

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 against the pharmaceutical company Janssen and Johnson & Johnson for misrepresentation, falsifying labels, etc?
- 2) Did the lower courts fail to consider the numerous cases where the Federal Drug Administration cited the company Janssen Pharmaceuticals and Johnson & Johnson for failure to inform of the dangerous side effects of their 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) Did 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 Pharms. 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, Sept2004)

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. Suppr.  
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 Pharmaceuticals

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. 3:23-4192, RMC-PSG  
☐ 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 repaorts.
- \*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  
Respidal 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 perscribing 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 seperate duties
- \*\* Ackerson v Janssen Pharmaceutical (4:17-CV-01303\_JCH)**  
Misrepresented know dangers and / or defects in Risperdal.
- \*\*Murray v Janssen Pharmaceutical** 180 A. 3d 1235 (Pa. Sppr. Ct.  
2018)) ~~XXX~~  
Dr. Kessler argued that information contained in Risperdal label  
vastly under stated 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 arguement to put  
forththeroy 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 Negelect or explotation  
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 Pharms. 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 perosn in care-----

South Carolina Code of Law § 16 - 3 - 1050 Neglect or  
Explotation 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 connering 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 thatto pervail in a pharmaceutical injury case a petitioner must establish two (2) types of causeation (1) General reffering to a drugs "ability to cuase the injury" (2) Specific reffering to the drug "did cause the injury in the case". In (Murray v Janssen); Stange v Janssen Pharmacuticals Inc. 179 A. 3d 45 (Pa. Supp. Ct. 2018) it has been shown that the Respondents continued a false champain failing to show the adverse effects of thier drug, vastly understating 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 veiw) 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 prescibed 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 Fifith 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) Physicains 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 statute of limitations shall be commenced within 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 occurance. 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 safety 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. developes. 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, unambiguos.

As stated the respondents run, approved and perpetrated a false campaign of aggressive marketing false, omitted labeling warnings to conner the market of the Antipschoctic 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 petitioner 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 petitioner 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 (Janssen, Johnson & Johnson) has misled 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 against it be it through the individual case(s) filed or be it class action lawsuit filed against the companies.

This to show others (large companies) that the damage done to the public will not be tolerated by the legal system. Nor shall the health (physical, mental, 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,

Ofa Brander

Date: 9/15/24

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 Beader 8/23/24

First Witness Signature

Address: \_\_\_\_\_

Second Witness Signature

Address: \_\_\_\_\_

OR

JURAT

STATE OF SC )  
County of Richland ) Scilicet

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

