James E. Cecchi
Lindsey H. Taylor
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Liaison Counsel for Lead Plaintiff
Sjunde AP-Fonden

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MELTZER & CHECK, LLP
280 King of Prussia Road
Radnor, Pennslyvania 19087
(610) 667-7706

Lead Counsel for Lead Plaintiff
Sjunde AP-Fonden

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD MONK, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. JOHNSON & JOHNSON, WILLIAM C. WELDON, DOMINIC J. CARUSO, COLLEEN A. GOGGINS and PETER LUTHER, Defendants.	Civil Action No. 10-4841 (FLW) (DEA) **DECLARATION OF LINDSEY H. TAYLOR**

LINDSEY H. TAYLOR, ESQ. declares as follows:

1. I am an attorney licensed to practice in New Jersey and am a member of the law firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, liaison counsel for Lead Plaintiff in the above matter. In such capacity, I am fully familiar with the facts contained herein.

2. Annexed hereto as Exhibit A is a true copy of the objection of Fred J. and Cathleen A. Wendel dated October 19, 2013, Docket Entry 115.

3. Annexed hereto as Exhibit B is a true copy of the objection of Richard Jasinski dated October 19, 2013, Docket Entry 117.

4. Annexed hereto as Exhibit C is a true copy of the objection, plus Exhibit A, of the objection of the Orloff Family Trust DTD 12/13/01, Orloff Family Trust DTD 10/03/91 and Dr. Marshall Orloff IRA R/O dated October 24, 2013, Docket Entry 119.

5. Annexed hereto as Exhibit D is a true copy of the objection of Ward C. Bourn dated October 21, 2013, Docket Entry 118.

6. Annexed hereto as Exhibit E is a true copy of the supplement to the objection of Ward C. Bourn dated November 5, 2013, and the attachment thereto, Docket Entry 121.

7. Annexed hereto as Exhibit F is a true copy of the objection of Nathan T. Hackett dated November 4, 2013, Docket Entry 120.

I hereby declare under penalty of perjury that the foregoing is true and correct.

/s/ Lindsey H. Taylor
LINDSEY H. TAYLOR

Dated: November 7, 2013

Exhibit A

RECEIVED
2013 OCT 23 PM 12:05
CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

19033 Brewster Road
Aurora, Ohio 44202

October 19, 2013

United States District Court
District of New Jersey
Clerk of the Court
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Honorable Freda L. Wolfson or Whom It May Concern:

In the class action suit against Johnson & Johnson, also known as Civil Action No. 10-4841 (FLW) (DEA), I am writing in objection to the proposed settlement, the plan of allocation, and counsel's motion for an award of attorneys' fees. The sections mentioned below are from the notice I received. I am writing on behalf of my wife and myself as the shares of Johnson & Johnson were held in a joint account.

The proposed settlement in Section 3 - Estimate of Average Amount of Recovery Per Share states in part, "the estimated average recovery per affected share of J&J common stock would be approximately $0.05 before deduction of Court-awarded attorneys' fees and Litigation Expenses." Does that mean they are filing this suit for an approximate investment recovery of 0.1% ($0.05 / $50.00 share)? If that is the case, then I think this is a frivolous lawsuit and should be dismissed. I could argue that the filing of this lawsuit which would be generally disclosed in J&J financial statements caused the value and price of their stock to drop which affected my profit at the time I sold my shares.

Moving on, the allocation is the wildest thing that I have ever seen and extremely difficult to follow (Section 44). I have a degree in accounting and I read it twice and still wasn't sure what they are trying to achieve. Continuing on this part of my objection, they state in Section 43 that they will not make a distribution if it is less than $10.00. Well that creates an issue of the size of this class -- If they are including all investor's shares, however small, to try to build such a large number to make their case, and then cut out those investors with a small number of shares, then they should not be allowed to include all those 'little people' in their case in the first place. And, if they don't include them, then the case is not fairly presented and should be dismissed. Also, if they include the 'little people' and then allocate those small amounts to the larger shareholders, that in itself is a crime. If there is a settlement, payments should be made to each class member no matter how small (deduct the expense for printing and mailing from the attorneys' award).

Now, my biggest objection to this case is the attorneys' award for an amount not to exceed 20% of the Settlement Fund or approximately $4.5 Million. What am I missing here? The investor is supposedly the injured party, but it is the attorneys that get the windfall. How is that justice? Or is this not about justice? I have often wondered how it is not a conflict of interest that the Judge, who is a lawyer, decides the amount to award other lawyers. Here is an impartial idea, convene a jury (with no lawyers) just to decide on the distribution of the total settlement. It seems these days that both parties agreeing on a settlement (by the advice of their attorneys) is too common for me to accept especially since it is

the lawyers that are 'awarded', not the plaintiffs. I say pay them their actual expenses (printing, postage, data recovery, etc) and a reasonable hourly amount (the average going rate nationwide) for the attorneys' actual recorded time and similar for paralegals and other staff. If they want to take the case to a jury trial where they could lose and there is a true risk, then they can ask for a bigger reward.

I am ending here because I am getting upset to the point my stomach is bothering me and I honestly believe that this lawsuit is merely a legal tactic to make lawyers money and keeping their reputation intact (neither side records a case lost). They will get a new Mercedes, go on a fancy vacation, or maybe buy a new vacation house, while I might get a check (if it is over $10.00) and maybe have enough to take my family out to eat at a chain restaurant. Note the use of the term legal tactic, hence a process created by lawyers to legally make themselves money. The injured party won't get justice which should be full payment of the supposed loss, plus interest, plus penalty for suffering the loss. Let me add that if the plaintiff attorneys really thought that they would not be able to settle this case, they would not have accepted it because they don't want to take any real financial risk. And if the settlement was the defendants offer, the plaintiffs would not accept if they knew that had a real case.

I need to also mention that the claim form asks for my social security number which I am not sure if that is necessary or appropriate, especially in this day and age when identity theft is out of control. I do not know who the person is that is collecting the form, and I do not know how they plan to protect my personal information. I think all class action lawsuits should be handled by the United States government or one of their agencies for reasons of fair distribution and safeguarding personal information. The plaintiff attorneys have done nothing special to deserve a windfall.

Sincerely,



Fred J. Wendel and Cathleen A. Wendel (joint owners)
216-233-7550

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Confirmation Notice

FRED J WENDEL & CATHLEEN A WENDEL
JT TEN
19033 BREWSTER RD
AURORA OH 442028616

Account	Other Information	Transaction Number	Capacity Codes	Your Representative
		04374616233	5	FF

Activity	Quantity	CUSIP Number	Price	Principal Amount	Fees	Sales Fee
YOU BOUGHT	10	478160104	58.5	585.00		

As of Trade Date	Trade Date	Settlement Date	Interest	Commission	Net Amount
	11/06/2008	11/12/2008			585.00

Symbol	Trade Description
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AURORA OH 442028616

Account	Other Information	Transaction Number	Capacity Codes	Your Representative
		04711736629	5	FF

Activity	Quantity	CUSIP Number	Price	Principal Amount	Fees	Sales Fee
YOU BOUGHT	10	478160104	53.04	530.40		

As of Trade Date	Trade Date	Settlement Date	Interest	Commission	Net Amount
	02/26/2009	03/03/2009		9.99	540.39

Symbol	Trade Description
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JT TEN
19033 BREWSTER RD
AURORA OH 442028616

Account Number	Other Information	Transaction Number	Capacity Codes	Your Representative		
		08839368072	5	FF		
Activity	Quantity	CUSIP Number	Price	Principal Amount	Fees	Reg Fee
YOU SOLD	20	478160104	68.00	1,360.00		0.04
As of Trade Date	Trade Date	Settlement Date	Interest	Commission	Net Amount	
	07/03/2012	07/09/2012		9.99	1,349.97	
Symbol	Trade Description					
JNJ	JOHNSON & JOHNSON COM					

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Fred & Cathleen Wendel
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Aurora, Ohio 44202

United States District Court
District of New Jersey
Clerk of the Court
Clarkson S. Fisher Building & U.S. Courthouse
402 E STATE ST
TRENTON NJ 08608

Exhibit B

RECEIVED
OCT 22 2013
AT 8:30 M
WILLIAM T. WALSH
CLERK

October 19, 2013

Clerk of Court

US District Court District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: Civil Action No. 10-4841 (FLW) (DEA)

Dear Clerk of Court:

I am writing to object to the settlement being proposed in the Civil Action No 10-4841.

First and foremost the time frames given to file an objection are completely out of line for any member of the class that would want to write an objecting letter to the settlement. The notice I received as a class member was received on October 18th. The deadline to file an Objection is October 24th. This window of less than one week was done intentionally by the lead counsel to the majority of the class just to ensure that objections are minimized because the lead counsel knows that most people can't drop everything and do the proper research on this Action and write an objection letter in one day and then mail it so that it makes the required deadline. At a minimum the lead counsel should be required by the court to recontact all the class they are representing and give a revised date to object to the settlement that includes a time frame of several weeks so that the class can properly research the Action and decide if this settlement is truly in their interest.

The 2nd objection is simple economics. As a share holder of Johnson and Johnson this is very simple to evaluate. The $23 million plus that is proposed to be paid out to settle this action reduces the value of the company by $23 million plus. How does this help my financial interest in the company? All this settlement does is essentially pay me pennies per share (hardly worth the paperwork) for the shares I own, then reduces the value of my over all investment in the company by the price of the legal fees paid not only to the lead counsel ($5 million) but also the legal fees the company had to pay to defend this suit. To me as a share holder I ask this question to the court. Why are you even allowing the suit to achieve class action status when it does nothing to further the class it is representing? It actually hurts them financially.

Here is the REAL FRAUD in this whole action. It is not what Johnson and Johnson leaders may or may not have done in this case. The real fraud is the settlement as this suit does nothing more than line the pockets of the Lead Counsel of the class with close to $5 million bucks skimmed from the shareholders they are supposedly representing. It puts no real money back in shareholders pockets as the money taken from the company simply reduces the value of the company and thus the stock the shareholders own.

The Court, The Judge, and the Lead Counsel all should be ashamed of this action and the work they have done on it and I hope you work with better conscientious and judgment in your actions going forward to truly represent your classes in a more ethical manner.

Sincerely,

Richard Jasinski

1533 Mt Isle Harbor Dr.

Charlotte, NC 28214

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RONALD MONK, Individually and on behalf All Others Similarly Situated, Plaintiff, vs. JOHNSON & JOHNSON, WILLIAM C. WELDON, DOMINIC J. CARUSO, COLLEEN A. GOGGINS and PETER LUTHER, Defendants.	Civil Action No. 10-4841 (FLW) (DEA)

OBJECTIONS TO PROPOSED SETTLEMENT AND NOTICE OF INTENT TO APPEAR

INTRODUCTION

ORLOFF FAMILY TRUST DTD 12/13/01, ORLOFF FAMILY TRUST DTD 10/03/91 and DR. MARSHALL ORLOFF IRA R/O ("Objectors"), through their counsel (i) file these objections to the Proposed Class Action Settlement (the "Proposed Settlement") (ii) object to Class Counsel's notice of motion and motion for attorneys' fees; and (iii) give notice of their counsel's intent to appear at the final fairness settlement hearing.

Objectors represent to the court they are each class members who purchased the stock as defined in the Settlement Agreement. Marshall Orloff, MD certifies objectors will provide their trade information in a supplemental filing prior ot the final approval hearing as soon as it is provided by the brokers. A copy of the notice sent to objectors is attached as Exhibit A.

I. THE SETTLEMENT IS UNFAIR TO THE CLASS

It is well established that the court has a duty under Rule 23 of the Federal Rules of Civil Procedure as the guardian of the absent class members' interests to independently determine whether the settlement agreement is fair, reasonable, and in the best interests of the class.

The court has a "duty under Rule 23 of the Federal Rules of Civil Procedure to protect absent class members and to police class action proceedings." *Strong v. Bellsouth Telecommunications, Inc.*, 137 F.3d 844, 849 (5th Cir. 1998). In order to approve a proposed settlement, the court must be satisfied that the agreement is "fair, adequate, and reasonable," and not the product of fraud or collusion. *Stoetzner v. United States Steel Corp.*, 897 F.2d 115, 118 (3d Cir. 1990); *Walsh v. Great Atlantic & Pacific Tea Co.*, 726 F.2d 956, 965 (3d Cir. 1983); *Greenfield v. Villager Industries, Inc.*, 483 F.2d 824, 833 (3d Cir. 1973). The duty requires a review of substantive claims included in the agreement and an investigation into the manner in which fees of class counsel are to be paid and the dollar amount for such services. *Strong v. Bellsouth Telecommunications, Inc.*, 137 F.3d 844, 849 (5th Cir. 1998). The 2003 Committee Notes to Rule 23(h) state that "[a]ctive judicial involvement in measuring fee awards is singularly important to the proper operation of the class-action process. Continued reliance on case law development of fee-award measures does not diminish the court's responsibility. In a class action, the district court must ensure that the amount and mode of payment of attorney fees are fair and proper whether the fees come from a common fund or are otherwise paid. Even in the absence of objections, the court bears this responsibility." Committee Notes to Rule 23(h), 2003.

Rule 23(e) of the Federal Rules of Civil Procedure provides that "[a] class action shall not be dismissed or compromised without approval of the court, and notice of the proposed

dismissal or compromise shall be given to all members of the class in such manner as the court directs." A settlement may only be approved after the court finds it is fundamentally fair, adequate and reasonable. *Id*. This rule has been read as a requirement for the court to "'Independently and objectively analyze the evidence and circumstances before it in order to determine whether the settlement is in the best interest of those whose claims will be extinguished.'" *In re Cendant Corp. Litig.*, 264 F.3d 201, 231 (3rd Cir. 2001), citing *In re General Motors Corp. Pickup Truck Fuel Tank Prod. Liab. Litig.*, 55 F.3d 768, 785 (3rd Cir. 1995) (emphasis added).

II. ATTORNEYS FEE REQUEST MUST BE CLOSELY EXAMINED

Every dollar paid to attorneys is unavailable to the class, thereby demonstrating a direct and inverse relationship between the amount of relief and the amount of attorney fees. Dozens of cases have confirmed and identified the court's fiduciary rule. For example.

> Before considering the proper methodology for awarding attorney's fees out of a common fund, the Court feels compelled to define its role in these proceedings. When an attorney makes a claim for fees from a common fund, his interest is adverse to the interest of the class in obtaining recovery because the fees come out of the common fund set up for the benefit of the class. *Rawlings v. Prudential-Bache Properties, Inc.*, 9 F.3d 513, 516 (6th Cir. 1993). This divergence of interest requires a court to assume a fiduciary role when reviewing a fee application because there is often no one to argue for the interests of the class: class members with small individual stakes in the outcome will often fail to file objections because they lack the interest or resources to do so and the defendant who contributed to the fund will usually have scant interest in how the fund is divided between the plaintiffs and class counsel. *In Re Copley Pharmaceutical, Inc.*, 1 F.Supp2d 1407 (Wyoming 1998)

In *Wise v. Popoff, et. al.*, 835 F.Supp 977 (E.D. Mich. 1993) the court describes the roles as follows:

> An attorney's role changes once he files a fee petition. No longer a fiduciary for his client, he becomes nothing more complex than another claimant against the fund created for the client's benefit. The court must, in turn, become "the fiduciary for the fund's beneficiaries and must carefully monitor

> disbursement to the attorneys by scrutinizing the fee applications." *Skelton v. General Motors Corp.*, 860 F. 2d 250, 253 (7th Cir. 1988), cert denied, 493 U.S. 810, 110 S. Ct. 53, 107 L. Ed. 2d 22 (1989) A court should not "rubber stamp" fee applications. *In re Cincinnati Gas & Electric Co. Securities Litigation,* 643 F.Supp 148, 152 (S.D. Ohio 1986).

