

SUPREME COURT OF LOUISIANA

No. 2016-CC-1767

HAZEL JACKSON AND CLARENCE JACKSON

VS.

**JANSSEN PHARMACEUTICALS, INC.; JOHNSON
& JOHNSON, INC.; AND PERVEZ MUSARAT,
M.D.; FLORIDA PARISHES HUMAN SERVICES
AUTHORITY; ROSENBLUM MENTAL HEALTH
CENTER, LLC; ANN ARRETTEIG, M.D.; SHARON
HOFFMAN, M.D.; AND GREENBRIER HOSPITAL,
LLC**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF ST. HELEN**

JOHNSON, Chief Justice, would grant the writ application.

I find the district court correctly denied defendants' motion for summary judgment in this case. I agree with the district court that a disputed issue of material fact exists concerning whether plaintiff's prescribing physicians were adequately warned of Risperdal's potential side effects, particularly in non-schizophrenic, elderly patients such as Ms. Jackson. Additionally, as plaintiffs effectively argue, the credibility of the prescribing physicians is clearly at issue in this case thereby rendering summary judgment premature.

Accordingly, I would grant the plaintiffs' writ application.