his/her usage of the prescription drug Risperdal® ("Risperdal") and/or Risperidone now pending or hereafter filed in the Court of Common Pleas, Philadelphia County, Pennsylvania, and to eliminate duplication of effort, prevent unnecessary paperwork, and promote judicial economy.

In order to achieve these objectives, the following Case Management Order No. 1 is entered this 26TH day of May, 2010 for all individual Risperdal®/Risperidone cases that are presently pending or hereafter filed in the Philadelphia Court of Common Pleas.

I. RISPERDAL®/RISPERIDONE CASES DOCKET

The Court has established a Risperdal®/Risperidone Docket at March Term 2010, No. 00296. This docket number was established as a depository for the filing of pleadings, motions, orders, and other documents common to the Risperdal®/Risperidone cases. Once a pleading, motion, order, or other document is filed on this docket and copies are provided to all other interested counsel involved in the Risperdal®/Risperidone litigation, the pleading, motion, order, or other document may be incorporated by reference, either orally before the Court, or within another properly filed pleading, motion, order, or other document.

In Re: Risperdal Litigation-ORDER



1003002960002

**II. TEMPORARY STAY ON RESPONSIVE PLEADINGS
OBLIGATIONS AND FILING DISPOSITIVE MOTIONS**

All responsive pleading obligations are stayed until such time as responsive pleadings are due under the relevant Sections below. The parties in these cases are directed to refrain from filing any potentially dispositive motions (i.e., Motions for Summary Judgment, Motions or Judgment on the Pleadings), except as detailed in this and future Orders. However, no current or future party has waived any rights, claims, or defenses existing at the time of the execution of this Order.

III. PLEADINGS

A. MASTER LONG FORM COMPLAINT

1. Within thirty (30) days from the entry of this Order, counsel for Plaintiffs in pending Risperdal®/Risperidone cases shall confer and shall collectively file a *Master Long Form Complaint*. The *Master Long Form Complaint* must be served on each Defendant, in accordance with the provisions of this Order, before a response is required by that Defendant.
2. On or before ^{twenty (20)} ~~thirty (30)~~ days after valid service of the *Master Long Form Complaint* on a Defendant, that Defendant shall file either (a) a *Master Answer* or (b) *Master Preliminary Objections to the Master Long Form Complaint*.
3. Plaintiffs shall have ^{twenty (20)} ~~thirty (30)~~ days to respond to the *Master Preliminary Objections* and any replies thereto shall be filed within ten (10) business days of service.
4. The Court will rule on the *Master Preliminary Objections*. The Court's ruling on the *Master Preliminary Objections* will be binding on all current and future Risperdal®/Risperidone cases.
5. If *Master Preliminary Objections* are sustained to one or more counts in the *Master Long Form Complaint* for Risperdal®/Risperidone cases, Plaintiffs, if so ordered, shall

file a conforming ~~Amended~~ *Master Long Form Complaint* within twenty (20) days of the Order sustaining the *Master Preliminary Objections*.

6. All *Short Form Complaints* and all *Master Answers* are deemed to follow the most current *Amended Master Long Form Complaint* and *Answer*, respectively.

7. If *New Matter* is pleaded in the *Master Answer*, such *New Matter* will be deemed denied, and Defendants' exceptions to the denials are preserved and Plaintiffs are not required to file any further responsive pleadings to Defendants' *New Matter* asserted in the *Master Answer*.

B. PREVIOUSLY FILED CASES

1. The *Master Long Form Complaint* for the Risperdal®/Risperidone cases will substitute and supersede all Complaints filed in individual Risperdal®/Risperidone cases pending in the Philadelphia County Court of Common Pleas. If any Complaint filed before the *Master Answer* asserts claims not asserted in the *Master Long Form Complaint*, those claims are deemed withdrawn without prejudice. In all respects, the *Master Long Form Complaint* controls over allegations contained in any previously filed Complaint. The filing of the *Master Long Form Complaint* does not toll any applicable statute of limitations in individual cases.

2. Defendants shall have no obligation to answer any complaint filed before the *Master Long Form Complaint*.

3. Within twenty-five (25) days of the filing of the *Master Answer* or the Court's ruling on the *Master Preliminary Objections*, each Plaintiff in a Risperdal®/Risperidone case, whether initiated by Writ of Summons or Complaint, shall file a *Short Form Complaint*, in a form to be agreed upon with Defendants' counsel, using each action's original court term and number. Plaintiffs shall indicate in each *Short Form Complaint* those counts of the *Master Complaint* that are incorporated by reference. Any case previously initiated by a Writ of Summons shall be subject to dismissal in accordance with the notice provision of Pennsylvania

Rules of Civil Procedure 236 if the *Short Form Complaint* is not filed in accordance with this paragraph.

