

  
**SIMMONS**  
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Reply to:  
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**RECEIVED**

MAR 25 2014

March 25, 2014

**VIA HAND DELIVERY**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

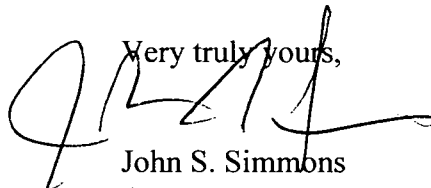
**S.C. Supreme Court**

RE: State of South Carolina ex. Rel. Alan Wilson in his capacity as Attorney General of the State of South Carolina v. Ortho-McNeil-Janssen Pharmaceuticals, Inc., f/k/a Janssen Pharmaceuticals, Inc., and/or Janssen, L.P., and Johnson & Johnson, Inc.  
Civil Action No. 2007-CP-42-1438

Dear Mr. Shearouse:

Pursuant to Rule 208(b)(7), SCACR, the Respondent files its response to the Appellant's March 20, 2014 supplemental citation letter, which brought to the Court's attention the March 20, 2014 decision of the Arkansas Supreme Court in *Ortho-McNeil-Janssen Pharm. Inc. v. State*, 2014 Ark. 124, 2014 LEXIS 188. The Respondent would note that the Arkansas opinion does not relate to those portions of Appellant's brief, located at pages 37 – 38 and 40, regarding whether the letters at issue were hearsay. The Arkansas opinion did not address the threshold question of whether the letter was, in fact, hearsay. Further, the Arkansas opinion does not relate to those portions of Appellant's brief, located at pages 38 – 40, which discuss South Carolina's public records exception at Rule 803(8)(B), SCRE. Even if this issue is preserved, the Arkansas opinion addressed Arkansas Rule of Evidence 803(8)(iv), which unlike South Carolina's evidentiary rules, excludes from the public records exception "factual findings resulting from special investigation of a particular complaint, case, or incident."

With kind regards, I am

Very truly yours,  
  
John S. Simmons  
Attorney

cc: Alan Wilson, Attorney General

The Honorable Daniel E. Shearouse

March 25, 2014

Page 2

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THE STATE OF SOUTH CAROLINA

In the Supreme Court

**RECEIVED**

APPEAL FROM SPARTANBURG COUNTY

MAR 25 2014

Court of Common Pleas

Roger L. Couch, Circuit Court Judge

**S.C. Supreme Court**

Case No. 2007-CP-42-1438

STATE OF SOUTH CAROLINA

*ex. rel.* Alan Wilson in his capacity as Attorney General of the State of South Carolina,

*Respondent,*

v.

ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. f/k/a Janssen Pharmaceutica, Inc.  
and/or Janssen, L.P. and Johnson & Johnson, Inc.,

*Defendants,*

of which ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC. is

*Appellant.*

**PROOF OF SERVICE**

I certify that I have served the Respondent's Response to the Appellant's March 20, 2014 supplemental citation letter via hand delivery this 25<sup>th</sup> day of March, 2014 to the following counsel of record and the South Carolina Court of Appeals:

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*Jennifer D. Gamble*

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March 25, 2014  
Columbia, South Carolina