

## Fosamax Litigation: Jaw Injury And Femur Fracture Cases, Federal And NJ Courts: April 2011 Update

### **Secrest MDL Trial Moved From March to September 2011; Hester v. Merck ONJ Trial Set For May 2011**

(Posted by Tom Lamb at [www.DrugInjuryWatch.com](http://www.DrugInjuryWatch.com) on April 4, 2011; see <http://bit.ly/fTgAWL>)

The following information about the ongoing Fosamax litigation comes from pages 128-129 of the [Merck & Co., Inc. Form 10-K Annual Report For the Fiscal Year Ended December 31, 2010](#), which was filed with the Securities and Exchange Commission on February 28, 2011:

- As of December 31, 2010, approximately 1,295 cases, which include approximately 1,675 plaintiff groups, had been filed and were pending against [Merck & Co., Inc.] in either federal or state court....
- In these actions, plaintiffs allege, among other things, that they have suffered osteonecrosis of the jaw, generally subsequent to invasive dental procedures, such as tooth extraction or dental implants and/or delayed healing, in association with the use of Fosamax. In addition, plaintiffs in approximately 20% of these actions allege that they sustained stress and/or low energy femoral fractures in association with the use of Fosamax.
- The Fosamax MDL has been transferred to Judge John Keenan in the U.S. District Court for the Southern District of New York. As a result of the JPML order, approximately 870 of the cases are before Judge Keenan.
- As of December 31, 2010, approximately 385 cases were pending against [Merck] in Atlantic County, New Jersey.

Moving on, in the federal court Fosamax MDL the *Secrest v. Merck* trial had been scheduled to begin on March 14, 2011. [The Secrest trial has been rescheduled for September 7, 2011 by Judge Keenan.](#)

The next osteonecrosis of the jaw (ONJ) Fosamax case scheduled for trial in the federal court MDL is *Hester v. Merck*; it is currently scheduled to begin May 9, 2011.

As reported previously, [in February 2011 Judge Keenan announced that there will be two more bellwether trials conducted in the Fosamax MDL.](#) As of April 1, 2011, these next two Fosamax trial cases had not been selected by Judge Keenan nor has he set the trial dates for those two additional bellwether cases.

We will continue to monitor the Fosamax litigation in both the federal court MDL -- which is limited to jaw injury cases, such as osteonecrosis of the jaw (ONJ) -- as well as the New Jersey state court mass tort consolidation -- where most of the femur fracture Fosamax lawsuits are being filed.

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Attorney [Tom Lamb](#) represents people in personal injury and wrongful death cases involving unsafe prescription drugs or medication errors. The above article was posted originally on his blog, **Drug Injury Watch** – with live links and readers' Comments.

<http://www.DrugInjuryWatch.com>