

J&J Dodges Claims In 2nd Philly Risperdal Trial

By **Dan Packel**

Law360, Philadelphia (March 20, 2015, 2:26 PM ET) -- A Johnson & Johnson unit notched a victory Friday after a Philadelphia jury cleared the company of liability in a case alleging that it had failed to warn the doctors of a boy who took the antipsychotic drug Risperdal about the risks of female breast growth.

The verdict came after a monthlong trial in the Philadelphia County Court of Common Pleas, in which the jury heard evidence that Janssen Pharmaceuticals Inc. had worked for years to obscure evidence that the drug was linked to growth of female breast tissue — a condition known as gynecomastia — in adolescent boys.

Janssen argued both that the company provided adequate warnings of the risks associated with Risperdal to plaintiff Billy Cirba's prescribing doctors and that he didn't develop the female breasts until long after he ceased use of the drug.

The jury found that Janssen was negligent in warning of the risks of the drug, but concluded that it was not the cause of Cirba's condition.

While the company is facing thousands of gynecomastia-related product liability claims across the country, Friday's verdict is the first to favor Janssen. In February, in the first Philadelphia Risperdal case to go to a jury, Janssen was hit with a \$2.5 million verdict.

More than 1,250 Risperdal-related cases are lined up as part of a mass tort docket in Philadelphia. Meanwhile, some 700 suits have been filed in state court in Los Angeles.

Cirba, who is now 19, filed suit against J&J in March 2013 alleging he grew large breasts following several years of taking Risperdal for oppositional defiant disorder beginning in 2002, when he was six.

At the time, the drug was only approved by the U.S. Food and Drug Administration for use in adults. The FDA ultimately gave its blessing in 2006 for Risperdal to be prescribed for pediatric use, at which time the company updated the drug's label with new information on the risks of gynecomastia.

While before this point, the drug's label indicated that the condition occurred in fewer than one in 1,000 patients, the 2006 updates stated that gynecomastia had been seen in 2.3 percent of children on the drug.

Cirba contended in his case that Janssen was aware of this level of risk before 2006 and the company

obscured this information from prescribing physicians.

Janssen responded that the medical staff who prescribed Cirba with the medication were properly informed of the connection between Risperdal and gynecomastia. The company also said that while Cirba filed his complaint in 2013, multiple doctors had the opportunity to detect the issue both before and after the filing date, but it was not diagnosed until 2014.

The next Risperdal trial in Philadelphia is currently scheduled to begin on May 11.

The plaintiffs are represented by Thomas Kline of Kline & Specter PC and Christopher Gomez of Sheller PC.

Janssen is represented by John Winter of Patterson Belknap Webb & Tyler LLP, and William Essig, Kenneth Murphy and Melissa Graff of Drinker Biddle & Reath LLP.

The case is Cirba et al v. Janssen Pharmaceuticals Inc., case number 130301803, in the Philadelphia County Court of Common Pleas.

--Additional reporting by Matt Fair. Editing by Rebecca Flanagan.