

JUDGE DISMISSES J&J SUBSIDIARY'S SECOND BANKRUPTCY ATTEMPT IN LATEST VICTORY FOR TALC VICTIMS

A judge's ruling allows cancer victims who used talc products to proceed with claims against J&J.

Montgomery, Ala. (July 28, 2023) – Beasley Allen lawyers are pleased to announce a judge's dismissal of LTL's second bankruptcy attempt that would have limited the Johnson & Johnson subsidiary's liability for manufacturing and selling cancer-causing talc products.

"Today the court has finally, rightfully denied this latest attempt by one of the world's largest and most financially successful companies to abuse the bankruptcy system and avoid responsibility for its dangerous product," said Beasley Allen's Mass Torts Section Head Andy Birchfield. "J&J initially set aside \$61.5 million in its first bogus bankruptcy. But J&J's legal department proposed a settlement that offered only a fraction of that amount and sought the bankruptcy court's assistance in cramming that bad deal down on cancer victims. Thankfully, with today's order, that ploy is dead."

U.S. Bankruptcy Court Chief Judge Michael Kaplan's dismissal should allow users of asbestos-containing talc products who developed ovarian cancer and mesothelioma to resume their trials in federal and state courts.

In his ruling, Judge Kaplan found that LTL failed to show a level of financial distress necessitating bankruptcy protection.

"The evidentiary record fixed at trial does not establish sufficient 'imminent' or 'immediate' financial distress to satisfy the criteria enunciated by the Third Circuit. Simply put, the Debtor does not meet the more exacting gateway requirement implemented by the Circuit with respect to 'good faith' which would allow LTL to take advantage of the tools available under the Bankruptcy Code to resolve its present and future talc liabilities," Judge Kaplan writes.

LTL previously attempted to settle all current and future talc claims with an \$8.9 billion offer. Plaintiffs and their attorneys refused.

"Average costs for medical care, lost wages, lost jobs and pain and suffering can average more than \$500,000 and up to more than a million dollars per victim. The plan would have paid a tiny fraction of the amount needed to fairly compensate victims of ovarian cancer and mesothelioma," said Beasley Allen's Leigh O'Dell, a lawyer who co-chairs the talc multidistrict litigation Plaintiffs Steering Committee.

"We believe that J&J should be willing to accept responsibility and, as the company likes to say, resolve these cases fairly and equitably," said Ted Meadows, Beasley Allen Principal who has tried a number of talc cases. "This has gone on too long. It's time for our clients to have their days in court and for J&J to stop its bullying tactics and end this nightmare for victims."

CONTACT US TODAY:

Beasley Allen is a leader in complex civil litigation nationwide, representing only plaintiffs. We stay true to our motto, "helping those who need it most." Please check back often for the latest news about the firm's cases and activity. For information about any of the topics featured on our website, our latest news, or to schedule an interview with one of our attorneys, please call or email our Media Team:

Media@BeasleyAllen.com

334-495-1511 (Call or Text)

www.BeasleyAllen.com