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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean H. Toal, Circuit Court Judge

Appellate Case No. 2025-000065
Civil Action No. 2023-CP-40-04072

Michael L. Perry and Lonnie Long, Respondents,

v.

American International Industries et al.

Of whom Johnson & Johnson; LLT Management, LLC
f/k/a LTL Management, LLC; Kenvue, Inc.; and Johnson
& Johnson Holdco (NA), Inc. are the Appellants.

Appellants’ Amended Designation of Matter for Inclusion in the Record on Appeal

Appellants Johnson & Johnson; LLT Management, LLC f/k/a LTL Management, LLC; Kenvue, Inc.; and Johnson & Johnson Holdco (NA), Inc. (“J&J Defendants”), designate the following material under Rule 209, SCACR, for inclusion in the record on appeal. Undersigned counsel certifies, under Rule 209(c), SCACR, that the designation contains no matter which is irrelevant to this appeal.

Orders:

Order Granting Default Against AII, October 3, 2023

Order Denying AII’s Motion to Lift Default, November 2, 2023

Form 4 Order denying Janssen, Johnson & Johnson Holdco, Inc, and Kenvue’s Motion to Dismiss, July 2, 2024

Form 4 Order granting Motion to Compel, July 2, 2024

Order Regarding AII's Financial Discovery, August 8, 2024

Order on Plaintiffs' Motion to Compel and Motion for Sanctions against Defendants Kenvue, Inc and Johnson & Johnson Holdco (NA) Inc., August 9, 2024

Order on Defendants Johnson & Johnson; LLT Management, LLC; Johnson & Johnson Holdco (NA) Inc., and Kenvue, Inc.'s Post Trial Motions, December 11, 2024

Order on AII's Post-trial Motions, December 11, 2024

Order on Remand from the South Carolina Court of Appeals regarding Defendants Johnson & Johnson's Motion to Reconsider or to Alter and Amend this Court's December 11, 2024 Order, March 2, 2025

Amended Order on Defendants Johnson & Johnson; LLT Management, LLC; Johnson & Johnson Holdco (NA) Inc.; and Kenvue, Inc's Post Trial Motions, March 2, 2025

Verdict Form:

Verdict Form, August 19, 2024

Pleadings:

Plaintiff's Summons and Complaint, August 4, 2023

Johnson & Johnson's Answer to Complaint, September 7, 2023

LTL Management's Answer to Complaint, September 7, 2023

Plaintiff's First Amended Complaint, November 30, 2023

Johnson & Johnson's Answer to Amended Complaint, December 6, 2023

LTL Management's Answer to Amended Complaint, December 6, 2023

Plaintiff's Second Amended Complaint with Exhibits, February 1, 2024

Johnson & Johnson's Answer to First Amended Complaint, February 16, 2024

LLT Management, LLC Answer to Second Amended Complaint, February 16, 2024

Johnson & Johnson's Answer to 2nd Amended Complaint, July 17, 2024

Johnson & Johnson Holdco Na Inc's Answer to Amended Complaint, July 17, 2024

Johnson & Johnson Holdco Na Inc's Answer to Second Amended Complaint, July 17, 2024

Kenvue Inc's Answer to 2nd Amended Complaint, July 17, 2024

Motions, Supporting Memoranda:

Discovery Motions:

Kenvue and J&J Holdco's Response in Opposition to Motion to Compel & Exhibits, June 28, 2024

Motions to Dismiss and Motions for Summary Judgment:

Kenvue, Janssen, and J&J Holdco's Motion to Dismiss & Exhibits, September 7, 2023

Kenvue, Janssen, and J&J Holdco's Motion to Dismiss & Exhibits, December 6, 2023

Kenvue, Janssen, and J&J Holdco's Motion to Dismiss & Exhibits, February 16, 2024

Johnson & Johnson Defendants Motion for Partial Summary Judgment, June 11, 2024

Motions in Limine and Trial Submissions:

J&J Defendants' Motion in Limine to Partially Exclude Opinions of Dr. Steven Haber with exhibits, July 10, 2024

J&J Defendants' Motion in Limine No. 2 to Exclude Each and Every Exposure/Cumulative Dose Causation Opinions, July 10, 2024

