

# Products Liability Life Sciences

Polsinelli's Products Liability Life Sciences practice group has significant experience defending clients in high-profile products liability, mass tort and consumer class action litigation across the country in the life sciences industry.

Backed by a full-service firm with a deep bench and decades of trial practice, our Products Liability Life Sciences team is skilled in managing complex and nationally coordinated litigation in courtrooms across the country. Our team has successfully defended clients in numerous federal multidistrict litigation (MDL) matters, statewide coordination and consumer actions of significant public interest garnering national media attention.

In our role as strategic legal advisors, our attorneys work closely with clients to mitigate and reduce the risk of products liability claims from the outset. As part of our encompassing client service, we work with our clients to help resolve regulatory compliance issues and have extensive experience liaising with federal agencies including the U.S. Food & Drug Administration (FDA), U.S. Department of Justice (DOJ), State Attorneys General and Centers for Medicare & Medicaid Services (CMS).

Our team's experience includes national, regional and trial counsel roles in the defense of some of the largest mass tort litigations clients in the life sciences industry have faced, including:

- Zantac
- NuvaRing
- Contraceptive Implants
- Baby Foods
- Hernia Mesh
- Vioxx
- Phenylpropanolamine
- Port Catheters
- Benzene Litigation
- Diet Drugs
- Hormone Replacement Therapy
- Drug-Eluting Stents

Our Product Liability Life Sciences practice and litigators have earned national and regional recognition from leading publications including *Chambers USA*, *BTI Litigation*, *The American Lawyer*, *Best Lawyers* and more.

# Matters

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- National counsel for generic pharmaceutical company, and court-appointed co-liaison counsel for all generic drug manufacturers, in personal injury product liability and consumer and third-party payer putative class action litigation related to ranitidine (Zantac) drug products and alleged exposure to N-Nitrosodimethylamine (NDMA), over cancer risk claims; won dismissal of all cases on all causes of action on behalf of generic defendants in the *In re Zantac/ranitidine Products Liability MDL*, Illinois state court coordination and Pennsylvania mass tort program; litigation involved over 150,000 injury claimants.
- National counsel for medical device manufacturer in product liability actions involving port catheter products in U.S. District Courts around the country.
- National counsel for defendant in *In re Baby Food Products Liability MDL*, where plaintiffs allege autism and ADHD injuries from heavy metals contamination in baby food products.
- National counsel for Merck, Schering-Plough and Organon in defense of litigation involving prescription contraceptive product NuvaRing and allegations of thromboembolic injuries and wrongful death; litigation involved more than 4,000 claims nationwide, *In re NuvaRing Product Liability MDL* in U.S. District Court for the Eastern District of Missouri, statewide coordination in both New Jersey and California, and various state court actions; won dismissal of all cases in the initial bellwether pool, leading to national settlement and resolution of litigation.
- Defended the University of Southern California in alleged \$100 million breach of contract and business torts action involving dental implants and clinical trial agreement; won summary adjudication on 11 of 13 causes of action, including Section 17200, and struck plaintiff's \$100 million lost profits claim at trial.
- Defense liaison counsel for Merck in California *Vioxx Judicial Council Coordinated Proceeding* involving nearly 4,000 cases alleging heart attack and stroke injuries from use of prescription pain medication.
- Lead counsel for pharmaceutical client in litigation in multiple jurisdictions involving FDA-approved hormonal implants; won dismissals in California, Louisiana and Maine.
- Defended pharmaceutical manufacturer in brain injury case in Bronx, N.Y., state court, involving 17-year-old plaintiff with pulmonary embolism, cardiac arrest and brain damage, allegedly from use of the client's prescription drug product; in the face of plaintiff's \$27 million settlement demand, won dismissal on all causes of action.
- Defended pharmaceutical client in U.S. District Court for the District of Massachusetts in product liability case alleging stroke and permanent neurologic deficit, involving a \$21 million plaintiff settlement demand; won dismissal on all causes of action.
- Lead counsel defending medical device manufacturer in IVC filter litigation in state and federal courts.
- Secured dismissal of all claims against a foreign manufacturer of hair relaxer products in *In re Hair Relaxer Marketing, Sales Practices, and Products Liability MDL*.
- Secured dismissal of two putative nationwide class actions seeking reimbursement damages for allegedly defective prescription oral contraceptive product following a product recall.
- Defended medical device company in lawsuits filed in New Jersey, New York, Rhode Island and California against claims that hernia mesh products caused personal injury, resulting in a summary judgment in New Jersey and New York; the appeal was argued before the New Jersey Appellate Division and Supreme Court, both of which upheld the dismissals.
- Led team in the eligibility process established by the trial court overseeing Wyeth's New Jersey diet drug litigation in *In Re Diet Drugs*, (NJ. Sup. Ct.), challenging cases on the grounds that the plaintiffs' claims that diet drugs damaged their heart valves were medically unreasonable; the eligibility process involved trial testimony from plaintiffs, defendants and independent experts and resulted in the dismissal of numerous cases.
- Led team responsible for the choice-of-law and summary judgment briefs that resulted in the trial court dismissing all product liability claims on the basis such claims failed to satisfy the New Jersey Products Liability Act in *In Re Hormone Therapy Litigation*, 422 N.J. Super. 343 (2008), *aff'd sub nom.*, *Deboard v. Wyeth, Inc.*, 422 N.J. Super. 360 (App. Div. 2011).
- Defended pharmaceutical company in consolidated nationwide class action litigation alleging antitrust violations with respect to development and marketing of HIV combination antiretroviral therapy (cART)

medications in U.S. District Court for the Northern District of California; won dismissal on all causes of action.

- Lead counsel for biotech company concerning safety, remedial assessments and regulatory counsel relating to product manufacturing issues involving FDA-approved cancer treatment.
- Won dismissal of “wrongful birth” product liability action alleging defect in long-acting contraceptive implant in U.S. District Court for the District of Maine, and successfully defended judgment in the First Circuit Court of Appeals.