

No. 12-1058

IN THE SUPREME COURT OF ARKANSAS

ORTHO-McNEIL-JANSSEN PHARMACEUTICALS, INC.,
f/k/a JANSSEN PHARMACEUTICA, INC., and/or JANSSEN, LP,
and JOHNSON & JOHNSON, INC.

Appellants,

v.

STATE OF ARKANSAS, ATTORNEY GENERAL, *ex rel.* DUSTIN
McDANIEL, ATTORNEY GENERAL,

Appellee.

**MOTION OF PUBLIC CITIZEN, INC., FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE IN SUPPORT OF APPELLEE**

Public Citizen, Inc., respectfully moves for leave to file an *amicus curiae* brief in this case pursuant to Arkansas Supreme Court Rule 4-6(a).

1. Public Citizen, Inc., is a consumer advocacy organization that appears on behalf of its members and supporters nationwide before Congress, administrative agencies, and the courts on a wide range of issues, and works for enactment and enforcement of laws protecting consumers, workers, and the public.

2. Public Citizen has a deep interest in preserving state-law remedies for people injured by wrongful corporate conduct, including the marketing of defective drugs. Public Citizen has long been concerned that federal preemption is often invoked by defendants seeking to limit the availability of remedies in cases where Congress has not intended to displace state law. Public Citizen attorneys have participated in many cases presenting such issues, including the cases in the U.S. Supreme Court that are most relevant to the preemption issues in this case.

3. Public Citizen seeks to file its brief in this case because it believes that the appellants' arguments for preemption, based in large part on *Buckman Co. v. Plaintiffs' Legal Committee*, 531 U.S. 341 (2001), reflect an overly broad view of federal preemption. If accepted by this Court, that view could unwarrantedly interfere with the ability of individuals as well as the State of Arkansas to pursue remedies for wrongful conduct under the laws of Arkansas.

4. Public Citizen's proposed brief is being filed conditionally with this motion in accordance with Rule 4-6(a).

WHEREFORE, Public Citizen respectfully moves for leave to file its proposed brief as amicus curiae in support of Appellee.

Respectfully submitted,

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Dated: June 18, 2013

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CERTIFICATE OF SERVICE

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