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Reglan Litigation Reaches Tentative Global Accord

Max Mitchell, The Legal Intelligencer

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Litigation over the alleged dangers of the drug Reglan has reached a tentative global settlement, which could resolve thousands of cases pending across the country.

According to Curtis Law Group attorney Bill Curtis of Dallas, the parties have reached a tentative settlement agreement with defendants in the litigation over claims that the medication caused an incurable neurological disorder called tardive dyskinesia.

The proposed settlement involves claims against Teva Pharmaceuticals, Pliva and Watson Laboratories, which manufactured a generic form of the drug. The drugmakers are all a part of Teva. A spokeswoman from Teva declined to comment.

Curtis said the terms of the proposed settlement are confidential, but the proposal has been brought before the courts in all jurisdictions where the litigation is pending. He said he and other attorneys are now checking with their clients to see if they will agree to the terms of the settlement.

Although there is no deadline as to when the proposed accord has to be finalized, he said judges have been pushing the parties to have an answer soon. He estimated that the proposed agreement will either be finalized or rejected in six to eight weeks.

"It's been a long and hard-fought litigation, and we've reached a place now where both sides are hopeful we can come to a mutual resolution to put the litigation behind all these clients and companies," Curtis said.

The Legal contacted Curtis about the litigation after a Philadelphia judge ordered a stay in all Reglan cases pending in Philadelphia.

Curtis estimated that around 5,000 Reglan cases are pending around the country. Philadelphia has seen the largest portion of the litigation, with more than 2,000 pending, but, according to Curtis, thousands of additional cases have been consolidated in districts in New Jersey and California state courts.

News of the proposed settlement comes several months after the New Jersey Supreme Court declined to toss hundreds of cases when it determined that state law failure-to-warn claims against generic-drug manufacturers are not pre-empted when the generic drug maker fails to timely update its warning label after the brand-name drug's label is changed.

A bellwether case in Philadelphia had also been set for trial to start in March, and another case had been teed up for trial in California state court in recent months.

Litigation over the drug, which is used to treat gastroesophageal reflux, has been ongoing for nearly a decade. Originally more than 20 drugmakers were sued over the medication, but the cases were eventually resolved against all the other defendants.

The lawsuits allege that the warning labels substantially understated the risks of the drug and its alleged connection with neurological disorders. The plaintiffs initially raised failure to warn, design defect, negligence, misrepresentation, constructive fraud and failure to warn claims, among others.

The Philadelphia wing of the Reglan litigation was initially consolidated in early 2010. As of Jan. 1, 2,165 cases were pending in the Philadelphia mass tort, making it the largest in the city's Complex Litigation Center.

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