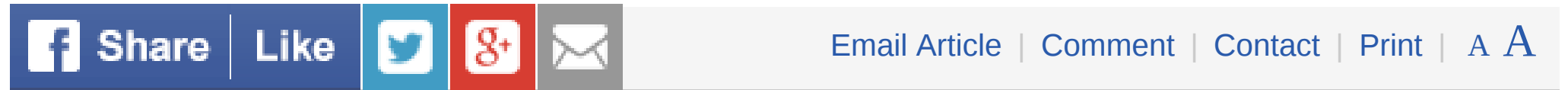


J&J Wins Reversal of \$1.1 Million Levaquin Punitive Damages

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Johnson & Johnson won a reversal of \$1.1 million in punitive damages awarded to a man who claimed the company failed to properly warn of the risks of tendon damage linked to its antibiotic Levaquin.

While erasing the punitive award, the U.S. Court of Appeals in St. Louis sustained a Minnesota jury's 2010 finding that J&J failed to warn plaintiff John Schedin. The court also upheld an award of \$630,000 in compensatory damages to Schedin, who sued J&J and its Ortho-McNeil-Janssen Pharmaceuticals unit in 2008.

“The evidence is neither clear nor convincing, as a matter of law, that OMJP deliberately disregarded the safety of the users of Levaquin,” U.S. Circuit Judge William Jay Riley said today. Proving deliberate disregard is “required for punitive damages under Minnesota law,” Riley said.

J&J has faced more than 3,400 state and federal lawsuits alleging tendon injuries from Levaquin, according to court filings. The company had settled about 845 of them by last month, according to an Oct. 30 filing in federal court in Minneapolis, where a judge is overseeing about 1,900 Levaquin lawsuits.

The New Brunswick, New Jersey-based company has won three of the four Levaquin cases that have gone to trial. Schedin's case was the only such victory for the plaintiffs.

Achilles Ruptures

Schedin, 84, who said he ruptured both Achilles tendons after taking Levaquin, claimed the companies failed to warn doctors and patients of the drug's association with tendon damage.

“We're disappointed in the reversal of the punitive damages award,” Ronald

Goldser, Schedin's attorney, said today in a phone interview. The decision upholding the rest of the verdict "makes it easier for consumers" to pursue such cases, he said.

"We are pleased with the ruling by the U.S. Court of Appeals for the Eighth Circuit overturning the award of punitive damages," Shaun Mickus, a J&J spokesman, said in an e-mailed statement. "When used according to the product labeling, Levaquin has been proven to be a safe and effective medication."

The lower court case is *Schedin v. Johnson & Johnson*, 08- cv-05743, combined for trial in *In re Levaquin Products Liability Litigation*, 08-md-01943, U.S. District Court, District of Minnesota (Minneapolis). The appellate case is *In re Levaquin Products Liability Litigation*, 11-3117, U.S. Court of Appeals for the Eighth Circuit (St. Louis).