4. All allegations in *Short Form Complaints* will be deemed denied, and Defendants are not required to file answers to *Short Form Complaints*, unless any Plaintiff alleges a cause of action not included in the *Master Long Form Complaint*, in which case Defendants may file a *Preliminary Objection* to any such count. If additional causes of action are alleged in a *Short Form Complaint*, the specific facts supporting these allegations shall be pleaded in accordance with the Pennsylvania Rules of Civil Procedure, and the defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the *Short Form Complaint*. An entry of appearance shall constitute a denial of all allegations in the *Short Form Complaint* for Risperdal®/Risperidone cases, and an assertion of all applicable new matters and defenses.

5. Defendants will not file *Preliminary Objections* challenging claims as to which *Preliminary Objections* have previously been overruled.

6. Defendants shall have ^{twenty (20)} ~~thirty (30)~~ days to file *Preliminary Objections* to *Short Form Complaints*. Plaintiffs shall have ^{twenty (20)} ~~thirty (30)~~ days from the date of service of *Preliminary Objections* to file a response, and Defendants shall file any replies thereto within ten (10) days from the date of service.

7. The Court will rule on the *Preliminary Objections*, and whether a hearing thereon is scheduled is solely within the discretion of the Court.

8. If the Court's ruling on *Preliminary Objections* to a *Short Form Complaint* does not provide for the filing of an *Amended Short Form Complaint*, the remaining allegations of the *Short Form Complaint* shall be deemed denied.

9. If any of the Court's rulings permit a Plaintiff to file an *Amended Short Form Complaint*, Defendants shall be afforded twenty (20) days after service of the *Amended Short Form Complaint* in which to file a responsive pleading.

10. If no responsive pleading is filed, allegations in an *Amended Short Form Complaint* will be deemed denied.

C. NEWLY FILED CASES

1. Any newly filed Risperdal/Risperidone case shall be filed by Writ of Summons until a *Master Answer* is filed or *the Master Preliminary Objections* are ruled on. Within thirty (30) days of the filing of the *Master Answer* or the Court's ruling on the *Master Preliminary Objections*, each Plaintiff in a newly filed Risperdal®/Risperidone case shall file a *Short Form Complaint*, in a form to be agreed upon with Defendants' counsel. Thereafter, all newly filed cases shall be initiated via *Short Form Complaint*. But if suit is instituted via Writ of Summons, it is self-executing and Plaintiff shall file a *Short Form Complaint* within twenty (20) days without need of a Rule To File A Complaint. If Plaintiff fails to file a *Short Form Complaint* within twenty-five (25) days, the action may be subject to dismissal, upon application to the Court and in accordance with the notice provision of Pennsylvania Rule of Civil Procedure 236 if the *Short Form Complaint* is not filed in accordance with this paragraph.

2. Plaintiffs shall indicate in each *Short Form Complaint* those counts of the *Master Long Form Complaint* that are incorporated by reference.

3. If additional causes of action are alleged in a *Short Form Complaint*, the specific facts supporting these allegations shall be pleaded in accordance with the Pennsylvania Rules of Civil Procedure, and the defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the *Short Form Complaint*.

4. Defendants shall have ^{twenty (20)} ~~thirty (30)~~ days from the date of service of the *Short Form Complaint* to file *Preliminary Objections* to each *Short Form Complaint*.

5. An entry of appearance shall constitute a denial of all allegations in *Short Form Complaint* and an assertion of all applicable defenses.

6. Defendants shall not file *Preliminary Objections* challenging claims as to which *Master Preliminary Objections* have previously been overruled.

7. Plaintiffs shall have ^{twenty (20)} ~~thirty (30)~~ days from the date of service of *Preliminary Objections* to file a response and any replies thereto shall be filed within ten (10) days of service.

8. The Court will rule on the *Preliminary Objections*.

9. If the Court's ruling on *Preliminary Objections* to a *Short Form Complaint* does not provide for the filing of an *Amended Short Form Complaint*, the remaining allegations of the *Short Form Complaint* shall be deemed denied.

10. If any of the Court's rulings permit a plaintiff to file an *Amended Short Form Complaint*, Defendants shall be afforded twenty (20) days after service of an *Amended Short Form Complaint* in which to file a responsive pleading.

