> logical conclusion, that this boy had gynecomastia, he had true gynecomastia, he lost weight, there is some tissue hanging there, connective tissue, adipose tissue, might have some fat in it, of course.

Id. at 49:19-50:15.

96. The third incident occurred at the end of closing arguments. Plaintiffs complained about Janssen's closing, and the Court expressed its concern that the argument that Dr. Solomon was the best Plaintiffs could come up with was "egregious." *Id.* at 189:2-190:10. In response to the Court's observation that it might comment, Janssen explained that that would be "very prejudicial." To which the Court responded, "I understand that." *Id*. at 190:14-16; *see also id*. at 192:22-24 (same). [7] Nevertheless, when instructing the jury, the Court charged:

> Now, this case is not about something argued to you specifically by Ms. Sullivan, and that is whether a different warning would have caused a doctor not to prescribe. I will give you the law on this. But I want to say up front, that is not the law that we are examining in this case, okay?
>
> Also, this is not about whether the plaintiff could not find an endocrinologist to testify in this case. It is not about that.
>
> Now, it was suggested to you again by Ms. Sullivan that the plaintiff could not produce an endocrinologist and suggested that they could not because they could not.
>
> You are instructed to disregard that line of argument in its entirety as it is not accurate and it's disingenuous based on matters of law that occurred outside of your presence.

Tr. 18:1-21, 2/20/15 (p.m.).

97. In isolation or taken together, these remarks, with their singling out of Janssen's counsel as telling the jury what is "not the law" and "is not accurate" and is "disingenuous" go

[7] Later, the Court said, "Regarding something that was submitted to me now, I think by Mr. Kline, regarding a pediatric endocrinologist, I just – I'm going to be giving some remarks and I hope that covers the whole situation, and we will proceed." Tr. 8:8-25, 2/20/15 (p.m.). The Court then said that it did not have the testimony in front of it and was not ruling. When Janssen followed up to ask whether the Court was planning on remarking on the endocrinologist, the Court answered "No." *Id.*