The fact that the settling defendant may agree with the fee application is irrelevant to the Court's analysis because the defendant, having already paid the settlement amount, has little interest in the portion of the fund that Class Counsel obtains. Therefore, this Court must act as a fiduciary to the Class, carefully evaluating the basis for the fee amount. The Court must no only examine the amount of time expended, but by whom it was expended. That is, was it a partner, an associate or a contract attorney, and were the rates reasonable for the locale?

III. CLASS COUNSEL'S FEE REQUEST IN UNREASONABLY HIGH

There are two basic methods for calculating attorneys' fees: the percentage-of-recovery method and the lodestar method. Each method has distinct advantages for certain kinds of actions. The percentage-of-recovery method is generally favored in cases involving a common fund, and is designed to allow courts to award fees from the fund "in a manner that rewards counsel for success and penalizes it for failure. The lodestar method is more commonly applied in statutory fee-shifting cases, and is designed to reward counsel for undertaking socially beneficial litigation in cases where the expected relief has a small enough monetary value that a percentage-of-recovery method would provide inadequate compensation." *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 333 (3d Cir. 1998)

"Here, Plaintiff's Counsel have devoted over 8,900 hours to the prosecution of the Class' claims against Defendants in this Action, resulting in a total lodestar of $3,959,113.25 *See* Kessler and Cecchi Declarations. Thus the requested fee award results in the application of an extremely modest 1.16 multiplier to the lodestar." Memorandum of Law in Support of Lead

Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses at 15 (footnotes omitted). The request is neither modest nor reasonable. The court must engage in a detailed analysis of counsel's billing to determine the reasonableness of the lodestar calculation. Under such an analysis, the billed charges are unreasonably high.

Further, there is no justification for using a 1.3 multiplier. In a settlement this large, percentages should not persuade; the court must award a reasonable fee based on the actual time and effort by counsel. Additionally, cases awarding large multipliers are mostly obsolete, having been superseded by *Perdue v. Kenny A.*, 130 S. Ct. 1662 (2010). "[T]here is a strong presumption that the lodestar is sufflcient" without an enhancement multiplier. *Id.* at 1669. A lodestar enhancement is only justified in "rare and exceptional" circumstances where "specific evidence" demonstrates that an unenhanced "lodestar fee would not have been adequate to attract competent counsel." *Id.* at 1674. *Kenny A*'s limitation on enhancements was made in the context of interpreting 42 U.S.C. § 1988's language of "reasonable" fee awards, but there's little justification for claiming that "reasonable" in § 1988 means something different than "reasonable" in class action fee awards made under Federal Rules of Civil Procedure 23(h). *See e.g., Van Horn v. Nationwide Prop & Cas. Ins. Co.*, 436 Fed. Appx. 496, 500 (6th Cir. 2011); *Gonzalez v. S. Wine & Spirits of Am., Inc.*, No. 11-cv-5849, 2012 U.S. Dist. LEXIS 46401, at *12-*16 (C.D. Cal. Mar. 29, 2012) (citing *Kenny A* and denying enhancement multiplier of 1.5); *Weeks v. Kellog Co.*, No. 09-cv-8102, 2011 U.S. Dist. LEXIS 155472, at *129-*135 & n.157 (C.D. Cal. Nov. 23, 2011) (citing *Kenny A* and finding "little basis for an application of a multiplier" when calculating lodestar cross-check); *Winston & Strawn LLP v. FDIC*, 894 F.Supp. 2d 115, 130 (D.D.C. 2012) (rejecting argument attempting to confine *Kenny A* to federal statutory fee shifting awards); *cf. also In re Pet Food Prods. Liab. Litig.*, 629 F.3d 333, 361 (3d

Cir. 2010) (Weis, J. concurring/dissenting) (referring to *Perdue* as an "analgous statutory fee-shifting case.").

IV. LOW NUMBER OF OBJECTIONS IS NOT EVIDENCE

Any class action settlement will produce only a small percentage of objectors. The predominating response is always apathy because objectors—unless they can obtain *pro bono* counsel—must expend significant resources on an enterprise that will create little direct benefit for themselves. Another common response from non-lawyers will be the affirmative avoidance, whenever possible, of anything involving a courtroom. Maybe class counsel will once again argue that class members' understandable tendency to ignore notices or free-ride on the work of other objectors is best understood as acquiescence in or evidence of support for the settlement. This is wrong. Silence is *not* consent. *Grove v. Principal Mut. Life Ins. Co.*, 200 F.R.D. 434, 447 (S.D. Iowa 2001) (*citing In re Gen. Motors Pick-Up Litig.,* 55 F.3d at 789.). "Silence may be a function of ignorance about the settlement terms or may reflect an insufficient amount of time to object. But most likely, silence is a rational response to any proposed settlement even if that settlement is inadequate. For individual class members, objecting does not appear to be cost-beneficial. Objecting entails costs, and the stakes for individual class members are often low." Christopher R. Leslie, *The Significance of Silence: Collective Action Problems and Class Action Settlements*, 59 FLA. L. REV. 71, 73 (2007); Order at 11 ("For a settlement that offered most people no monetary benefit, and a $3 maximum, objecting to the settlement was not a cost-effective proposition.").

There is usually little hope that opt-outs can recover for their claims—the entire purpose of class actions is to aggregate claims that would be uneconomical to bring individually. "Almost by definition, most class members have too little at stake to warrant opting out of the class litigation and filing an individual lawsuit. Opting out is probably not a viable option even

though a proposed settlement is unfair or inadequate." *Id.* at 109. Without *pro bono* counsel to look out for the interests of the class, filing an objection is economically irrational for any individual. "[A] combination of observations about the practical realities of class actions has led a number of courts to be considerably more cautious about inferring support from a small number of objectors to a sophisticated settlement." *In re Gen. Motors Pick-Up Litig.*, 55 F.3d at 812 (*citing In re Corrugated Container Antitrust Litig.*, 643 F.2d 195, 217-18 (5th Cir. 1981)); *cf. Petruzzi's, Inc. v. Darling-Delaware Co.*, 880 F. Supp. 292, 297 (M.D. Pa. 1995) ("'[T]he silence of the overwhelming majority does not necessarily indicate that the class as a whole supports the proposed settlement . . . . '"). "[A] low number of objectors is almost guaranteed by an opt-out regime, especially one in which the putative class members receive notice of the action and notice of the settlement offer simultaneously." *Ellis v. Edward D. Jones & Co.*, 527 F. Supp. 2d 439, 446 (W.D. Pa. 2007). "[W]here notice of the class action is, again as in this case, sent simultaneously with the notice of the settlement itself, the class members are presented with what looks like a *fait accompli*." *Mars Steel Corp. v. Continental Illinois Nat'l Bank & Trust Co.*, 834 F.2d 677, 680-681 (7th Cir. 1987). "Acquiescence to a bad deal is something quite different than affirmative support." *In re General Motors Corp. Engine Interchange Litigation*, 594 F.2d 1106, 1137 (7th Cir. 1979) (reversing approval of settlement).

When class members have little at stake, where each class member's recovery will likely be a single digit, response will be predictably low. Low response is not akin to an election or public opinion poll. *See In re Gen. Motors Pick-Up Litig.*, 55 F.3d at 813 (finding that "class reaction factor" does not weigh in favor of approval, even when low number of objectors in large class, when "those who did object did so quite vociferously"); Theodore Eisenberg & Geoffrey Miller, *The Role of Opt-Outs and Objectors in Class Action Litigation: Theoretical and*

Empirical Issues, 57 VAND. L. REV. 1529, 1532 (2004). It is not an average citizen's time to object: the likelihood one additional objection will be decisive, when multiplied by the slight increase in an individual class member's payout that such an objection would produce, makes individually-funded objections a losing proposition.

The Court must act as a guardian for *all* class members—whether or not they have formally entered the case by registering an objection. "[T]he absence or silence of class parties does not relieve the judge of his duty and, in fact, adds to his responsibility." *Amalgamated Meat Cutters & Butcher Workmen v. Safeway Stores, Inc.*, 52 F.R.D. 373, 375 (D. Kan. 1971). The Court should draw no inference in favor of the settlement from the number of objections, especially given the vociferousness of the objectors. *In re Gen. Motors Pick-Up Litig.*, 55 F.3d at 812-13; *ALI Principles* § 3.05, *comment a* at 206.

V. NOTICE OF JOINDER IN OTHER OBJECTIONS

These Objectors join in and adopt as though fully stated here the objections, arguments and motions stated in all other meritorious, bona fide objections.

CONCLUSION

WHEREFORE, this Objector respectfully requests this Court:

A. Upon proper hearing, sustain these objections;

B. Upon proper hearing, enter such Orders as are necessary and just to adjudicate these objections and to alleviate the inherent unfairness, inadequacies and unreasonableness of the proposed settlement.

Respectfully submitted,

Dated: October 24, 2013

By: ___/s/ Forrest S. Turkish_____

Forrest S. Turkish (FT1197)
Law Office of Forrest S. Turkish
595 Broadway
Bayonne, NJ 07002
Phone: (201) 339-8866
Fax: (201) 339-8456
Email: fsturkish@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2013, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the District of New Jersey by using the USDC CM/ECF system.

I certify that all participants in the case who are registered CM/ECF users that service will be accomplished by the USDC CM/ECF system.

___/s/ Forrest S. Turkish____
Forrest S. Turkish
Attorney for Objector

Monk v. Johnson & Johnson et al.
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 3
Media, PA 19063

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID
PERMIT NO. 138
PHILADELPHIA, PA

462568

PLEASE FORWARD

*******AUTO**5-DIGIT 92037
ORLOFF FAMILY TRUST
DTD 10/3/1991
MARSHALL J & ANN S ORLOFF TTEE
8661 KILBOURN DR
LA JOLLA CA 92037-2231

T642 P1

FIRST CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE

Monk v. Johnson & Johnson et al.
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 3
Media, PA 19063

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MFS LARGE CAP VALUE
8661 KILBOURN DR
LA JOLLA CA 92037-2231

1642 P1

FIRST CLASS MAIL

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Monk v. Johnson & Johnson et al.
c/o Strategic Claims Services
P.O. Box 230
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Media, PA 19063

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ANN S ORLOFF TTEE
FRED ALGER LG CAP GROWTH
8661 KILBOURN DR
LA JOLLA CA 92037-2231

FIRST CLASS MAIL

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c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 3
Media, PA 19063

371004

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PHILADELPHIA, PA

PLEASE FORWARD

*******AUTO**5-DIGIT 92037
ORLOFF FAM TR UAD 12/13/01
MARSHALL J ORLOFF TTEE
ANN S ORLOFF TTEE
OFI S&P 500 ENHANCED CORE
8661 KILBOURN DR
LA JOLLA CA 92037-2231

FIRST CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE

Monk v. Johnson & Johnson et al.
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 3
Media, PA 19063

463409

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID
PERMIT NO. 1[illegible]
PHILADELPHIA, PA

PLEASE FORWARD

*******AUTO**5-DIGIT 92037
DR MARSHALL J ORLOFF IRA R/O
FCC AS CUSTODIAN
VICTORY LARGE CAP CORE
8661 KILBOURN DR
LA JOLLA CA 92037-2231

T642 P1

FIRST CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE

Exhibit D

108 Sheriffs Place
Williamsburg, VA 23185-4922
October 21, 2013

United States District Court
District of New Jersey
Clerk of the Court
Clarkson S. Fisher Building/U.S. Courthouse
402 East State Street
Trenton, NJ 08608

RECEIVED
OCT 24 2013
AT 8:30 M
WILLIAM T. WALSH
CLERK

ATT: Hon. Freda L. Wolfson
IN RE: *Monk v. Johnson & Johnson et al.*
Civil Action No. 10-4841 (FLW)

Identity of Class Members addressing the Court

Ward C. Bourn, Trustee
Ward C. Bourn Trust
SSN: 060-26-2992
108 Sheriffs Place
Williamsburg, VA 23185-5922
Voice/Fax: 757-221-0908

Ward C. Bourn, Trustee
Jane L. Bourn QTIP Marital Trust
EIN: 27-6065290
108 Sheriffs Place
Williamsburg, VA 23185-4922
Voice/Fax: 757-221-0908

Notice of Objection to the Proposed Settlement and Intention to Appear at Final Hearing

The undersigned Ward C. Bourn, acting individually and in the capacity of Trustee, does hereby file Notice of Objection to the Settlement for which preliminary approval had been granted the Court on August 6, 2013, and

file Notice of Intention to Appear at the Final Hearing on November 14,2014 (and/or any subsequent date as a result of continuances or adjournments) for the purpose of speaking to the issues outlined in this presentation of Objections.

Outline of this Document

	Page
• Summary of Class Member Objections	1
• Detailed Discussion of Objections with Reasons therefor	4
• Evidence of Qualification of Objectors as Members of Class	7
• Requested Remedies	8

SUMMARY OF CLASS MEMBER OBJECTIONS

1. The Court has grievously erred in accepting the Stipulation and Settlement prepared by Lead Counsel and Defendants' Counsel in regard to

- ***the definition of which persons qualify as Class Members*** and
- ***the starting date which should constitute*** the beginning of the Class Period and/or, ***at least, the threshold for potential Recovery by a shareholder.***

These errors have unfairly discriminated against numerous shareholders holding great masses of shares ***to the alternate advantage of a much smaller set of shareholders,*** prominently

including the Originating Plaintiffs, ***and even a sub-set of Originating Plaintiffs***.

The restrictive definition of Class Member reduced the Class size by approximately 84%, making the Originating Plaintiffs members of a more exclusive club, and substantially enhancing their prospective payout. In Paragraph 3 of the Notice, Lead Counsel's damages expert has quantified that purchasers of approximately 448 million shares are potentially deemed damaged by the Defendants (under Lead Counsel's ground rules) and entitled to recovery. This compares with approximately 2.75 Billion JNJ shares as indicated by the JNJ Form 10 Q filing with the Securities Exchange Commission for the quarter immediately preceding the first actionable alleged misstatement (Exhibit 1).

See the Detailed Discussion for particulars on both issues, including demonstrative examples to be found there. References: Objection 1 there, Objection 3 in this Summary.

2. The Court has erred in accepting the text submitted by the authors of the Notice which attempts to answer ***in Paragraph 3 on Page 1 of the Notice*** the mandate of the Private Securities Litigation Reform Act of 1995 (PRSLA) for an ***Estimate of Average Amount of Recovery of Damages Per Share***.

Indicating an average of $.04 net per share recovery, the text is highly misleading, and is ***likely to discourage holders of small numbers of shares from completing a Proof of Claim,*** or even reading further beyond the bottom of Page 1, ***whereas the actual payouts will either be $0.00 (ZERO) or fall close to*** one of the actual Recognized Claim amounts shown on Page 7 of the Notice of ***$1.25, $1.45, $2.44, $2.70, or $03.89 per share*** depending when the shares were sold (or retained beyond the end of the Class Period). [*The Objector believes the payout factors on Page 6, discounted at 90% for purchases in the time interval October 14, 2008 and April 19, 2010, were erroneously accepted by the Court, as discussed in Objection 1 above.*]

For a holder of 250 shares with a sustainable claim, the difference is a recovery of as much as $972.50 vs. the minimum of $10 indicated by the average recovery. The reasonably expected effect: scaring off smaller shareholders, thus enlarging the pot of the Settlement Fund available for larger shareholders, including, notably, the Originating Plaintiffs.

3. The Lead Counsel and Lead Plaintiff for the Class have been derelict in its fiduciary responsibility as representative of all of the class members who are its Court-appointed clients. Actions or inactions of Lead Counsel have placed shareholders of small lots of JNJ shares at a disadvantage in the proceedings in comparison with the Originating Plaintiffs (inadequately-described in the Notice) and discernible but undisclosed other categories of JNJ shareholders.:

- ***Submitting for approval the Stipulation which excluded from the Class those Owners during the Class Period who had not made Purchases during the specified intervals***, although such Owners had sustained the same true economic loss per share as those making their first Purchase during the Class Period. Since the size of the Settlement Fund to be escrowed is fixed by the agreement, ***this definition of the Class shifted funds from one shareholder group to another, disproportionately benefiting***

the Originating Plaintiffs.

