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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 Industrial 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.

**RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

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Attorneys for Respondents

Pursuant to Rule 209 of the South Carolina Appellate Court Rules (SCACR), Respondents Michael L. Perry and Lonnie Long designate the following additional material for inclusion in the record on appeal:

Orders

1. Order Granting Joint Motion Requesting the Division of Plaintiff Michael L. Perry's Tissue, July 10, 2024

Motions and Supporting Memoranda

1. Plaintiff's Objection to Defendants' Motion to Substitute Holdco (Texas) LLC as a Party Defendant for Johnson & Johnson (NA) Inc. (and exhibits attached thereto), September 6, 2024
2. Plaintiff's Objection to Defendants' Motion to Substitute (and exhibits attached thereto), September 13, 2024
3. Plaintiffs' Response in Opposition to Defendants Johnson & Johnson, Inc. and LLT Management, LLC's Motion for Partial Summary Judgment (and exhibits attached thereto), July 8, 2024
4. Plaintiffs' Response to J&J Defendants' Motion to Reconsider (and exhibits attached thereto), February 21, 2025
5. Plaintiffs' Notice of Motion and Motion to Compel Defendant Johnson & Johnson (and exhibits attached thereto), February 6, 2024
6. Plaintiffs' Notice of Motion and Motion to Compel Against Defendants Kenvue Inc. and Johnson & Johnson Holdco (NA) Inc. (and exhibits attached thereto), June 17, 2024
7. Plaintiffs' Notice of Motion and Motion to Compel and Motion for Sanctions Against Defendants Kenvue and Johnson & Johnson Holdco (NA) Inc. (and exhibits attached thereto), August 6, 2024
8. Plaintiffs' Response in Opposition to Defendants Johnson & Johnson Holdco (NA) Inc. and Kenvue, Inc.'s Motion to Dismiss (and exhibits attached thereto), June 28, 2024

Motions in Limine and Trial Submissions

1. Plaintiffs' Trial Brief on Successor Liability of The Johnson & Johnson Defendants (and exhibits attached thereto), August 22, 2024
2. Plaintiffs' Response to J&J's Motion for Mistrial (and exhibits attached thereto), August 12, 2024
3. Plaintiffs' Motion in Limine No. 17 to Exclude the Testimony of Dr. Gregory Diette (and exhibits attached thereto), July 10, 2024

4. Plaintiffs' Motion in Limine No. 19 to Exclude the 1986 Letter From H.W. Swanson to Phillippe Douillet (and exhibits attached thereto), July 15, 2024
5. Plaintiffs' Motion in Limine No. 20 Regarding Admissibility of Documents Without Sponsoring Witness (and exhibits attached thereto), July 10, 2024
6. Plaintiffs' Motion in Limine No. 22 Motion for Evidentiary Sanctions Against Johnson & Johnson, LLT Management LLC, Johnson & Johnson Holdco (NA) Inc., and Kenvue, Inc. Based on Spoliation of Evidence (and exhibits thereto), July 10, 2024
7. Plaintiffs' Motion in Limine No. 23 to Exclude Expert Hearsay Opinions (and exhibits attached thereto), July 10, 2024
8. Plaintiffs' Consolidated Response in Opposition to Defendants' Motions in Limine to Exclude or Limit Causation Testimony of Plaintiffs' Experts Witnesses (and exhibits attached thereto), July 24, 2024
9. Plaintiffs' Response to Johnson & Johnson Defendants' Motion in Limine No. 3 to Exclude All Evidence of and Reference to LLT Management, LLC's Bankruptcy Proceedings (and exhibits attached thereto), July 24, 2024
10. Plaintiffs' Response to Johnson & Johnson Defendants' Motion in Limine to Partially Exclude the Opinions of Dr. Steven Haber (and exhibits attached thereto), July 24, 2024
11. Plaintiffs' Response to Defendants' Motions in Limine Partially Exclude Certain Opinions of Dr. William Longo (and exhibits attached thereto), July 24, 2024
12. J&J Defendants' Objection to Proposed Instruction on Parties in Default and Conditional Motion to Sever, August 3, 2024.
13. J&J Defendants' Proposed Jury Charges and Verdict Form, Exhibit A, August 11, 2024

Post-Trial Motions, Responses, and Memoranda

1. Plaintiffs' Response to J&J Defendants' Renewed Motion for Directed Verdict and Nonsuit as a Matter of Law Regarding Successor Liability (and exhibits attached thereto), September 20, 2024
2. Plaintiffs' Consolidated Response to Defendants' Motion for Setoff and Production of Plaintiffs' Settlement Agreements (and exhibits attached thereto), September 13, 2024
3. Plaintiffs' Consolidated Response to Defendants' Motions to Stay Execution of Judgment (and exhibits attached thereto), September 13, 2024
4. Plaintiffs' Response in Opposition to Defendants Johnson & Johnson, LLT Management, LLC, Johnson & Johnson Holdco (NA) Inc., and Kenvue, Inc.'s 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 (and exhibits attached thereto), September 13, 2024

5. Plaintiffs' Response to J&J Defendants' Motion to Reconsider (and exhibits attached thereto), February 21, 2025

Other

Email Correspondence:

- Re: Perry-Outstanding Issues, August 4, 2024
- Re: Perry Trial Schedule, July 29-August 2, 2024
- Re: Perry Trial Schedule, August 6-10, 2024

Depositions

- Deposition of Dr. William Longo, 8/6/24
- Deposition of Michael Perry, Vol. I, 10/10/23
- Deposition of Michael Perry, Vol. IV, 10/13/23
- Deposition of David Weill, M.D., 7/18/24
- Deposition of Gregory B. Diette, M.D., 7/3/24

Trial Exhibits

- Plaintiffs' Exhibit 10
- Plaintiffs' Exhibit 40
- Plaintiffs' Exhibit 49
- Plaintiffs' Exhibit 72
- Plaintiffs' Exhibit 117
- Plaintiffs' Exhibit 289

Johnson & Johnson Defendants' Witness List, 7/20/2024

I certify that this Designation does not contain any matters which are irrelevant to this appeal.

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