

Overview

Your products are the lifeblood of your business. To maintain your company's health you must manage risk effectively and quickly and resolve complex cases efficiently—by creative and early case assessment and resolution, or by trial and appeal.

Products liability defense in the pharmaceutical and medical device sector remains challenging and complex. Dentons helps you remain on the cutting edge of the law so that you can resolve cases and get back to the business of saving lives and improving people's health. Dentons gives you access to lawyers and specialists around the world who know your industry and understand your business needs.

We work with you to develop early, effective strategies to assess and reduce liability associated with the creation, development, regulation and implementation of new products. This includes criminal proceedings that can arise from the alleged creation of risk to the health of patients. Our lawyers also provide cost-effective, efficient defense of product claims of all complexities and size: single claims, class actions or mass torts requiring coordinated teams across our offices. And because we know life sciences, we need no on-the-job training.

Count on Dentons to guard and protect your products amid constantly evolving technology, ever-changing legal theories, and aggressive government oversight.

Representative Experience

- **Fougera Pharmaceuticals, Inc.:** Defending an AWP case filed in the State of Louisiana against the client and dozens of other pharmaceutical companies in East Baton Rouge, Louisiana. Our team was able to obtain a favorable settlement.
- **K-V Pharmaceutical Company:** Acting as national coordinating and lead trial counsel for a series of individual, multi-plaintiff, and class action product liability cases related to product recalls occurring in 2008 and 2009. Defending these cases at the trial and appellate level in the federal and state courts in at least 24 states, leanly staffing the matters with a core team from its Dallas office, and drawing also upon the expertise of lawyers in its own offices in Chicago, New York, New Jersey, Los Angeles, San Francisco, Washington, DC, St. Louis, Kansas City, and Phoenix, our team was able to use its broad experience in the pharmaceutical industry, product liability, class action defense, health care, and consumer protection to strategize across disciplines and jurisdictions and provide the client a coordinated defense and comprehensive service. The cases have been largely resolved to the company's satisfaction via dismissal or following early case assessment and resolution. Most recently, there were two major victories involving class actions. In *Lefavre/Polk v. KV Pharmaceutical Co.*, our team obtained a second dismissal of the case in which the alleged class of plaintiffs claimed economic injury based upon their purchase of a drug that was later recalled by the company. This case had previously been dismissed, the dismissal was reversed by the Eighth Circuit, and upon remand our team again obtained a dismissal. In *Herndon v. KV Pharmaceutical Co.*, our team defeated class certification in a case in which the alleged class of plaintiffs claimed economic injury based upon their purchase of a number of drugs that were later recalled by the company. Class certification was denied after discovery, briefing and argument in March of 2012.
- **Monsanto:** Winning a significant class action litigation for Monsanto in 13 different corn- and soy-growing states. The original master class actions complaint alleged wide-ranging price-fixing conspiracy between Monsanto and other defendants relating to genetically modified soybean seed products, plus a range of patent and antitrust

violations by Monsanto. We successfully opposed certification of a settlement class and, shortly thereafter, a settlement was reached on an individual basis. We also serve as this client's outside patent counsel, processing a substantial portion of their patents and managing patent portfolios worldwide.