- ***Submitting for approval a Plan of Allocation which improperly ignored the Court's finding that shares acquired prior to April 20, 2010 were not actionable under federal securities laws, (i.e., entitled to consideration for recovery).*** This dealt a "haircut" to Purchasers of JNJ shares during the interval of April 20, 2010 to July 21, 2010 of $1.45 per share, whereas the entire aggregate discount should have been borne (under the other terms embraced by Lead Counsel) by those seeking to have recovery related to holdings acquired between October 14, 2008 and April 19, 2010. This set up a direct transfer out of the pockets of the first group into the pockets of the second group. The latter notably includes all of the Originating Plaintiffs whose parameters established the starting date of the Class Period.
- ***Failing to assure delivery of the Notice to all Class Members, so that some including this Objector did not receive it on a timely basis to permit preparing a filing of objection or exclusion.*** In the case of this filing Class Member, he found the notice in his mailbox with the remainder of that days mail on Wednesday, October 16, 2013 (see Exhibit No. 2), a scant eight (8) calendar days before an Objection must be in the hands of the Court. This outcome was hardly surprising, since ***the website for this case of the Lead Counsel's contractor, Strategic Claims Services***, read by and copied by the Objector on October 21, showing **"Date Updated: Friday, October 11, 2013" displayed** immediately above the links that could be accessed ***"Status: Notice and Claim Forms ARE BEING mailed."*** (emphasis supplied here; notice the active voice; at October 11 mailing the Notice is an ONGOING activity). See Exhibit No. 3

4. The entire process of the approval of the proposed Settlement of this case (and possibly of other securities litigation cases currently pending elsewhere in the Federal court system) ***is fatally flawed. The Court is obliged to address and remedy the issues cited here as well as addressing the appropriateness of the settlement and its various terms and conditions.***

a. The Court set a deadline for the Lead Counsel and its contractors to have achieved delivery to identified potential Class Members of the Notice of Pendency of Class Action and Proposed Settlement (hereafter "Notice") ***that Lead Counsel and its Contractor should have known was too tight to permit those Members wishing to object to the terms of settlement or exclude themselves from the Class to have adequate time to assemble the materials necessary to supply the Court within the Court-prescribed deadline to assure consideration of their filings.***

b. ***The Court has failed to adequately identify in the Notice the initiators of the action or other plaintiffs and their respective holdings.*** The Notice indicates in paragraph 9 that "the Court has appointed Sjunde AP-Fonden to serve as Lead Plaintiff", but the Court has identified the case a "Raymond Monk, Individually and on Behalf of All Others Similarly Situated, Plaintiff" vs. the Defendants. Unlike numerous other class action litigations in which the writer has been involved as a class member, for this case the Notice fails to indicate the number of shares held by each plaintiff whose filed actions have been consolidated in this case under the provisions of federal law, or to indicate the connection to the Defendant corporation, if any,

which any of them might have, other than as a sometime shareholder of the corporation during the Class Period.

Thus, ***Class Members***, such as the writer, reading the Notice ***are blocked from being able to identify any "professional" or "chronic" Plaintiffs*** whose names have appeared in other securities litigation cases because of a problem in search of a payoff needing a plaintiff. Similarly, ***Class Members also have been blocked from assessing whether all of the originating Plaintiffs are "similarly situated " to themselves or merely to Sjunde and/or Monk. There is cause to fear it is the latter case, as is developed elsewhere in this presentation.***

DETAILED DISCUSSION OF OBJECTIONS

1. The Court has grievously erred in accepting the Stipulation and Settlement

The Court has erred in giving preliminary approval to the proposed Settlement categorically excluding from membership in the Class any shareholder of JNJ who merely was an Owner of the stock during the Class Period, but not a Purchaser during one or more of the specified time intervals.

The Notice reads at Page 6 under the caption The Basis for Calculating Your Recognized Claim: "Shares of J&J common stock purchased during the Class Period (*i.e.*. October 14, 2008 to July 21, 2010 inclusive) will have a resulting loss if shares were purchased ***before*** one of the three alleged corrective disclosure dates defined below ***and held through at least one Disclosure Date."*** There is no other basis given for having achieved an agreed loss entitling one to damages, and hence, recovery. Each of the Discovery Dates (May 27, July 20. and July 21) are associated with some public exposure to adverse news of JNJ product recalls and related troubles.

The Notice then sets forth the basis for a Recognized Claim, varying in amount at each of the Disclosure Dates, with adjustments to those bases in certain circumstances. One of those circumstances is for Purchases prior to the date for the first actionable alleged misleading statement on the part of the Defendants, and is explored in this document at Objection 1. B. The other circumstance concerns the sale of JNJ stock in the 90 trading days after the end of the Class Period, in accordance with the Private Securities Litigation Reform Act of 1995 (PSLRA), quoted in part in Footnote 5 on Page 6 of the Notice.

This Objector has not had sufficient time to research ***all*** of the "federal securities laws," by virtue of only having received the Notice in the mail on October 16. That allowed only a scant eight days in which to absorb all of the details of the Settlement revealed in the Notice plus the Claims Administrator's website, prepare this written Notice of Objection and assemble the qualifying documentation to assure consideration. (See Objection 4 A for details on the mailing issue.)

However, ***the writer has read the text of PSLRA in its entirety, and there is no reference therein to the mechanics of establishing damages or claim computation other than that quoted in aforesaid Footnote 5. If the reference to "purchase*** or sale price paid or received, as

appropriate, by the plaintiff for the subject security" in that Footnote ***were intended to be the justification for*** the Lead Plaintiff and Lead Counsel ***deliberately limiting eligibility for potential recovery to purchase of JNJ within the Class Period, they are leaning on a slim reed which collapses of its own weight***. And if the presumption of authority for this approach lies elsewhere in "federal securities laws," ***it still fails to meet the logic of, and need for, treating "similarly situated" parties in equitable and parallel fashion.***

CONSIDER:

The entire exercise in claim calculation described in the Notice in balancing purchase and sales of shares across the respective time intervals ***is to determine the residual number of shares RETAINED at the end of the appropriate time interval.*** That number is then multiplied by the difference between the purchase price and the sale price (with adjustments to the latter where required) to arrive at the loss sustained. ***The loss is not sustained by virtue of the Purchase of the stock, but rather because the stock was RETAINED until (and perhaps after) the shareholder was injured***. Such injury occurred, the Plaintiffs allege, because there were Discoveries at variance with what prior information had suggested was a favorable situation at JNJ. Any shareholder would have sold some or all of the shares held earlier, had he not been kept in the dark by the Defendants. ***Thus all are equally damaged and entitled to recovery.***

- For example, ***IF Class Member AP7*** (the Lead Plaintiff, a Swedish pension fund with more than $20 billion of assets) ***had purchased 10,000 JNJ shares on April 20, 2010*** (the date of the first actionable alleged misleading statement) ***at its closing price of $65.99 and RETAINED all of them until the first Discovery date of May 27, 2010, it would have sustained a loss of $6.96 per share in market value ($65.99 minus $59.03, the closing price on May 27). The Settlement Recognized Claim amount would be $1.45 per share due to whatever formula Lead Counsel's "damage expert" invoked.***

- ***IF Ward Bourn, individually in his own*** (revocable) ***Trust account had held 218.421 shares of JNJ on October 14, 2008*** (the actual quantity at that first date of the Class Period) ***and RETAINED all of them through May 27, 2010 without buying any more shares, he would have experienced the same loss of $6.96 per share as AP7*** from the "actionable date" to that same first Discovery Date. Yet his Recognized Claim amount under the Settlement would be ZERO, because he had not made any Purchases during the entire interval.

- ***On the other hand, IF Ward Bourn***, in his individual Trust account ***re-invested dividends each quarter*** (as was actually the case,) ***so that he built up over some months to 226.046 shares***, and then ended dividend re-investment, ***he still would have experienced the same drop in market value as Class Member AP7 between April 20, 2010 and May 27, 2010 of $6.96 per share,*** except on a few more shares. But having added to the base of his holdings as a Purchaser of 7.625 shares, he would be entitled to a Recognized Claim of only $0.145 per share or essentially the $10.00 minimum payout.

- ***The reduced rate, discounted at 90%, was mandated by the Court's opinion that there should be no payments for purchases prior to the first "actionable date" related to a***

misstatement. Rather than disqualifying purchases made on those earlier dates within the Class Period, the Settlement spreads the dollar discount across all Class Members who made any purchase in that period.

WHAT IS THE JUSTIFICATION FOR THE VARIANCES IN TREATMENT OF PAYMENTS WHEN PER SHARE LOSSES SUSTAINED WERE EQUAL IN ALL OF THE EXAMPLES?

Knocking out of contention for payout thousands of owners who were not purchasers during the Class Period at the very outset of the Plan of Allocation process may generate high fives in the offices of the Lead Counsel and their allies, ***but it doesn't constitute justice.***

Attempts on the part of Lead Plaintiff and Lead Counsel to maintain economic advantage for the Originating Plaintiffs over other shareholders may be expressions of normal human greed, ***but they are no excuse for the Court to cast a blind eye when such efforts run counter to the Court's own opinion that ownership of shares through acquisition prior to the first actionable misstatement are NOT basis for recovery.***

2. The Court has erred in accepting the text in Paragraph 3, Estimate of Average Amount of Recovery of Damages Per Share.

In view of the highly structured nature of the Plan of Allocation in this case (as the Lead Plaintiff and Lead Counsel have constructed it, though faultily), the text, as written, is highly misleading, indicating an average return of $.05 per share, less expenses of $.01, for a net of $.04 per share. Thus, the text, though parallel to that of notices in other securities litigations which do not share the characteristics of this proposed Plan of Allocation, is likely to discourage shareholders of less than 250 shares from completing a Proof of Claim, (Pages 13 to 15 of Notice), required to collect ***the minimum recovery of $10 specified in Paragraph 43 (250 shares times stated average of $.04 net recovery per share)***. By contrast, if in fact, the shareholder is not totally disqualified from receiving *any* payout, the actual base Recognized Claim for a 250 share holding would approximate one of these standard amounts:

SEE NEXT PAGE

Rate	Payout on 250 shares
1.25	$312.50
1.44	$360.00
2.44	$610.00
2.70	$675.00
3.89	$972.50

EVIDENCE OF QUALIFICATION OF OBJECTORS AS MEMBERS OF THE CLASS

The absurdly short time given this respondent to prepare a written filing (as developed at length above) prevents the parties from having available ***all*** of the supporting documentation demanded in the Notice. An initial 60 days is available for assembly of such details when filing a Proof of Claim.

One conclusive external bit of evidence is supplied in the two pages of Exhibit 4, an extract of a Tax Information Letter from Trust Company of Virginia for the QTIP Marital Trust for the Year 2011. This shows that 100 shares of JNJ were bought on January 6, 2010 during the Class Period and held through April 4, 2011, which was beyond the Class Period. This respondent was advised orally on October 21 that these shares were held in the nominee name of Chicago Clearing Corporation,

The QTIP Marital Trust also had qualifying holdings in two portfolios of one account at nominee Folio Institutional, 8180 Greensboro Drive, 8th floor, McLean, VA 22102. This respondent has been advised orally on October 21 by my representative with Zacks Investment Management, Chicago, which exercises discretionary control of this account, that there were multiple qualifying purchases of JNJ shares beginning on November 9, 2009 and, along with some re-investments, continuing at least into 2010. There were some sales during the period as well. Full particulars will be available in hard copy form by the time of the Final Hearing.

For the Ward C. Bourn account, my computer spread sheet record (2.5 gigabytes) shows holdings of JNJ beginning in 2005. At the outset of the Class Period, the Objector held 218.421 shares. and the record shows subsequent dividend re-investments (i.e., Purchases). However, a computer accident in 2010 obliterated a vertical swath of data for all companies held for holdings/ transaction dates in 2009 and 2010. The writer has not had time to even call Charles Schwab & Co., Inc. to obtain the hard copy documentation required, but it will be available for the hearing.

United States District Court-NJ
Monk v. Johnson & Johnson et al. October 23, 2013

REMEDIES SOUGHT

The text for this section exists in several partial drafts as to relief sought of the Court, including recognition of ownership irrespective of the timing of particular purchases, and the removal for consideration for recovery of holdings or transaction prior to the first "actionable" misstatement date as already determined by the Court. This will achieve essential equitable treatment for all JNJ shareholders in the appropriate time interval.

But the writer could not have this material sufficiently complete or polished to include here. So it will be furnished in a supplemental filing with the Court.

Respectfully submitted,

Ward C. Bourn, Individually and as Trustee

Copies to Lead Counsel
Defendants' Counsel (2)

Table of Contents

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-Q

☑ **Quarterly Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

for the quarterly period ended April 4, 2010

or

☐ **Transition Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934**

for the transition period from to

Commission file number 1-3215

Johnson & Johnson

(Exact name of registrant as specified in its charter)

NEW JERSEY	22-1024240
(State or other jurisdiction of incorporation or organization)	(I.R.S. Employer Identification No.)

One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(Address of principal executive offices)

Registrant's telephone number, including area code (732) 524-0400

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d)of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. ☑ Yes ☐ No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). ☑ Yes ☐ No

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or a smaller reporting company. See definitions of "large accelerated filer", "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act. (Check one):

Large accelerated filer ☑	Accelerated filer ☐	Non-accelerated filer ☐ (Do not check if a smaller reporting company)	Smaller reporting company ☐

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). ☐ Yes ☑ No

Indicate the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date.

On May 2, 2010 2,758,069,561 shares of Common Stock, $1.00 par value, were outstanding.

Exhibit 2

Monk v. Johnson & Johnson et al.
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson Street, Suite 3
Media, PA 19063

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID
PERMIT NO. 138
PHILADELPHIA, PA

PLEASE FORWARD

1673714

WARD C. BOURN
108 SHERIFFS PL
WILLIAMSBURG, VA 23185-4922

Rec'd at address above October 16, 2013
Recipient not identified as to his role (Owner, Trustee for which of 3 Trust ID's)

FIRST CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE

EXHIBIT 5

Strategicclaims.net

Monk v. Johnson & Johnson et al.

Exclusion Deadline:
October 24, 2013
Objection Deadline:
October 24, 2013
Settlement Hearing:
November 14, 2013
Claims Filing Deadline:
December 24, 2013
Status:
Notice and Claim Forms are being mailed.
Files:
Notice and Claim Form
Summary Notice of Pendency of Class Action and Proposed Settlement, Motion for Attorneys' Fees and Expenses, and Final Approval Hearing
Stipulation and Agreement of Settlement
Notice of Motion
Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Settlement and Plan of Allocation
Memorandume of Law in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses
Declaration of Matthew L. Mustokoff in Support of Final Approval of Settlement, Plan of Allocation and Application for an Award of Attorneys' Fees and Expenses
Declaration of the Hon. Daniel Weinstein (Ret.)
Declaration of Paul Mulholland, CPA, CVA concerning (A) Mailing of the Notice of Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests of Exclusion Received to date
Declaration of Richard Grottheim, Chief Executive Officer of Sjunde AP-Fonden, in Support of (I) Lead Plaintiff's Motion for Final Approval of Settlement and Plan of Allocation and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses
Declaration of David Kessler in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed on Behalf of Kessler Topaz Meltzer & Check, LLP
Declaration of James E. Cecchi in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed on Behalf of Carella, Byrne, Cecchi, Olstein, Brody, & Agnello

Date Updated:
Friday, October 11, 2013

©2010 Strategic Claims Services -- 600 North Jackson Street Suite 3• Media, PA 19063

Account Name:
AGT CO-TRS JANE L BOURN QTIP MARITAL
653150003

SHG

THE TRUST COMPANY OF VIRGINIA
9030 STONY POINT PARKWAY, SUITE 300
RICHMOND, VA 23235-1936

The TRUST COMPANY of Virginia

AGENT/CUSTODIAN TAX INFORMATION LETTER

Principal:

JANE L BOURN QTIP MARITAL
C/O WARD C. BOURN
108 SHERIFF'S PLACE
WILLIAMSBURG, VA 23185

I.D. Number: 27-6065290

Tax Year
Beginning 01/01/2011
Ending 12/31/2011

ENTER THE AMOUNTS LISTED BELOW ON YOUR U.S. INCOME TAX RETURN

I N C O M E

OTHER INTEREST INCOME		11.
FOREIGN DIVIDEND INCOME:		
QUALIFIED		718.
TOTAL FOR YEAR		725.
DIVIDEND INCOME:		
QUALIFIED		4,469.
TOTAL FOR YEAR		4,482.
LONG TERM GAINS OR LOSSES:		
OTHER CAPITAL GAIN OR LOSS		
SALES PRICE	120,466.	
COST OR OTHER BASIS	113,293.	
NET GAIN OR LOSS		7,173.

