

Products Liability Law Daily Wrap Up, TOP STORY—JURY VERDICT—DRUGS—Pa. Cmmw.: Jury hands down \$1.75 million verdict against manufacturers of Risperdal®, (Nov. 10, 2015)

By Pamela C. Maloney, J.D.

A Pennsylvania state jury awarded a patient \$1,750,000 in damages after finding that Janssen Pharmaceuticals, a division of Johnson & Johnson, negligently failed to provide adequate warnings to physicians and health care providers of the extent of the risk of abnormal breast growth stemming from the use of Risperdal®, an antipsychotic medication (*In re: Risperdal® Litigation (Murray v. Janssen Pharmaceuticals, Inc., November 10, 2015, DiNubile, V.)*).

Background. The patient, who was diagnosed with autism, took the drug in 2002, according to a lawyer for the family. According to the patient's complaint, his use of the drug caused him to develop serious side effects including abnormal breast growth, tardive dyskinesia (TD), involuntary movement disorders, and weight gain. His complaint included counts for negligence, negligence-design defect, strict product liability-failure to warn, strict product liability-design defect, breach of express and implied warranties, fraud, violation of Pennsylvania's consumer protection laws, and unfair and deceptive trade practices. The patient sought compensatory and punitive damages.

Jury's decision. The jury found that the drug was a substantial cause of the patient's injuries and that the pharmaceutical company was negligent in failing to warn physicians of the risks of abnormal breast growth associated with use of the drug.

According to the firm representing the patient, this is the third jury verdict in the mass tort litigation involving Risperdal and plaintiffs alleging the drug caused gynecomastia. Previous Pennsylvania juries have returned one verdict for a plaintiff and one defense verdict. In February, a jury awarded \$2.5 million to plaintiff Austin Pledger. In the following month, however, a jury in plaintiff William Cirba's case returned a defense verdict in favor of Janssen [see *Products Liability Law Daily*'s March 20, 2015 analysis]. More recently, a Los Angeles jury found Janssen responsible for the wrongful death of a 25-year-old patient who died in a clinical trial of the antipsychotic medication. The jury awarded the patient's estate \$8 million [see *Products Liability Law Daily*'s October 20, 2015 analysis].

The case is No. 1304-01990 (complaint; jury verdict).

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Companies: Janssen Pharmaceuticals, Inc.; Johnson & Johnson Company; Johnson & Johnson Pharmaceutical Research and Development, L.L.C.; Excerpta Medica, Inc.; Elsevier Inc.

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