

Attorneys in Talc Cancer Litigation Discourage Voting for a Bankruptcy Plan That Will Strip Women of Personal Rights

Lawyers who accept J&J's plan are disregarding docs showing J&J's bad conduct—evidence that, at trials, has won multi-million-dollar verdicts, attorneys say.

PENSACOLA, FL, U.S.A., June 11, 2024 /EINPresswire.com/ -- Andy Birchfield of Beasley Allen Law Firm and Mike Papantonio of Levin Papantonio Rafferty—plaintiffs' attorneys in the talc cancer multidistrict litigation—issued the following statement related to Johnson & Johnson's third bankruptcy attempt, which aims to limit the company's liability for talc claims.



Researched published last month concluded there is a significant link between genital talc use and an increased risk of ovarian cancer.

"As attorneys who represent the tens of thousands of people who have suffered the tragedy of cancer from using Johnson & Johnson's talc products, we feel compelled to ask how any plaintiffs' lawyer could recommend their clients accept this proposed "prepackaged" Chapter 11 plan unless the attorney has reviewed the documents, digested the science, and can explain why other talc claimants have gotten multi-million-dollar verdicts.

"Lawyers who proceed with such a recommendation are stripping women of their informed, personal rights to choose whether to settle, when to settle, and how much to settle for.

"To these lawyers, we caution: This collective vote with a stuffed ballot box is going to ultimately obliterate the majority of your clients' rights to choose.

J&J Will Stuff Ballot Box With Watered-Down Claims

After two failed bankruptcy attempts (Case No. 21-30589 and Case No. 23-12825), Johnson & Johnson is now directly soliciting law firms to take deals that would settle plaintiffs' talc powder ovarian cancer lawsuits at a fraction of their worth.



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*ATTORNEY ANDY BIRCHFIELD
& ATTORNEY MIKE
PAPANTONIO*

A threshold of 75% of plaintiffs who allegedly developed ovarian cancer after using J&J’s talc powder would have to approve the terms of the settlement.

[In a letter sent May 1, 2024](#), to claimants’ lawyers, Papantonio and Birchfield alerted attorneys to a “ballot-stuffing” tactic J&J has pioneered to get this supermajority vote.

The letter states: “[J&J is] hoping to stuff the ballot with Johnny-come-lately, watered-down claims. They’re afraid of a legitimate vote among the truly sick and families of the

deceased who have been battling J&J’s obstruction and bad faith for years and who are supported by numerous scientific studies showing that talc contains asbestos and other known cancer-causing ingredients.”

May Study Supports Talc Cancer Claims

Research published last month is the latest in a long train of scientific studies that support talc ovarian cancer victims’ claims against Johnson & Johnson. The study, published in May ([Journal of Clinical Oncology](#)), has revealed a significant link between genital talc use and an increased risk of ovarian cancer. According to the research, this risk is greater for people who used talc powder frequently or for extended periods of time.

The new talc study findings indicate a “persistent positive association between genital talc use and ovarian cancer, with the highest risks found among frequent and long-term users.”

Lead study author Katie M. O’Brien, Ph.D., a researcher at the Epidemiology Branch of the National Institute of Environmental Health Sciences, emphasized the significance of the findings. “Despite challenges in assessing exposure history and biases inherent in retrospective data, our findings are robust, showing a consistent association between genital talc use and ovarian cancer,” O’Brien stated.

“This study, once again, confirms what we have known from dozens of studies—that there is a consistent association between Johnson’s Baby Powder and ovarian cancer,” said Chris Tisi, attorney with Levin Papantonio Rafferty and a member of the Plaintiffs’ Steering Committee in the national talc multidistrict litigation (MDL 2738, In Re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation).

“J&J knew of this risk for decades and it needs to be held to account to the thousands of women and their families who have needlessly developed this disease,” Tisi added.

Juries Continue to Award Multi-Million-Dollar Verdicts

Verdicts in the last 30 days underscore the actual potential value of talc claims against Johnson & Johnson.

After a month-long trial, plaintiff's attorneys secured a [\\$260 million verdict](#) for a 48-year-old Oregon woman against J&J, which included \$200 million in punitive damages (Lee v. Johnson & Johnson, Case Number: 23CV400369). Kyung Lee was diagnosed with mesothelioma after decades of using Johnson & Johnson's baby powder, leading her weight to drop below 91 pounds, as reported by Law.com.

During the trial, the plaintiff's attorney informed the jury that J&J had been aware for decades that asbestos veins could be found alongside talc veins and that asbestos fibers were present in the company's talc samples.

This verdict follows a \$45 million award in an April trial in Chicago, where plaintiff Theresa Garcia, a mother of six, died from mesothelioma after long-term use of J&J's baby powder (Garcia-Lechocki v. Johnson & Johnson et al, Case Number: 3:2024cv01387). Unlike the Oregon case, punitive damages were not allowed in Garcia's case.

Plaintiffs Filed Class Action Complaint for Fraudulent Conveyance

On May 22, 2024, plaintiffs filed a class action (Love et al. v. LTL Management Inc. et al., Case No.3:24-CV-06320 (D. N.J.) on behalf of women and families whose talc-cancer cases were delayed because of Johnson & Johnson's (J&J) manipulation of the U.S. Bankruptcy Code.

The law firms of Ashcraft Gerel, Beasley Allen, Burns Charest, Golomb Legal, Levin Papantonio Rafferty, and Bailey Glasser represent the plaintiffs in the proposed class. The lawsuit was filed in the U.S. District Court for the District of New Jersey.

The Complaint alleges defendants fraudulently participated in a scheme to transfer assets during two bad faith bankruptcy filings with the intent to limit their liability for talc claims. According to the suit, those machinations prompted a two-year delay of scheduled trials and other types of resolution.

"It's time J&J's tactics were brought to a halt," Birchfield said.

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