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

],

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 ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC.'S ABBREVIATED ANSWER FOR LEVAQUIN LITIGATION AND ADOPTION BY REFERENCE, DESIGNATION OF TRIAL COUNSEL, AND JURY DEMAND Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc., 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 Ortho-McNeil-Janssen Pharmaceuticals, Inc. demands that

Plaintiff's Complaint be dismissed, that judgment be entered against Plaintiff and in favor of

Ortho-McNeil-Janssen Pharmaceuticals, Inc. and that Ortho-McNeil-Janssen Pharmaceuticals,

Inc. 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 Ortho-McNeil-Janssen

Pharmaceuticals, Inc.

By: ______Susan M. Sharko

Dated: September __, 2009

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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 <u>R.</u> 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 Ortho-McNeil-Janssen

Pharmaceuticals, Inc.

By:_______ Daniel B. Carroll

Dated: , 2009

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CERTIFICATION

I certify that the within Answer to the Abbreviated Complaint and Civil Case Information Statement was filed within the time allowed by the New Jersey Rules of Court, and sent to the Clerk of Atlantic County by first class mail.

I further certify that a copy of this pleading, which has been filed with the Clerk of Atlantic County, has been served by first class mail today on:

Attorneys for Plaintiffs

Dated:	2000	Tonia Ann Patterson

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