

The Supreme Court of South Carolina

Mary Margaret Devey, Individually and as Personal
Representative of the Estate of Robert L. Devey,
Respondent,

v.

Johnson & Johnson; Johnson & Johnson Consumer, Inc.;
CVS Pharmacy, Inc.; Piggly Wiggly Carolina Company,
Inc.; Metropolitan Life Insurance Company; and Rite Aid
of South Carolina, Inc., Defendants,

Of which Johnson & Johnson and Johnson & Johnson
Consumer, Inc., are the Petitioners.

and

Terran Dupree, Respondent,

v.

Johnson & Johnson; Johnson & Johnson Consumer, Inc.;
Imerys Talc America, Inc. f/k/a Luzenac America, Inc.;
Piggly Wiggly Carolina Company, Inc.; CVS Pharmacy,
Inc.; Rite Aid of South Carolina, Inc., Defendants,

Of which Johnson & Johnson and Johnson & Johnson
Consumer, Inc., are the Petitioners.

Appellate Case No. 2020-000645

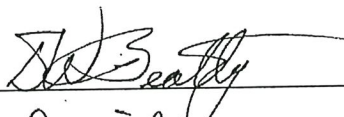

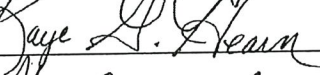
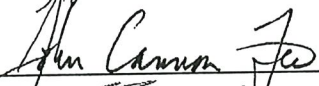

ORDER

These two personal injury actions involving cancer allegedly caused by asbestos exposure through the use of baby powder manufactured by Petitioners were

consolidated by the trial court. Petitioners now ask the Court to entertain this matter in our original jurisdiction to determine whether the consolidation order was erroneous. Because we find the trial court order consolidating the two actions warrants immediate review, we grant the petition for original jurisdiction and issue a writ of certiorari. See S.C. Const. art. V, § 5 ("The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other original and remedial writs."). The parties shall brief the following issue:

Did the circuit court err in consolidating these two actions?

Within twenty (20) days of the date of this order, the parties shall agree on the matters to be included in an Appendix. Within twenty (20) days thereafter, Petitioners shall serve their brief, along with the Appendix, on Respondents. Respondents shall, within twenty (20) days of service of Petitioners' brief, serve their brief(s) on Petitioners. The service and filing shall comply with the provisions of *In re: Operation of the Appellate Courts During the Coronavirus Emergency*, S.C. Sup. Ct. Order Amended May 29, 2020.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
July 8, 2020

cc: C. Mitchell Brown, Esquire
Allen Mattison Bogan, Esquire
Nicholas Andrew Charles, Esquire
Louis P. Hems, Esquire
William Christopher Swett, Esquire
Amy Harmon Geddes, Esquire

Mark H. Wall, Esquire
Moffatt G. McDonald, Esquire
W. David Conner, Esquire
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