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SC SUPREME COURT

The Supreme Court of South Carolina

JEAN HOEFER TOAL
CHIEF JUSTICE, RETIRED
SENIOR ACTIVE JUDGE

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November 9, 2026

The Hon. Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Andrew T. Gerken v. Avon Products, Inc., et al., 2023-CP-40-06111; Debra McAndrew Barnett v. Johnson & Johnson, et al., 2026-CP-40-01257

Dear Ms. Howard,

Please thank the Court so much for its prompt action on my request of last Tuesday, November 3, 2026. I am pleased to report that the pre-trial in this matter was conducted on Wednesday, November 4, 2026. I ruled on all pre-trial matters and in the two days that followed on all matters relating to the pre-admission of exhibits. On Saturday, November 7, 2026, I was advised by Ms. McVey on behalf of the Plaintiffs and Mr. Brown on behalf of the Defendant J&J that the *Gerken* matter scheduled for trial today had been resolved, so you may regard the *Gerken* matter as resolved in your records.

The companion matter, the *Barnett v. J&J* case, is scheduled for trial in February of 2027. I have today requested that all attorneys for Plaintiff Barnett and for Defendant J&J in the *Barnett* matter meet and confer and submit to me dates within the immediate future for a hearing before me on all matters pertaining to attorney-client privilege, the *Noerr-Pennington* Doctrine, and any other issues surrounding the 30(b)(6) deposition of J&J witness Erik Haas. I will be conducting a hearing and ruling on these matters quickly so that the normal pre-trial activity can move forward as we prepare the *Barnett* case for trial. I do not believe any issues about *Barnett* and the Petition for Certiorari need the Court's involvement at this time. I will advise you promptly as to further activity in this case as it transpires.

With my kindest personal regards,
I am, Sincerely yours,

Jean Hoefer Toal

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