

No. _____

ORIGINAL

24-5593

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUL 11 2024

OFFICE OF THE CLERK

Otis Brandon
— PETITIONER
(Your Name)

vs.

Janssen / Johnson & Johnson
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals (4th Cir)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Otis Brandon

(Your Name)

C/o WELLPATH 4546 Braod River Road
(Address)

Columbia, SOUTH CAROLINA 29210
(City, State, Zip Code)

N/A/

(Phone Number)

QUESTION(S) PRESENTED

- 1) Did the lower courts fail to consider numerous cases alleged agianst the parmaceutical company Janssen and Johnson & Johnson for misrepresentation, falsifying labels, etc?
- 2) Did the lower courts fail to consider the numerous cases were the Federal Drug Administration cited the company Janssen Pharmaceuticals and Johnson & Johnson for failure to inform of the dangerous side effects of thier drug?
- 3) Did the lower courts follow a misinterpretation of judgement passed by other Justices and other courts?
- 4) Did the lower courts fail to include in their decision same / similar issues decided in other cases? (see related cases)
- 5) Did the lower court follow a error of fact?
- 6) Didi the lower courts fail to take into account numerous case were ruled against the defendants for allegations sighted by plaintiff?
- 7) Did the lower courts fail to take into account the plaintiffs "lack of Capacity" and Serious Mental Illness?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Otis Brandon v JANSSEN PHARMACEUTICALS; JOHNSON & JONSON INC.

RELATED CASES

Thomas v Bobardier Recreational Prods. Inc. 682 F. Supp. 2d 1297, 1300 (M.D. Fla. 2010)

In Re. Alkermes Securities Litigation 2005 U.S. Dist. LEXIS 25826 (Oct. 6, 2005)

Covington v Janssen Pharm. Inc. No 4:17-CV-1588 snlj 2017 U.S. Dist. LEXIS 126641, 2017 WL 3433611 @ *5 (E.D. Mo Aug. 10 2017)

Chamian v. Sharplan Lasers Inc. No 200000171, 2004 Mass. Super LEXIS 357, 2004 WL 2341569 *6 - 7 (Mass. Super. Ct. 24, Sept 2004)

Danaher v Wild Oats Markets Inc. Et. Al. United States District Court District Kansas 779 F. Supp. 2d 1198 - 2011 U.S. Dist. LEXIS 25404 Civil Action No. 08-2293-DJW (14, MArch 2011)

Ackerson v Janssen Pharmacuetical 4:17-CV-01303-JCH

Murray v Janssen Pharmacueticals Inc. 180 A. 3d 1235 (Pa. Supr. Ct. 2018)

Stange v Janssen Phamaceuticals Inc. 179 A. 3d 45 (Pa. Supp. Ct. 2018)

Cole v Janssen Pharm. Inc. No 15 Civ. 57, 265 F. Supp. 3d 892, 2017 U.S. Dist. LEXIS 111026, 2017 WL 3044642 @ *1 (E.D.)

In Re. Darvocet 756 F. 3d @ 938 - 939 (collecting cases to have taken a minority view)

Sheffield V Janssen Pharmaceuticals (2017)

Akerson V Janssen Pharmacutueicals (2017)

Somerville V Janssen Pharmaceuticals (2017)

Stange v Janssen Pharmaceuticals

Pledger v Jansse Pharmacuticals

Murray v Janssen Pharmaceuticals (2018)

Covington V Janssen Pharamcuticals (2017)

United States v Embry (2005)

United States v Bartlett (1998)

Wyeth v Levine (2009)

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at *Brandon v. Janssen pharma. C.A. 3:23-cv-4192, BOPAC-P5G*
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May, 24 2024.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: no paperwork, and a copy of the order denying rehearing appears at Appendix ?.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

**Thomas v Bobardier Recreational Prods. Inc 682 F. Supp. 2d 1297, ¶300 (M.D. Fla. 2010)) The suffering and reasonableness of the warning over questions of facts best left for the jury. Unless the warnings are accurate, clearly unambiguous.

**In Re. Alkermes Securities Litigation 2005 U.S. Dist. Lexis 25826 (Oct. 6, 2005)) the F.D.A. issued a non - approval letter.. based on toxicology reports.

**Covington v Janssen Pharms. Inc. No 4:17-CV-1588 snlj 2017 U.S. Dist. LEXIS 126641, 2017 WL 3433611 @ *5 (E.D. Mo. Aug. 10, 2017)) Plaintiff stated they have evidence the defendants... with Washington Univ. School of Medicine in St. Louis to conduct Risperdal studies.

**Chamian v Sharplan Lasers Inc. No. 200000171, 2004 Mass. Super. LEXIS 357, 2004 WL 2341569 *6 - 7 (Mass. Supp. Ct. Sept 24 2004)) Physicians would have changed the prescribing decision had there different warnings.

