

[J-52A-2014]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA	:	No. 84 MAP 2011
	:	
	:	Appeal from the decision of the
v.	:	Commonwealth Court (Opinion re Post-
	:	Trial Motions of the Commonwealth and
	:	Johnson & Johnson) dated 08-31-2011 at
	:	No. 212 MD 2004.
TAP PHARMACEUTICAL PRODUCTS,	:	
INC.; ABBOTT LABORATORIES;	:	
ASTRAZENECA PLC; ASTRAZENECA,	:	ARGUED: May 7, 2013
HOLDINGS, INC.; ASTRAZENECA	:	SUBMITTED: April 25, 2014
PHARMACEUTICALS LP;	:	
ASTRAZENECA LP; BAYER AG; BAYER	:	
CORPORATION; SMITHKLINE	:	
BEECHAM CORPORATION D/B/A	:	
GLAXOSMITHKLINE; PFIZER, INC.;	:	
PHARMACIA CORPORATION;	:	
JOHNSON & JOHNSON; ALZA	:	
CORPORATION; CENTROCOR, INC.;	:	
ETHICON, INC.; JANSSEN	:	
PHARMACEUTICAL PRODUCTS, L.P.;	:	
MCNEIL-PPC, INC.; ORTHO BIOTECH,	:	
INC.; ORTHO BIOTECH PRODUCTS;	:	
L.P.; ORTHO-MCNEIL	:	
PHARMACEUTICAL, INC; AMGEN, INC.;	:	
IMMUNEX CORPORATION; BRISTOL-	:	
MYERS SQUIBB COMPANY; BAXTER	:	
INTERNATIONAL INC.; BAXTER	:	
HEALTHCARE CORPORATION;	:	
IMMUNO-U.S., INC.; AVENTIS	:	
PHARMACEUTICALS, INC.; AVENTIS	:	
BEHRING, L.L.C.; HOECHST MARION	:	
ROUSSEL, INC., BOEHRINGER	:	
INGELHEIM CORPORATION;	:	
BOEHRINGER INGELHEIM	:	
PHARMACEUTICALS, INC.; BEN VENUE	:	
LABORATORIES; BEDFORD	:	
LABORATORIES; ROXANE	:	
LABORATORIES; SCHERING-PLOUGH	:	
CORPORATION; WARRICK	:	
PHARMACEUTICALS CORPORATION;	:	
SCHERING SALES CORPORATION;	:	

DEY, INC. :
 :
 DONNA A. BOSWELL, ESQ., ANN M. :
 VICKERY, ESQ., AND JOSEPH A. :
 YOUNG, ESQ., :
 :
 Intervenor :
 :
 :
 APPEAL OF: JOHNSON & JOHNSON, :
 ALZA CORPORATION, CENTOCOR, :
 INC., ETHICON, INC., JANSSEN :
 PHARMACEUTICAL PRODUCTS, L.P., :
 MCNEIL-PPC, INC., ORTHO BIOTECH, :
 INC., ORTHO BIOTECH PRODUCTS, :
 L.P., AND ORTHO-MCNEIL :
 PHARMACEUTICAL, INC. :
 (COLLECTIVELY, THE "JOHNSON & :
 JOHNSON DEFENDANTS) :
 :

CONCURRING STATEMENT

MR. JUSTICE BAER

FILED: June 16, 2014

I concur in the Court’s order vacating the Commonwealth Court’s order and remanding for the reasons set forth in my concurring opinion in Commonwealth v. TAP Pharm. Prods. Inc., __A.3d.__(Pa. __ __, 2014)(Baer, J. concurring)(indicating my view that a remand is warranted for further consideration of the case in light of the OAJC’s analysis of the rebate issue).

Madame Justice Todd and Mr. Justice McCaffery join this concurring statement.