J&J Defendants' Motion in Limine No. 3 to Exclude all evidence, argument, or reference to LLT Management, LLC's Bankruptcy Proceedings, with exhibits, July 10, 2024

J&J Defendants' Motion in Limine No. 5 to Exclude Plaintiffs' Summary Judgment Evidence Charts, with exhibits, July 10, 2024

J&J Defendants' Motion in Limine No. 8 to Exclude evidence, argument, regarding Certain Advertising Campaigns that Focused on Babies and the Mother-Infant Bond, with

exhibits, July 10, 2024

J&J Defendants' Motion in Limine No. 12 to Preclude reference to or Reliance on Articles by Drs. Moline, Emory and Gordon, with exhibits, July 10, 2024

Pltfs. Motion in Limine No. 22 – Ex. 60 – McCrone Letter, July 11, 2024

J&J Defendants' Motion in Limine to Partially Exclude Certain Opinions of Dr. William Longo with exhibits 1-38, July 23, 2024

J&J Defendants' Motion in Limine to Partially Exclude the Opinions of Dr. David Madigan with exhibits A to BB, July 23, 2024

J&J Defendants' Motion in Limine to Exclude Evidence of or Reference to Tissue Testing with exhibits, July 23, 2024

J&J Defendants Response to Plaintiffs' Omnibus Motion in Limine (MIL #1), July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 2 with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 10 with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 13 with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine to Exclude Testimony of Dr. Matthew Sanchez, July 29, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 15 to Exclude Any Speculative Testimony that Blames Laboratory Contamination for the Presence of Asbestos in a Talc Sample with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 17 to Preclude the Testimony of Dr. Gregory Diette with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No.19 to Exclude the 1986 Letter from H.W. Swanson to Phillippe Douillet with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 20 with exhibit, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 22 Seeking Evidentiary Sanctions Based on Spoliation of Evidence with exhibits, July 24, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine to Exclude Testimony of Dr. Matthew Sanchez with exhibits, July 29, 2024

J&J Defendants' Reply in Support of Motion in Limine No. 3, to Exclude All Evidence of and Reference to LLT Management LLC's Bankruptcy Proceedings with exhibits July 29, 2024

J&J Defendants' Reply in Support of Omnibus Motion in Limine No. 5 to Exclude Plaintiffs' Summary Evidence Charts with exhibits, July 29, 2024

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 21 to Exclude Testimony of Dr. David Weill with exhibits, July 29, 2024

J&J Defendants' Motion in Limine to Exclude Evidence of or Reference to Tissue Testing with exhibits, August 1, 2024

J&J Defendants' Mode of Trial Motion Regarding Successor Liability and Amalgamation, August 3, 2024

J&J Defendants Objection to Plaintiffs' Proposed Instructions on Parties in Default and Conditional Motion to Sever with exhibits, August 3, 2024

J&J Defendants Objection to Plaintiffs' Proposed Order regarding Plaintiffs' Motion in Limine No. 22 Based on Spoliation of Evidence with exhibit, August 3, 2024

J&J Defendants' Objection to Plaintiff Efforts to Submit to the Jury Evidence of Successor Liability or Amalgamation Issued for the Court but Unrelated to Plaintiffs' Products Liability Claims with exhibit, August 6, 2024

J & J Objections to Plaintiffs' efforts re Jury evidence successor liability, August 6, 2024

Defendants Kenvue and Johnson & Johnson Holdco (NA), Inc.'s Opposition to Plaintiffs' Motion to Compel and Motion for Sanctions with exhibits, August 6, 2024

J&J Defendants' Proffer of Evidence re: Mr. Perry's Exposure to Asbestos in the Library while working at Embassy Suites with exhibits, August 6, 2024

J&J Defendants' Memorandum related to Procedure and Evidence for Successor Liability with exhibits, August 6, 2024

J&J Defendants' Objection to Sanctions Order, August 8, 2024

J&J Defendants' Motion for Mistrial with exhibits, August 10, 2024

J&J Defendants' Submission of Law Regarding Proper Causation Standard, August 12, 2024

