

Pharmaceutical

# Defending the pharmaceutical industry.

In the high-stakes areas of pharmaceutical and mass tort litigation, many companies turn to Coughlin Midlige & Garland's expertise in defending the pharmaceutical industry.

We routinely handle matters for pharmaceutical manufacturers, distributors, retailers, and their insurers, ranging from individual suits to multi-plaintiff consolidated matters to class actions. Whether we are facing a single plaintiff, hundreds of related or coordinated claims, or a high-profile, bet-the-company lawsuit, we offer the resources and the experience necessary to assure our clients of an aggressive, comprehensive, yet cost-effective defense of their interests.

## **Our Capabilities**

We provide focused excellence in pharmaceuticals. Our expertise in defending pharmaceutical manufacturers covers a full range of products, extending to prescription drugs, over-the-counter medications, vaccines, and supplements. We have successfully defended the design and the manufacture of our clients' products, as well as the warnings, package inserts, and other promotional materials associated with those products, in state and federal courts across the country. We understand the interplay between law, science, and medicine, and routinely marshal those disciplines for our clients' maximum advantage. We have served as New Jersey and regional counsel for major national and international pharmaceutical companies defending a host of different pharmaceutical products, both in individual-plaintiff cases and in consolidated mass tort litigations. Of course, our help is not limited to when litigation arises; we routinely advise and counsel pharmaceutical manufacturers on ways to diffuse disputes prior to litigation and to minimize their risk of future claims. Some of our current and recent engagements for the pharmaceutical industry include:

- Serving as New Jersey counsel for a major international pharmaceutical manufacturer in nationwide mass tort litigation involving recalled over-the-counter products containing phenylpropanolamine.
- Acting as New Jersey counsel for a major international pharmaceutical manufacturer in one of the largest nationwide mass torts involving a recalled prescription cholesterol-lowering pharmaceutical.
- Serving as New Jersey counsel for a major pharmaceutical manufacturer in nationwide mass tort litigation involving hormone replacement therapy.

- Representing a major international pharmaceutical manufacturer in consolidated litigation arising out of decades-old polio vaccinations.
- Representing a major international pharmaceutical manufacturer in various individual suits alleging development of severe adverse reactions to prescription antibiotics.
- Defending a major producer of factor concentrate against consolidated litigation in New Jersey alleging HIV exposure.
- Defending a major international pharmaceutical company in nationwide litigation involving a prescription medication for irritable bowel syndrome.
- Representing a major international pharmaceutical company in the first case in New Jersey alleging the development of mesothelioma due to IPV.
- Advising pharmaceutical companies involved in threatened breach of contract claims with a joint developer of a potential new pharmaceutical product.
- Preparation and review of supply and distribution agreements between pharmaceutical companies and distributors.
- Preparation and review of warning labels and package inserts for pharmaceutical manufacturers.
- Review and comment on product safety programs.

### **Related Pharmaceutical Services**

We also represent a variety of businesses that provide related services to the pharmaceutical industry. These clients, which range in size from publicly traded companies to small businesses, offer a variety of services, including marketing, sales, market research, medical education programs, web-based patient education programs, and brand positioning. We are proficient not only in defending our clients in litigation when claims arise, but are also able to provide sound and practical advice to help minimize and eliminate the likelihood of potential future claims. Some of the matters for which we have counseled and defended clients in this area include:

Serving as national coordinating counsel for a publicly traded premier healthcare sales and marketing company that provided marketing and sales support to the manufacturer of a recalled prescription pharmaceutical in one of the largest nationwide pharmaceutical mass torts.

Defending a client that provided marketing and sales support to the manufacturer of a prescription pain medication involved in numerous product liability lawsuits.

Counseling a client that provided marketing and sales support to two pharmaceutical companies that were jointly involved in marketing a pharmaceutical diagnostic test when our client became caught in a dispute and litigation between those two companies.

Representing a client that was subjected to numerous third-party subpoenas and discovery requests arising out of its sales, marketing, and brand positioning consulting work for a major international pharmaceutical company facing multiple product liability lawsuits.

Representing a client that does marketing research for the pharmaceutical industry on a national basis.

## **Sound and Efficient Litigation Management**

Today's pharmaceutical and mass tort litigation often extends beyond a single plaintiff or even a single state. We have extensive experience with the efficient management of individual, consolidated, and class action claims at the local, regional, and national levels throughout New Jersey and across the country. Our attorneys have actively litigated in the trial and appellate courts — state and federal — in New Jersey, New York, and a host of other jurisdictions. In particular, we have appeared before all of New Jersey's designated mass tort judges, as well as before a myriad of other state and federal jurists handling single and multi-district litigations. We have significant experience in the areas of electronic discovery and document production, fact-gathering and witness interviews, written and deposition discovery, and expert retention and development, and our written and oral advocacy is second to none. Our attorneys, many of whom have extensive trial experience, are highly skilled in preparing our clients' cases for trial and will zealously defend their products in the courtroom. Because of our broad experience, we are particularly well positioned to guide and assist our clients through the numerous legal issues and challenges presented by these kinds of claims and to defend them against the onslaught of the organized plaintiffs' bar.