

LEADERSHIP IN TALC LITIGATION READY TO RESUME TRIALS

Consolidated claims in MDL, state courts to move forward after J&J's failed bankruptcy bid

TRENTON, N.J. -- With the dismissal of Johnson & Johnson's LTL bankruptcy petition by Chief Judge Michael Kaplan of the U.S. Bankruptcy Court in New Jersey, lawyers representing thousands of ovarian cancer and mesothelioma victims are seeking a swift return to trials in federal and state civil courts.

"We are prepared to move forward in the MDL and resume the scheduling of bellwether trials with the court," says Leigh O'Dell, co-chair of the plaintiffs' steering committee in the multidistrict litigation in New Jersey federal court. "The major evidentiary and procedural issues have been resolved, and the victims of J&J's corporate negligence and greed have already been waiting too long. Hundreds have died during the past 18 months, and with the dismissal of J&J's bankruptcy claims, any attempt at a further delay by J&J should be viewed as an outrage."

Multidistrict litigation is designed to conserve resources and foster consistent court rulings by consolidating similar legal claims into a single court with one federal judge. The MDL system has been shown to provide guidance to both plaintiffs and defendants in establishing liability in torts claims and reaching comprehensive settlements. Currently, more than 38,000 claims in the talc litigation have been centralized in the MDL. Overall, attorneys estimate that there are approximately 50,000 total claims.

"It is tragic that in the name of fairness and efficiency J&J threw up the bankruptcy roadblock," says Michelle Parfitt, co-chair with Ms. O'Dell of the plaintiffs' steering committee. "Few could argue that, but for that failed strategy, we could have already established the parameters that make the MDL process work so well, and perhaps already gained consensus on a plan for resolving claims."

In addition, more than 1,500 talc-related lawsuits are consolidated in New Jersey state court.

"Based on the evidence and the company's self-imposed desire for resolution, we believe that J&J should be willing to accept responsibility and arrive at a fair model for compensating cancer victims for their medical bills and lost wages, at a minimum," says Ted Meadows, co-chair of the coordinated litigation in New Jersey state court. "A conservative estimate of the direct treatment costs and lost wages for an individual claimant in this litigation averages nearly \$500,000, even without other complications. That should be considered the minimum compensation for victims as we move forward."

"Unfortunately, to date, J&J has offered nothing but delay after delay, or schemes that seek a deep discount on justice," says Richard Golomb, co-chair with Mr. Meadows of the coordinated litigation in New Jersey state court. "With the finding of bad faith in the 'Texas Two-Step' bankruptcy debacle, it is time for this company and its hundreds of billions in assets and revenue to take these claims seriously and join with us in seeking an equitable settlement."

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