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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Jean H. Toal, Circuit Court Judge

RECEIVED  
APR 24 2020  
SC Court of Appeals

Civil Action Nos. 2018-CP-10-00790 & 2018-CP-10-02899

Mary Margaret Devey, Individually and as Personal  
Representative of the Estate of Robert L. Devey,..... Respondent,

v.

Johnson & Johnson; Johnson & Johnson Consumer, Inc.;  
CVS Pharmacy, Inc.; Piggly Wiggly Carolina Company,  
Inc.; Metropolitan Life Insurance Company; and Rite  
Aid of South Carolina, Inc..... Defendants,

Of which Johnson & Johnson and Johnson & Johnson  
Consumer, Inc., are the ..... Appellants.

*and*

Terran Dupree,..... Respondent,

v.


Johnson & Johnson; Johnson & Johnson Consumer, Inc.;  
Imerys Talc America, Inc. f/k/a Luzenac America, Inc.;  
Piggly Wiggly Carolina Company, Inc.; CVS Pharmacy,  
Inc.; Rite Aid of South Carolina, Inc.,..... Defendants,

Of which Johnson & Johnson and Johnson & Johnson  
Consumer, Inc. are the ..... Appellants.

NOTICE OF APPEAL

Johnson & Johnson and Johnson & Johnson Consumer, Inc. appeal the trial court's March 13, 2020 order granting the plaintiffs' motion to consolidate the two above-captioned cases. Relevant portions of the transcript of a March 13, 2020 hearing at which the court issued its final order granting the motion to consolidate are attached hereto as Exhibit A.<sup>1</sup> An email from Judge Toal agreeing that the record of her ruling sufficed for her order and no written order was planned is attached as Exhibit B. Johnson & Johnson and Johnson & Johnson Consumer, Inc. received notice of the trial court's final order on March 13, 2020.

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Attorneys for Appellants Johnson & Johnson and Johnson &  
Johnson Consumer, Inc.

Columbia, South Carolina

April 13, 2020

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<sup>1</sup> Copies of the operative complaints showing the complete caption in each case are attached hereto as Exhibit C.

Other Counsel of Record:

**Attorneys for Respondents Mary Margaret Devey, Individually and as Personal Representative of the Estate of Robert L. Devey, and Terran Dupree**

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v.

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Inc.; Metropolitan Life Insurance Company; and Rite Aid  
of South Carolina, Inc.....

Defendants,

Of which Johnson & Johnson and Johnson & Johnson  
Consumer, Inc., are the .....

Appellants.

*and*

Terran Dupree,.....

Respondent,

v.

Johnson & Johnson; Johnson & Johnson Consumer, Inc.;  
Imerys Talc America, Inc. f/k/a Luzenac America, Inc.;  
Piggly Wiggly Carolina Company, Inc.; CVS Pharmacy,  
Inc.; Rite Aid of South Carolina, Inc.,.....

Defendants,

Of which Johnson & Johnson and Johnson & Johnson  
Consumer, Inc. are the.....

Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins Riley &  
Scarborough LLP, attorneys for Johnson & Johnson and Johnson & Johnson Consumer, Inc., do

hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleading(s):           **Notice of Appeal**

Served:               MOTLEY RICE LLC  
W. Christopher Swett  
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Jessica Trautman  
Administrative Assistant

April 13, 2020



NELSON MULLINS

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April 23, 2020

**Via U.S. Mail, Facsimile, and E-Filing**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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SC Court of Appeals

RE: Mary Margaret Devey v. Johnson & Johnson et al. and Terran Dupree v. Johnson & Johnson et al.  
Civil Action Nos. 2018-CP-10-00790 & 2018-CP-10-02899  
Our File Nos. 003501.01848 & 003501.01849

Dear Ms. Kitchings:

Enclosed please find Appellants' Notice of Appeal in the above-referenced matter. We are submitting the original Notice of Appeal and a check for the \$250.00 filing fee to the Court via U.S. Mail. Pursuant to the Supreme Court's orders addressing the operation of the appellate courts during the coronavirus emergency, we are also submitting copies of the Notice of Appeal to the Court via facsimile and via the new e-filing system.

All counsel of record have been served with the Notice of Appeal. By copy of this letter, we are notifying the circuit court and all counsel of record of this filing.

Respectfully,

Nicholas A. Charles

Enclosures

cc: W. Christopher Swett, Esquire  
Amy Harmon Geddes, Esquire

The Honorable Jenny Abbott Kitchings  
April 23, 2020  
Page 2

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The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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