D. SERVICE ON LIAISON COUNSEL

1. Service of all documents under the "Risperdal®/Risperidone" master caption shall be served on Liaison Counsel.

2. Service on Liaison Counsel shall be deemed as service on all counsel, and Liaison Counsel shall be responsible for disseminating to all co-counsel. The parties will make a single service of these documents in paper copy form to opposing Liaison Counsel, and will also serve these documents simultaneously to opposing Liaison Counsel electronically in PDF or similar format. Other Plaintiffs' counsel who are counsel of record for cases pending in these Risperdal®/Risperidone cases who would like copies of these documents may be bound by the

terms of a Protective Order that may be entered by this Court and must make arrangements through Plaintiffs' Liaison Counsel for the Risperdal®/Risperidone cases if they wish to obtain copies of these documents.

3. All documents served on Liaison Counsel shall be served on Liaison Counsel in accordance with the Pennsylvania Rules of Civil Procedure and the Philadelphia Court of Common Pleas Mass Tort Program and Complex Litigation Center rules.

4. All case specific documents shall be served on proper individual counsel in a manner consistent with the Pennsylvania Rules of Civil Procedure and the Philadelphia Court of Common Pleas Mass Tort Program and Complex Litigation Center rules.

IV. APPOINTMENT OF LIAISON COUNSEL

1. The following attorneys are hereby appointed as Liaison Counsel:

Plaintiffs' Liaison Counsel:

Jamie L. Sheller, Esquire
Brian J. McCormick, Jr., Esquire
Sheller, P.C.
1528 Walnut Street, 3rd Floor
Philadelphia, PA 19102
Telephone: (215) 790-7300
Fax: (215) 546-0942
jsheller@sheller.com
bjmccormick@sheller.com

Defendants' Liaison Counsel:

Kenneth A. Murphy, Esquire
Drinker Biddle & Reath LLP
One Logan Square, Ste. 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
Fax: (215) 988-2757
kenneth.murphy@dbr.com

Stephen J. Imbriglia, Esquire
Gibbons P.C.
1700 Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103-2769
Telephone: (215) 446-6209
Fax: (215) 446-6306
simbriglia@gibbonslaw.com

2. No communications among plaintiffs' Counsel or among defendants' Counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

3. The Liaison Counsel will be responsible for the drafting, coordination, propounding, and scheduling of all master discovery requests and depositions. In addition, the Liaison Counsel will be responsible for all future case management orders, pleadings, responses, and any other documents that affect all actions in this litigation.

4. All issues of service of papers of Liaison Counsel shall be governed by the Section III.D.

V. MOTIONS

1. All motions filed in the Risperdal®/Risperidone litigation, including *Preliminary Objections*, shall be in letter format pursuant to mass tort motion procedure.

2. Defendants anticipate the filing of Motion(s) on the basis of *Forum Non Conveniens* which will be addressed in future Case Management Order(s) pending information received from forum discovery to be addressed to Plaintiffs.

VI. SERVICE OF PROCESS

1. To eliminate disputes over service of process and to reduce the expense of such service, Defendants Elsevier, Inc. and Excerpta Medica, Inc. have agreed to waive the normal legal requirements for service of process in the Risperdal®/Risperidone Cases. Instead, these

Defendants have agreed to accept service of process for Risperdal®/Risperidone products liability cases filed in the Philadelphia County Court of Common Pleas through service, by registered mail, return receipt requested, upon the following:

Excerpta Medica, Inc.
c/o Stephen J. Imbriglia, Esq.
Gibbons P.C.
1700 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103-2769
and
Michael T. Mervis, Esquire
Proskauer
1585 Broadway
New York, NY 10036-8299

Elsevier, Inc.
c/o Stephen J. Imbriglia, Esq.
Gibbons P.C.
1700 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103-2769
and
Michael T. Mervis, Esquire
Proskauer
1585 Broadway
New York, NY 10036-8299


All other defendants shall be served with original process pursuant to the applicable Pennsylvania Rules of Civil Procedure.

2. As to Defendants Elsevier, Inc. and Excerpta Medica, Inc., service will be effective ten (10) days after receipt of same in accordance with this Section. The foregoing procedure shall apply to Risperdal®/Risperidone products liability cases filed in the Philadelphia County Court of Common Pleas and not to any other litigation. Defendants reserve all other rights available to them under federal or state law and under applicable treaties and conventions.

VII. FURTHER ORDERS

1. The parties shall prepare for review and approval by the Court such other Case Management Orders as are required, including, without limitations, orders governing deposition procedures and scheduling (including coordination with other Risperdal®/Risperidone litigation), pretrial proceedings and trial proceedings.

BY THE COURT:



SANDRA MAZER MOSS
COMPLEX LITIGATION CENTER

Date: _____