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BREAKING: SC Jury Sides With J&J In Asbestos-In-Talc Trial

By **Daniel Siegal**

Law360 (May 21, 2019, 5:43 PM EDT) -- A South Carolina jury on Tuesday took roughly three hours to find that Johnson & Johnson was not responsible for a woman's mesothelioma, rejecting her claims that the company had been hiding asbestos in its talc products for decades.

Following a roughly weeklong trial, the Richland County jury returned with a verdict entirely in favor of J&J and its subsidiary J&J Consumer Inc., finding that they were not negligent, had not breached the implied warranty on their products and did not sell products that caused plaintiff Beth-Anee Johnson's illness.

The 49-year-old Johnson was diagnosed with peritoneal mesothelioma roughly two years ago and alleges that her disease was caused by exposure to asbestos in J&J brand Johnson's Baby Powder, which her mother used on her several times a day when she was a baby, and which she used on herself multiple times a week for over two decades, according to court documents.

Johnson filed her complaint in April 2018, joining the thousands of suits that have been filed across the country in recent years accusing J&J of selling asbestos-tainted talcum powder products and giving consumers mesothelioma.

Over a month ago, J&J removed the case to South Carolina federal court, arguing that it should be consolidated with thousands of others in Delaware federal court because of their inherent connection with J&J's former talc supplier, Imerys Talc America Inc., which declared bankruptcy in that state earlier this year.

The company had argued that moving the cases to Delaware would streamline the resolution of the claims.

On May 3, U.S. District Judge Margaret B. Seymour remanded the case to South Carolina state court, writing in her ruling that Imerys is not a party to the suit and that given how soon the trial was set to start, "recommencing these cases in federal court would result in injustice to plaintiffs."

Judge Seymour did note that her decision would not prevent the District of Delaware from taking jurisdiction over the suit if it chose to do so, but roughly a week later that court also rebuffed J&J.

U.S. District Judge Maryellen Noreika in Delaware denied the company's motion to transfer the cases, ruling that J&J has not met "the burden for immediate, ex parte relief, which is rarely granted."

Johnson is represented by W. Christopher Swett of Motley Rice LLC.

J&J is represented by Allison M. Brown of Weil Gotshal & Manges LLP, Michael A. Brown of Nelson Mullins Riley & Scarborough LLP and Louis P. Herns of Milligan & Herns PC.

The case is Beth-Anee F. Johnson et al. v. Johnson & Johnson et al., case number 18-CP-40-01781, in South Carolina's Court of Common Pleas, Fifth Judicial Circuit.

--Additional reporting by Emily Field. Editing by Breda Lund.

For additional coverage of this trial visit **Courtroom View Network**.

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