

950 NuvaRing Lawsuits Pending As Of December 31, 2011 According To Merck Annual Report

820 Cases Are Filed In Federal Court NuvaRing MDL And 125 Lawsuits Are Part Of New Jersey State Court Mass Tort

(Posted by Tom Lamb at www.DrugInjuryWatch.com on March 15, 2011; see <http://bit.ly/x0cGLO>)

The following information about the number of NuvaRing lawsuits that had been filed before January 2012 comes from page 119 of the [Merck & Co., Inc. Form 10-K Annual Report For the Fiscal Year Ended December 31, 2011](#), which was filed with the Securities and Exchange Commission on February 28, 2012:

As of December 31, 2011, there were approximately 950 NuvaRing cases. Of these cases, approximately 820 are or will be pending in the NuvaRing MDL in the U.S. District Court for the Eastern District of Missouri before Judge Rodney Sippel, and approximately 125 are pending in coordinated discovery proceedings in the Bergen County Superior Court of New Jersey before Judge Brian R. Martinotti. Four additional cases are pending in various other state courts.

Pursuant to orders of Judge Sippel in the NuvaRing MDL, the parties originally selected a pool of more than twenty cases to prepare for trial and that pool has since been narrowed to eight cases from which the first trials in the NuvaRing MDL will be selected. Pursuant to Judge Martinotti's order in the New Jersey proceeding, the parties selected ten trial pool cases to be prepared for trial. The parties have completed fact discovery in the originally selected trial pool cases in each jurisdiction and the Company anticipates expert discovery to be completed in those first trial pool cases by the summer of 2012. Certain of the cases in the original trial pool have been voluntarily dismissed and in two cases judgment was entered in Merck's favor. As a result, certain replacement trial pool cases remain in fact discovery. Moreover, on January 31, 2012, the parties in the New Jersey coordinated proceeding selected an additional 10 trial pool cases for completion of fact discovery.

The Company anticipates that status conferences will be held in each coordinated proceeding following the completion of expert discovery in the summer of 2012 to determine a methodology for selecting the first cases to be tried. At that time, the parties will also discuss the time frame for filing motions relating to admissibility of expert testimony and causation. The Company intends to defend against these lawsuits.

As background, in August 2008 the Judicial Panel on Multidistrict Litigation (JPMDL) granted a petition filed by plaintiffs in 11 NuvaRing federal court lawsuits seeking creation of a NuvaRing multidistrict litigation (MDL).

By means of this August 2008 NuvaRing MDL order, all NuvaRing personal injury and wrongful death lawsuits filed in the federal court system have been centralized, or consolidated. The federal court NuvaRing MDL case is called *In re: NuvaRing Products Liability Litigation*, No. 08-md-1964, JPML.

In March 2009 the New Jersey Supreme Court designated all pending and future NuvaRing cases as a "Mass Tort" and assigned them for centralized management in Bergen County by Judge Jonathan Harris, who has since been replaced by Judge Martinotti.

At a February 27, 2012 Case Management Conference, Judge Martinotti scheduled [the first NJ state court NuvaRing "bellwether", or test, trial to start in February 2013](#).

As regards the federal court NuvaRing MDL litigation, it currently appears that the first bellwether trial will begin some time in late 2012 or early 2013.

Generally, these NuvaRing lawsuits involve blood clot-related injuries such as [pulmonary embolism \(PE\)](#).

[deep vein thrombosis \(DVT\), strokes, and heart attacks allegedly caused by use of the NuvaRing birth control product.](#)

More NuvaRing lawsuits will be filed in 2012 by our law firm and other attorneys who are active in the NuvaRing litigation.

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>