

Jeffrey S. Chiesa
Ronald L. Israel
Kathryn Pearson
CHIESA SHAHINIAN &
Giantomasi PC
105 Eisenhower Parkway
Roseland, NJ 07068
Telephone: (973) 325-1500
jchiesa@csglaw.com
risrael@csglaw.com
kpearson@csglaw.com

Mark B. Blocker (admitted *pro hac vice*)
Scott D. Stein (admitted *pro hac vice*)
Caroline A. Wong (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603
Telephone: (312) 853-7000
mblocker@sidley.com
sstein@sidley.com
caroline.wong@sidley.com

Attorneys for Defendants

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

ANN LEWANDOWSKI, on her own
behalf and on behalf of all others similarly
situated,

Plaintiff,

v.

JOHNSON & JOHNSON, THE
PENSION & BENEFITS COMMITTEE
OF JOHNSON & JOHNSON, PETER
FASOLO, WARREN LUTHER, LISA
BLAIR DAVIS, and DOES 1-20,

Defendants.

Case No. 3:24-cv-00671

**JOINT STIPULATION REGARDING INDIVIDUAL DEFENDANTS AND FILING OF
FIRST AMENDED COMPLAINT**

In the interest of streamlining this litigation, Plaintiff Ann Lewandowski (“Plaintiff”), by her undersigned counsel, and Defendants Johnson & Johnson (“J&J”), the Pension & Benefits Committee of Johnson & Johnson (the “Committee”), and Peter Fasolo, Warren Luther, and Lisa Blair Davis (the “Individual Defendants”) (collectively, “Defendants”), by their undersigned counsel, hereby stipulate and agree as follows:

1. Defendants filed a Motion to Dismiss Plaintiff's Complaint on April 19, 2024. *See* ECF No. 40.

2. Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Plaintiff is allowed to amend her Complaint once as a matter of course within 21 days after service of a motion to dismiss.

3. Plaintiff intends to file a First Amended Complaint within the 21 days allowed pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), and Defendants hereby stipulate to the filing of a First Amended Complaint without prejudice to Defendants' right to file a motion to dismiss any such First Amended Complaint.

4. In the Complaint (ECF No. 1), Plaintiff asserted claims against the Individual Defendants based upon their alleged actions and omissions while serving as officers or employees of J&J, and/or members of the Committee.

5. J&J agrees that it will be responsible for any judgment entered in this action based upon the actions or omissions of any of the Individual Defendants or any other J&J employee who has acted as an ERISA fiduciary relating to the Johnson & Johnson Group Health Plan, Salaried Medical Plan, or Salaried Retiree Medical Plan (the "Plans"); any current or former members of the Committee or any other J&J committee or group with responsibilities relating to the Plans (either separately or as a whole); or the actions or omissions of J&J or the Committee.

6. In consideration of the foregoing, the Individual Defendants identified in the Complaint will not be identified as defendants in Plaintiff's First Amended Complaint.

7. In all future filings, Plaintiff and Defendants agree that the caption of the case will not include the names of Individual Defendants or the reference to Does 1-20.

8. Plaintiff and Defendants further agree that the filing of the First Amended

Complaint will moot Defendants' pending motion to dismiss the original Complaint.

Dated: April 30, 2024

Respectfully submitted,

/s/ Michael Eisenkraft

Michael Eisenkraft (NJ Bar No. 016532004)
COHEN MILSTEIN SELLERS & TOLL,
PLLC
88 Pine Street, 14th Floor
New York, New York 10005
(212) 838-7797
meisenkraft@cohenmilstein.com

Michelle Yau (admitted *pro hac vice*)
Daniel Sutter (admitted *pro hac vice*)
COHEN MILSTEIN SELLERS & TOLL,
PLLC
1100 New York Ave. NW, Fifth Floor
Washington, D.C. 20005
(202) 408-4600
myau@cohenmilstein.com
dsutter@cohenmilstein.com

Kai Richter (admitted *pro hac vice*)
COHEN MILSTEIN SELLERS & TOLL,
PLLC
400 South 4th Street #401-27
Minneapolis, MN 55415
(612) 807-1575
krichter@cohenmilstein.com

Jamie Crooks (admitted *pro hac vice*)
Michael Lieberman (admitted *pro hac vice*)
FAIRMARK PARTNERS, LLP
1001 G Street NW
Suite 400 East
Washington, DC 20001
Telephone: (619) 507-4182
jamie@fairmarklaw.com
michael@fairmarklaw.com

Michael Casper
WHEELER, DIULIO & BARNABEI, P.C.
1650 Arch Street, Suite 2200
Philadelphia, PA 19103
(215) 971-1000
mcasper@wdblegal.com

/s/ Jeffrey S. Chiesa

Jeffrey S. Chiesa
Ronald L. Israel
Kathryn Pearson
CHIESA SHAHINIAN & GIANTOMASI P.C.
105 Eisenhower Parkway
Roseland, NJ 07068
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sstein@sidley.com
caroline.wong@sidley.com

Attorneys for Defendants

*Attorneys for Plaintiff and
the Proposed Class*