

**Johnson & Johnson Statement  
on Petition for a Writ of Certiorari Filed to the United States Supreme Court**

**March 2, 2021**

New Brunswick, NJ - Johnson & Johnson has filed its petition to the United States Supreme Court requesting review of the *Ingham* verdict. This was a fundamentally flawed trial in which numerous legal errors allowed a faulty presentation of the facts, resulting in an incorrect verdict and arbitrary and disproportionate damages. The *Ingham* verdict is also at odds with decades of independent scientific evaluations confirming Johnson's Baby Powder is safe, is not contaminated by asbestos and does not cause cancer. The Company hopes the United States Supreme Court will consider the case and ensure that due process rights and access to a fair trial are protected at every level of the legal system.

**Petition excerpts:**

"Today, confusion reigns in the lower courts over the due-process boundaries of mass trials—and whether jury instructions by themselves are a sufficient antidote to the jury confusion and prejudice mass trials cause. The Court should intervene here to curb due-process abuses in mass-tort suits and ensure that state courts give mass-tort defendants the same rights as everyone else." (pp. 3-4)

"Each issue warrants the Court's attention. That they are presented in a single petition challenging one of the largest verdicts ever in a products-liability case gives the Court an extraordinary opportunity to resolve the most common and troubling due-process questions posed by mass-tort litigation, a gap left open by this Court's precedents." (p. 5)

"If the Due Process Clause means anything, it means that a defendant cannot be deprived of billions of dollars without a fair trial. The mass trial of 22 plaintiffs' claims here obscured plaintiffs' individual circumstances—and Petitioners' individual defenses—through the sheer breadth of testimony and instructions thrown at the jury. Consolidation obviously had that effect because the jury returned 22 identical verdicts for 22 dissimilar plaintiff families and because each plaintiff received awards that far-outstripped the compensatory verdicts against Petitioners in single-plaintiff Missouri cases." (pp. 10-11)

"The state and federal courts are also deeply divided over whether due process permits a punitive damages award that far exceeds substantial compensatory damages. . . . . As this petition starkly illustrates, whether a defendant is subject to millions or even billions of dollars in punitive damages greatly depends on the courthouse in which a case is brought." (p. 21)

"The questions posed here are . . . broadly applicable. Whether dozens of tort plaintiffs may proceed to trial before the same jury—and under what circumstances—is a crucial question for both state and federal courts, which must ensure that multi-plaintiff trials comply with due process. Whether a punitive award may far exceed a substantial compensatory award is a significant constitutional question that courts will continue to face. And whether personal jurisdiction exists when a defendant's in-state actions have no substantive connection to a plaintiff's claims is an issue this Court has already granted certiorari to consider." (p. 35)

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