



The Voice

And The Defense Wins

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On May 15, 2013, after deliberating for less than six hours, a New Jersey jury returned a 7-to-1 verdict in favor of Novartis Pharmaceuticals Corporation in a 13-day trial involving Zometa, a bisphosphonate drug given to cancer patients suffering metastases to bone. *Meng v. Novartis Pharm. Corp.*, No. MID-L-7670-07-MT (N.J. Super. Ct. Law Div. May 15, 2013) is the second win for Novartis in the two cases tried to date from the Aredia/Zometa consolidated litigation in New Jersey state court and the second win for the trial team of DRI members [Joe G. Hollingsworth](#), [Katharine R. Latimer](#), [Neil S. Bromberg](#), and [Jessica E. Krieg](#) of [Hollingsworth LLP](#) in Washington, D.C., and [Beth Rose](#) of [Sills Cummis & Gross](#) in Newark, New Jersey.

Plaintiff Beverly Meng alleged that she developed osteonecrosis of the jaw as a result of receiving Zometa to prevent skeletal-related events—such as bone fractures—when her breast cancer metastasized to her bones.

By a 7-to-1 vote, the jury rejected plaintiff's Mississippi-based failure-to-warn claim by answering "no" to the question, "Did Novartis fail to provide an adequate warning to Ms. Meng's prescribing physician concerning the risk of osteonecrosis of the jaw (ONJ) from Zometa that Novartis either knew or in light of the reasonably available knowledge should have known prior to Ms. Meng discontinuing use of the drug?"

The *Meng* case was the tenth trial out of consolidated litigation in federal and state court alleging that osteonecrosis of the jaw resulted from treatment with Novartis's medications Aredia and Zometa, which are used to treat patients who have cancer that has metastasized to bone. *Meng* is the sixth win for the defense, preceded by wins in *Hogan v. Novartis Pharm. Corp.*, No. 06-Civ-260 (BMC) (EDNY); *Kyle v. Novartis Pharm. Corp.*, 1: 06-cv-00035-TBR (W.D. Ky); *Brown v. Novartis Pharm. Corp.*, No. 7:08-CV-00130-FL (E.D.N.C.); *Brodie v. Novartis Pharm. Corp.*, No. 4:10-cv-138-HEA (E.D. Mo. Feb. 1, 2012), and *Bessemer v. Novartis Pharm. Corp.*, No. MID-L-1835-08-MT (N.J. Super. Ct. Law Div. Oct. 22, 2010), *aff'd*, No. A-2069-10T1, 2012 WL 2120777 (N.J. Super. Ct. App. Div. June 13, 2012).

Novartis has won 49 cases on summary judgment and obtained dismissal of over 130 other cases in the Aredia/Zometa federal and state consolidated litigations.

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