**Danaher v Wild Oats Markets INC. Et. Al. United States Dist. of Kansas 779 F. Supp. 2d 1198 (14, March 2011)) It is generally understood that the duty to warn encompasses two separate duties

** Ackerson v Janssen Pharmaceutical (4:17-CV-01303_JCH)) Misrepresented known dangers and / or defects in Risperdal.

**Murray v Janssen Pharmaceutical 180 A. 3d 1235 (Pa. Supr. Ct. 2018)) Dr. Kessler argued that information contained in Risperdal label vastly understated the risk.

**Cole v Janssen Pharma. Inc. No. 15 Civ. 57, 265 F. Supp. 3d 892, 2017 U.S. Dist. LEXIS 111026, 2017 WL 3044642 *1 (E.D.) An online news reported there are currently more than 5,500 lawsuits pending in the Complex Litigation Center of Philadelphia

**United States v Bartlett 60 M.J. 976, 2005 CCA LEXIS 92 (A.C.C.A. 13, Mar. 2005) permitted defendant in final argument to put forth the theory of his Lack of Capacity and he took full advantage

**South Carolina Code of Law §43-35-595 Vulnerable adult protection act.

**South Carolina Code of Law §16-3-1050 Neglect or exploitation of a Vulnerable Adult

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Thomas v Bombardier Recreational Prods. Inc. 682 F. Supp. 2d 1297, 1300 (M.D. Fla. 2010)-----	
In Re. Alkermes Securities Litigation 2005 U.S. Dist. LEXIS 25826 (Oct. 6, 2005)-----	
Covington v Janssen Pharm. Inc. No. 4:17-CV-1588 snlj 2017 U.S. Dist. LEXIS 126641, 2017 WL 3433611 @ *5 (E.D. MO. 10, Aug. 2017)-----	
Chamian v Sarplan Lasers Inc. No 200000171, 2004 Mass. Super LEXIS 357, 2004 WL 2341569 * 6 - 7 (Mass. Super. Ct. 24, Sept 2004)-----	
Stange v Janssen Pharmaceuticals Inc. 179 A. 3d 45 (Pa. Supp. Ct. 2018)-----	
STATUTES AND RULES	
South Carolina Code of Law 44 - 48 10 Seq. Al. Control, Care, Treatment of persons in care-----	
South Carolina Code of Law § 16 - 3 - 1050 Neglect or Exploitation of a Vulnerable adult (B)-----	
South Carolina code of Law § 43 - 35 - 595 Vulnerable Adult Protection Act-----	
South Carolina Code of Law § 23 - 3 - 810 Vulnerable Adult--	
United States Code of Law 1 U.S.C.S. § 1 -----	
United States Code of Law 1101 (a), (43); 110 Stat. 1278 Id @ 3009 - 3628-----	
OTHER	

STATEMENT OF THE CASE

First the Plaintiff states that it is believed that the defendants knowingly continued falsifying the risk of the drug Risperdal by statements and a failure to disclose additional information on the labels of their drug to continue the conning of the market of the Antipsychotic drug market. (Section 205 (a) nad 201 (n) of the Federal Food, Drug, Cosmetic Act). As Dr. Kessler argued in court that information contained in the Risperdal (sic) label vastly under stated the risk (Murray v. Janssen Pharmaceuticals Inc. 180 A 3d 1235 (Pa. Suppr. Ct. 2018)) Further stated were defendants engaged in unlawful conduct involving the 'concealment of the charter, quality and nature of the product Risperdal (Ackerson v Janssen Pharmaceuticals 4:17-CV-01303-JCH).

The Petitioner believes that to prevail in a pharmaceutical injury case a petitioner must establish two (2) types of causeation (1) General referring to a drugs "ability to cause the injury" (2) Specific referring to the drug "did cause the injury in the case". In (Murray v Janssen); Stange v Janssen Pharmaceuticals Inc. 179 A. 3d 45 (Pa. Supp. Ct. 2018) it has been shown that the Respondents continued a false champaign failing to show the adverse effects of thier drug, vastly under- stating the risk showing that the drug had the ability to cause the injury. Also in (Cole v Janssen Pharma. Inc. No. 15 Civ. 57, 265 F. Supp. 3d 892, 2017 U.S. Dist. LEXIS 111026, 2017 WL 3044642 @1 (E.D.) cases generally allege that Risperdal use caused boys and young men to undergo Gynecomastia, a condition in which males developed female breast tissue. That can / do develope breast milk and lactae. As of April 10, 2017 eight of the cases had gone to trial with verdicts evenly split between the defendants and plaintiffs. To include monetary awrds to one case. AS in the origianl case Petitoner showed were in facility doctor for the South Carolina Department of Mental Health stated "it was his belief that the petitioner had developed female breast and those breast were developing lumps". Therefore he sent petitioner to an outside, independent doctor that confirmed the diagnosis and then performing a mammogram

also confirmed that the lumps had developed though at the time were benign. Though stated "petitioner must continue to have mammograms to confirm the lumps remain in a benign state".

