

Plaintiffs' Attorneys Blow the Whistle on J&J's Back-Door Bankruptcy Tactic in Talc/Ovarian Cancer Litigation

Johnson & Johnson is directly soliciting law firms to accept deals on behalf of cancer victims that would pay pennies on the dollar for their claims.

PENSACOLA, FL, U.S.A., May 1, 2024 /EINPresswire.com/ -- Heavy-hitter mass tort law firms Levin Papantonio Rafferty (LPR) and Beasley Allen Law Firm issued a letter today to members of the legal community, warning them of the pitfalls of Johnson & Johnson's "prepackaged" Chapter 11 proposal. After two failed bankruptcy attempts (Case No. 21-30589 and Case No. 23-12825), the multinational company is now directly soliciting law firms to take

deals that, according to LPR Attorney Chris Tisi, would settle plaintiffs' claims at a fraction of their worth (see J&J press release, "Johnson & Johnson Announces Plan by its Subsidiary, LLT Management LLC, to Resolve All Current and Future Ovarian Cancer Talc Claims Through a Consensual 'Prepackaged' Reorganization," published May 1, 2024 on the company's website).

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ATTORNEY MIKE PAPANTONIO
AND ATTORNEY ANDY
BIRCHFIELD



If successful, J&J's third bankruptcy tactic will substantially undervalue claims and strip claimants of their right to a trial by jury.

Tisi serves as a member of the Plaintiffs Steering Committee in this multidistrict litigation.

“The average settlement value here doesn't even approach the average cost of woman who has ovarian cancer,” Tisi said. “The average cost of treating a woman is \$220,000, and the projected value of the settlement is far less than this amount—that doesn't even take into account the patient's loss of income, pain and suffering, and other

damages.”

A threshold of 75% of plaintiffs who allegedly developed mesothelioma or ovarian cancer after using J&J's talc powder would have to approve the terms of the settlement. In a letter sent today to claimants' lawyers, LPR Attorney [Mike Papantonio](#) and Beasley Allen Law Firm Attorney Andy Birchfield alerted attorneys to a "ballot-stuffing" tactic J&J has pioneered to get this supermajority vote. The letter states:

"[J&J is] hoping to stuff the ballot with Johnny-come-lately, watered-down claims. They're afraid of a legitimate vote among the truly sick and families of the deceased who have been battling J&J's obstruction and bad faith for years and who are supported by numerous scientific studies showing that talc contains asbestos and other known cancer-causing ingredients."

A professional headshot of Mike Papantonio, a middle-aged man with light brown hair, wearing a dark suit jacket, a light blue dress shirt, and a red and white striped tie. He is smiling slightly and looking towards the camera.

Mike Papantonio, senior partner, Levin Papantonio Rafferty

Facts and Numbers for Consideration

The attorneys, who represent a coalition of lawyers representing tens of thousands of women who have suffered as the result of using J&J's talc-based powder products, presented the following facts:

- * Currently, [more than 50,000 plaintiffs](#) in the multidistrict litigation (MDL 2738, IN RE: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation) allege that J&J's talc products caused claimants to develop ovarian cancer. (Source: U.S. Judicial Panel on Multidistrict Litigation)
- * Medical costs for ovarian cancer treatment can exceed \$1.5 million per patient.
- * [Average costs for treating ovarian cancer](#) are \$220,000 per patient (Source: National Cancer Institute).
- * Ovarian cancer patients also bear the burden of lost wages and other costs related to having a serious, lifelong illness.
- * J&J is promising minimal payments to cancer claims outside of ovarian cancer and mesothelioma--claims that J&J officials previously testified as being "worthless"--in exchange for a "yes" vote on J&J's prepackaged Chapter 111 proposal.
- * With a supermajority support of this diluted payment plan, legitimate victims of talc-caused

ovarian cancer or mesothelioma will be positioned to receive far less compensation than their claims are worth.

* If a bankruptcy court accepts the proposal, J&J would pay pennies on the dollar for ovarian cancer and mesothelioma claims.

If successful, this ballot-box-stuffing tactic will set a precedent that emboldens other corporations to follow suit: subverting the U.S. bankruptcy system, evading accountability for serious medical conditions they cause.

* J&J has faced jury verdicts of more than \$5 billion in a small number of talc/ovarian cancer trials.

"Negotiating with companies that exploit legal loopholes to skirt their responsibilities isn't just unwise; it's a betrayal of the victims we represent," states Papantonio's and Birchfield's letter.

The letter cautions plaintiffs' attorneys to "do what's best" for their clients and encourages lawyers to "remain unified in opposition to [J&J's] scheme."

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