

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

RECEIVED

JAN 28 2015

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

S.C. Supreme Court

Appellate Case No. 2014-001465

Cephalon, Inc., .....Appellant,

v.

Alan Wilson, in his capacity as  
Attorney General for the State of South Carolina, .....Respondent.

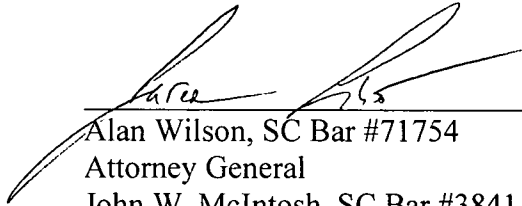
**DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

In addition to the matter designated by Appellant, Respondent proposes the following be included in the Record on Appeal:

1. Attorney General's Complaint in State v. Cephalon dated June 2, 2011;
2. Cephalon's Answer in State v. Cephalon, dated July 5, 2011;
3. Attorney General's Answer dated November 29, 2012;
4. Litigation Retention Agreement (LRA) for Special Counsel with Addendum and Amendments
5. Deposition Transcript of Attorney General Alan Wilson, all pages;
6. Deposition Transcript of Thomas Osmer, pages 37-40, 121-124;
7. Deposition Transcript of John McIntosh, pages 37-44, 53-56;

8. Deposition Transcript of Geoffrey Hazard, all pages;
9. Order Denying Lilly's Motion to Disqualify (Sept. 22, 2009), *State ex re. McMaster v. Eli Lilly & Co.*, No. 2007-CP-42-01855.

Respectfully submitted,



---

Alan Wilson, SC Bar #71754

Attorney General

John W. McIntosh, SC Bar #3841

Chief Deputy Attorney General

Robert D. Cook, SC Bar #1373

Solicitor General

C. Havird Jones, Jr., SC Bar #3178

Senior Assistant Deputy Attorney General

Jared Q. Libet, SC Bar #74975

Assistant Deputy Attorney General

Johanna C. Valenzuela, SC Bar #79834

Assistant Attorney General

Office of the Attorney General

Post Office Box 11549

Columbia, SC 29211

(803) 734-3970

Kenneth M. Suggs, SC Bar #5424

Gerald D. Jowers, Jr., SC Bar #69347

Janet, Jenner & Suggs, LLC

Post Office Box 927

Columbia, SC 29202

(803) 726-0050

J. Todd Rutherford, SC Bar #12097

The Rutherford Law Firm, LLC

Post Office Box 1452

Columbia, SC 29202

Attorneys for Respondent

January 28, 2015

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2014-001465

Cephalon, Inc., .....Appellant,

v.

Alan Wilson, in his capacity as  
Attorney General for the State of South Carolina, .....Respondent.

**PROOF OF SERVICE**

I certify that I have served the foregoing Designation of Matter to be Included in the Record on Appeal on Appellant, Cephalon, Inc., and on Amici Curiae, The Chamber of Commerce of the United States of America and Pharmaceutical Research and Manufacturers of America by depositing a copy of same in the United States Mail, postage prepaid, on January 28, 2015, addressed to their attorneys of record:

William W. Wilkins, Esq.  
Kirsten Small, Esq.  
Burl F. Williams, Esq.  
Nexsen Pruet, LLC  
Post Office Drawer 10648  
Greenville, SC 29603


Attorneys for Appellant, Cephalon, Inc.

Travis J. Iams, Esq.  
Alston & Bird, LLP  
Bank of America Plaza  
101 South Tryon Street  
Suite 4000  
Charlotte, NC 28280-4000

David Venderbush, Esq.  
Alston & Bird, LLP  
90 Park Avenue  
New York, NY 10016

John H. Beisner, Esq.  
Geoffrey M. Wyatt, Esq.  
Nina R. Rose, Esq.  
Skadden, Arps, Slate,  
Meagher & Flom, LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005

Attorneys for The Chamber of Commerce of the United State of  
America and Pharmaceutical Research and Manufacturers of America



Gerald D. Jowers, Jr. (SC Bar # 69347)  
Janet, Jenner & Suggs, LLC