

New Jersey Jury Unanimously Finds Johnson & Johnson Not Liable in Latest Talcum Powder-Based Mesothelioma Litigation

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On Wednesday, March 27, 2019, the Superior Court of New Jersey, Middlesex County, cleared Johnson & Johnson (J&J) of liability in a lawsuit brought by Ricardo Rimondi, who alleged that asbestos in the company's talcum powder products caused his mesothelioma. Rimondi's case was the third trial in a New Jersey mass tort claiming links between J&J's talc products and mesothelioma. The jury unanimously found, after just a half an hour of deliberation, that J&J's talcum powder **did not contain asbestos** and **did not cause** the plaintiff's development of mesothelioma.

The plaintiff, Ricardo Rimondi of Brentwood, New York, alleged that his lifetime use of and exposure to Johnson's Baby Powder and Shower to Shower caused his disease. Rimondi was diagnosed with mesothelioma in 2016 and filed suit against the defendants in 2017.

At trial, plaintiff's counsel argued that the evidence would show that Johnson & Johnson (1) rigged testing results, (2) cut corners in testing their talc products and (3) put profits in front of people. Plaintiff's counsel also projected a 1992 internal memo discussing efforts to market its baby powder to users other than babies, knowing it was unsafe.

J&J urged jurors not to lose perspective in the face of plaintiff's counsel attempts to dehumanize it, arguing "[w]e've heard a lot about the idea that Johnson & Johnson is a multinational company, Johnson & Johnson puts profit before safety. We even heard the race card, suggesting somehow that J&J targeted people like African-Americans or Hispanics. You have to remember, corporations like J&J are made up of people, people like the ones you know. If you take a job at a corporation, you do not check all your morality and who you are."

Following Wednesday's defense verdict, J&J released a statement stating that talc defense verdicts and mistrials have outpaced plaintiff verdicts in recent months. J&J emphasized that "[t]oday's jury unanimously ruled that Johnson's Baby Powder does not contain asbestos and was not the cause of the plaintiff's disease, underscoring the decades of clinical evidence and scientific studies by medical experts around the world support the safety of Johnson's Baby Powder."

J&J's talc-related legal battle is far from over. To date, J&J faces 13,000 talc-related lawsuits nationwide. J&J continues to deny that its talc products cause cancer, saying numerous studies and tests by regulators worldwide have shown its talc to be safe and asbestos-free. J&J settled three talc-based mesothelioma cases pending in state courts in California, Oklahoma and New York this week without admitting liability. Addressing the settlements, J&J said, "there are one-off situations where settlement is reasonable," and reaffirmed that J&J does not intend to develop a settlement program.

In prior mesothelioma cases in Middlesex County, J&J and Imerys – the talc production company for J&J's products – were hit with a \$117 million verdict in the case of Stephen Lanzo, III, which included \$80 million in punitive damages, in April 2018. In October 2018, another Middlesex County jury issued a defense verdict after a trial on behalf of plaintiff Rosalind Henry. To date, J&J has faced twelve trials by plaintiffs claiming asbestos in talc caused their mesothelioma. J&J has now been cleared of liability in four trials, with another five resulting in hung juries and mistrials. Three juries have found J&J liable, awarding a total of \$172 million in damages. However, J&J has appealed those verdicts with confidence. In a statement, J&J noted that every one of their talc-related appeals have been

overturned to date.

If you have any questions or would like additional information, please contact Wes Payne (paynew@whiteandwilliams.com; 215.864.7076), or Laura Hutchinson (hutchinsonl@whiteandwilliams.com; 215.864.6231).

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