D E D U C T I O N S

AGENCY FEES	2,905.

M I S C E L L A N E O U S I N F O R M A T I O N

NONDIVIDEND DISTRIBUTIONS (RETURN OF CAPITAL)	182.

Report the amounts listed above on your 2011 tax return. These may differ from payments actually received by you. The difference may be caused by the exclusion of tax-exempt income, our agreed plan of remitting, fiduciary deduction, or variance between your taxable year and that of this account. If you have interests in other accounts, appropriate schedules will follow.

AGT CO-TRS JANE L BOURN QTIP MARITAL
Schedule D Detail of Long-term Capital Gains and Losses

Description	Date Acquired	Date Sold	Gross Sales Price	Cost or Other Basis	Long-term Gain/Loss
15% RATE CAPITAL GAINS (LOSSES)					
100. JOHNSON & JOHNSON	01/06/2010	04/04/2011	5,997.89	6,449.00	-451.11
100. MICROSOFT CORP	11/13/2009	09/12/2011	2,541.95	2,962.00	-420.05
199. FORTUNE BRANDS HOME & SECURITY	05/15/2009	11/03/2011	2,963.55	1,588.28	1,375.27
400. ISHARES MSCI EAFE INDEX	11/13/2009	11/03/2011	21,002.59	22,484.00	-1,481.41
54. PROCTER & GAMBLE CO	05/15/2009	11/03/2011	3,411.65	2,675.57	736.08
300. VANGUARD INTL EQUITY INDEX FD EMERGING MARKETS VIPERS	11/13/2009	11/03/2011	12,656.75	12,180.00	476.75
150. VANGUARD INDEX FDS MID CAP ETF	11/13/2009	11/03/2011	11,132.28	8,640.00	2,492.28
150. VANGUARD INDEX FDS SMALL CAP ETF	11/13/2009	11/03/2011	10,726.29	8,158.50	2,567.79
3275. RUSSELL GLOBAL EQUITY FD S	01/06/2010	11/04/2011	27,444.50	26,167.25	1,277.25
400. VANGUARD INTERNATIONAL GROWTH FD ADMIRAL SHS	11/13/2009	11/04/2011	22,588.00	21,988.00	600.00
TOTAL 15% RATE CAPITAL GAINS (LOSSES)			120,465.00	113,293.00	7,173.00
Totals			120,465.00	113,293.00	7,173.00

Case 3:10-cv-04811-EMC Document 122-5 Filed 01/27/13 Page 14 of 14 PageID #: 2634

Exhibit E

108 Sheriffs Place
Williamsburg, VA 23185-4922
November 5, 2013

United States District Court
District of New Jersey
Clerk of the Court
Clarkson S. Fisher Building/U.S. Courthouse
402 East State Street
Trenton, NJ 08608

RECEIVED
NOV 06 2013
AT 8:30 M
WILLIAM T. WALSH
CLERK

ATT: Hon. Freda L. Wolfson
IN RE: *Monk v. Johnson & Johnson et al.*
Civil Action No. 10-4841 (FLW)

Identity of Class Members addressing the Court

Ward C. Bourn, Trustee
Ward C. Bourn Trust
SSN: 060-26-2992
108 Sheriffs Place
Williamsburg, VA 23185-5922
Voice/Fax: 757-221-0908

Ward C. Bourn, Trustee
Jane L. Bourn QTIP Marital Trust
EIN: 27-6065290
108 Sheriffs Place
Williamsburg, VA 23185-4922
Voice/Fax: 757-221-0908

Supplement to
Notice of Objection to the Proposed Settlement
and Notice of Intention to Appear at Final Hearing

In the Objector's original filing of October 21, 2013 he presented these specific grounds for objection to the Stipulation and Settlement:

- the Court erred in accepting submissions of the Lead Plaintiff and Lead Counsel of ***the definition of which persons qualify as Class Members*** and ***the starting date which should constitute*** the beginning of the Class Period and/or, ***at least, the threshold for potential Recovery by a shareholder, the effect of each of which is grievously disadvantageous to the majority of Class Members.***
- the Court erred in accepting ***the text of Paragraph 3 of the Notice which is misleading in its explanation of Estimate of Average Amount of Recovery per Share***, resulting in likely reader impressions scaring off small investors from filing Proofs of Claim they would conclude would produce Recognized Claims too small to qualify for the minimum recovery payment of $10 per share.
- ***Lead Counsel and Lead Plaintiff for the Class have been derelict in their fiduciary responsibility*** as representatives of all of the class members who are its Court-appointed clients in promulgating the wrongs cited above and the flawed execution of the settlement claim administration.

Because one of the issues of flawed execution was a protracted mailing process that was still in progress at October 11, 2013, less than two weeks before the Court-appointed deadline filing of October 24, 2013, this resulted in the writer not having received his copy (Number 1673714 of 2,082,037) of the Notice until October 16. This left the writer a scant 7 days to absorb as much as possible about the Proposed Settlement and Plan of Allocation and to file an Objection. This was not enough time to uncover many of the aspects of the case and its proposed settlement.

While ***the original October 21-23 filing had established Objection to the Plan of Allocation, the Objector*** felt at the time that he ***had an incomplete picture to pass judgment on the appropriateness of the amount of the fees and expenses to be awarded the Lead Counsel or to offer up a fully comprehensive list of Remedies available to the Court*** to create a fair and reasonable settlement.

Discovery of further flaws in the process

Trolling through the various postings on the case website maintained by the Claims Administrator over the past 13 days has led to ***two further discoveries on the part of this Objector:***

- Both the Notice and the website suppress the estimated amount of the Claims Administration Costs which will be assessed against the Net Settlement Fund;
- There is a tremendous history of other class action securities litigations handled by one or more members of the Lead Plaintiff team members (Lead Counsel, damages expert, and Claims Administrator) that could have and should have led to a more efficient and less costly settlement process.

Therefore, ***the Objector wishes to amend his Objection*** on behalf of the Class he represents individually and as Trustee ***to include Objection to the motion for attorneys' fees and reimbursement of Litigation Expenses***.

The ***Objector wishes to offer to the Court Remedies for Consideration***, as promised in the October 21-23 filing.

The Path to Resolution

The stated requirement that would-be Objectors file with the Court by the initial deadline the list of witnesses and exhibits that they wished to present at the Fairness Hearing is both ludicrous and unenforceable. The Lead Plaintiff and Lead Counsel bear the responsibility to devise, present and defend a Settlement and Plan of Allocation that is equitable, fair and reasonable.

Therefore, ***this Objector has prepared a list of Inquiries/Interrogatories and Data Requests embraced in its letter to Lead Counsel of November 5, 2013*** bearing that subject line, a copy of which is attached to this ***Supplement to Notice of Objection to the Proposed Settlement and Notice of Intention to Appear at Final Hearing*** and incorporated herein by reference. The letter

identifies questions and exhibits or testimonies that should work in concert to prove or disprove contentions of Lead Plaintiff, Lead Counsel and Objector.

Remedies to be Effected by the Court

IMMEDIATELY

1. ***Order a continuance of the Fair Hearing*** . This is merited because Lead Counsel and the damages and claims administration experts will require more time to prepare their responses to this Objector and the Court, and Bourn and any other objectors are entitled to be able to review those responses before the Fair Hearing begins.

2. ***Order the Claims Administrator to stop processing Proofs of Claim***. This is necessary because the eligibility of certain Class Members is a basis of objection. Processing should resume after the Final Approval has clarified the basis for possible recovery under the approved Plan of Allocation.

3. ***Order the Claims Administrator to post to the Monk case website certain documents*** currently extant (immediately) or the be delivered as result of inquiries to Lead Counsel (as delivered to the Court). This is necessary to give Class members access to some key information on the case without increasing printing and postage costs of the Notice. These include:

a. Data on the Originating Plaintiffs
b. The Events Schedule
c. Experts' exhibits and/or testimonies/presentations for the Court
d. Claims Administrator's Estimate of Administrative Costs, in a dated document with an indication of when, if at all, the result was shared with Lead Plaintiff, Lead Counsel, and the Court.

AT TIME OF FINAL APPROVAL

4. ***Setting the initial date for eligibility for*** any Recognized Claim to translate into ***a recovery payment to be April 20, 2010***;

5. ***Setting Class Members to include parties OWNING JNJ common stock on April 20, 2010*** and subsequently through the "bounceback period."

6. ***Charge back to Lead Counsel and/or Claims Administrator***, on basis deemed appropriate, ***any excess costs accrued against the Net Settlement Fund*** which were incurred as a result of improper definition of the Class and/or premature processing of claims prior to Final Approval.

Additional Documentation on Objector

As promised in the filing of October 21-23, attached are copies of the Charles Schwab & Co., Inc. brokerage statements documenting qualifying Purchases (under the proposed Plan of Allocation) in the Ward C. Bourn Trust account, They cover seven periods before the holdings of Johnson & Johnson common stock were transferred from Schwab to Trust Company of Virginia on October 6, 2009, and are labeled Exhibits S-1 through S-7.

At Trust Company of Virginia statement are only retained online for two years. Results of that

company's exploration of microfiche files to achieve reproductions of the requisite pages documenting continued holdings or purchases have not been received as of this writing.

Respectfully submitted,

Ward C Bourn

Ward C. Bourn, Objector

Attachments S-1 through 7

CC: Lead Counsel
Defendants' Counsel (both)

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5-1

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Schwab One® Trust Account of
W BOURN & J BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period September 1-30, 2008

Investment Detail - Equities (continued)

Accounting Method
Equities: First In First Out [FIFO]

Equities (continued)	Quantity / Units Purchased	Market Price / Cost Per Share	Market Value / Cost Basis	% of Account Assets / Acquired	Unrealized Gain or (Loss)	Estimated Yield / Holding Days	Estimated Annual Income / Holding Period
JOHNSON & JOHNSON (M),◊	**218.4821**	**69.2800**	**15,136.44**	**8%**	**1,696.75**	**2.65%**	**402.01**
SYMBOL: JNJ	5.6136	67.0229 r	376.24		12.67		Short-Term
	12.8685	62.9055 r	809.50		82.03		Long-Term
	200.0000	61.2697	12,253.95	12/01/04	1,602.05	1399	Long-Term
Cost Basis			*13,439.69*				
KYOCERA LTD ADR F (M)	**170.0000**	**76.1600**	**12,947.20**	**7%**	**N/A** i	**0.00%**	**0.00**
1 ADR REPS 1 COM	170.0000	N/A	please provide	01/01/93	N/A	5751	Long-Term
SYMBOL: KYO							
NEWELL RUBBERMAID INC (M),◊	**666.7394**	**17.2600**	**11,507.92**	**6%**	**(6,784.25)**	**4.86%**	**560.06**
SYMBOL: NWL	25.9780	21.0077 r	545.74		(97.36)		Short-Term
	140.7614	25.9446 r	3,652.01		(1,222.47)		Long-Term
	200.0000	31.9871	6,397.42	09/09/99	(2,945.42)	3309	Long-Term
	100.0000	30.5500	3,055.00	09/22/99	(1,329.00)	3296	Long-Term
	100.0000	24.7450	2,474.50	05/02/00	(748.50)	3073	Long-Term
	100.0000	21.6750	2,167.50	10/24/00	(441.50)	2898	Long-Term
Cost Basis			*18,292.17*				
PULTE HOMES INC (M),◊	**782.0025**	**13.9700**	**10,924.57**	**6%**	**(377.43)**	**1.14%**	**125.12**
SYMBOL: PHM	10.1548	11.8200 r	120.03		21.83		Short-Term
	13.2182	24.0017 r	317.26		(132.60)		Long-Term
	278.6295	8.6949	2,422.66	11/02/01	1,469.79	2524	Long-Term
	180.0000	13.7455	2,474.20	05/31/02	40.40	2314	Long-Term
	100.0000	25.5795	2,557.95	04/11/07	(1,160.95)	538	Long-Term
	100.0000	19.9995	1,999.95	07/26/07	(602.95)	432	Long-Term
	100.0000	14.0995	1,409.95	10/17/07	(12.95)	349	Short-Term
Cost Basis			*11,302.00*				

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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S-2

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Schwab One® Trust Account of
W BOURN & J BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period October 1-31, 2008

Investment Detail - Equities (continued)

Accounting Method
Equities: First In First Out [FIFO]

Equities (continued)	Quantity / Units Purchased	Market Price / Cost Per Share	Market Value / Cost Basis	% of Account Assets / Acquired	Unrealized Gain or (Loss)	Estimated Yield / Holding Days	Estimated Annual Income / Holding Period
JOHNSON & JOHNSON (M),◊	**218.4821**	**61.3400**	**13,401.69**	**8%**	**(38.00)**	**2.99%**	**402.01**
SYMBOL: JNJ	5.6136	67.0229 r	376.24		(31.90)		Short-Term
	12.8685	62.9055 r	809.50		(20.15)		Long-Term
	200.0000	61.2697	12,253.95	12/01/04	14.05	1430	Long-Term
Cost Basis			*13,439.69*				
KYOCERA LTD ADR F (M)	**170.0000**	**60.2400**	**10,240.80**	**6%**	**N/A** i	**0.00%**	**0.00**
1 ADR REPS 1 COM	170.0000	N/A	please provide	01/01/93	N/A	5782	Long-Term
SYMBOL: KYO							
NEWELL RUBBERMAID INC (M),◊	**666.7394**	**13.7500**	**9,167.67**	**6%**	**(9,124.50)**	**6.10%**	**560.06**
SYMBOL: NWL	25.9780	21.0077 r	545.74		(188.54)		Short-Term
	140.7614	25.9446 r	3,652.01		(1,716.54)		Long-Term
	200.0000	31.9871	6,397.42	09/09/99	(3,647.42)	3340	Long-Term
	100.0000	30.5500	3,055.00	09/22/99	(1,680.00)	3327	Long-Term
	100.0000	24.7450	2,474.50	05/02/00	(1,099.50)	3104	Long-Term
	100.0000	21.6750	2,167.50	10/24/00	(792.50)	2929	Long-Term
Cost Basis			*18,292.17*				
PULTE HOMES INC (M),◊	**784.1106**	**11.1400**	**8,734.99**	**5%**	**(2,598.29)**	**1.43%**	**125.46**
SYMBOL: PHM	10.6063	11.7326 r	124.44		(6.29)		Short-Term
	14.8748	23.1351 r	344.13		(178.42)		Long-Term
	278.6295	8.6949	2,422.66	11/02/01	681.27	2555	Long-Term
	180.0000	13.7455	2,474.20	05/31/02	(469.00)	2345	Long-Term
	100.0000	25.5795	2,557.95	04/11/07	(1,443.95)	569	Long-Term
	100.0000	19.9995	1,999.95	07/26/07	(885.95)	463	Long-Term
	100.0000	14.0995	1,409.95	10/17/07	(295.95)	380	Long-Term
Cost Basis			*11,333.28*				

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings.
Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & J BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number
1740-9778

Statement Period
December 1-31, 2008

Realized Gain or (Loss) (continued)

Accounting Method
Mutual Funds: Average
All Other Securities: First In First Out [FIFO]

Long Term (continued)	Quantity/Par	Acquired/ Opened	Sold/ Closed	Total Proceeds	Cost Basis	Realized Gain or (Loss)
TEXAS INSTRUMENTS INC: TXN	0.6521	11/20/07	12/18/08	10.28	20.47	(10.19)
Total Long Term				3,235.35	75.46	(38.96)
Total Realized Gain or (Loss)				3,291.38	160.07	(67.54)

Schwab has provided accurate realized gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. If all data for a given investment is not available, the investment will not be listed here.
Option Customers: Realized gain/loss of underlying securities is adjusted to reflect the premiums of assigned or exercised options. Please consult IRS publication 550, Investment Income and Expenses, for additional information on Options.

