MASTERS OF MASS TORT: TALCUM POWDER LITIGATION SPEED SESSION

**NAME OF LITIGATION: TALCUM POWDER LITIGATION**

**A BRIEF SUMMARY:** *(Please describe the overall litigation with bullet points including drug/device’s asserted harm(s), signature injuries, etc.)*

* *Use of talcum powder in the perineal area can lead to ovarian cancer*
* *Products at issue: Johnson’s baby powder & Shower to Shower*
* *Case theories have evolved – asbestos has been detected in batches of J&J talc resulting in ovarian cancer and mesothelioma injury*

**THE BIG PICTURE:** *(Please include 5-10 bullet points describing the case against the defendant.)*

* *Decades of research shows that talcum powder increases the risk of ovarian cancer by 30%-60%*
* *LAW REQUIREMENT – “The label of a cosmetic product shall bear a warning statement whenever necessary or appropriate to prevent a health hazard that may be associated with the product.”*
* *Johnson & Johnson powder products have tested positive for the presence of asbestos fibers, known to cause both ovarian cancer and mesothelioma injuries. Powder products also contain trace amounts of heavy metals known to have carcinogenic properties. The composite of substances present in J&J’s baby powder work in concert to cause cancer.*
* *Johnson & Johnson violates the law by not providing an ovarian cancer warning on their talcum powder products. Generic talc products have started warning.*
* *Johnson & Johnson has continued to deny the presence of asbestos in its products, despite rigging the testing in a manner that would not detect it. The company continues to lie to the public about the dangerous propensities of talc, despite decades of knowledge to the contrary.*
* *Cornstarch is the safer alternative*
* *Imerys Talc America, the exclusive supplier of talc to Johnson & Johnson, has recently filed bankruptcy resulting in a stay as to that defendant. Activity still permissible against J&J in the MDL and possibly other jurisdictions.*

**THE NUMBERS:** *(Please include 5-10 bullet points outlining the current estimation of number of affected claimants, expected number of cases in the US, approximate cost of injuries, etc.)*

* *22,440 new cases of ovarian cancer in U.S. each year*
* *14, 080 estimated deaths in 2017 in U.S. each year*
* *10 - 29% attributed to talcum powder, per studies*
* *Talcum powder been on market for over 100 years*

**CURRENT LITIGATION STATUS:** *(Please include 3-5 bullet points explaining where the litigation currently stands, where cases have been filed, whether cases have been consolidated in state or federal court, any bellwethers and their outcomes, etc.)*

* *Jurisdictions of filed cases: St. Louis, MO; California, New Jersey and Delaware*
* *Verdicts: St. Louis, $72mil, $55mil, $70mil, $110mil; $4.5billion - California, $417mil*
* *Slemp (St. Louis) – Post trial order affirms verdict & finds personal jurisdiction*
* *Blaes (St. Louis) – Recent MOSC ruling on venue and due process grounds severs out of state plaintiffs and remands MO plaintiff to St. Louis County. Narrow decision. Currently evaluating the proper course of action to challenge. Dissents are instructive that law was incorrectly applied.*
* *Fox (St. Louis) – decision by the MO Court of Appeals, vacated – appeal pending; re-filed in MDL*
* *New Jersey – Kemp dismissals, appeal pending*
* *Cases pending in JCCP in California - $417mil verdict on appeal*
* *Fulton Co. GA – trial setting July 2019*
* *Other state court venues: FL, IL*

**RULINGS OF NOTE:** *(Are there any rulings of note, specific orders, etc. that are important to know?)*

* *MOSC decision – Blaes v. J&J et al*
* *Imerys Bankruptcy*
* *CEO Alex Gorsky ordered to be deposed*
* *US Senator demands information from J&J CEO regarding the safety of talc and the allegations that its products have tested positive for asbestos despite the company’s assertions to the contrary*

**LEADERSHIP:** *(Please identify PEC/PSC members if a consolidated action; if not yet consolidated please provide insight into the informal leadership thusfar)*

* *MDL – Leigh O’Dell and Michelle Parfitt co-chairs*

**HOW TO GET INVOLVED:** *(Is now a good time for a new firm to get involved? Etc.)*

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