

Johnson & Johnson Statement on Beasley Allen's Fraudulent Votes

September 27, 2024 - Attributable to Erik Haas, Worldwide Vice President of Litigation, Johnson & Johnson:

"The Beasley Allen's firm misstates the record in a failed attempt to explain away the blatantly false certification submitted by its partner Andy Birchfield. First, the vote count was not determined until the final votes were submitted, vetted and "certified" by the independent claims administrator Epiq, which did not occur until September 19, when Epiq announced that 83% of the claimants supported the Plan.

Second, and significantly, Beasley Allen's assertion that one can determine the voting percentage as of the end of the initial solicitation (before it was extended at the request of the objecting parties) simply by moving ~12k votes of Beasley Allen from the "Yes" to "No" is false—and only serves to highlight the egregious nature of Birchfield's fraud. That assertion disregards the number of claimants that affirmatively voted in favor of the Plan during the initial (and extended) solicitation, but who Birchfield falsely certified under oath that he contacted and secured their informed consent to oppose the Plan. Taking into account just those votes, the percentage approving the Plan is still far in excess of the statutory threshold of 75%.

Third, and only further amplifying the misdirection and misrepresentation, Beasley Allen fails to address that Birchfield purported to obtain the "informed consent" of claimants who are deceased (and had no legal appointed representative), whose claims were dismissed, and that who had non-ovarian cancer that Birchfield claimed was non-compensable. Tellingly, while making these false statements to the media, Beasley Allen simultaneously is now opposing discovery of these very issues, knowingly full well that Birchfield's statements will be shown to be what they are—utterly false.

Finally, in the end what matters is that the claimants had the opportunity to express their views, which they did following the solicitation by Beasley Allen's co-counsel The Smith Law Firm, and in doing, announced their overwhelming support for the Plan. We look forward to the full discovery of this malfeasance before the Bankruptcy Court in Houston, where the Court in New Jersey held this week they should be decided."

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