Transaction Detail - Purchases & Sales

Money Market Fund [Non-Sweep] Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
12/31/08	12/31/08	Reinvested Shares	SCHWAB INVESTOR MONEY FD: SW2XX	30.5900	1.0000	(30.59)
Total Money Market Fund [Non-Sweep] Activity						(30.59)

Equities Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
12/02/08	12/02/08	Reinvested Shares	UNION BANKSHARES CORP: UBSH	3.1723	18.3840	(58.32)
12/02/08	12/02/08	Reinvested Shares	WELLS FARGO & CO NEW: WFC	9.1945	22.9637	(211.14)
12/10/08	12/10/08	Reinvested Shares	JOHNSON & JOHNSON: JNJ	1.7266	58.2073	(100.50)
12/16/08	12/16/08	Reinvested Shares	NEWELL RUBBERMAID INC: NWL	11.2166	12.4832	(140.02)
12/23/08	12/18/08	Sold	TEXAS INSTRUMENTS INC: TXN	(0.8726)	15.8200	13.79

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Schwab One® Trust Account of
W BOURN & J BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number
1740-9778

Statement Period
December 1-31, 2008

Transaction Detail - Purchases & Sales (continued)

Equities Activity (continued)

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
12/23/08	12/18/08	Sold	TEXAS INSTRUMENTS INC: TXN	(208.0000)	15.8200	3,277.64
Total Equities Activity						2,781.40
Total Purchases & Sales						2,750.81

Transaction Detail - Dividends & Interest (including Money Market Fund dividends reinvested)

Transaction Date	Process Date	Activity	Description	Credit/(Debit)
11/30/08	12/01/08	Qual Div Reinvest	UNION BANKSHARES CORP: UBSH	58.32
12/01/08	12/01/08	Qual Div Reinvest	WELLS FARGO & CO NEW: WFC	211.14
12/09/08	12/09/08	Qual Div Reinvest	JOHNSON & JOHNSON: JNJ	100.50
12/15/08	12/15/08	Qualified Dividend	KYOCERA LTD ADR F: KYO	109.21
12/15/08	12/15/08	Foreign Tax Paid	KYOCERA LTD ADR F: KYO	(7.64)
12/15/08	12/15/08	Qual Div Reinvest	NEWELL RUBBERMAID INC: NWL	140.02
12/31/08	12/31/08	Div For Reinvest	SCHWAB INVESTOR MONEY FD: SW2XX	30.59
Total Dividends & Interest				642.14

Transaction Detail - Fees & Charges

Transaction Date	Process Date	Activity	Description	Credit/(Debit)
12/15/08	12/15/08	ADR Pass Thru Fee	KYOCERA LTD ADR F	(0.60)
Total Fees & Charges				(0.60)

Total Transaction Detail 3,392.35

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & J BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period March 1-31, 2009

Transaction Detail - Purchases & Sales (continued)

Equities Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
03/02/09	03/02/09	Reinvested Shares	UNION BANKSHARES CORP: UBSH	3.0949	12.3460	(38.21)
03/03/09	03/03/09	Reinvested Shares	WELLS FARGO & CO NEW: WFC	19.3050	11.0986	(214.26)
03/05/09	03/02/09	Bought	BHP BILLITON LTD ADR F SPONSORED ADR: BHP	25.0000	33.7000	(855.45)
03/05/09	03/02/09	Bought	UNION BANKSHARES CORP: UBSH	100.0000	12.0270	(1,215.65)
03/11/09	03/11/09	Reinvested Shares	JOHNSON & JOHNSON: JNJ	2.0920	48.4236	(101.30)
03/16/09	03/16/09	Reinvested Shares	NEWELL RUBBERMAID INC: NWL	11.4087	6.2400	(71.19)
03/18/09	03/18/09	Reinvested Shares	BHP BILLITON LTD ADR F SPONSORED ADR: BHP	2.5326	40.4726	(102.50)
03/20/09	03/20/09	Reinvested Shares	SOUTHWEST AIRLINES CO: LUV	0.5910	5.7700	(3.41)
Total Equities Activity						(2,601.97)
Total Purchases & Sales						(2,606.47)

Transaction Detail - Dividends & Interest (including Money Market Fund dividends reinvested)

Transaction Date	Process Date	Activity	Description	Credit/(Debit)
03/01/09	03/02/09	Qual Div Reinvest	WELLS FARGO & CO NEW: WFC	214.26
03/10/09	03/10/09	Qual Div Reinvest	JOHNSON & JOHNSON: JNJ	101.30
03/13/09	03/13/09	Qual Div Reinvest	NEWELL RUBBERMAID INC: NWL	71.19
03/16/09	03/16/09	Div For Reinvest	SCHWAB INVESTOR MONEY FD: SW2XX	4.50
03/17/09	03/17/09	Qual Div Reinvest	BHP BILLITON LTD ADR F: BHP	102.50
03/19/09	03/19/09	Qual Div Reinvest	SOUTHWEST AIRLINES CO: LUV	3.41
03/31/09	03/31/09	Qual Div Reinvest	BECTON DICKINSON & CO: BDX	69.02
Total Dividends & Interest				566.18

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number
1740-9778

Statement Period
June 1-30, 2009

Transaction Detail - Purchases & Sales

Money Market Fund [Non-Sweep] Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
06/15/09	06/15/09	Reinvested Shares	SCHWAB INVESTOR MONEY FD : SW2XX	0.5200	1.0000	(0.52)
Total Money Market Fund [Non-Sweep] Activity						(0.52)

Equities Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
06/02/09	06/02/09	Reinvested Shares	UNION BANKSHARES CORP : UBSH	1.4929	16.9400	(25.29)
06/02/09	06/02/09	Reinvested Shares	WELLS FARGO & CO NEW : WFC	1.3106	24.7755	(32.47)
06/10/09	06/10/09	Reinvested Shares	JOHNSON & JOHNSON : JNJ	1.9426	56.0744	(108.93)
06/16/09	06/16/09	Reinvested Shares	NEWELL RUBBERMAID INC : NWL	3.2306	10.6700	(34.47)
06/25/09	06/25/09	Reinvested Shares	SOUTHWEST AIRLINES CO : LUV	0.5304	6.4296	(3.41)
Total Equities Activity						(204.57)
Total Purchases & Sales						(205.09)

Transaction Detail - Dividends & Interest (including Money Market Fund dividends reinvested)

Transaction Date	Process Date	Activity	Description	Credit/(Debit)
05/31/09	06/01/09	Qual Div Reinvest	UNION BANKSHARES CORP: UBSH	25.29
06/01/09	06/01/09	Qual Div Reinvest	WELLS FARGO & CO NEW: WFC	32.47
06/09/09	06/09/09	Qual Div Reinvest	JOHNSON & JOHNSON: JNJ	108.93
06/15/09	06/15/09	Qual Div Reinvest	NEWELL RUBBERMAID INC: NWL	34.47
06/15/09	06/15/09	Div For Reinvest	SCHWAB INVESTOR MONEY FD: SW2XX	0.52
06/24/09	06/24/09	Qualified Dividend	INFOSYS TECH SPON ADR F: INFY	55.50

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings.
Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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charles SCHWAB

Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period September 1-30, 2009

Investment Detail - Equities (continued)

Accounting Method
Equities: First In First Out [FIFO]

Equities (continued)	Quantity / Units Purchased	Market Price / Cost Per Share	Market Value / Cost Basis	% of Account Assets / Acquired	Unrealized Gain or (Loss)	Estimated Yield / Holding Days	Estimated Annual Income / Holding Period
INFOSYS TECH SPON ADR F (M)	200.0000	48.4900	9,698.00	5%	245.05	0.00%	0.00
SPONSORED ADR	100.0000	47.2647	4,726.47	10/06/06	122.53	1090	Long-Term
1 ADR REP 1 ORD	100.0000	47.2648	4,726.48	10/06/06	122.52	1090	Long-Term
SYMBOL: INFY							
Cost Basis			*9,452.95*				
JOHNSON & JOHNSON (M),◇	226.0456	60.8900	13,763.92	7%	(96.38)	3.21%	443.05
SYMBOL: JNJ	7.5635	55.6104 r	420.61		39.93		Short-Term
	18.4821	64.1561 r	1,185.74		(60.36)		Long-Term
	200.0000	61.2697	12,253.95	12/01/04	(75.95)	1764	Long-Term
Cost Basis			*13,860.30*				
KYOCERA LTD ADR F (M)	170.0000	91.7600	15,599.20	8%	N/A i	0.00%	0.00
1 ADR REPS 1 COM	170.0000	N/A	please provide	01/01/93	N/A	6116	Long-Term
SYMBOL: KYO							
NEWELL RUBBERMAID INC (M),◇	694.8646	15.6900	10,902.43	6%	(7,670.05)	1.27%	138.97
SYMBOL: NWL	28.1252	9.9665 r	280.31		160.97		Short-Term
	166.7394	25.1755 r	4,197.75		(1,581.61)		Long-Term
	200.0000	31.9871	6,397.42	09/09/99	(3,259.42)	3674	Long-Term
	100.0000	30.5500	3,055.00	09/22/99	(1,486.00)	3661	Long-Term
	100.0000	24.7450	2,474.50	05/02/00	(905.50)	3438	Long-Term
	100.0000	21.6750	2,167.50	10/24/00	(598.50)	3263	Long-Term
Cost Basis			*18,572.48*				

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings.
Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number
1740-9778

Statement Period
September 1-30, 2009

Transaction Detail - Purchases & Sales

Money Market Fund [Non-Sweep] Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
09/15/09	09/15/09	Reinvested Shares	SCHWAB INVESTOR MONEY FD: SW2XX	0.2400	1.0000	(0.24)

[redacted]

Equities Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
09/01/09	09/01/09	Reinvested Shares	UNION BANKSHARES CORP	1.5089	16.8200	(25.38)
09/02/09	09/02/09	Reinvested Shares	WELLS FARGO & CO NEW: WFC	1.2335	26.3800	(32.54)
09/09/09	09/09/09	Reinvested Shares	JOHNSON & JOHNSON: JNJ	1.8023	60.9656	(109.88)
09/16/09	09/16/09	Reinvested Shares	NEWELL RUBBERMAID INC: NWL	2.2693	15.2600	(34.63)
09/25/09	09/25/09	Reinvested Shares	SOUTHWEST AIRLINES CO: LUV	0.3541	9.6297	(3.41)
09/28/09	09/28/09	Reinvested Shares	BHP BILLITON LTD ADR F SPONSORED ADR: BHP	1.9238	65.0165	(125.08)

deducted from Cash

[redacted]

Transaction Detail - Dividends & Interest (including Money Market Fund dividends reinvested)

Transaction Date	Process Date	Activity	Description	Credit/(Debit)
09/01/09	09/01/09	Qual Div Reinvest	WELLS FARGO & CO NEW: WFC	32.54
09/08/09	09/08/09	Qual Div Reinvest	JOHNSON & JOHNSON: JNJ	109.88
09/15/09	09/15/09	Qual Div Reinvest	NEWELL RUBBERMAID INC: NWL	34.63
09/15/09	09/15/09	Div For Reinvest	SCHWAB INVESTOR MONEY FD: SW2XX	0.24

to Equity Portfolio

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings.
Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period October 1-31, 2009

Investment Detail - Equities

Accounting Method
Equities: First In First Out [FIFO]

Equities	Quantity / Units Purchased	Market Price / Cost Per Share	Market Value / Cost Basis	% of Account Assets / Acquired	Unrealized Gain or (Loss)	Estimated Yield / Holding Days	Estimated Annual Income / Holding Period
BECTON DICKINSON & CO (M),◊	**212.2067**	**68.3600**	**14,506.45**	**19%**	**3,287.86**	**1.93%**	**280.11**
SYMBOL: BDX	4.0472	68.3880 r	276.78		(0.11)		Short-Term
	8.1595	74.4972 r	607.86		(50.08)		Long-Term
	200.0000	51.6697	10,333.95	10/24/05	3,338.05	1468	Long-Term
Cost Basis			*11,218.59*				
BHP BILLITON LTD ADR F (M),◊	**154.4564**	**65.5800**	**10,129.25**	**13%**	**1,912.72**	**0.00%**	**0.00**
SPONSORED ADR	4.4564	51.0681 r	227.58		64.67		Short-Term
1 ADR REP 2 ORD	25.0000	67.4980	1,687.45	01/07/08	(47.95)	663	Long-Term
SYMBOL: BHP	8.0000	64.2575	514.06	01/16/08	10.58	654	Long-Term
	17.0000	64.2582	1,092.39	01/16/08	22.47	654	Long-Term
	25.0000	61.7680	1,544.20	03/20/08	95.30	590	Long-Term
	25.0000	56.3080	1,407.70	09/09/08	231.80	417	Long-Term
	25.0000	35.5080	887.70	10/17/08	751.80	379	Long-Term
	25.0000	34.2180	855.45	03/02/09	784.05	243	Short-Term
Cost Basis			*8,216.53*				
CITRIX SYSTEMS INC (M),◊	**450.0000**	**36.7600**	**16,542.00**	**21%**	**5,919.27**	**0.00%**	**0.00**
SYMBOL: CTXS	450.0000	23.6060	10,622.73	09/22/05	5,919.27	1500	Long-Term
GENWORTH FINANCIAL INC (M),◊	**1,000.0000**	**10.6200**	**10,620.00**	**14%**	**9,247.05**	**0.00%**	**0.00**
SYMBOL: GNW	1,000.0000	1.3729	1,372.95	12/01/08	9,247.05	334	Short-Term
→ **JOHNSON & JOHNSON** (M),◊ See page 8 of 8	**0.0456**	**59.0500**	**2.69**	**<1%**	**(0.09)**	**3.34%**	**0.09**
SYMBOL: JNJ	0.0456	60.9649 r	2.78		(0.09)		Short-Term
NEWELL RUBBERMAID INC (M),◊	**0.8646**	**14.5100**	**12.55**	**<1%**	**(0.64)**	**1.35%**	**0.17**
SYMBOL: NWL	0.8646	15.2556 r	13.19		(0.64)		Short-Term
PULTE HOMES INC (M),◊	**0.8521**	**9.0100**	**7.68**	**<1%**	**(2.07)**	**0.00%**	**0.00**
SYMBOL: PHM	0.8521	11.4423 r	9.75		(2.07)		Short-Term

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings.
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Case 3:10-cv-04884-FLW-DEA Document 12-16 Filed 11/07/13 Page 145 of 169 PageID 2263

S-7a

charles SCHWAB

Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period October 1-31, 2009

Transaction Detail - Transfers to Trust Company of Virginia

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
10/06/09	10/06/09	Account Transfer	CONSTELLATION BRAND CL ACLASS A: STZ	(1,200.0000)	16.2000	(19,440.00)
10/06/09	10/06/09	Account Transfer	INFOSYS TECH SPON ADR FSPONSORED ADR 1 ADR REP 1: INFY	(200.0000)	49.5900	(9,918.00)
10/06/09	10/06/09	Account Transfer	JOHNSON & JOHNSON: JNJ	(226.0000)	60.2900	(13,625.54)
10/06/09	10/06/09	Account Transfer	KYOCERA LTD ADR F1 ADR REPS 1 COM: KYO	(170.0000)	88.3300	(15,016.10)
10/06/09	10/06/09	Account Transfer	NEWELL RUBBERMAID INC: NWL	(694.0000)	15.0300	(10,430.82)
10/06/09	10/06/09	Account Transfer	PULTE HOMES INC: PHM	(786.0000)	10.4600	(8,221.56)
10/06/09	10/06/09	Account Transfer	SOUTHWEST AIRLINES CO: LUV	(758.0000)	9.1600	(6,943.28)
10/06/09	10/06/09	Account Transfer	SYMANTEC CORP: SYMC	(400.0000)	16.4000	(6,560.00)
10/06/09	10/06/09	Account Transfer	WELLS FARGO & CO NEW: WFC	(652.0000)	28.6600	(18,686.32)
Total Transfers						(108,841.62)

Total Transaction Detail (108,911.32)

Endnotes For Your Account

Symbol	Endnote Legend
(M)	Denotes a marginable investment.
◊	Dividends paid on this security will be automatically reinvested.
r	Reinvested dividends are summarized and the cost per share is averaged.

