

In The Matter Of:

Pledger v.

Janssen

(Jury Trial-Verdict)

XXI

February 24, 2015

John J. Kurz, RMR-CRR, Official Court Reporter

City of Philadelphia

First Judicial District Of Pennsylvania

100 South Broad Street, 2nd Floor

Philadelphia, PA 19110

1 IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
2 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
3 CIVIL TRIAL DIVISION

4 -----
5 IN RE: RISPERDAL® LITIGATION :
6 March Term, 2010, No. 296 :
7 -----
8 Phillip Pledger, et al., :
9 Plaintiffs, : APRIL TERM, 2012
10 v. : NO. 01997
11 -----
12 Janssen Pharmaceuticals, Inc., :
13 Johnson & Johnson Company, :
14 and Janssen Pharmaceutical :
15 Research and Development, :
16 L.L.C. :
17 Defendants. :
18 -----

19 TUESDAY, FEBRUARY 24, 2015

20 -----
21 COURTROOM 425
22 CITY HALL
23 PHILADELPHIA, PENNSYLVANIA
24 -----

25 B E F O R E: THE HONORABLE RAMY I. DJERASSI, J.,
18 and a Jury
19 -----

20 JURY TRIAL - VOLUME XXI

21 - VERDICT -

22 REPORTED BY:

23 JOHN J. KURZ, RMR, CRR
24 REGISTERED MERIT REPORTER
25 CERTIFIED REALTIME REPORTER
 OFFICIAL COURT REPORTER

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1 | Also Present:

2 Marianne Mari, Tipstaff

3 | Benita Pledger

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- I N D E X -

10 WITNESSES VD DR CR RD RC

11 (None were called at this time.)

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E X H I B I T S

17 NO. PAGE NO.

18 (None were marked at this time.) --

19 | Page

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**John J. Kurz, RMR-CRR, Official Court Reporter
Phone 215-683-8035 Fax 215-683-8005**

4 (Jury is in deliberations.)

6 (Whereupon the jury took a luncheon
7 recess from 12 o'clock p.m. to 1
8 o'clock p.m.)

10 (Whereupon the Jury resumed
11 deliberations at 1:08 p.m.)

13 (The following transpired in open
14 court outside the presence of the jury:)

16 (Time noted: 2:18 p.m.)

18 (Mr. Gomez, Ms. Loerch, Mrs. Pledger
19 present; Ms. Sullivan, Mr. Murphy, Ms. Brown,
20 and Ms. Graff were also present.)

23 All right. Good afternoon,
24 everybody.

25 MR. MURPHY: Good afternoon.

1 MR. GOMEZ: Good afternoon.
2 THE COURT: Good afternoon.
3 My understanding is the jury has a
4 verdict in this case. So we're going to just
5 take the verdict; and for any motions, if
6 there are any motions, we'll handle the
7 motions.

10 | THE COURT: Yes.

11 | (Pause.)

15 (Whereupon the jury entered the
16 courtroom at 2:20 p.m.)

18 (The following transpired in open
19 court in the presence of the jury:)

21 THE COURT: All right. Good
22 afternoon, everybody.

23 JURY PANEL: Good afternoon.

24 THE COURT: Good afternoon.

25 You may be seated, everybody.

4 THE COURT: Yes, please.

8 JURY FOREPERSON: Ellen M. Wing.

11 JURY FOREPERSON: We have.

12 (Handing verdict sheet to the Court.)

13 | THE COURT: Okay.

16 JURY FOREPERSON: Yes.

1 JURY FOREPERSON: Yes.
2 COURT CRIER: Question 2, do you find
3 that Janssen's negligent failure to provide
4 an adequate warning was a cause of Austin
5 Pledger's gynecomastia?

6 JURY FOREPERSON: Yes.
7 COURT CRIER: State the amount of
8 monetary damages you award to Austin Pledger.

9 JURY FOREPERSON: 2.5 million.
10 THE COURT: Are there any motions?
11 MS. SULLIVAN: Can you poll the
12 jurors, Your Honor?

13 THE COURT: Yes.
14 Thank you very much. You can have a
15 seat.

16 COURT CRIER: Have a seat.
17 THE COURT: Ladies and gentlemen,
18 we're going to -- at the request of defense,
19 we're going to have a polling of the jury.
20 And the question simply is individually
21 whether or not you agree with the verdict,
22 okay? Whether or not you agree with the
23 verdict.

24 COURT CRIER: Juror No. 1, please
25 rise.

1 (Juror complied.)

