

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

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May 22, 2015

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S.C. Supreme Court

### Hand Delivered

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

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 Pharmaceutica, Inc., and/or Janssen, L.P., and Johnson & Johnson, Inc.  
Civil Action No. 2007-CP-42-1438  
Appellate Case No. 2012-206987  
Our File No. 03501/01534

Dear Mr. Shearouse:

Pursuant to Rule 208(b)(7), SCACR, the Appellant hereby files this supplemental citation letter. Janssen previously brought to this 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 Ark. LEXIS 188. That opinion related to Appellant's warning letter arguments, located on pages 37 - 41 in Appellant's brief. Respondent noted the original Arkansas judgment in their brief at page 69. The South Carolina Attorney General was among *amici* in the Arkansas Supreme Court matter.

Attached are trial court orders reflecting settlement in the above-referenced Arkansas matter for \$7.75 million. These orders relate to Janssen's Reply to the Return to Janssen's Petition for Rehearing, at p. 9, wherein Janssen noted an average of \$4.89 million settlement per state reached in the multi-state settlement announced by the Texas Attorney General.

The Honorable Daniel E. Shearouse  
May 22, 2015  
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Sincerely yours,



C. Mitchell Brown

CMB:lpw  
Enclosure

cc: **(all via email and U.S. mail)**

Alan Wilson, Attorney General  
C. Havird Jones, Jr., Sr. Assistant Attorney General  
John B. White, Jr., Esquire  
Donald C. Coggins, Jr., Esquire  
John S. Simmons, Esquire  
Fletcher V. Trammell, Esquire  
Elizabeth Dwyer, Esquire  
Robert W. Cowan, Esquire

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTH DIVISION

STATE OF ARKANSAS, *ex rel.*  
DUSTIN MCDANIEL, ATTORNEY GENERAL

PLAINTIFF

vs.

CASE NO. 60CV-07-15345

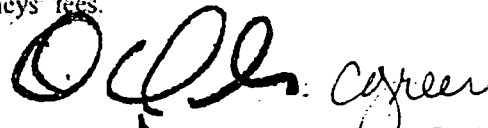
ORTHO-McNEIL-JANSSEN  
PHARMACEUTICALS, INC., f/w/a  
JANSSEN PHARMACEUTICA, INC.,  
and/or JANSSEN, LP and  
JOHNSON & JOHNSON, INC.

DEFENDANTS

AGREED ORDER OF DISMISSAL WITH PREJUDICE

Upon joint request of the Plaintiff and Defendants, it appears to the Court that this case has been resolved and that the Plaintiff's Complaint and all amendments thereto that have been asserted against the Defendants should be and are hereby dismissed with prejudice. All claims asserted and all claims that could have been asserted regarding the prescription drug Risperdal® (risperidone) prior to the execution and filing of this Agreed Order are forever barred. Each party is to bear its own costs, expenses, and attorneys' fees.



IT IS SO ORDERED.



THE HONORABLE TIMOTHY D. FOX

Date: 5.21.2015

AGREED AND APPROVED:

  
C. Joseph Cordi, Jr.  
Counsel for Plaintiff  
James M. Simpson, Jr.  
Counsel for Defendants

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTH DIVISION

STATE OF ARKANSAS, *ex rel.*  
LESLIE RUTLEDGE, ATTORNEY GENERAL

PLAINTIFF

VS.

CASE NO. 60CV-07-15345

ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC., f/k/a  
JANSSEN PHARMACEUTICA, INC.,  
and/or JANSSEN, LP and  
JOHNSON & JOHNSON, INC.

DEFENDANTS

**ORDER GRANTING THE STATE OF ARKANSAS'S UNOPPOSED  
AMENDED MOTION TO FIX ATTORNEY'S FEES AND COSTS**

On the 18<sup>th</sup> day of May, 2015 came on for consideration the *State of Arkansas's Unopposed Motion to Fix Attorney's Fees and Costs*, and from the pleading filed herein, with the attachments to such pleading, the court doth find as follows:

1. The parties have agreed to a tentative settlement of this matter, in the gross amount of Seven Million Seven Hundred Fifty Thousand and No/100 Dollars (\$7,750,000.00).
2. The contract with Bailey Peavy Baily, PLLC, plaintiff's outside counsel, provides that BPB is to receive an attorney's fee of fifteen percent (15%) of any settlement or judgment, plus actual costs incurred by the firm.
3. Pursuant to the requirements of Arkansas law, both the Governor and the Arkansas General Assembly approved the fee contract.

4. To facilitate settlement of this matter, BPB has agreed to reduce its attorney's fees due under the contract from \$1,162,500.00 to \$805,734.22. This reduction constitutes a percentage reduction from the contracted 15% down to approximately 10.4%.

5. BPB's actual expenses in this matter total \$1,194,265.78.

6. The Attorney General has approved the expenses and the reduced fee amount

7. Defendants do not oppose the motion.

IT IS ACCORDINGLY ORDERED AND DECREED that Bailey Peavy Bailey PLLC should be and is hereby awarded attorney's fees in the amount of \$805,734.22 and expenses in the amount of \$1,194,265.78 from the gross settlement amount received by the plaintiff in this case.



TIMOTHY DAVIS FOX  
CIRCUIT COURT JUDGE

5/18/15

DATE