For information on how Schwab pays its representatives, go to http://aboutschwab.com/about/overview/compensation.html.

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number
1740-9778

Statement Period
November 1-30, 2009

Investment Detail - Equities (continued)

Accounting Method
Equities: First In First Out [FIFO]

Equities (continued)	Quantity Units Purchased	Market Price Cost Per Share	Market Value Cost Basis	% of Account Assets Acquired	Unrealized Gain or (Loss)	Estimated Yield Holding Days	Estimated Annual Income Holding Period
UNION BANKSHARES CORP (M),◊	19.0000	20.8994	397.09	07/20/07	(172.89)	864	Long-Term
	62.0000	20.8995	1,295.77	07/20/07	(564.17)	864	Long-Term
	100.0000	12.1565	1,215.65	03/02/09	(35.65)	273	Short-Term
Cost Basis			*8,775.62*				
Total Equities			60,464.13	76%	20,257.71		382.00
			Total Cost Basis: 40,206.42				

Estimated Annual Income ("EAI") and Estimated Yield ("EY") calculations are for informational purposes only. The actual income and yield might be lower or higher than the estimated amounts. EY is based upon EAI and the current price of the security and will fluctuate. For certain types of securities, the calculations could include a return of principal or capital gains in which case EAI and EY would be overstated. EY and EAI are not promptly updated to reflect when an issuer has missed a regular payment or announced changes to future payments, in which case EAI and EY will continue to display at a prior rate.

Total Investment Detail	79,301.27
Less: Margin Loan Balance	(3,266.78)
Total Account Value	76,034.49
Total Cost Basis	40,206.42

Realized Gain or (Loss)

Accounting Method
Mutual Funds: Average
All Other Securities: First In First Out [FIFO]

Short Term	Quantity/Par	Acquired/ Opened	Sold/ Closed	Total Proceeds	Cost Basis	Realized Gain or (Loss)
JOHNSON & JOHNSON : JNJ	0.0456	09/09/09	11/12/09	2.78	2.78	0.00
NEWELL RUBBERMAID INC : NWL	0.8646	09/16/09	11/12/09	12.58	13.19	(0.61)
PULTE HOMES INC : PHM	0.8521	01/05/09	11/12/09	8.43	9.75	(1.32)
SOUTHWEST AIRLINES CO : LUV	0.2100	06/25/09	11/12/09	1.91	1.35	0.56
SOUTHWEST AIRLINES CO : LUV	0.3541	09/25/09	11/12/09	3.22	3.41	(0.19)

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Schwab One® Trust Account of
W BOURN & E BOURN TTEE
WARD C BOURN DECLARATION OF TR
U/A DTD 05/13/1997

Account Number 1740-9778

Statement Period November 1-30, 2009

Accounting Method
Mutual Funds: Average
All Other Securities: First In First Out [FIFO]

Realized Gain or (Loss) (continued)

Short Term (continued)	Quantity/Par	Acquired/ Opened	Sold/ Closed	Total Proceeds	Cost Basis	Realized Gain or (Loss)
WELLS FARGO & CO NEW : WFC	0.0290	09/02/09	11/12/09	0.81	0.77	0.04
Total Short Term				29.73	31.25	(1.52)
Total Realized Gain or (Loss)				29.73	31.25	(1.52)

Schwab has provided accurate realized gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings. If all data for a given investment is not available, the investment will not be listed here.
Option Customers: Realized gain/loss of underlying securities is adjusted to reflect the premiums of assigned or exercised options. Please consult IRS publication 550, Investment Income and Expenses, for additional information on Options.

Transaction Detail - Purchases & Sales

Money Market Fund [Non-Sweep] Activity

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
11/16/09	11/16/09	Reinvested Shares	SCHWAB INVESTOR MONEY FD: SW2XX	0.2600	1.0000	(0.26)
Total Money Market Fund [Non-Sweep] Activity						(0.26)

Equities Activity

Disposal of fractional shares that do not transfer with round lot when securities are shifted to a different custodian.

Settle Date	Trade Date	Transaction	Description	Quantity	Unit Price	Total Amount
11/17/09	11/12/09	Sold	JOHNSON & JOHNSON: JNJ	(0.0456)	61.2200	2.78
11/17/09	11/12/09	Sold	NEWELL RUBBERMAID INC: NWL	(0.8646)	14.5600	12.58
11/17/09	11/12/09	Sold	PULTE HOMES INC: PHM	(0.8521)	9.9100	8.43
11/17/09	11/12/09	Sold	SOUTHWEST AIRLINES CO: LUV	(0.5641)	9.1200	5.13

Schwab has provided accurate gain and loss information wherever possible for most investments. Cost basis data may be incomplete or unavailable for some of your holdings.
Please see "Endnotes for Your Account" section for an explanation of the endnote codes and symbols on this statement.

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Attachment for Supplement & incorporated therein

108 Sheriffs Place
Williamsburg, VA 23185-4922
November 5, 2013

Matthew L. Mustokoff, Esq.
Kessler Topaz Metzler & Check LLP
280 King of Prussia Road
Radnor, PA 19087

RECEIVED
NOV 06 2013
AT 8:30 M
WILLIAM T. WALSH
CLERK

Re: ***Monk vs. Johnson & Johnson***
Inquiries and Requests for Documents

The writer, a Class Member, has filed with the Court and your firm a Notice of Objection and Notice of Intent to Appear at the Final Approval Hearing, which is currently scheduled for November 14, 2013 at the Courthouse in Trenton. The records of the U.S. Postal Service show both parties received their copies of that filing on a timely basis the day of the deadline. As pointed out in that filing, ***I did not receive your firm's mailing of the Notice of Pendency of Class Action until Wednesday, October 16, 2013, which left me seven (7) calendar days to file that document with the U.S. Postal Service for next day delivery at the deadline.***

As a result, I did not have time to fully develop my objections and concerns included in my initial draft outline of my Notice of Objection and Notice of Intent to Appear, nor to fully explore all the material available on the case website maintained by SCS. So ***this letter seeks to expand my understanding of the case and of how, with Lead Plaintiff, Kessler Topaz structured its prosecution of the case, as well as its proposed settlement and plan of administration through distribution of the Fund, if approved.*** Your responses will guide my remarks at the Final Approval Hearing (AKA Fairness Hearing) and should reduce the amount of input there required of each of us.

In your Declaration of October 10, 2013 (Dkt. 114-2 in footnote 25 at page 24), ***you have committed Kessler Topaz to supply on or before by November 7, 2013, in a reply brief to the Court, Lead Counsel's response to the points raised in my Notice of Objection,*** as well as other points developed in other Notices of Objection filed by other Class Members. ***This paragraph constitutes a request that that filing be immediately posted on the Monk case class action section of the website maintained by the case administrator, SCS, so that all Objectors and other Class Members may be as fully informed as possible prior to the commencement of the Fairness Hearing.***.

Similarly, certain other documents already extant should be added to that website section at the same time, in order that Class Members may be able to begin to form some assessments on the adequacy of the preparation of and resulting fairness of the Plan of Allocation and administration work schedule. **In a document being simultaneously filed with the Clerk of the District Court, the Hon. Judge Wolfson is being requested to IMMEDIATELY order such postings**.

This Objector realizes that answers to some interrogatories here may be difficult to assemble by November 7, or even by the scheduled date of the Fairness Hearing on November 14. If, despite

the availability of the substantial staff at Kessler Topaz that has already worked on this case, this information cannot be assembled and posted on the website before November 14, ***I would expect Lead Counsel to make request of the Court well in advance of that date for a continuance to a date not earlier than 30 nor later than 60 days beyond that currently set for the Fairness Hearing.***

INQUIRIES / INTERROGATORIES / DOCUMENT REQUESTS

1. The Class Period:

a. What factors or events determined the starting and ending dates of October 14, 2008 and July 21, 2010?

b. PLEASE SUPPLY THE EVENTS SCHEDULE, and ANNOTATE THEREON THE SPECIFIC ALLEGED EVENTS between October 14, 2008 and April 19, 2010 that the Court ruled in its Opinion of December 19, 2011 were NOT ACTIONABLE BASES UNDER FEDERAL SECURITIES LAWS for achieving a Recognized Claim under such Plan of Allocation of the Settlement Fund as might be approved.

c. Do Federal securities laws bar the adjustment of the initially-defined dates of the Class Period as might seem appropriate during the period of discovery and pleadings? If not, why is July 21, 2010 the final date of the Class Period? [This Objector is aware of other JNJ recalls which might have been designated Disclosure Dates which occurred prior to the original filing with the District of New Jersey by Raymond Monk on September 10, 2010.]

d. Were there any other lawsuits that were consolidated with the Raymond Monk filing that had established different Class Periods? IF SO, PLEASE IDENTIFY THE NAME, DATE AND JURISDICTION OF ALL FILINGS THAT WERE CONSOLIDATED AND THE CLASS PERIOD ASSOCIATED WITH EACH.

2. Scope of JNJ Operations Addressed:

a. Was the limit of the scope of Events addressed confined to the Consumer Products organization an automatic result of the original selection of the Class Period? Or was this the result of the MDL action taken October 8, 2010 by the U.S. Judicial Panel on Multidistrict Litigation which specifically cited Johnson & Johnson and its McNeil Consumer Healthcare subsidiary? If neither, why was the scope so limited? [Two potential Disclosure Dates prior to the *Monk* filing (referred to in Item 1. c. above) involved DePuy hip implants (August 26, 2010) and Acuvue contact lenses (that same week.]

b. At any time prior to the filing of Lead Plaintiff's Amended Complaint (on March 11, 2011) or prior to the filing of the Second Amended Complaint (on September 7, 2012,) did Lead Plaintiff and Lead Counsel discuss whether it might be appropriate or useful to the Class to expand either the product/organizational scope or the time interval of the Class Period? If so, what was the basis for the decision to continue on the original course? [Product recalls in other product areas exploded in the period December 2010 through March 2011, including items such as Rolaids and Sinutab (plus Tylenol and Benadryl again), syringes pre-loaded with an anti-psychotic drug, surgical sutures with compromised sterile packaging and insulin pump cartridges with a propensity to leak. [Exhibit I-1, *Johnson & Johnson's quality catastrophe*, MSN Money Partner, posted on the Internet April 1, 2011 at 1:05 pm.] Such an array of incidents associated with different divisions would gravely undercut JNJ statements that the quality control problems were largely or wholly confined to McNeil, (or as attributed to Defendants in footnote 12 of your Declaration of October 10, 2013, "at best affected only a

minuscule fraction of the Company's products"). (Dkt. 114-2, p.15.]

3. Identity and Characteristics of Originating Plaintiffs

a. *PLEASE PROVIDE THE NAME AND ADDRESS OF EACH OF THE PLAINTIFFS THAT WERE A PARTY TO THE ORIGINAL MONK FILING IN THE JNJ CASE OR TO ANY FILING WHICH WAS CONSOLIDATED WITH MONK.* [This was the field from which the Court designated the Lead Plaintiff.] For each such Originating Plaintiff, please indicate THE CLASS PERIOD IDENTIFIED IN THE FILING WITH WHICH PLAINTIFF WAS ASSOCIATED plus A TABLE OF THE FOLLOWING STATISTICS IN REGARD TO THE SHAREHOLDINGS OF EACH PLAINTIFF OF THE DEFENDANT COMPANY'S COMMON STOCK:

- TOTAL NUMBER OF SHARES OWNED AT FIRST DATE OF CLASS PERIOD DEFINED IN ACTION IN WHICH PLAINTIFF ORIGINALLY FILED
- TOTAL NUMBER OF SHARES OWNED AT OCTOBER 14, 2008
- TOTAL NUMBER OF SHARES OWNED AT APRIL 20, 2010
- TOTAL NUMBER OF PURCHASES MADE AND TOTAL NUMBER OF SHARES ACQUIRED THEREBY DURING EACH OF: THE CLASS PERIOD (10/14/08 THROUGH 07/21/10),
  THE INTERVAL 10/14/08 THROUGH 04/19/10
  THE INTERVAL 04/20/10 THROUGH 05/27/10
  THE BOUNCEBACK PERIOD (07/22/10 THROUGH 11/26/10)
- TOTAL NUMBER OF SALES MADE AND TOTAL NUMBER OF SHARES DISPOSED OF THEREBY DURING EACH OF: THE CLASS PERIOD (10/14/08 THROUGH 07/21/10),
  THE INTERVAL 10/14/08 THROUGH 04/19/10
  THE INTERVAL 04/20/10 THROUGH 05/27/10
  THE BOUNCEBACK PERIOD (07/22/10 THROUGH 11/26/10)
- TOTAL NUMBER OF SHARES OWNED AT END OF BOUNCEBACK PERIOD (11/26/10)

[***This data is merely a summary of that which the Originating Plaintiffs must submit by December 24, 2013 to have their claims processed***, and the raw elements have undoubtedly already been compiled by each of them. ***The summary will permit Objectors and the Court to assess how "similarly situated" such Originating Plaintiffs are to the broader members of the Class (such as the ten largest current record holders of common stock of JNJ***, which collectively own approximately 23.8% of JNJ shares as shown in Exhibit I-2 here), as opposed to similarity to just Raymond Monk and each other. ***The data may either support or refute the suspicion that the Plan of Allocation may have favored one or more of these Plaintiffs to the detriment of other Class Members.*** The data will also give an indication of the relative success of Lead Plaintiff and Lead Counsel to achieve the intent of Congress in enacting the PSLRA "to encourage institutional investors...to assume control of securities class actions" as noted in the Mustokoff Declaration at page 22.]

4. Work of the Damages Expert

[The Mustokoff Declaration of October 10, 2013 (Dkt. 114-2 at pages 19-20 alleges the "The Plan (of Allocation) is designed to achieve an equitable and rational distribution of the Net Settlement Fund, but it is not a formal damages analysis that would be submitted at trial....The Plan was fully disclosed in the Notice that was mailed to more than 2 million potential Class Members and nominees." (emphasis supplied here) Substantial details of the structure of the proposed allocation was provided in the Notice, but ZERO is included there on how it was determined that some Class Members were damaged and entitled to be compensated while others

were not. The Court, charged with the responsibility of assuring that all Class Members are equitably treated, has an obligation to explore that issue as a major focus in the Fairness Hearing.]

a. PLEASE ARRANGE FOR DR. DAVID TABAK, on whose expertise and reputation Lead Plaintiff and Lead Counsel rely to carry the Plan to approval, TO EXPLAIN TO THE COURT IN WRITING (or in person orally at the Fairness Hearing) THE ANOMALIES IN THE PLAN OF ALLOCATION HE HAS RECOMMENDED, WHICH ARE DESCRIBED BELOW:

[Statement of Fact - Focus for the Argument:

The Notice on page 6, under the caption " The Basis for Calculating Your Recognized Claim," sets out three basic levels of Recognized Claim with the following language:

"Recognized Claims are based on the losses suffered by investors that purchased shares of J&J common stock during the Class Period and held their shares through one or more Disclosure Dates, as follows:

- Shares purchased before May 27, 2010, and held to at least that date will accrue a Recognized Claim of $1.45 per share.
- Shares purchased before July 20, 2010, and held to at least that date will accrue a Recognized Claim of $1.25 per share.
- Shares purchased before July 21, 2010, and held to at least that date will accrue an additional Recognized Claim of $1.19 per share."

