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Philadelphia Flooded With New Risperdal Lawsuits; Trials Split But Include Massive Verdict



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Records from the Philadelphia County Court of Common Pleas reveal [more than 3,000 new Risperdal lawsuits](#) were filed in the first three months of 2017, driving up the total number of filings in this mass tort program to more than 5,500. Complex Litigation Center Director Stanley Thompson said he was “aware” of the filings, and the CLC would “deal with them in due course.” Meanwhile, Jason Itkin of Arnold & Itkin in Houston, a plaintiffs attorney who last year won a \$77 million verdict for one of his Risperdal clients in a Philadelphia courtroom, says the clock is now ticking on similar claims. “Johnson & Johnson caused the increase in filings by cancelling tolling agreements on thousands of cases. Johnson & Johnson knew that its strategy would increase the number of cases filed and the burden on the Court,” Itkin said. Itkin explained the tolling agreements essentially paused the statute of limitations deadline within which a lawsuit needed to be filed and said the company’s actions indicated it wanted more litigation in Pennsylvania and not less. “There was no expiration date on the tolling agreement. But either side had the right to cancel the agreement,” Itkin stated. Itkin indicated that the rescinding of the Pennsylvania tolling agreement came after a [Philadelphia jury awarded a Tennessee plaintiff a record-setting verdict award of \\$70 million](#). Judge Paula Patrick later added almost [\\$7 million in delay damages](#). However, a company representative refuted such a claim when asked.

“We do not have insight into plaintiffs’ choices regarding when and where they initiate lawsuits,” Jessica Castles Smith said. Smith is a spokesperson for Risperdal’s manufacturer, Janssen Pharmaceuticals, Inc. – a Johnson & Johnson subsidiary. With

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eight Risperdal cases having gone to verdict in Philadelphia court's mass tort program, plaintiffs have won four verdicts and the drug's manufacturer have won four dismissals in the initial trials. Appeals are still pending in the state's Superior Court. The cases filed generally allege Risperdal use caused boys and young men to undergo gynecomastia, or the development of female breast tissue. Many plaintiffs do not live in Pennsylvania, something that is not unusual for mass tort programs concerning pharmaceuticals in Philadelphia's CLC. Traditionally, more than 80% of plaintiffs in the CLC's several programs come from other states. But in 2016, that figure dipped to 74%. **Pledger v. Janssen Pharmaceuticals** The first Risperdal trial to be decided in Philadelphia concerned plaintiff Austin Pledger from Alabama. He and his family sued Janssen in April 2012 for damages resulting from Pledger's development of gynecomastia after being prescribed Risperdal. In February 2015, a jury awarded Pledger \$2.5 million in damages.

Cirba v. Janssen Pharmaceuticals The next case to be decided in the Risperdal series was brought by William Cirba of Pennsylvania. Cirba was prescribed the drug to treat oppositional defiant disorder, and allegedly developed gynecomastia as a result. However, a jury found in March 2015 that Cirba's condition did not result from taking Risperdal and found in favor of Janssen. **Murray v.**

Janssen Pharmaceuticals The third case concerning Risperdal was brought by plaintiff Nicholas Murray of Maryland. He was prescribed Risperdal for treatment of his autism and claimed he consequently grew breast tissue because Janssen failed to provide adequate warning of the drug's side effects to his physician. A Philadelphia jury agreed and awarded Murray \$1.75 million in November 2015. **Stange v. Janssen**

Pharmaceuticals Risperdal case number four to be decided in Philadelphia involved plaintiff Timothy Stange from Wisconsin. Stange was given Risperdal for three years in order to treat his Tourette's syndrome, resulting in him contracting gynecomastia and requiring a double mastectomy. In December 2015, a jury awarded Stange \$500,000 in damages. **Yount v. Janssen** **Pharmaceuticals** The fifth Risperdal case to be decided in Philadelphia was a landmark decision for Tennessee plaintiff Andrew Yount. Yount filed suit in April 2013, claiming his taking of Risperdal for treatment of psychiatric issues led him to contract gynecomastia. A jury found in July 2016 that Janssen "intentionally falsified, destroyed or concealed records" and awarded Yount a record-setting verdict amount of \$70 million.

C.W. v. Janssen Pharmaceuticals For case No. 6, brought by plaintiff David White (representing his minor son, identified only as "C.W.") of Florida in April 2013, similar charges were made that a prescription for Risperdal resulted in gynecomastia development. However, in October 2016, Judge Arnold L. New ruled to grant a motion for summary judgment in favor of Janssen. **Moroni v. Janssen Pharmaceuticals**

In the seventh Risperdal action to be decided in Philadelphia, brought by Nebraska plaintiff Tommy Moroni, Judge Sean F. Kennedy issued a bench ruling in December 2016 to dismiss the case 11 days into trial proceedings. Kennedy dismissed the case due to his belief that plaintiff expert witness Dr. Mark P. Solomon provided insufficient testimony to argue Risperdal caused Moroni's injuries of gynecomastia. **P.D. v. Janssen**

Pharmaceuticals Risperdal's eighth trip to the courtroom in Philadelphia, initiated by plaintiff Barbara Dawson (representing her minor son, identified only as "P.D.") of

Virginia in June 2013, rested upon claims Janssen failed to adequately warn of the drug's risks and side effects. In February 2017, Judge New again ruled to grant a motion for summary judgment in favor of Janssen. **Verdicts appealed to the Superior Court of Pennsylvania** The cases won by Janssen are being appealed to the Superior Court of Pennsylvania by plaintiff counsel Charles L. Becker, of Kline & Specter in Philadelphia.

Janssen offered comment on the previous Risperdal cases resolved in Philadelphia state court in the favor of the plaintiffs, and which now proceed on appeal in the Superior Court of Pennsylvania. The appeals of those verdicts were filed by defense counsel Kenneth A. Murphy, of Drinker Biddle & Reath in Philadelphia. "Each case has its own specific set of facts, issues and legal arguments, but in general, we believe there is strong merit to our appeals in Philadelphia," Castles Smith said.

"Contrary to the impression the plaintiffs' attorneys attempt to create, Risperdal (risperidone) is an important FDA-approved medicine that, when used as part of a comprehensive treatment plan, continues to help millions of patients with mental illnesses and neurodevelopmental conditions," Castles Smith added.

Millions of dollars still Poured into Risperdal litigation advertising According to Rustin Silverstein, president of X Ante, millions of dollars are still being directed towards attracting claimants to Risperdal litigation – to the tune of \$2.6 million spent on approximately 3,800 television advertisements in 2016 alone. That represents a financial drop of 50 percent in ad spending [compared to 2015](#), but double the number of ads that were aired in 2015 (Source: [X Ante](#), using Kantar CMAG data). X Ante is a research firm which provides analysis of mass tort litigation to clients like pharmaceutical companies, research firms and law firms. *Reach reporter Nicholas Malfitano at nickpennrecord@gmail.com*

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