Drug and Medical Device Litigation

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An Efficient and Coordinated Approach

In recent years, drug and medical device manufacturers have faced a growing number of product liability claims prompted by FDA regulatory actions, label changes, negative or misleading media coverage, reported adverse event data and novel scientific theories. These claims can involve an individual claimant or up to several thousand potential claims, and can extend far beyond the walls of a single courtroom.

Peabody & Arnold understands the unique issues involved with investigating, managing and trying related claims all over the country. Our knowledgeable and experienced attorneys work hand-in-hand with leading manufacturers and top experts on the most efficient and coordinated approach to effectively manage claims, scale litigation strategy and support the client's business objectives.

Manufacturers facing litigation turn to us for our ability to tackle the complex medical and scientific issues. We have applied our knowledge and experience to successfully challenge unsound scientific theories put forth by plaintiffs' experts, and to present a vigorous defense through leading experts from a broad range of disciplines.

Experienced Trial Attorneys

We take pride in our trial attorneys who have a proven record of success in the courtroom, including:

- Trial to verdict of cases for wrongful death, attempted suicide, and alleged systemic injury from a pharmaceutical product
- Successful challenges to the admissibility of expert testimony resulting in the dismissal of thousands of cases
- Securing pre-trial dismissal of cases through summary judgment based on causation and warning defenses.

Reliable Support at the National, Regional and Local Levels

We have the expertise and flexibility necessary to provide claim and litigation support and coordination at the national, regional and local levels. Clients regularly look to us to:

- Provide advice and preventative counseling on the appropriate response to events that could generate products liability claims
- Assist in the investigation and evaluation of claims prior to the initiation of litigation
- Develop collaborative relationships with both in-house legal teams and outside counsel in multiple jurisdictions
- Establish and maintain consistent strategy and themes through all stages of litigation
- Draw from Peabody & Arnold's vast network of preeminent expert witnesses in relevant fields and use our broad scientific knowledge to identify and pursue methodical weaknesses for eventual

Daubert summary judgment motions

- Utilize our databanks of legal research and medical and scientific literature
- Provide exceptional cost-effective, value added client service

In addition to our work with drug and medical device manufacturers, we are actively involved with leading drug and device defense organizations, including the Defense Research Institute (DRI), the American Bar Association (ABA), and the Boston Bar Association (BBA).

Representative Cases

- *In re: Accutane Litigation*, 234 N.J. 340 (2018) (New Jersey Supreme Court adopts Daubert factors and affirms exclusion of plaintiff's experts resulting in dismissal of over two thousand cases).
- *Freeman v. Hoffman-La Roche Inc.,* 300 Neb. 47 (2018) (affirming exclusion of causation expert).
- *Stupak v. Hoffman-La Roche Inc.,* 326 Fed. Appx. 553 (11 th Cir. 2009).
- *Palazzolo v. Hoffmann-La Roche Inc.,* No. A-3789-07T3, 2010 WL 363834 (N.J. Super. Ct. App. Div. Feb. 3, 2010).

