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# In the Supreme Court of Ohio

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CERTIFIED QUESTION FROM THE U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION  
CASE No. 3:06CV40010

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MELISA ARBINO,  
*Petitioner,*

v.

JOHNSON & JOHNSON, et al.,  
*Respondents.*

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**RESPONDENTS JOHNSON & JOHNSON, ORTHO-McNEIL  
PHARMACEUTICAL, INC. AND JOHNSON & JOHNSON PHARMACEUTICAL  
RESEARCH AND DEVELOPMENT, LLC'S ADDITIONAL AUTHORITIES  
(S.Ct.Prac.R. IX, Sec. 8)**

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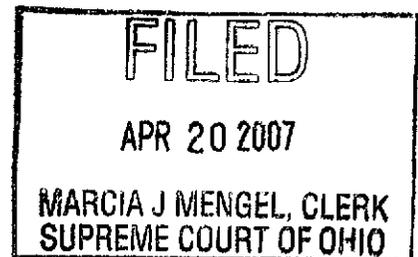
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**LIST OF ADDITIONAL AUTHORITIES RELIED  
UPON DURING ORAL ARGUMENT (S.Ct.Prac.R. IX, Sec. 8)**

Respondents Johnson & Johnson, Ortho-McNeil Pharmaceutical, Inc. and Johnson & Johnson Pharmaceutical Research and Development, LLC, by and through counsel and pursuant to S.Ct.Prac.R. IX, Sec. 8, hereby give notice of the following authorities, not cited in the merit briefs, upon which Respondents intend to rely at the oral argument of this matter scheduled for May 1, 2007.

- *Philip Morris USA v. Williams* (2007), 127 S.Ct. 1057, 1062 (“Unless a State insists upon proper standards that will cabin the jury’s discretionary authority, its punitive damages system may deprive a defendant of ‘fair notice \*\*\* of the severity of the penalty that a State may impose’” (citation omitted));
- *C.J. v. Alaska Dept. of Corrections* (Alaska 2006), 151 P.3d 373, 382 n.47 (upholding cap on non-economic damages against equal protection challenge: “[L]imited judicial review of the rationality of economic regulation of all types has been a basic feature of state and federal law since the demise of *Lochner v. New York*, which constitutionalized laissez-faire economic principles” (citation omitted));
- *Southstar Funding, LLC v. Sprouse*, slip op. (Mar. 13, 2007), U.S.D.C. (W.D.N.C.) No. 3:05-CV-253-W, 2007 WL 812174 at \*6 (“Thus, a state statute that limits punitive damages to a reasonable ratio of actual damages not only survives scrutiny

under the commerce clause, but may also be necessitated by due process and other constitutional concerns”).

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

A copy of the foregoing **Respondents Johnson & Johnson, Ortho-McNeil Pharmaceutical, Inc. and Johnson & Johnson Pharmaceutical Research and Development, LLC's Additional Authorities (S.Ct.Prac.R. IX, Sec. 8)** has been served this 19th day of April, 2007, by U.S. Mail, postage prepaid, upon the following:

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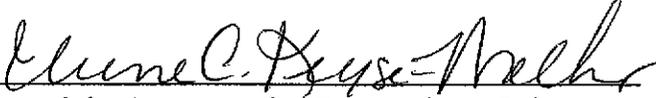
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