Petitioner further states that (In re. N.Y. city asbestos Litig. 27 N.Y. 3d 765, 37 N.Y.S. 3d 723, 59 N.E. 3d 458 (2016); the court of appeals expanded product manufacture liability by finding that manufactures had a duty to warn potential dangers resulting from thier product use in conjunction with third party products. Also (In re. Darvocet, 756 F. 3d @ 938 - 939 (collecting cases to have taken a minority view) courts have generally found that a duty exists for brand - named manufactures over the warnings of thier generic equivalents because named - brand manufactures should "reasonable foresee" taht patients will be prescribed generic medication in reliance on the brand - named manufactures representation. As the Petitioner is a vulnerable adult shown under the South Carolina Code of Law §44-48-10Seq. Al. having a mental abnormality / serious mental illness as described in the Diagnostic and Statical Manual Fifth Edition (D.S.M. -5) under (Chaian v Sharplan Laser Inc. No. 200000171, 2004 Mass. Suppr. LEXIS 357, 2004 WL 2341569, *6 - 7 (Mass. Suppr. Ct. Sept. 24, 2004) Physicians would have changed the prescribing decision had there been diffrent warnings. This is alleged by the Petitioner as the South Carolina Department of Mental Health have a duty to Petitioner written in the statue §44-48-10 Seq. Al. by Legislature for the "control, CARE, and treatment" to prevent harm. The respondents failed in it's duty to warn as shown (Daaher v Wild Oats Markets Inc. Et. Al. United States District Court Dist. Kansa 779 F. Supp. 2d 1198, 2011 U.S. Dist. LEXIS 25404 Civil Action No. 08-2293-DJW (March 14 2011). It is genneraly understood that the duty to warn encompasses two seperate duty; (1)the duty to provide a warning of dangers inherit in use (2) the duty to provide adequate instructions for safe use.

It is the petitioners belief that the lower courts followed a misinterpretation of judgements as shown in (Article 2 Chapter 38) the statue of limitations shall be commenced whithin three (3) years from date of treatment omission or operation giving the rise to casue. Also three (3) years from date of discovery not to exceed six (6) years from date of occureance. Also the error that "omission or incomplete information can serve as the basis of a false statement (In re. Celexa & Lexapro Mktg. & sales practices Litig. 779 F. 3d 34, 41 (1st Cir. 2015) & (Cox v Edwards 8 S.C. 1, 11 (1876)) the exclusive judge of saftey and efficacy based on information available at the commencement of marketing,[but].... states [may] reach contrary conclusions when new inforamtion not considered by the F.D.A. develops. There is a misreprenstation if a statement is caculated to mislead. (Thomas v Bombardier Recreational Prods. Inc. 682 F. Supp. 2d 1297, 1300 (M.D. Fla. 2010)) the suffering & reasonableness of the warning are questions of fact but left for the jury, unless the warning are accurate, clear, unambigiuos.

As stated the respondents run, approved and perpetrated a false campagin of agressive marketing false, omitted labeling warnings to conner the market of the Antipscohtic drug market and to maintine that connered market by continuing the omission of valuable, need warning inforamtion therefore leading to the harm, injury (both mentally, emotionally, and phsically) of the petitioner.

Further the cases not named in the above are relevant to the case though petitoner believes the cases stated speak for them selves to show a continues, growing litigation against the respondent and the rulings that the repondents acted with malice and a disregard to the petitoner and the numerous others harmed by the use of this dangerous drug.

REASONS FOR GRANTING THE PETITION

The petitioner believes that the petition should be granted because not only has this company started a campaign of deceit and omission it has also continued the omission and deceit. It (Janseen, Johnson & Johnson) has mislead the public, doctors nursing staff to make sure they (Janssen, Johnson & Johnson) remain on the top of the marketing pile for the Antipsychotic drug market at the expense of the health, mental, emotional well being of the consumer market that are prescribed the drug by unknowing or complacent doctors.

It is the petitioners belief that the dangers of the drug, Risperdal and its generic counterpart will continue if the courts do not rule that the company is held responsible for the case(s) filed agianst it be it through the individual case(s) filed or be it class action lawsuit filed agianst the comapanies.

This to show others (large companies) that the damage do to the public will not be tolerated by the legal system. Nor shall the health (physical, menatl, emotional) of the general public be placed in danger in the pursuit of the all my dollar.

Further the Petitioner sayth not.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ole Brander

Date: 9/5/24

WITNESSES

We the undersigned Witnesses hereby STAND and Attest Otis Brandon, signed this document on this 23 day of August, 2024, of his Own Free Will, as witnessed by Our Signatures below:

Ot Brandon 8/23/24

First Witness Signature

Address: _____

Second Witness Signature

Address: _____

OR

JURAT

STATE OF SC)
) Scilicet
County of Richland)

SUBSCRIBED TO before me this 23 day of August, A.D. 2024,
Janie Hough a Notary, that Otis Brandon

personally appeared and known to me to be the man whose name subscribed to the within instrument, and acknowledged to be the same.

Janie Hough

Seal:

Notary Public in and for said State

My Commission expires: 12/09/2031