While the word "additional" appears only in the third description, the mathematics outlined in Sections II and III make it quite clear that the Plan has applied an incremental Recognized Claim in both Sections II and III, and also in Section I.]

ANOMALIES FOR DR. TABAK TO EXPLAIN TO THE OBJECTOR AND TO THE COURT:

a. ***Shareholder John Jones who purchased 1,000 shares of JNJ on April 20, 2010*** at the closing price of $65.99 and had made no purchases or sales since would be ***entitled to a Recognized Claim of $1,450,*** being classified in Section II, solely because he was a Purchaser in a period prior to May 27, 2010 - and ***had become an Owner by April 20, 2010*** with a market value of his investment on that date of $65,990 ***BUT only if he had remained an Owner of 1,000 shares at May 27, 2010. However, JNJ shareholder Sam Smith who had purchased 1,000 shares of JNJ in September 2008 (a different prior period) and still was an Owner of all of them at April 20, 2010*** when he enjoyed a market value at the close of that day of $65,990 and ***also was still their Owner at the close of May 27, 2010*** when his market value had declined to $59,030 (as had Jones') ***is entitled to NO Recognized Claim.***

DR. TABAK: Since both Jones and Smith had identical dollar commitments in JNJ at April 20, 2010 and each had sustained an identical ECONOMIC LOSS of $6,960 by May 27, 2010, WHAT UNIQUE CHARACTERISTIC OF ANY EVENT IDENTIFIED IN THE EVENT SCHEDULE (OR OTHERWISE CITED BY YOU TO THE COURT IN THIS *MONK* CASE) INDUCED JONES TO MAKE A PURCHASE AND SUBSEQUENTLY REFRAIN FROM MAKING A SALE OF JNJ, SO THAT

JONES SUSTAINED DAMAGES ENTITLING JONES TO A RECOGNIZED CLAIM, WHEREAS SMITH HAD NOT BEEN SIMILARLY INDUCED TO REFRAIN FROM SALE AND THUS WAS NOT DAMAGED.

Similarly, WHAT UNIQUE CHARACTERISTIC OF ANY EVENT IDENTIFIED IN THE EVENT SCHEDULE INDUCED AND DAMAGED JONES BUT NOT SMITH DURING THE TIME INTERVAL MAY 28, 2010 THROUGH JULY 20, 2010?

WHY IS PURCHASE, WHICH IS MERELY THE PRELIMINARY REQUISITE PRECURSOR TO OWNERSHIP, THE LINCHPIN OF THE CLASS DEFINITION AND THE PLAN OF ALLOCATION? [This case is NOT about an IPO or a serial sale of notes or other securities such as in the *Wachovia* and *Lehman Holdings, Inc*. actions in the Southern District of New York (cited, along with *In re Initial Public Offering Sec. Litig.* in Lead Counsel's firm profile (Dkt.113-7). ***Rather, the underlying postulate of the Plaintiffs' case,*** if the writer may be permitted to synthesize the apparent arguments, ***is that the Corporation had an on-going Achieved Condition,*** attributable to a corporate culture of slack and inconsistent observance of Good Manufacturing Practices and effective quality control, ***that was demonstrably harmful to actual and potential consumers, but apparently invisible to Senior Management (the individual Defendants)*** due to the structure of corporate governance and internal accountability and control. This Achieved Condition had prevailed for some time, still prevailed at the outset of the Class Period, and continued at least through the deemed end of the Class Period. ***When the Achieved Condition became apparent to the world*** through a sustained series of product recalls, governmental Warnings and Congressional hearings, ***the confidence in the Corporation ebbed at first, and then plunged. This erosion of confidence was exhibited by*** consumers, the medical community in a position to counsel favorably or otherwise in regard to products of the corporation, the media, and ***the investing community. The latter cohort is the critical one, since the skepticism about the impact on future and long term earnings of the Corporation undercut the price of its shares, causing ECONOMIC LOSS to the equity owners of the enterprise***, of which the Class members (as presently defined) are a sub-set.]
DR. TABAK: IF YOU HAD AN ALTERNATE POSTULATE ON WHICH YOUR DAMAGES ANALYSIS WAS BASED, PLEASE ARTICULATE FOR THE COURT WHAT IT WAS.

b. Class members who purchased JNJ shares during the period October 14, 2008 through April 19, 2010 are entitled to a Recognized Claim, although discounted by 90% from the standard factors, despite the Court in its Opinion of December 19, 2011 having expressly stated that share transactions during this period were not actionable bases for recovery.
DR. TABAK: IN YOUR EXTENSIVE EXPERIENCE AS AN EXPERT IN OTHER SECURITIES LITIGATIONS AND CLASS ACTIONS, HAVE YOU PREVIOUSLY ENCOUNTERED CASES IN WHICH A GROUP OF CLASS MEMBERS WHOSE BASIS FOR CLAIM WAS NULLIFIED BY THE COURT, HAS NEVERTHELESS BEEN MADE ELIGIBLE FOR "RECOVERY" THROUGH ADMITTANCE TO THE CLAIMS VERIFICATION PROCESS UNDER A PROPOSED PLAN OF ALLOCATION? IF SO, WERE ANY SUCH ARRANGEMENTS INCORPORATED IN THE PLAN WHICH SURVIVED FINAL HEARING?

WHILE THE DECLARATION OF LEAD COUNSEL'S MR. MUSTOKOFF (DKT. 114-2 AT PAGE 16) INDICATES THAT LEAD PLAINTIFF HAS ACCOUNTED FOR THE COURT'S OPINION BY THE 90% DISCOUNTING, DID THAT DECISION REST UPON YOUR RECOMMENDATION? IF SO, PLEASE EXPLAIN THE RATIONALE. IF NOT, WHAT RECOMMENDATION DID YOU MAKE IN THIS REGARD? IF YOUR RECOMMENDATION WAS NEITHER SOUGHT NOR OFFERED, WHAT IS YOUR OPINION OF THE PROPER TREATMENT OF THIS SUB-SET OF CLASS MEMBERS?

5. The Average Recovery per Share and Cost of Claims Administration

[This Objector's Notice of Intent to Appear (October 21-23, 2013) challenged the text in the Notice of Pendency of Class Action... in ***Paragraph 3, Estimate of Average Amount of Recovery per Share*** as misleading information for the first page of that Notice. Not only did the paragraph fail to disclose that payment *might* be as much as $3.89 per share, but it ***failed to quantify the size of the charge against the Net Settlement Fund for the attorney's expenses, which reduces the $0.05 per share potential by 20%,*** though this fact is indicated in Paragraph 5 at the top of Page 2 (if the reader gets as far as Page 2). Since now having had time to review everything on the *Monk* case portion of the SCS website, ***the writer has discovered that the costs of administration and settlement have also not been factored in as a quantified charge against the Settlement Fund.*** The postage bill for mailing the Notice of approximately $960,000 (2,082,00 pieces @ $0.46) has not only been committed, but spent, consuming 4.3% of the Net Settlement Fund or more than twice the amount for the Attorneys' Fees for which approval is sought. The expected average cost for processing a Proof of Claim will undoubtedly exceed $0.46 and should be made known to the Court, and ordered by the Court to be posted on the SCS *Monk* website.]

a. What is the total budget or estimate for the cost of administration of the Settlement Fund? PLEASE SUBMIT TO THE OBJECTOR AND TO THE COURT THE DOCUMENT(S) PREPARED BY THE CLAIMS ADMINISTRATOR, SCS, WHICH DETAILS ALL THE ELEMENTS OF THESE FINAL POST-TRIAL PROCESSES WITH THE EXPECTED COST OF EACH, ALONG WITH THE DOCUMENT'S DATE, AND A STATEMENT OF THE ASSUMPTIONS USED. IF THAT DOCUMENT DOES NOT INCLUDE SCS'S WORKPLAN AND TIMETABLE FOR THE PROCESS, PLEASE PROVIDE THAT DOCUMENTATION AND THE INDICATION OF ULTIMATE ELAPSED TIME EXPECTED TO OCCUR BEFORE COMPLETION OF DISTRIBUTION OF CHECKS TO ALL APPROVED CLAIMANTS.

b. Probable validity of SCS Estimates. HOW DO THE ASSUMPTIONS USED IN THE DOCUMENTS SOUGHT IN 5.A. (ABOVE) COMPARE WITH THE EXPERIENCE OF SCS IN OTHER SECURITIES LITIGATION CASES IT HAS HANDLED? EXPLAIN ANY WIDE DIVERGENCE FROM THE RANGE OF RESULTS PREVIOUSLY EXPERIENCED. HOW HAVE THE RESULTS ACTUALLY EXPERIENCED IN PREVIOUS SCS CASES COMPARED WITH THE SCS WORKPLAN ESTIMATES FOR EACH RESPECTIVE PLAN? WHAT FACTORS HAVE BEEN THE MOST DIFFICULT TO FORECAST CLOSELY? [Writer/Objector suspects these are (1) Percent of Class Members which file a Proof of Claim, and (2) Percent of Claimants Filing Proof of Claim which have an Approved Claim at or exceeding the appointed minimum amount.] WHETHER OR NOT THESE ARE THE MOST DIFFICULT TO FORECAST, PROVIDE THE ESTIMATED PERCENTAGE FOR *EACH FOR MONK*, AND INDICATE HOW THE FIGURES COMPARE WITH OTHER CASES WITH LARGE NUMBER OF CLASS MEMBERS (SEE SECTION 6 BELOW).

c. Estimates of alternative numbers of claimants. Compared to the number of Proofs of Claim expected based on the proposed Plan of Allocation presented in the Notice (to be indicated in Lead Counsel's response to interrogatory 5.a., above), what would the number be projected to

be if the plan of Allocation approved by the Court in each case below:

(1) provided Zero Recovery for claims based on Purchases between October 14, 2008 and April 19, 2019 ;

(2) provided that submitted Proofs of Claim were to be awarded Recognized Claims for each of the three Discovery Date-based periods based on the average net Ownership of shares during the period (adjusting for Purchase and Sales within the respective periods).

FOR EACH OF THE ALTERNATE SITUATIONS IN CASES (1) AND (2) IN THIS SECTION, INDICATE THE EFFECT ON THE AGGREGATE ADMINISTRATIVE COSTS WHICH WOULD BE ASSESSED AGAINST THE NET SETTLEMENT FUND IN COMPARISON TO THE COSTS PROJECTED IN THE PLAN OF ALLOCATION SUBMITTED FOR APPROVAL IN REGARD TO

(A) POSTAGE COSTS FOR THE NOTICE (THIS REFLECTS THE DIFFERENCES IN NUMBER OF CLASS MEMBERS WHO WOULD BE QUALIFIED BY THE ALTERNATE BASIS FOR INCLUSION FOR RECOVERY);

(B) CLAIMS PROCESSING FOR CALCULATING THE AGGREGATE DOLLAR VALUE OF RECOGNIZED CLAIMS (THIS WOULD REFLECT THE DIFFERENCES IN PROJECTED NUMBER OF PROOFS OF CLAIM SUBMITTED BASED ON APPROPRIATE TEXTS OF PARAGRAPH 3 OF THE NOTICE WHICH INCLUDED THE ESTIMATED AGGREGATE ADMINISTRATIVE COSTS AND QUANTIFIED THE ESTIMATED MINIMUM NUMBER OF SHARES FOR A CLAIM TO ACHIEVE THE MINIMUM CLAIM PAYMENT OF $10);

(C) CHECK ISSUANCE AND POSTAGE FOR APPROVED CLAIMS (THIS WOULD REFLECT THE DIFFERENCES IN THE NUMBER OF RECOGNIZED CLAIMS WHICH WOULD BE ENTITLED TO RECEIVE THE MINIMUM AMOUNT OR MORE);

(D) ANY OTHER ADMINISTRATIVE COSTS WHICH ARE PREDOMINANTLY A FUNCTION OF VOLUME OF ITEMS HANDLED.

FOR EACH OF THE RESPONSES TO ITEMS (A) THROUGH (D) HERE, PLEASE INDICATE THE VALUE OF THE DRIVING QUANTITY (i.e., HOW MANY?)

6. The Claims Administration Schedule, Work Plan, and Mailing Program

[Mr.Mulholland of Strategic Claims Services (SCS) indicates in his filing with the Court (Dkt. 113-3) that his firm has administered 225 class action settlements since its inception in 1999, thus gaining extensive experience which can be brought to bear on the current Monk case. The questions and data requests in this section are intended to address the scope of the claims administration process, the factors that influence the volume of claims submitted and the costs incurred. and the timetables (planned and actual) of the mailing of the Notice, about which this Objector has already expressed his strong objection.]

a. Why does the SCS website at its recent October 25 Update indicate that "Claims forms are being processed." (Exhibit I-4) It is understandable that forms would be being *received*, but ***it is premature for them to be introduced into the complete data input/recording operation prior to the Court granting Final Approval of the Plan of Allocation***. At least one Objection (mine) has been registered with the Court and Lead Counsel, challenging two separate aspects of the Plan of Allocation. ***If such Objections are sustained by the Court***, some claims already processed would have to be disallowed in their entireties, and many others would have to be recalculated on a different basis. Thus, ***there would be a waste of these premature claims administration costs charged against the Net Settlement Fund*** to the detriment of all Class Members which subsequently have Recognized Claims eligible for a recovery. ***Therefore, such costs would have to be charged back*** to Lead Counsel and/or the Claims Administrator ***as the Court may decide.***

b. In preparing for its appointment by the Court as Claims Administrator on August 6, 2013, what ***timetable and workplan*** (perhaps a flowchart) ***for the claims administration process*** (embracing at least both items (ii) and (vii) of the services to be provided by SCS, described by Mr. Mulholland in his filing - Dkt.113-3 ***¶3) was discussed*** by SCS with Lead Plaintiff and Lead Counsel to assure that the expected SCS steps could be accomplished while allowing for some safety margin for Class Members before the Deadlines to be specified for requesting Exclusion or registering an Objection. PLEASE PROVIDE A COPY OF THOSE DETAILED DOCUMENTS. ANNOTATE ON THE COPY THE ACTUAL DATE EACH PLANNED ACTIVITY STARTED AND THE DATE THAT ACTIVITY WAS COMPLETED IN COMPARISON TO THE DATES PLANNED FLAG WITH NUMBERED ARROW ANY UNANTICIPATED TASK OR SUB-TASK WHICH HAD TO BE INITIATED OR COMPLETED BEFORE A PLANNED TASK COULD BE COMPLETED, AND PROVIDE ON SEPARATE SHEET A DESCRIPTION OF THOSE UNANTICIPATED ADDITIONAL STEPS..

c. In the last five years, ***how many class action assignments of SCS (prior to Monk) have involved mailing of the Class Notice to 500,000 or more Class Members?*** If none, what has been the largest such mailing and when was it undertaken? **FOR EACH CASE CITED AND FOR THE *MONK* CASE,** PLEASE PROVIDE THE DATA INDICATED, GENERALLY IN THE FORMAT LAID OUT IN EXHIBIT I-3 INCLUDED HERE. [This is designed to demonstrate the enormity of the undertaking of the mailing in the *Monk* case arising from JNJ's large shareholder base and the likely need for Administrator to plan to accommodate surprises. Elapsed time is measured in calendar days from the respective Court's Preliminary Approval Order to provide a simple uniform basis of comparison to assess difference, if any, with increasing Class size.]

d. PLEASE PROVIDE A COPY OF HON. JUDGE WOLFSON'S PRELIMINARY APPROVAL ORDER OF APRIL 6, 2013. Any other timetable milestone included there should be added to the suggested format of Exhibit I-3.

At the time you provide your responses to the Court in advance of the Fairness Hearing, please furnish me a copy. Electronically in PDF format would be most efficient; use wcbourn@mac.com.

If there are any questions about any of the material here, I would be glad to clarify if you would phone at [757] 221-0908.

Respectfully submitted,

Ward C Bourn

Ward C. Bourn, Objector

CC: Clerk of the District Court
Defendants' Counsel (both)

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EXHIBIT I-1
Page 1 of 2

Ameritrade OPEN
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Fidelity

Johnson & Johnson's quality catastrophe

After more than 50 product recalls in 15 months, including for artificial hips and Tylenol, the $60 billion company is fighting to clear its once-trusted name.

