



<b>CAPTION</b>
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Commonwealth of Pennsylvania, c/o Office of General Counsel, Respondent

v.

Janssen Pharmaceutica, Inc., trading as:"Janssen, LP", Petitioner

<b>CASE INFORMATION</b>
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Initiating Document:	Petition for Extraordinary Relief		
Case Status:	Closed		
Journal Number:			
Case Category:	Civil	Case Type(s):	Tort

<b>CONSOLIDATED CASES</b>	<b>RELATED CASES</b>
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<b>COUNSEL INFORMATION</b>
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Attorney:	David John Antczak, Esq. Drinker, Biddle & Reath, L.L.P.
Address:	1 Logan Sq Philadelphia, PA 19103--6996
Phone No:	(215) 988-2558
Representing:	Janssen Pharmaceutica, Inc., Petitioner
Pro Se:	No
IFP Status:	

Attorney:	Joanne Celia Lewers, Esq. Drinker, Biddle & Reath, L.L.P.
Address:	1 Logan Sq Philadelphia, PA 19103
Phone No:	(215) 988-2712
Representing:	Janssen Pharmaceutica, Inc., Petitioner
Pro Se:	No
IFP Status:	

Attorney:	Kenneth Alonzo Murphy, Esq. Drinker, Biddle & Reath, L.L.P.
Address:	1 Logan Sq 18th & Cherry Sts Philadelphia, PA 19103
Phone No:	(215) 988-2837
Representing:	Janssen Pharmaceutica, Inc., Petitioner
Pro Se:	No
IFP Status:	




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**COUNSEL INFORMATION**


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Attorney: Edward M. Posner, Esq.  
 Drinker, Biddle & Reath, L.L.P.  
 Address: 1 Logan Sq 18th & Cherry Sts  
 Philadelphia, PA 19103--6996  
 Phone No: (215) 988-2716  
 Representing: Janssen Pharmaceutica, Inc., Petitioner  
 Pro Se: No  
 IFP Status:

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Attorney: Stewart Lee Cohen, Esq.  
 Cohen, Placitella & Roth, P.C.  
 Address: 2001 Market St Ste 2900  
 Philadelphia, PA 19103  
 Phone No: (215) 567-3500  
 Representing: Commonwealth of PA, c/o Office of General Counsel, Respondent  
 Pro Se: No  
 IFP Status:

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Attorney: Robert E. J. Curran, Esq.  
 Address: 8 W Front St  
 PO Box 30  
 Media, PA 19063  
 Phone No: (610) 565-0505  
 Representing: Commonwealth of PA, c/o Office of General Counsel, Respondent  
 Pro Se: No  
 IFP Status:

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Attorney: William David Marvin, Esq.  
 Cohen, Placitella & Roth, P.C.  
 Address: 2001 Market St Ste 2900  
 Philadelphia, PA 19103  
 Phone No: (215) 567-3500  
 Representing: Commonwealth of PA, c/o Office of General Counsel, Respondent  
 Pro Se: No  
 IFP Status:

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Attorney: Stephanie Marie Chmiel, Esq.  
 Jones Day  
 Address: 500 Grant St Ste 4500  
 Pittsburgh, PA 15219  
 Phone No: (412) 394-7910  
 Representing: Chamber of Commerce of the United States of America, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**

Attorney: Leon F. DeJulius Jr., Esq.  
 Jones Day  
 Address: 500 Grant St Ste 4500  
 Pittsburgh, PA 15219  
 Phone No: (412) 394-9528  
 Representing: Chamber of Commerce of the United States of America, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Charles H. Moellenberg Jr., Esq.  
 Jones Day  
 Address: 500 Grant St Ste 4500  
 Pittsburgh, PA 15219  
 Phone No: (412) 391-3939  
 Representing: Chamber of Commerce of the United States of America, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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**SUPREME COURT INFORMATION**

Appeal From: Appeal from the Order of the Court of Common Pleas of Philadelphia County entered 12/9/2008 at 2181 January Term, 2008.

