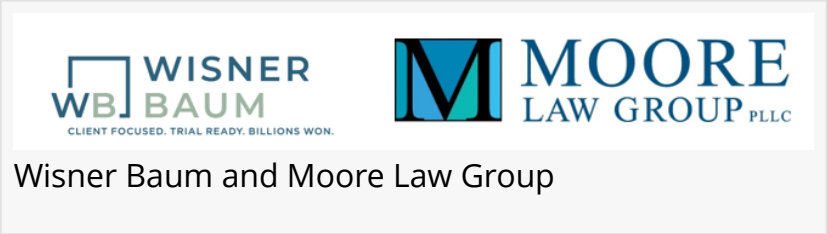
Wisner Baum and Moore Law Group Defeat Defendants' Daubert Motions in the Delaware Zantac Cancer Litigation

Judge Vivian Medinilla found plaintiffs' experts' opinions admissible, paving way for over 72,000 cancer victims to have their day in Delaware Superior Court



Wisner Baum and Moore Law Group

WILMINGTON, DELAWARE, UNITED STATES, June 1, 2024 /EINPresswire.com/ -- Hon. Vivian L. Medinilla of Delaware Superior Court issued a 102-page order finding the opinions of plaintiffs' experts to be reliable and admissible, allowing them to testify at trial that Zantac causes multiple types of cancer. Over 72,000 plaintiffs in Delaware Superior Court (Civil Action No. N22C-09-101 ZAN) allege their cancer was caused by exposure to a potent carcinogen N-Nitrosodimethylamine (NDMA) in the popular antacid medication, Zantac—the first billion dollar drug in the United States that Defendants knew, for decades, could break down into a carcinogen.

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>
> *Brent Wisner*

The medical expert witnesses are now permitted to testify that scientific evidence shows a link between the cancer of more than 72,000 individuals and their exposure to NDMA through the use of Zantac (generic: ranitidine). Judge Medinilla's order concluded:

In Delaware, our jurisprudence counsels that, subject to earnest deliberation, trial courts entrust questions of science to the scientists. Here, opposing teams of highly educated, skilled expert medical witnesses offer competing opinions. Through well-trained counsel, their efforts only clarify the distinct opposition that defines their respective positions. It would be improper to simply dismiss these experts as "poseurs or witnesses for hire. They are serious scientists." As gatekeeper, the Court has found that each side has carried its required burden of demonstrating the reliability of its proffered Rule 702 evidence. Any remaining challenges will be made at trial via cross-examination and introduction of counter evidence.

Investigations by regulators around the world have found NDMA in nearly every Zantac pill

tested. Prompted by third-party laboratory testing and citing risks of consumer exposure to NDMA and "sustained higher levels of exposure" increasing "the risk of cancer in humans," the FDA recalled all ranitidine products from the market in 2020. Testing by regulators, independent laboratories, and even the Defendants in this case show that one ranitidine 300 mg tablet can contain tens of thousands of nanograms (ng) of NDMA, greatly exceeding the FDA's daily acceptable intake limit of 96 ng.

Wisner Baum attorney Brent Wisner and Jennifer A. Moore of Moore Law Group PLLC are co-lead counsel in cases brought by victims in Delaware and California state courts.

"This moves us one step closer to justice for our clients," Wisner said. "This case has always been about getting the science in front of a jury. Judge Medinilla's thoughtful order highlights something that often gets lost in the modern world of mass torts—the central role juries must play in holding companies accountable. Now, the writing is on the wall. GSK, Boehringer Ingelheim, and Sanofi will need to answer for their forty years of misconduct, and they will be judged by the very people they lied to."

"The judge's sound and well-reasoned order today brings justice to thousands of cancer victims across this country who deserve their day in Court. For over 40 years, these companies lied to the American public about the dangers of Zantac knowing the drug forms a carcinogen. We assembled the best and brightest experts who will now be able to explain how Zantac causes cancer to a jury," Moore said.

The defendants are GlaxoSmithKline, Pfizer, Boehringer Ingelheim, Sanofi, and Patheon. The case is Zantac (Ranitidine) Products Liability litigation (Civil Action No. N22C-09-101 ZAN) in Delaware Superior Court.

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The award-winning law firm of Wisner Baum has successfully litigated cases against many of the largest pharmaceutical companies in the world. Since 1985, the firm has earned a reputation for breaking new legal ground, holding corporations accountable, influencing public policy, and raising public awareness on important safety issues. Using its longstanding tradition of success in the courtroom, the firm always strives to shine a spotlight on unsafe products or harmful practices to protect consumers from dangerous products. Across all areas of practice, the firm has won more than $4 billion in settlements and verdicts.

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