

Pharmaceutical & Medical Device Litigation

We represent dozens of pharmaceutical, medical device, biotech and healthcare entities across the nation in multidistrict litigations, class actions, Daubert proceedings, and as national discovery counsel related to product liability and toxic torts claims.

Our attorneys address scientific, epidemiologic and complex medical issues in class action and multi-jurisdictional litigation. We draw upon this deep knowledge to design discovery and trial strategies, evaluate related scientific and regulatory concerns, and select and prepare expert witnesses.

Our “molecule to market” program counsels both leading life science companies and innovative start-up ventures on far-reaching decisions related to structuring clinical trials, pursuing in-depth research into ground-breaking medicines and devices, and how best to protect the valuable intellectual property that serves as the foundation for your success. We also provide a comprehensive overview of all legal and regulatory compliance matters associated with informed consent documents and procedures, risk management and avoidance, and pre-trial and post-trial marketing studies.

The firm has played a role in serving as national discovery counsel for numerous pharmaceutical and medical device clients. Our decades of experience handling large-scale document and data productions enable us to assist our clients in complying with the increasing burdens of document and electronic data retention. We routinely advise on records management and ESI issues in small actions and large, complex MDL litigations.

Representative Matters

Medical device manufacturer—Pelvic mesh federal jury trial

Served as part of the trial team that obtained a favorable jury verdict for leading medical device manufacturer in the District of New Jersey in a case alleging negligent design defect of implantable pelvic mesh.

Expert witness defense—Hormone therapy litigation

Participated in the defense of expert witnesses at trial in various cases in Pennsylvania state courts on behalf of a national manufacturer of hormone replacement therapy products.

Case management—National opioid litigation

Actively worked with national counsel in handling various aspects of national opioid litigation in a virtual law firm model, including handling case management, preparation of pleadings, and e-discovery matters.

Pharmaceutical Company—Third circuit appellate win

Secured an affirmance from the Third Circuit for a global pharmaceutical company in a product liability case previously won at the trial level. The appellate court also denied a series of post-decision motions filed by the plaintiff.

Fortune 500 pharmaceutical company—Summary judgment in proton-pump inhibitor bone fracture litigation

Served on the team that obtained summary judgment for a Fortune 500 pharmaceutical company in the PPI bone fracture multi-district litigation. After granting our motion to exclude plaintiffs’ expert testimony on general causation, the Court granted our general causation motion for summary judgment in its entirety, resulting in the dismissal of the remaining

plaintiffs in the MDL. There were in excess of 1,700 plaintiffs in the MDL; plaintiffs have paid the pharmaceutical company ~\$80,000 in sanctions. The company has paid no settlements, and all of the claims have been or will soon be dismissed. There are still 37 cases left in California state court, although we are hopeful that the state court judge will be influenced by the MDL court's analysis and decision.

Multinational pharmaceutical company—Defense steering committee in acid reflux multi-district litigation

Secured an order granting our motion to exclude plaintiffs' expert testimony, and then successfully moved for summary judgment, resulting in the dismissal of all remaining plaintiffs in an MDL involving claims that a pharmaceutical innovator's acid reflux treatment drug caused bone fractures.

Multinational pharmaceutical company—National discovery counsel in defense of mass tort claims targeting blockbuster cholesterol treatment

Served as national discovery counsel in the defense of hundreds of cases consolidated in the Superior Court of the State of California that alleged a multinational pharmaceutical company's blockbuster cholesterol drug causes diabetes, cardiovascular problems, and liver and kidney problems.

Fortune 500 pharmaceutical company—National discovery counsel in high-profile antipsychotic products liability litigation

Served as national discovery counsel in mass tort litigation targeting a blockbuster antipsychotic drug. Managed what was at the time the largest and most compressed ESI production effort in the history of electronic discovery. Responsible for the oversight and management of a review team comprised of over 800 reviewers. Produced ~4,752,000 documents (40 million pages) and 13GB of structured data.

Zimmer—Bellwether trial

Represented Zimmer in the first bellwether trial in multidistrict litigation concerning Durom Hip claims, which ended in a defense verdict and judgment for Zimmer on May 12, 2015. *In Re: Zimmer Durom Hip Cup Products Liability Litigation*, MDL No. 2158 – *Christine Brady v. Zimmer, Inc., et al* (2015).

Pharmaceutical company—National coordinating counsel in branded statin litigation

Serving as national coordinating counsel for a major innovator pharmaceutical company in the defense of hundreds of claims that treatment with a widely prescribed branded statin causes diabetes, cardiovascular problems, and liver and kidney problems.

Global pharmaceutical company—Defense steering committee in pain pump personal injury litigation

Represented a major innovator pharmaceutical company in the defense of personal injury cases which involved claims that pain pumps cause degeneration of shoulder joint cartilage.

Expert medical witnesses—Hormone therapy litigation

Prepared expert medical witnesses for deposition and trial testimony in hormone therapy litigation and participated in the defense of witnesses at trial of national manufacturer of HRT products in various Pennsylvania state court cases.

Multinational pharmaceutical company—Member of the defense steering committee and national discovery counsel in proton-pump inhibitor multi-district litigation

Serving on the defense steering committee and as national discovery counsel to a major multinational pharmaceutical business in ongoing and high-profile litigation alleging a class of heartburn drugs cause chronic kidney disease, renal failure, or other kidney problems. The representation involves over 10,000 cases, and includes appearing in Court and advising on

all discovery issues related to *In Re: Proton-Pump Inhibitor Products Liability Litigation*, a multi-district litigation in the U.S. District Court, District of New Jersey, and in numerous state courts across the country.

Senior executives and expert witnesses—National opioid litigation

Prepared and defended company and expert witnesses in depositions in national opioid litigation.

Life sciences company—Products liability litigation

Defending branded pharmaceutical company in litigation filed in Delaware state court by the Delaware Attorney General seeking damages in connection with the use of opioids.

Life sciences company—Products liability litigation

Serving as trial counsel for a multinational branded pharmaceutical company in both Philadelphia Court of Common Pleas and the U.S. District Court for the District of Delaware concerning atypical antipsychotics.

Case-specific discovery—Pelvic mesh MDL Bellwether trial cases

Handled case-specific discovery in various MDL Bellwether trial cases involving female pelvic mesh.

Sales representatives—Hormone therapy litigation

Prepared and defended various sales representatives in HRT litigation.

30(b)(6) witness—National opioid litigation

Prepared and defended 30(b)(6) witness on key topics in national opioid litigation.

Pharmaceutical company—National discovery counsel and trial and leadership team member in antipsychotic medication litigation

Serving as national discovery counsel and a member of the national trial and leadership teams representing a major innovator pharmaceutical company in the defense of over 25,000 claims that an antipsychotic medication causes weight gain, diabetes, and pancreatitis.

Pharmaceutical manufacturer—Defense of thousands of lawsuits

Counsel for global pharmaceutical manufacturer in defense of thousands of lawsuits alleging ingestion injuries.

Life sciences company—Products liability litigation

Defending a multinational branded pharmaceutical company in MDL and coordinated state court litigation in the Delaware Superior Court concerning proton pump inhibitors.

Articles

Preemption and Claims of Failure to Report Adverse Events to FDA Under PA Medical Device Case Law, *The Legal Intelligencer*, 1.17.2023