J&J Defendants' Proffer of Evidence re: The 1986 FDA Citizen Petition Response with exhibits, August 12, 2024

J&J Defendants' Proffer of Evidence re: The "Health Hazard Evaluation of Johnson Baby Powder" with exhibits, August 12, 2024

J&J Defendants' Memorandum regarding Successor Liability with exhibits, August 12, 2024

J&J Defendants' Objections to Plaintiffs' Requested Jury Charges with exhibits, August 12, 2024

J&J Defendants' Objections to Plaintiffs' Proposed Verdict Form with exhibits, August 12, 2024

J&J Defendants' Proffer of Evidence regarding Dr. Kuffner's Excluded Testimony on Winchite with exhibits, August 13, 2024

J&J Defendants' Motion and Memorandum in Support of Motion for Directed Verdict with exhibits, August 13, 2024

J&J Defendants' Objections to the Court's Final Jury Charges and Related Final Court Verdict Form, August 14, 2024

J&J Defendants' Motion for Mistrial with exhibits, August 15, 2024

Post Trial Motions & Memos:

Plaintiffs' Trial Brief, Ex. 10 – Dep. of Thibaut Mongon, August 22, 2024

Plaintiffs' Trial Brief, Ex. 13 – Decl. of John Kim, August 22, 2024

Plaintiffs' Trial Brief, Ex. 15 – Decl. of Donald McGraw, August 22, 2024

Plaintiffs' Trial Brief, Ex. 21 – Dep. of John Kim, August 22, 2024

J&J Defendants' Motions for JNOV, New Trial Absolute Based on Errors of Law, New Trial Absolute based on the Thirteenth Juror Doctrine, and New Trial nisi Remittitur with exhibits, August 26, 2024

Motion to Substitute Pecos River Talc, LLC as a Party Defendant for LLT Management LLC f/k/a LTL Management, LLC, August 26, 2024

J&J Defendants' Motion for Setoff and Motion for Production of Settlement, August 26, 2024

J&J Defendants' Motion to Stay Execution on Judgment, August 26, 2024

J&J Defendants' Motion to Substitute Holdco (Texas) LLC as a Party Defendant for Johnson & Johnson Holdco (NA), Inc., September 3, 2024

J&J Defendants' Reply to Substitute Pecos River Talc, LLC as a Party Defendant for LLT Management, LLC f/k/a LTL Management, LLC, September 9, 2024

J&J Defendants' Amended Motion to Substitute Johnson & Johnson Holdco (NA), Inc. (New Holdco) as a Party Defendant for Johnson & Johnson Holdco(NA), Inc.(Old Holdco), September 9, 2024

J&J Defendants' Renewed Motion for Directed Verdict and Nonsuite as a Matter of Law and J&J Defendants' Memorandum in Support Thereof regarding Successor Liability and in Opposition to Plaintiffs' Requests with exhibits, September 19, 2024

J&J Defendants' Objections to Plaintiffs' Proposed Order, and Supplemental Memorandum Supporting Johnson & Johnson Defendants' Post Trial Filings with exhibits, October 7, 2024

J&J Defendants Objection to Proposed Order on Successor Liability and Further Memorandum in Support of J&J Defendants' JNOV and Other Legal Positions with exhibits, November 8, 2024

J&J Defendants' Motion to Reconsider with exhibits, December 23, 2024

Transcripts:

Pre-Trial Hearing Transcript, July 30, 2024

Trial Transcripts Vols I – VIII, August 5, 2024 to August 14, 2024

Post Trial Hearing Transcripts Vols I & II

Other:

J&J Defendants' Proposed Jury Charges and Verdict Form, August 11, 2024

J&J Defendants' Notice of Appeal with exhibits, January 10, 2025

J&J Defendants' Supplemental Notice of Appeal, March 3, 2025

Supersedeas Bond, March 19, 2025

Respectfully submitted,

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PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants, do hereby certify that I have served all counsel of record in this action with a copy of the document(s) set forth below under Supreme Court Order dated April 24, 2024.

PLEADING(s): Appellants’ Amended Designation of Matter for Inclusion in the Record on Appeal

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Via Electronic Mail Only

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