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September 8, 2023

Honorable Michael A. Shipp, U.S.D.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

***Re: Johnson & Johnson Talcum Powder Products, Marketing, Sales
Practices and Products Liability Litigation
Case No.: 3:16-md-02738-MAS-RLS***

Dear Judge Shipp and Judge Singh:

The Plaintiffs' Steering Committee (PSC) submits the following in response to the Court's direction during the September 6, 2023 status conference and the Court's order of September 7, 2023.

Following the status conference, the PSC promptly sought the assistance of Professor Lynn Baker, the Frederick M. Baron Professor of Law at the University of Texas School of Law and a recognized expert in ethical issues, including conflicts of interest. Professor Baker's analysis of the potential appointment of Freda L.

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Wolfson, U.S.D.J. (ret.) for the limited purpose of addressing *Daubert*-related disputes and motions in this matter is attached to this letter as Exhibit A.¹

Based on Professor Baker's analysis, the PSC's position is that applicable law precludes Judge Wolfson's appointment due to her role as a partner at the Lowenstein Sandler law firm, local counsel to Johnson & Johnson in the LTL bankruptcy, and that the PSC cannot consent to her appointment.

The PSC is mindful of the immense demands on the Court's time and the additional burdens of this MDL. Due to the significance of the scientific and other *Daubert*-related issues in this litigation, however, the PSC asks the Court to decide these issues to the extent the Court thinks it is necessary.

Thank you for your consideration of our position.

Respectfully submitted,

/s/ P. Leigh O'Dell

/s/ Michelle A. Parfitt

P. Leigh O'Dell

Michelle A. Parfitt

cc: Hon. Joel Schneider, U.S.M.J. (ret.) (via email)
Susan Sharko, Esq. (via email)
All Counsel (via ECF)

¹ The PSC asks for leave to file a separate letter rather than a joint letter with Defendants per the Court's order. The PSC felt it would be helpful for the Court to have the benefit of Professor Baker's analysis. Professor Baker's declaration is filed under seal as an exhibit to this letter, necessitating that the PSC file separately.