2 Do you agree or disagree with the
3 verdict?

4 JUROR NO. 1: I agree.

5 COURT CRIER: Thank you.

6 Juror No. 2, please rise.

7 (Juror complied.)

8 Do you agree or disagree with the
9 verdict?

10 JUROR NO. 2: Yes.

11 COURT CRIER: Thank you.

12 Juror No. 3, please rise.

13 (Juror complied.)

14 Do you agree or disagree with the
15 verdict?

16 JUROR NO. 3: I disagree.

17 COURT CRIER: Thank you.

18 Juror No. 4, please rise.

19 (Juror complied.)

20 Do you agree or disagree with the
21 verdict?

22 JUROR NO. 4: I agree.

23 COURT CRIER: Thank you.

24 Juror No. 5, please rise.

25 (Juror complied.)

3 JUROR NO. 5: I agree.

4 COURT CRIER: Thank you.

7 (Juror rose.)

8 JUROR NO. 6: I agree.

12 (Juror rose.)

13 JUROR NO. 7: I agree.

14 | COURT CRIER: Thank you.

17 (Juror rose.)

18 JURY FOREPERSON: I agree.

19 | COURT CRIER: Thank you.

22 (Juror rose.)

23 JUROR NO. 9: I agree.

24 | COURT CRIER: Thank you.

1 disagree with the verdict?

2 (Juror rose.)

3 JUROR NO. 10: I agree.

4 COURT CRIER: Thank you.

5 Juror No. 11, do you agree --

6 (Juror rose.)

7 JUROR NO. 11: I agree.

8 COURT CRIER: Thank you.

9 And Juror No. 12?

10 (Juror rose.)

11 JUROR NO. 12: I agree.

12 COURT CRIER: Thank you.

13 Your Honor, the jury has been polled.

14 11 out of 12 agree. May the verdict be
15 recorded?

16 THE COURT: Yes, please.

17 COURT CRIER: Harken unto the verdict
18 as the Court has recorded it, so say 11 out
19 of 12 of you.

20 (Jurors nodding.)

21 THE COURT: Yes. Therefore, the
22 verdict is recorded in this matter April Term
23 2012, 01997. Question No. 1, yes. Question
24 No. 2, yes. And the amount of monetary
25 damages is \$2.5 million, and therefore, this

1 case is concluded.

2 Members of the jury, you are
3 discharged. I will speak to you very
4 shortly. And all I can say to you publicly,
5 as you already know, is how deeply, deeply
6 grateful the courts are, our fellow citizens
7 for your service. It's been a long haul,
8 through thick and thin, and you did it, and I
9 am deeply, deeply proud of you.

10 So we'll see you very shortly and say
11 hello and good-bye.

12 COURT CRIER: All rise as the jury
13 exits.

14 - - -

15 (Whereupon the jury exited the
16 courtroom at 2:25 p.m.)

17 - - -

18 THE COURT: All right. And this
19 concludes the proceedings here in this court
20 of this trial.

21 I am grateful that we have
22 successfully concluded this case. And all
23 the appropriate motions must be filed on
24 time. And I look forward to them, all right?

25 MR. MURPHY: Thank you, Your Honor.

1 MS. SULLIVAN: Thank you, Your Honor.

2 MR. GOMEZ: Thank you, Your Honor.

3 MS. SIPALA: Thank you, Your Honor.

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5 (Court adjourned at 2:29 p.m.)

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1 C E R T I F I C A T I O N
23 I hereby certify that the proceedings
4 and evidence are contained fully and
5 accurately in the notes taken by me on the
6 trial of the above cause, and that this copy
7 is a correct transcript of the same.8 I further certify that I am not a
9 relative or employee of any attorney or
10 counsel employed in this case.11
12
13
14
15 John J. Kurz, RMR, CRR
16 Registered Merit Reporter
17 Certified Realtime Reporter
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27 transcript does not apply to any reproduction
28 of the same by any means unless under the
29 direct control and/or supervision of the
30 certifying reporter.)

