

DRINKER BIDDLE & REATH LLP  
A Delaware Limited Liability Partnership  
500 Campus Drive  
Florham Park, NJ 07932-1047  
(973) 549-7000  
Attorneys for Defendant  
Johnson & Johnson

[ ]

Plaintiffs,

v.

JOHNSON & JOHNSON, JOHNSON &  
JOHNSON PHARMACEUTICAL RESEARCH  
AND DEVELOPMENT, L.L.C.,  
and ORTHO-MCNEIL PHARMACEUTICAL,  
INC.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, ATLANTIC COUNTY

DOCKET NO. L- [ ]MT

CIVIL ACTION

LEVAQUIN LITIGATION

CASE CODE 286

**DEFENDANT JOHNSON &  
JOHNSON'S ABBREVIATED  
ANSWER FOR LEVAQUIN  
LITIGATION AND ADOPTION BY  
REFERENCE, DESIGNATION OF  
TRIAL COUNSEL, AND JURY  
DEMAND**

Defendant Johnson & Johnson, by and through its attorneys, Drinker Biddle & Reath LLP, hereby responds to the allegations set forth in Plaintiff's Abbreviated Individual Complaint and Adoption by Reference ("Abbreviated Complaint") as follows:

1. Defendant incorporates by reference the relevant portions of Its Master Answer, Separate Defenses, Jury Demand and Designation of Trial Counsel ("Master Answer"). Defendant denies that Plaintiff is entitled to any relief.

2. The allegations in Paragraph 2 of the Abbreviated Complaint are legal conclusions to which no response is necessary. To the extent a response is deemed necessary, Defendant denies the allegations in Paragraph 2 of the Abbreviated Complaint.

3. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Abbreviated Complaint.

4. Defendant denies the allegations in Paragraph 2A of the Abbreviated Complaint.

5. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2B of the Abbreviated Complaint.

6. Defendant denies the allegations in Paragraph 2C of the Abbreviated Complaint.

7. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Abbreviated Complaint.

8. Defendant denies the allegations in Paragraph 5 of the Abbreviated Complaint.

9. In response to paragraph 6 of the Abbreviated Complaint, defendant adopts by reference its responses in its Answer to the Master Complaint to plaintiff's claims in Count I: Product Liability – Defective Design (New Jersey Products Liability Act – N.J.S.A. 2A:58C-1 *et seq.*); Count II: Product Liability – Failure to Warn (New Jersey Products Liability Act – N.J.S.A. 2A:58C-1 *et seq.*); Count III: Product Liability – Manufacturing Defect (New Jersey Products Liability Act – N.J.S.A. 2A:58C-1 *et seq.*); Count IV: Breach of Express Warranty; Count V: Negligent Misrepresentation; Count VI: New Jersey Consumer Fraud Act (N.J.S.A. 56:8-1 *et seq.*); Count VII: Punitive Damages Under Common Law & Products Liability Act (N.J.S.A. 2A:58C-1 *et seq.*); and Count VIII: Loss of Consortium.

**AFFIRMATIVE DEFENSES**

Defendant adopts by reference each and every Affirmative Defense set forth in its Master Answer.

WHEREFORE, Defendant Johnson & Johnson demands that Plaintiff's Complaint be dismissed, that judgment be entered against Plaintiff and in favor of Johnson & Johnson and that Johnson & Johnson be awarded its costs and such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Defendant demands a trial by jury of all issues so triable.

**DESIGNATION OF TRIAL COUNSEL**

Susan M. Sharko, Esq. is hereby designated as trial counsel.

DRINKER BIDDLE & REATH LLP  
Attorneys for Defendant Johnson & Johnson

By: \_\_\_\_\_  
Susan M. Sharko

Dated: September \_\_, 2009

**CERTIFICATION PURSUANT TO RULE 4:5-1**

Pursuant to Rule 4:5-1, I hereby certify that, to the best of my knowledge, the above-captioned action is not the subject of any other action pending in any court or the subject of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated.

I further certify that, to the best of my knowledge, information, or belief, there are no non-parties who should be joined in the action pursuant to R. 4:28 or who are subject to joinder pursuant to R. 4:29-1(b).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DRINKER BIDDLE & REATH LLP  
Attorneys for Defendant Johnson & Johnson

By: \_\_\_\_\_  
Daniel B. Carroll

Dated: \_\_\_\_\_, 2009