By MSN Money Partner Apr 1, 2011 1:05PM

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By David Voreacos, Alex Nussbaum and Greg Farrell

Bloomberg Businessweek

In the split second after the blast, Lance Corporal Cody Perkins thought he was still sitting in his unit's Humvee, enveloped in blinding dust kicked up by the roadside bomb. It was only when he slammed with shattering force onto the pavement that the 20-year-old U.S. Marine realized he'd been ejected from the rolling vehicle and thrown into the air.

Perkins's commanding officer was killed in the November 2005 incident outside Haditha, Iraq, and two other Marines were injured. Perkins came away with scrapes, bruises, and a fractured femur, or thigh bone. After emergency surgery in Iraq, the Mississippi native was transported back to the U.S., where surgeons implanted screws to fuse the broken bone.

That failed, leaving Perkins hobbled. A military surgeon, Dr. Keith Holley, told him that his best option was a so-called metal-on-metal prosthetic hip made by DePuy Orthopaedics, a unit of Johnson & Johnson (JNJ +0.62%). The new hip was being promoted as tough and durable—and thus perfect for younger, physically active patients like Perkins. On Dec. 13, 2006, Dr. Holley implanted DePuy's ASR XL Acetabular System in the soldier at the Navy Medical Center in San Diego. (*Story continues after list*).

Johnson & Johnson's recall rap sheet

- AUG 2008: Consultants to J&J buy defective Motrin from stores. The FDA says it wasn't notified of this "phantom recall."
- NOV 2009: McNeil pulls about 6.3 million bottles of tainted Tylenol Arthritis Pain caplets made in Puerto Rico.
- JAN 2010: McNeil expands withdrawal to include Benadryl Allergy, Tylenol, Children's Tylenol Meltaway, and Rolaids.
- APR 2010: J&J recalls 135 million bottles of meds made in Fort Washington, Pa., and closes the plant.
- MAY 2010: The FDA's Joshua Sharfstein says the U.S. may pursue criminal charges against J&J.
- JUNE 2010: McNeil expands the recall from its Puerto Rico plant to include five more lots of Benadryl and Tylenol.
- JULY 2010: Yet more recalls; company submits remediation plan for McNeil plants to FDA.
- AUG 2010: Company appoints Ajit Shetty as quality-control czar, announces corporation-wide standards.
- AUG 2010: J&J pulls 100,000 boxes of 1-Day Acuvue TruEye contact lenses; days later, DePuy recalls ASR hips.
- DEC 2010: 13 million packages of Rolaids softchews are recalled after customers find wood and metal particles in them.
- JAN 2011: J&J withdraws 43 million bottles of Rolaids, Tylenol, Benadryl, and Sinutab.
- JAN 2011: J&J announces 2010 earnings, puts lost sales from recalls and plant slowdowns at $900 million.
- FEB 2011: J&J units announce recalls of 70,000 potentially cracked syringes preloaded with the antipsychotic Invega.
- MAR 2011: J&J withdraws 585,000 surgical sutures due to concerns about compromised sterile packaging.
- MAR 2011: David Floyd, president of DePuy Orthopaedics, announces his resignation.
- MAR 2011: J&J's Animas unit announces recall of 384,000 insulin-pump cartridges that may leak.
- MAR 2011: FDA and McNeil announce consent decree that will give agency expanded oversight of three plants.

Perkins never regained the mobility he had before the injury, but he was able to resume full-time work. By late 2009, however, while he was working as a Marine criminal investigator at California's Camp Pendleton, it started—muscle fatigue at first, which led to shin splints, followed by pain in his hip that radiated up to his back and down to his knees. Soon he was unable to sleep through the night. "It's always uncomfortable," he says. "There's never a completely pain-free day."

The cause of his trouble, his current physician Dr. Richard Conn says, isn't a complication from his original injury but the replacement hip. Perkins has been told he'll need to undergo "revision" surgery to replace the ASR hip with another implant—a highly invasive procedure with a heightened risk of infection and joint dislocations down the road. It's also likely to render him unable to pass the Marines' rigorous annual physical fitness test.

"I wanted to retire out of the Marine Corps," says Perkins, who has earned two Purple Hearts. "But there's no way that can happen ... not a chance."

Now a sergeant based at North Carolina's Marine Corps Air Station Cherry Point, Perkins has joined more than 1,000 other people who are suing Johnson & Johnson over its DePuy ASR implants, seeking damages for medical costs, lost wages, and pain and suffering.

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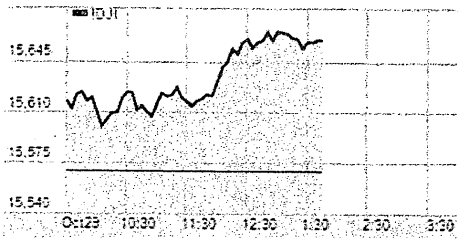
NAME	LAST	CHANGE	% CHANGE
DOW	15,658.47	+89.54	+0.58



NASDAQ	3,945.96	+5.83	+0.15
S&P	1,769.24	+7.13	+0.40
Sm Caps	1,117.97	-0.37	-0.03
10 Yr Note	99.82	+0.57	+0.57

Market index data delayed by 15 minutes

[BRIEFING.COM] The stock market continues to have a one track mind as the major indices continue their march higher despite repeated warnings from market pundits that it is due

On Aug. 26 last year, DePuy announced a voluntary recall for two types of ASR hips, including the one in Perkins's leg, but only after 93,000 had been implanted in patients worldwide, including 37,000 in the U.S. J&J says DePuy withdrew the hips for safety reasons, while denying in court papers that the devices are defective. Announcing the voluntary recall, it cited unpublished 2010 data from the U.K. showing that within five years, 13 percent of ASR XL hips failed and needed to be replaced, and 12 percent of the similar ASR Hip Resurfacing System failed. (The U.S. doesn't collect numbers on hip failure rates.) All types of implants are susceptible to post-operative problems; Australia's registry for joint implants says 3.3 percent of all implants fail after five years. But the stats DePuy cited for the recall—three to four times that norm—now appear sadly optimistic. On Mar. 9 the British Orthopaedic Assn. and the British Hip Society said preliminary data put the ASR XL's failure rate in the U.K. as high as 49 percent after six years.

The new report adds weight to plaintiffs' lawyers predictions that thousands more patients will file similar lawsuits. Case after case describes patients in pain and immobilized by joint dislocations, infections, and bone fractures. Their claims are backed by surgeons who say metal debris from the hips, made from a cobalt-and-chromium alloy, causes tissue death around the joint and may increase the amount of metal ions in the bloodstream to harmful levels. "There's so much metal, it's toxic to the tissues," says Dr. William Jiranek, a professor at Virginia Commonwealth University School of Medicine in Richmond and an orthopedic surgeon who has removed ASR hips.

Accusations of selling bum hips are bad enough; the lawsuits allege worse: that DePuy continued to push the hips even after it received preliminary numbers as early as 2007 indicating rising failure rates for both ASR models. "This wasn't driven by science. This was driven by marketing," contends Michael Kelly, a lawyer at San Francisco's Walkup, Melodia, Kelly & Schoenberger, which has filed 75 cases on behalf of patients with the DePuy hips.
J&J has so far committed $280 million to the recalls, and has pledged to "address reasonable and customary costs associated with testing and treatment," including new hips for patients who need them. Based on the latest estimates of failure rates, Kelly and others say, the total tab could reach billions of dollars.

With $28 billion in holdings of cash and short-term securities at the end of 2010, J&J will surely weather the financial blowback from the bad hips. More troubling to customers and stakeholders, however, is that the DePuy recalls may be symptoms of a systemic quality-control problem at the 125-year-old corporation: a pattern of behavior that is distinctly at odds with the comforting image long enjoyed by the creator of brands like Band-Aid and "No More Tears" Baby Shampoo.

The DePuy crisis is one of more than 50 voluntary product recalls that J&J has issued just since the start of 2010, covering brand names that read like an inventory of the family medicine cabinet. Tylenol and St. Joseph Aspirin were recalled for foul odors people said made them sick. Benadryl and Zyrtec were recalled for botched amounts of ingredients. Rolaids were recalled for containing bits of wood and metal. Most of these drugstore stalwarts come from J&J's McNeil Consumer Healthcare unit, which has been plagued by dismaying revelations about the conditions and lax controls at its factories in the U.S. It shuttered one factory in Fort Washington, Pa., for a quality overhaul. Under a Mar. 10 consent decree, that plant and two others—in Lancaster, Pa., and Puerto Rico—will remain under Food and Drug Administration (FDA) oversight for five years. J&J/McNeil faces fines of $10 million per year if the agency isn't satisfied with its progress.

Johnson & Johnson management, from Chief Executive Officer William Weldon on down, maintains that the company's quality-control issues are aberrations. Any suggestion of a broader malaise, says Weldon, "is just Monday morning quarterbacking. ... There's a lot of 'J&J has lost its way,' but I think that everything has been overshadowed by one company [McNeil]," Weldon says. "This is not a systemic problem. This is not an issue around J&J."

Except the problems don't end with McNeil or DePuy. Over the last 15 months, the company has also recalled contact lenses, syringes filled with prescription medications, hernia devices, and other products made by subsidiaries around the world. In the year ended Mar. 8, 2011, J&J was involved in at least 11 major recalls, as defined by the FDA, almost twice as many as Pfizer (PFE), the world's largest health-care-products company by revenue, or Procter & Gamble (PG), the world's largest consumer-products company. "I'm not familiar with another company that has had this many debacles in a very short period of time," says Ira Loss, an analyst at investment research firm Washington Analysis who has followed the FDA for more than three decades.

Moreover, J&J's woes aren't confined to the last couple of years. During the last decade, the company has been repeatedly confronted with claims that it sold a product that was defective, or that carried risks J&J downplayed in its marketing. It has been accused of paying kickbacks and using other financial incentives to promote off-label use of drugs and devices. It has been cited by federal authorities for trying to avoid the publicity of a recall by quietly buying up tainted products. And it frustrated FDA regulators who were urging the company to strengthen quality control at the factories that produced many of the recalled over-the-counter products. J&J has steadfastly denied these claims, but its own annual report for 2010 contains eight pages detailing government criminal and civil investigations and thousands of private lawsuits covering a wide range of drugs, devices, and business practices.

Story continues here.

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for a period of consolidation.

However, **IBM's** (IBM 181.27, +3.92) announcement today that its Board authorized an additional $15 bln for its stock repurchase program has been seen as a marker for some that there is perhaps long-term value to be had among blue chip stocks. And it is the blue chips that ... More

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Major Holders

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Breakdown

% of Shares Held by All Insider and 5% Owners:	0%
% of Shares Held by Institutional & Mutual Fund Owners:	69%
% of Float Held by Institutional & Mutual Fund Owners:	69%
Number of Institutions Holding Shares:	1881



Major Direct Holders (Forms 3 & 4)

Holder	Shares	Reported
WELDON WILLIAM C	307,273	Feb 8, 2013
DEYO RUSSELL C	141,443	Feb 22, 2012
COSGROVE STEPHEN J	87,381	Aug 14, 2013
GORSKY ALEX	69,521	Feb 8, 2013
MCCOY SHERILYN S	56,307	Feb 9, 2012

Top Institutional Holders

Holder	Shares	% Out	Value*	Reported
State Street Corporation	156,754,348	5.56	13,458,928,319	Jun 30, 2013
Vanguard Group, Inc. (The)	132,596,620	4.71	11,384,745,793	Jun 30, 2013
BlackRock Institutional Trust Company, N.A.	75,654,930	2.68	6,495,732,289	Jun 30, 2013
Bank of New York Mellon Corporation	53,894,865	1.91	4,627,413,108	Jun 30, 2013
JP Morgan Chase & Company	52,061,127	1.85	4,469,968,364	Jun 30, 2013
Wellington Management Company, LLP	49,073,605	1.74	4,213,459,725	Jun 30, 2013
Northern Trust Corporation	42,741,233	1.52	3,669,762,265	Jun 30, 2013
State Farm Mutual Automobile Insurance Co	37,878,592	1.34	3,252,255,909	Jun 30, 2013
Massachusetts Financial Services Co.	35,505,662	1.26	3,048,516,139	Jun 30, 2013
FMR, LLC	35,165,680	1.25	3,019,325,284	Jun 30, 2013

Top Mutual Fund Holders

Holder	Shares	% Out	Value*	Reported
Vanguard Total Stock Market Index Fund	39,878,968	1.42	3,424,008,192	Jun 30, 2013
SPDR S&P 500 ETF Trust	27,235,744	0.97	2,361,066,647	Sep 30, 2013
Vanguard 500 Index Fund	26,903,656	0.95	2,309,947,904	Jun 30, 2013
Vanguard Institutional Index Fund-Institutional Index Fund	26,697,765	0.95	2,292,270,102	Jun 30, 2013
Washington Mutual Investors Fund	13,930,000	0.49	1,207,591,700	Sep 30, 2013
College Retirement Equities Fund-Stock Account	11,872,364	0.42	1,019,361,173	Jun 30, 2013
Spartan 500 Index Fund	11,564,215	0.41	999,263,818	Aug 31, 2013
Vanguard/Windsor II	11,192,650	0.40	1,046,512,775	Jul 31, 2013
MFS Series Trust I-MFS Value Fund	10,942,775	0.39	921,162,799	May 31, 2013
Select Sector SPDR Fund-Health Care	10,755,519	0.38	932,395,942	Sep 30, 2013

Strategicclaims.net

Monk v. Johnson & Johnson et al.

Exclusion Deadline:
October 24, 2013
Objection Deadline:
October 24, 2013
Settlement Hearing:
November 14, 2013
Claims Filing Deadline:
December 24, 2013
Status:
Claim forms are being processed.
Files:
Notice and Claim Form
Summary Notice of Pendency of Class Action and Proposed Settlement, Motion for Attorneys' Fees and Expenses, and Final Approval Hearing
Stipulation and Agreement of Settlement
Notice of Motion
Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Settlement and Plan of Allocation
Memorandume of Law in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses
Declaration of Matthew L. Mustokoff in Support of Final Approval of Settlement, Plan of Allocation and Application for an Award of Attorneys' Fees and Expenses
Declaration of the Hon. Daniel Weinstein (Ret.)
Declaration of Paul Mulholland, CPA, CVA concerning (A) Mailing of the Notice of Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests of Exclusion Received to date
Declaration of Richard Grottheim, Chief Executive Officer of Sjunde AP-Fonden, in Support of (I) Lead Plaintiff's Motion for Final Approval of Settlement and Plan of Allocation and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses
Declaration of David Kessler in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed on Behalf of Kessler Topaz Meltzer & Check, LLP
Declaration of James E. Cecchi in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed on Behalf of Carella, Byrne, Cecchi, Olstein, Brody, & Agnello

Date Updated:
Friday, October 25, 2013

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Exhibit F

To: United States District Court
District of New Jersey
Clerk of the Court
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, NJ 08608

RECEIVED
NOV 04 2013
AT 8:30 M
WILLIAM T. WALSH
CLERK

CC: Gregory M. Castaldo, Esq.
Matthew L. Mustokoff, Esq.
KESSLER TOPAZ
MELTZER & CHECK, LLP
280 King of Prussia Road
Radnor, PA 19087

Re: Monk v. Johnson & Johnson et al.

On October 29, 2013, I received a NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT, MOTION FOR ATTORNEYS' FEES AND EXPENSES, AND FINAL APPROVAL HEARING. This same document states that the deadline for responding is October 24, 2013.

I wish to object on the strongest basis possible that I received this notice several days *AFTER* the deadline for responding. I also wish to declare with absolute certainty that I do not want to participate in the class.

I find it terribly frustrating and annoying that I received a complicated document such as this without any time to review and properly respond and would very much like my objections to be noted and addressed.

Sincerely,

Nathan T. Hackett
3596 Broadleaf Circle
Corona, CA 92881