

New Judge Assigned to J&J Talc Lawsuits in New Jersey



A new judge has been appointed to preside over the tens of thousands of lawsuits in the New Jersey federal court against Johnson & Johnson (J&J) concerning its talc products. U.S. District Judge Michael Shipp, based in Trenton, will take over the long-running litigation from former Chief District Judge Freda Wolfson, who retired from the bench on Feb. 1. The cases, numbering more than 38,000, had been on hold since October 2021, when a J&J subsidiary created to hold the talc liabilities filed for bankruptcy.

Plaintiffs have accused J&J's Baby Powder and other talc products of containing asbestos and causing cancer. In contrast, J&J maintains that its consumer talc products are safe and has confirmed through thousands of tests that they are asbestos-free. However, before the 2021 bankruptcy filing, J&J had already faced costs of \$3.5 billion in verdicts and settlements related to the talc litigation.

The appointment of Judge Shipp is a significant development as J&J has been fighting to offload the talc claims into bankruptcy, which was rejected two weeks ago by the Philadelphia-based 3rd U.S. Circuit Court of Appeals. J&J has indicated that it will challenge the ruling, which it claims was intended in good faith to resolve talc claims efficiently and equitably.

Judge Shipp was appointed to the bench by Democratic President Barack Obama in 2012. He has presided over a separate lawsuit against J&J, in which an emeritus Harvard Law School professor is seeking to force the company to put his proposal requiring shareholders to bring any securities claims through private arbitration up for a shareholder vote. Shipp dismissed the most recent version of the lawsuit, which is now on appeal.

Moreover, Judge Shipp has overseen several pharmaceutical industry cases, including patent disputes and a class action accusing Merck & Co Inc of discriminating against pregnant employees, which was settled in 2018. He is expected to handle the J&J talc cases impartially, ensuring that justice is served and all parties' rights are protected.

In 2018, a Reuters investigation revealed that J&J had known for decades that asbestos, a known carcinogen, was present in its Baby Powder and other cosmetic talc products. The company stopped selling Baby Powder in the United States and Canada in May 2020, partly due to what it called "misinformation" and "unfounded allegations" about the talc-based product. Despite this, J&J has continued to maintain the safety of its talc products, leading to ongoing litigation.

The appointment of Judge Shipp will likely bring a new perspective to the long-running litigation and could result in a fair resolution for all parties. With the significant number of claims against J&J, it remains to be seen how long it will take to resolve, but this appointment is an essential step towards achieving justice for the plaintiffs.

REFERENCES:

Thousands of J&J talc lawsuits in New Jersey get new judge