MASTERS OF MASS TORT: MASS TORT SPEED SESSION

**NAME OF LITIGATION:**

- IN RE: PROTON PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (NO. II) – MDL 2789

**A BREIF SUMMARY:**

- The most common indication for PPIs is GERD and the frequent heartburn it causes. PPI treatment, however, can cause permanent, irreversible, and sometimes life-threatening kidney damage. These kidney injuries include Acute Interstitial Nephritis, Acute Kidney injury, Chronic Kidney Disease, and End-Stage Renal Disease.

**THE BIG PICTURE:**

**-** Since the first known report of PPI-induced AIN in 1992, there has been a growing body of evidence that PPIs not only cause AIN but also CKD. Even after the offending PPI is withdrawn, often kidney function does not fully return to baseline.

**-** Defendants were required to revise their drug’s prescription label to warn patients about the risk of suffering “clinically significant adverse reactions . . . as soon as there is reasonable evidence of a causal association” between that risk and the Defendants’ drugs.

**-** The FDA requires drug companies to include information about such risks in the “Warnings and Precautions Section.”

**-** No warnings concerning kidney injury or kidney disease in association with PPI use were conveyed to the public prior to December 2014. Even then, the warnings only addressed AIN, not chronic kidney disease. Moreover, the warnings were only listed in the labeling for prescription PPIs and not over-the-counter medications (OTCs).

**-** Not only should the Defendants have acted upon the published medical literature, which they have a duty to studiously monitor, but information known internally to Defendants will further demonstrate their failure to act.

**THE NUMBERS:**

**-** Over 12,000 cases currently pending in the MDL.

**-** PPIs were one of the top selling drugs in United States over the past decade.

**-** Treatment of Chronic Kidney injuries can continue for decades as the disease progresses and develops into further injuries like Dialysis and Kidney Transplant.

**CURRENT LITIGATION/MDL STATUS:**

**-** Corporate depositions have begun and the first Bellwether Trial is scheduled for September 2020.

**DEVELOPMENT OF LEADERSHIP:**

**-** Chris Seeger and Stephanie O’Connor – **Co-Lead Counsel**

**-** Paul Pennock, Neil Overholtz and Roger Denton – **Co-Charis of the Executive Committee**

**-** Tracy Finken, Seth Katz, Navan Ward and Troy Rafferty – **Executive Committee**

**-** Bradley Honnold, Daniel Lapinsky, Shannon Pennock, Buffy Martines, Camp Bailey, Sindhu Daniel, Shayna Sacks, Daniel Gallucci, Jennie Anderson, Joseph Zonies Sejal Brahmbhatt, Norman Siegel, Derriel McCorvey – **Plaintiffs’ Steering Committee**

**RULINGS OF NOTE:**

**-** Judge Cecchi denied Defendants’ request to bifurcate and front load Preemption and Causation only discovery.

**-** Direct Filing, Short Form Complaint, Simplified Service, PFS/DFS, Bellwether.

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