



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

BREAKING: J&J Hit With \$80M Punitive Damages Verdict In NJ Talc Case

By **Bill Wichert**

Law360 (April 11, 2018, 3:04 PM EDT) -- A New Jersey state jury on Wednesday slammed Johnson & Johnson and its talc supplier with combined punitive damages of \$80 million after finding that the pharmaceutical giant acted with reckless indifference in selling asbestos-containing talcum powder that contributed to a man's development of mesothelioma.

Nearly a week after jurors hit J&J and Imerys Talc America Inc. with a \$37 million verdict in compensatory damages, they determined that the additional punitive damages were warranted because the companies acted in wanton and willful disregard of the rights of plaintiff Stephen Lanzo III and his wife.

The jury awarded \$55 million in punitive damages against Johnson & Johnson and \$25 million against Imerys.

In his closing argument Wednesday in the punitive damages phase of the trial, Lanzo attorney Moshe Maimon of Levy Konigsberg LLP urged jurors to tell the companies in a "loud voice" to stop selling baby powder that contained talc and never commit such misconduct again.

"Your voice should be loud. It should be so loud that all the arguments that they make cannot drown out your voice. They should not be heard to tell you that you're wrong," said Maimon, referring to J&J. "They should not be heard to say we hear you, but nothing changes."

After the jury handed down its decision, Maimon said Wednesday outside the New Brunswick courtroom, "This is a historic verdict."

"Over 50 years ago, the events that led to Steve Lanzo getting mesothelioma started. They knew they had asbestos in their products and every one of the documents that we entered into evidence in this case was marked ... protected, confidential, secret," Maimon said.

"It is really one of the greatest things that I think Joe or I have ever done in our careers was to enter these documents into evidence to let the public know, to let people know of the risks and the harms that they were facing," he added, referring to his co-counsel, Joseph Satterley of Kazan McClain Satterley & Greenwood.

Following Wednesday's verdict, Johnson & Johnson told Law360 in a statement, "Johnson's Baby Powder has been used for more than 120 years and it does not contain asbestos or cause mesothelioma. After suffering multiple losses through court rulings and at trial, plaintiff's attorneys have shifted their strategy and are now alleging that talcum powder is contaminated with asbestos, despite multiple independent, non-litigation-driven scientific evaluations which have found that our baby powder does not contain asbestos."

"Throughout this trial, we were prevented from presenting evidence we believe would have been important to the jury in their deliberations, which forced us to file multiple mistrial motions. We will continue to defend the safety of Johnson's Baby Powder and immediately begin our appeal, and we believe that once the full evidence is reviewed, this decision will be reversed," the company said.

Lanzo and his wife Kendra, also a plaintiff in the case, have alleged that Lanzo's decades-long exposure to J&J's talcum powder products — starting when his mother applied baby powder to him as an infant in the 1970s — contributed to his developing mesothelioma, a cancer of the lung.

On their first full day of deliberations in the trial, which has lasted more than two months, the jury on April 5 found that J&J's products, including its baby powder, contained asbestos and that Lanzo's exposure to the toxic mineral in the products between 1972 and 2003 played a substantial role in his contracting the deadly disease.

Jurors awarded compensatory damages of \$30 million to Lanzo and \$7 million to his wife. Johnson & Johnson was ascribed 70 percent of the blame and its talc supplier, Imerys Talc America Inc., was given 30 percent.

--Editing by Emily Kokoll.

Update: This story has been updated with comments from plaintiffs' counsel and Johnson & Johnson.

All Content © 2003-2018, Portfolio Media, Inc.