<p style="text-align: center;">\$</p> <p>\$2.5 (1) 10:25</p> <p style="text-align: center;">A</p> <p>above (1) 13:6</p> <p>accurately (1) 13:5</p> <p>adequate (2) 6:23;7:4</p> <p>adjourned (1) 12:5</p> <p>afternoon (7) 4:23,25;5:1,2,22, 23,24</p> <p>agree (24) 7:21,22;8:2,4,8,14, 20,22;9:1,3,5,8,10,13, 15,18,20,23,25;10:3, 5,7,11,14</p> <p>agreed (1) 6:15</p> <p>amount (2) 7:7;10:24</p> <p>and/or (1) 13:22</p> <p>apply (1) 13:20</p> <p>appropriate (1) 11:23</p> <p>April (1) 10:22</p> <p>attorney (1) 13:9</p> <p>Austin (3) 6:24;7:4,8</p> <p>award (1) 7:8</p> <p style="text-align: center;">B</p> <p>Benita (1) 6:18</p> <p>Brown (1) 4:19</p> <p style="text-align: center;">C</p> <p>Can (3) 7:11,14;11:4</p> <p>case (4) 5:4;11:1,22;13:10</p> <p>cause (2) 7:4;13:6</p> <p>Certification (1) 13:19</p> <p>Certified (1) 13:16</p> <p>certify (2)</p>	<p>13:3,8 certifying (1) 13:23</p> <p>citizens (1) 11:6</p> <p>complied (5) 8:1,7,13,19,25</p> <p>concluded (2) 11:1,22</p> <p>concludes (1) 11:19</p> <p>Conservator (1) 6:19</p> <p>contained (1) 13:4</p> <p>control (1) 13:22</p> <p>copy (1) 13:6</p> <p>counsel (1) 13:10</p> <p>court (44) 4:14,21;5:2,8,10, 12,19,21,24;6:1,4,5,9, 12,13,14,17;7:2,7,10, 13,16,17,24;8:5,11, 17,23;9:4,9,14,19,24; 10:4,8,12,16,17,18, 21;11:12,18,19;12:5</p> <p>courtroom (2) 5:16;11:16</p> <p>courts (1) 11:6</p> <p>CRIER (25) 5:8,12;6:1,5,9,14, 17;7:2,7,16,24;8:5, 11,17,23;9:4,9,14,19, 24;10:4,8,12,17; 11:12</p> <p>CRR (1) 13:15</p> <p style="text-align: center;">D</p> <p>damages (2) 7:8;10:25</p> <p>deeply (4) 11:5,5,9,9</p> <p>defense (1) 7:18</p> <p>deliberations (3) 4:2,4,11</p> <p>direct (1) 13:22</p> <p>disagree (11) 8:2,8,14,16,20;9:1, 5,10,15,20;10:1</p> <p>discharged (1) 11:3</p> <p>Dr (1) 6:23</p>	<p style="text-align: center;">E</p> <p>Ellen (1) 6:8</p> <p>employed (1) 13:10</p> <p>employee (1) 13:9</p> <p>entered (1) 5:15</p> <p>enters (1) 5:13</p> <p>Estate (1) 6:19</p> <p>Everybody (4) 4:21,24;5:22,25</p> <p>evidence (1) 13:4</p> <p>exited (1) 11:15</p> <p>exits (1) 11:13</p> <p style="text-align: center;">F</p> <p>failing (1) 6:22</p> <p>failure (1) 7:3</p> <p>fellow (1) 11:6</p> <p>filed (1) 11:23</p> <p>find (1) 7:2</p> <p>following (2) 4:13;5:18</p> <p>foregoing (1) 13:19</p> <p>foreperson (9) 6:5,8,9,11,16;7:1,6, 9;9:18</p> <p style="text-align: center;">G</p> <p>forward (1) 11:24</p> <p>fully (1) 13:4</p> <p>further (1) 13:8</p> <p>gentlemen (1) 7:17</p> <p>Gomez (3) 4:18;5:1;12:2</p> <p>Good (7) 4:23,25;5:1,2,21, 23,24</p> <p>good-bye (1) 11:11</p> <p>Graff (1) 4:20</p>	<p>grateful (2) 11:6,21</p> <p>Guardian (1) 6:18</p> <p>gynecomastia (2) 6:24;7:5</p> <p style="text-align: center;">H</p> <p>Handing (1) 6:12</p> <p>handle (1) 5:6</p> <p>Harken (1) 10:17</p> <p>haul (1) 11:7</p> <p>hello (1) 11:11</p> <p>hereby (1) 13:3</p> <p>Honor (8) 5:9;6:1;7:12; 10:13;11:25;12:1,2,3</p> <p style="text-align: center;">I</p> <p>individually (1) 7:20</p> <p style="text-align: center;">J</p> <p>Janssen (2) 6:20,22</p> <p>Janssen's (1) 7:3</p> <p>John (1) 13:15</p> <p>Johnson (2) 6:20,21</p> <p>Juror (35) 7:24;8:1,4,6,7,10, 12,13,16,18,19,22,24, 25;9:3,5,7,8,10,12,13, 15,17,20,22,23,25; 10:2,3,5,6,7,9,10,11</p> <p>jurors (3) 6:15;7:12;10:20</p> <p>Jury (25) 4:1,4,6,10,14;5:3,8, 12,15,19,23;6:1,8,10, 11,16;7:1,6,9,19; 9:18;10:13;11:2,12, 15</p> <p style="text-align: center;">K</p> <p>Kurz (1) 13:15</p> <p style="text-align: center;">L</p> <p>Ladies (1)</p>	<p>7:17</p> <p>least (1) 6:14</p> <p>Loerch (1) 4:18</p> <p>long (1) 11:7</p> <p>look (1) 11:24</p> <p>luncheon (1) 4:6</p> <p style="text-align: center;">M</p> <p>Madam (1) 6:9</p> <p>Mathisen (1) 6:23</p> <p>matter (2) 6:17;10:22</p> <p>may (3) 5:25;6:2;10:14</p> <p>means (1) 13:21</p> <p>Members (1) 11:2</p> <p>million (2) 7:9;10:25</p> <p>monetary (2) 7:8;10:24</p> <p>motions (5) 5:5,6,7;7:10;11:23</p> <p>Mrs (1) 4:18</p> <p>much (1) 7:14</p> <p>Murphy (3) 4:19,25;11:25</p> <p>must (1) 11:23</p> <p style="text-align: center;">N</p> <p>name (1) 6:6</p> <p>negligent (2) 6:22;7:3</p> <p>nodding (1) 10:20</p> <p>noted (1) 4:16</p> <p>notes (1) 13:5</p> <p>Number (1) 6:21</p> <p style="text-align: center;">O</p> <p>o'clock (2) 4:7,8</p> <p>open (2) 4:13;5:18</p> <p>out (3)</p>
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6:14;10:14,18 outside (1) 4:14 over (1) 6:19	13:9 Reporter (2) 13:16,23 reproduction (1) 13:20 request (1) 7:18 resumed (2) 4:1,10 right (5) 4:21,23;5:21; 11:18,24 rise (8) 5:12;6:6;7:25;8:6, 12,18,24;11:12 risk (1) 6:24 Risperdal (1) 6:25 RMR (1) 13:15 rose (7) 9:7,12,17,22;10:2, 6,10	11:8 thin (1) 11:8 took (1) 4:6 transcript (2) 13:7,20 transpired (2) 4:13;5:18 trial (2) 11:20;13:6	2 2 (4) 7:2;8:6,10;10:24 2.5 (1) 7:9 2:18 (1) 4:16 2:20 (1) 5:16 2:25 (1) 11:16 2:29 (1) 12:5 2012 (1) 10:23
P		U	
PANEL (1) 5:23 parties (1) 6:2 Pause (1) 5:11 Person (1) 6:19 Pharmaceuticals (1) 6:20 Phillip (1) 6:18 please (9) 4:22;6:4,6;7:24; 8:6,12,18,24;10:16 Pledger (5) 4:18;6:18,18,24; 7:8 Pledger's (1) 7:5 pm (7) 4:7,8,11,16;5:16; 11:16;12:5 poll (1) 7:11 polled (1) 10:13 polling (1) 7:19 presence (2) 4:14;5:19 present (3) 4:19,20;6:2 proceedings (2) 11:19;13:3 proud (1) 11:9 provide (2) 6:22;7:3 publicly (1) 11:4		under (1) 13:21 unless (1) 13:21 unto (1) 10:17	3 3 (2) 8:12,16
		V	
		verdict (21) 5:4,5;6:3,10,12,15; 7:21,23;8:3,9,15,21; 9:2,6,11,16,21;10:1, 14,17,22	4
		versus (1) 6:20	5
		W	5 (2) 8:24;9:3
		warning (2) 6:23;7:4	6
		Whereupon (5) 4:1,6,10;5:15; 11:15	6 (2) 9:5,8
		Wing (1) 6:8	7
		0	7 (2) 9:10,13
		01997 (1) 10:23	8
R		1	8 (1) 9:15
reached (1) 6:10 Realtime (1) 13:16 recess (1) 4:7 record (1) 6:7 recorded (3) 10:15,18,22 relative (1)	1 (4) 4:7;7:24;8:4;10:23 1:08 (1) 4:11 10 (3) 6:14;9:25;10:3 10:42 (1) 4:2 11 (4) 10:5,7,14,18 12 (6) 4:7;6:15;10:9,11, 14,19 1204-01997 (1) 6:21		9 9 (2) 9:20,23
		T	