

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

In re

IMERYS TALC AMERICA, INC., et al.¹

Debtors.

Chapter 11

Civ. Action No. 1:19-mc-00103-MN

Bankr. Case No. 19–10289 (LSS)

Jointly Administered

**JOHNSON & JOHNSON’S AND JOHNSON & JOHNSON CONSUMER INC.’S
EMERGENCY MOTION FOR PROVISIONAL TRANSFER
UNDER 28 U.S.C. § 157(b)(5)**

Pursuant to 28 U.S.C. § 157(b)(5), Johnson & Johnson and Johnson & Johnson Consumer Inc. (collectively, “J&J”) hereby move this Court for entry of an order provisionally transferring to this District the personal injury and wrongful death claims against J&J in the cases identified on **Exhibit A** (the “Talc Claims”)² to the proposed form of order, which is attached hereto as **Exhibit 1**.

The Talc Claims include talc-related claims brought against J&J in (1) state trial courts (the “State Court Talc Claims”) and (2) federal trial courts (the “Federal Talc Claims”), all alleging that exposure to talc supplied by Imerys Talc America, Inc., Imerys Talc Vermont, Inc., and Imerys Talc Canada Inc. (collectively, the “Debtors”) caused the plaintiffs’ injuries.

In support of this motion, J&J offers the: (1) Memorandum of Law in Support of Johnson & Johnson and Johnson & Johnson Consumer Inc.’s Emergency Motion for a Provisional

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Imerys Talc America, Inc. (6358), Imerys Talc Vermont, Inc. (9050), and Imerys Talc Canada Inc. (6748). The Debtors’ address is 100 Mansell Court East, Suite 300, Roswell, Georgia 30076.

² J&J respectfully requests that the Court take judicial notice that Exhibit A identifies the actions alleging personal injury and wrongful death Talc Claims against J&J, including those claims being removed from state to federal court pursuant to 28 U.S.C. § 1452.

Transfer Under 28 U.S.C. § 157(b)(5) (the “Memorandum of Law”); and (2) the Declaration of Marihug Cedeño.

Pursuant to Local Rule 9013-1 of the United States Bankruptcy Court for the District of Delaware, J&J states that it does not consent to the entry of final orders or judgments by the Bankruptcy Court if it is determined that the Bankruptcy Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

Pursuant to Local Rule 7.1.1 of Civil Practice and Procedure of the United States District Court for the District of Delaware, the undersigned counsel for J&J avers that, under the circumstances, including the need for emergent relief, a reasonable effort could not be made to reach agreement with the parties in interest on the matters set forth in this motion prior to the filing hereof. Upon filing the instant motion, J&J will provide notice to the Official Committee of Tort Claimants.

As set forth in greater detail in the accompanying Memorandum of Law, each plaintiff alleges that exposure to the Debtors’ talc—through products like Johnson’s Baby Powder—caused personal injury and/or wrongful death. Transfer of the Talc Claims to this Court pursuant to 28 U.S.C. § 157(b)(5) will: (1) centralize the adjudication of claims impacting the Debtors’ estates; (2) ensure orderly and efficient resolution of these claims; (3) further the efficient administration of the Debtors’ estates; and (4) ensure that similarly situated creditors are treated equitably. In addition, emergent relief is necessary on account of the numerous remand and abstention motions plaintiffs have filed throughout the country since J&J filed the Motion to Fix Venue for Claims Related to Imerys’s Bankruptcy Under 28 U.S.C. §§ 157(b)(5) and 1334(b).

WHEREFORE, J&J respectfully requests that the Court grant the instant emergency motion of Johnson & Johnson and Johnson & Johnson Consumer Inc., provisionally transferring all of the Talc Claims to this Court for all purposes.

Dated: April 30, 2019
Wilmington, Delaware

Respectfully submitted,

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