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NJ Justices Centralize Taxotere Hair-Loss Suits

By Jeannie O'Sullivan

Law360 (August 21, 2018, 3:45 PM EDT) -- An attorney representing women who claim they suffered permanent hair loss as a result of using the breast cancer drug Taxotere on Tuesday hailed the New Jersey Supreme Court's decision to centralize the cases in the Garden State, where she says many patients took the medicine.

According to a notice made public Aug. 15, the justices in July granted multicounty litigation status to about 353 cases alleging Sanofi U.S. Services Inc., Sanofi-Aventis U.S. LLC, Sandoz Inc. and Actavis LLC failed to adequately warn consumers about the risk of permanent hair loss. The cases will be heard by Judge James F. Hyland in Middlesex County, where 333 of the cases are pending.

Attorney Rayna E. Kessler of Robins Kaplan LLP said her clients are pleased that the cases are going to be heard in Judge Hyland's courtroom.

"We are particularly looking forward to having these cases heard in New Jersey, where many women throughout the state suffered as a result of using Taxotere," Kessler told Law360.

A spokeswoman for Teva Pharmaceuticals USA Inc., which has acquired Actavis, declined to comment. Representatives for the other companies didn't immediately respond to requests for comment.

The lawsuits each assert that the drugmakers knew or should have known that Taxotere "causes and contributes to permanent disfigurement and hair loss," but did not adequately warn of such risks, according to the patients' centralization petition. The suits target the companies' "wrongful conduct" in designing, manufacturing, distributing, labeling, advertising, marketing, promoting and selling the chemotherapy drug.

The patients live in New Jersey, Pennsylvania, Maryland, Ohio and Connecticut, according to **their centralization petition**, which indicated that Garden State residents should have the option of choosing to have their cases heard in their home counties.

In their petition, the patients noted the number of parties involved and the common issues behind the claims.

"Further, all of the actions proposed for designation allege substantially similar violations of law and are based upon the same or substantially similar underlying claims surrounding the safety profile of Taxotere," the patients said.

Centralized management would "preserve judicial resources" and allow "coordinated discovery," the patients said.

The geographical diversity also likewise lends itself to centralization, and multicounty litigation status would also help facilitate coordination with similar litigation in Louisiana federal court, according to the patients.

The petitioners are represented by Rayna E. Kessler of Robins Kaplan LLP, Adam Slater of Mazie Slater Katz & Freeman LLC, Hunter Shkolnik, Shayna Sacks, W. Steven Berman and Nicholas Farnolo of Napoli Shkolnik PLLC, Jillian Roman of Cohen Placitella & Roth PC, Esther E. Berezofsky of

Berezofsky Law Group LLC, Derek T. Braslow and Sarah O. Schindler of Pogust Braslow & Millrood LLC, Karen Beyea-Schroeder of Burnett Law Firm and Mitchell Breit of Simmons Hanly Conroy.

Counsel information for the drug companies was unavailable.

--Additional reporting by Bill Wichert. Editing by Jack Karp.

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