



Courtesy photo

Left to right: Lee Balefsky, Tom Kline, Kila Baldwin, Shanin Specter and Chris Gomez of Kline &amp; Specter.

## PRODUCTS LIABILITY/MASS TORTS

### KLINE & SPECTER

**K**line & Specter had several victories last year in two major products liability/mass tort litigations docketed in the Philadelphia courts. These involved Risperdal, the antipsychotic drug found to be linked to gynecomastia, and vaginal mesh, a product that is surgically implanted to treat organ prolapse and urinary incontinence and that has been alleged to be defective, eroding and causing severe pain in some patients.

In one vaginal mesh case, the firm won a \$57.1 million verdict, including \$50 million in punitive damages, against defendant Ethicon, a Johnson & Johnson subsidiary. The firm also won a \$20 million verdict against Ethicon, which included \$17.5 million in punitives.

The firm also fought and won a battle to keep 120 vaginal mesh cases filed by out-of-state clients in the Philadelphia Court of Common Pleas, defeating Ethicon's bid for removal under the U.S. Supreme Court's landmark decision in Bristol-Myers Squibb v. Superior Court of California.

In addition, Kline & Specter successfully argued to the state Superior Court to allow for punitive damages against Janssen Pharmaceuticals, the division of Johnson & Johnson that makes Risperdal. Following

arguments last year, the court held in January of this year that, when it comes to the question of whether they should be allowed to seek punitive damages at trial, plaintiffs could seek to have the law of their home state apply to their case.



SPECTER

#### Shanin Specter

**What were some of the firm's most satisfying successes in mass torts and products liability litigation in 2017, and why?**

We won several large product liability verdicts in transvaginal mesh cases.

We continue to litigate many product liability cases, including Risperdal and defectively designed automobiles, other machines and other products.

**The U.S. Supreme Court's decision in Bristol-Myers Squibb v. Superior Court of California has been called a game-changer for mass tort litigation. How formidable an obstacle will this ruling be for plaintiffs going forward?**

In some circumstances it will force cases to trial in venues unaccustomed to product liability cases or on the

home turf of the defendant. That's a problem for some plaintiff firms and hence it's a problem for those plaintiffs. We don't worry about that as we're used to trying and winning cases in difficult environments.

**A prospective client in crisis calls and asks why your team should be retained—what is your answer?**

Look at our track record. We have the most big verdicts and settlements of any Pennsylvania law firm.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

We give younger lawyers great opportunities to try cases. And they win. For example, two of our partners have won verdicts of \$47 million and \$57.1 million in the last year alone. Nothing is more important for a trial lawyer than simply trying and winning cases. That's a timeless formula for success. •

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