Appeal Filed Below:

Probable Jurisdiction

Noted: Docketed Date: January 7, 2009

Allocatur Granted: Allocatur Docket No:

Allocatur Grant Order:

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**INTERMEDIATE APPELLATE COURT INFORMATION**

Court Name: Docket Number:  
 Date of Order: Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:

Judge(s):

Intermediate Appellate Court Action:

Referring Court:

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**AGENCY/TRIAL COURT INFORMATION**

Court Below: Philadelphia County Court of Common Pleas  
 County: Philadelphia Division: Philadelphia County Civil Division  
 Date of Agency/Trial Court Order: December 9, 2008  
 Order Type:  
 OTN(s):  
 Lower Ct Docket No(s): 2181 January Term, 2008  
 Lower Ct Judge(s): Abramson, Howland W.  
 Judge

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**ORIGINAL RECORD CONTENT**



## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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## Record Remittal:

## DISPOSITION INFORMATION

Related Journal No:	Judgment Date:	June 30, 2009
Category: Decided	Disposition Author:	Per Curiam
Disposition: Granted	Disposition Date:	June 30, 2009
Dispositional Filing:	Author:	
Filed Date:		

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 6, 2009	<b>Application for Extraordinary Relief of Ortho-McNeil-Janssen Pharmaceuticals, Inc.</b>	Petitioner	Janssen Pharmaceutica, Inc.
January 20, 2009	<b>Brief in Opposition Filed</b>	Respondent	Commonwealth of PA, c/o Office of General Counsel
January 29, 2009	<b>Application of Ortho-McNeil-Janssen Pharmaceuticals, Inc. for Leave to File Reply in Support of</b>	Petitioner	Janssen Pharmaceutica, Inc.
Comments: Application for Extraordinary Relief			
January 30, 2009	<b>Respondent Commonwealth of Pennsylvania's Answer In Opposition to Application for Leave to</b>	Respondent	Commonwealth of PA, c/o Office of General Counsel
Comments: File Reply Brief of Petitioner Ortho-McNeil-Janssen Pharmaceuticals, Inc.			
February 11, 2009	<b>Application for Leave to File Amicus Curiae Brief and Proposed Amicus Curiae Brief of Chamber of</b>	Amicus Curiae	Chamber of Commerce of the United States of America
Comments: Commerce of the United States of America in Support of Ortho-McNeil-Janssen Pharmaceuticals, Inc.			



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>February 18, 2009</b>	<b>No Brief in Opposition Letter Filed</b>	Respondent	Commonwealth of PA, c/o Office of General Counsel
Comments: Response to U.S. Chamber of Commerce's Application for Leave to File an Amicus Curiae Brief in Support of Petitioner, Nunc Pro Tunc			
<b>February 18, 2009</b>	<b>No Brief in Opposition Letter Filed</b>	Petitioner	Janssen Pharmaceutica, Inc.
<b>June 30, 2009</b>	<b>Granted</b>		Per Curiam

## Comments:

AND NOW, this 30th day of June, 2009, the Application for Leave to File Reply and the Application for Leave to File Amicus Curiae Brief filed by the Chamber of Commerce of the United States of America are GRANTED.

Furthermore, the Application for Extraordinary Relief is GRANTED. See 42 Pa.C.S. § 726. Our Prothonotary is directed to set a briefing schedule and list this matter for oral argument. The issues to be briefed are:

- A. Whether 71 P.S. § 732-103 dictates that Petitioner lacks standing to seek disqualification of Bailey Perrin Bailey, LLP on the basis of alleged violations of constitutional law.
- B. Whether the Attorneys Act, 71 P.S. § 732-101 et seq., authorizes the Office of General Counsel's contingent fee arrangement with Bailey Perrin Bailey, LLP.
- C. Whether Bailey Perrin Bailey, LLP, should be disqualified because the General Assembly did not authorize the contingent fee arrangement between the Office of General Counsel and the law firm, such that the agreement violates Article III, § 24 and the separation of powers mandate of the Pennsylvania Constitution.
- D. Whether Bailey Perrin Bailey, LLP should be disqualified because the due process guarantees of the United States and Pennsylvania Constitutions prohibit the Commonwealth from delegating the exercise of its sovereign powers to private counsel with a direct contingent financial interest in the outcome of the litigation.

Mr. Justice Baer and Madame Justice Greenspan dissent.

<b>June 30, 2009</b>	<b>Order Exited</b>	Office of the Prothonotary
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## CROSS COURT ACTIONS

Docket Number: 24 EAP 2009