

[YAZ And Yasmin MDL: First Trial In Federal Court Set By Judge Herndon To Start September 2011](#)

A Pulmonary Embolism Bellwether Case Will Be Followed By Gallbladder And Venous Thromboembolic Lawsuit Trials

(Posted by Tom Lamb at www.DrugInjuryWatch.com on October 19, 2010; see <http://bit.ly/cYe5mi>)

On October 13, 2010 Judge David Herndon, who is presiding over the federal court YAZ and Yasmin MDL, entered an Order which ended with this statement:

Having found that this litigation will benefit from the establishment of bellwether trials, the Court has set firm trial dates and means and method for selecting the cases for trials.

In more detail, [AMENDED CASE MANAGEMENT ORDER NO. 24 -- BELLWETHER TRIAL SELECTION PLAN](#) (PDF file) for *IN RE YASMIN AND YAZ (DROSPIRENONE) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION* -- MDL No. 2100 (3:09-md-02100-DRH-PMF) established three "early trial" dates, as seen below:

VI. TRIAL SELECTION

13. The first trial is set September 12, 2011. This will be a pulmonary embolism (PE) case.

14. The second trial is set January 9, 2012. This will be a gallbladder (GB) case.

15. The third trial is set April 2, 2012. This will be an additional thromboembolic (VTE) case.

This [Amended Order No. 24](#) also shows how Judge Herndon changed his initial plan for the YAZ and Yasmin MDL bellwether cases following the October 2010 monthly status conference, where the Plaintiffs Steering Committee (PSC) "aired a number of issues which it takes with the original order", to use Judge Herndon's words.

Of particular interest is this part of Judge Herndon's Order concerning the bellwether trial selection plan:

III. SELECTION PROCESS

5. The pool of cases, with which discovery will be pursued, from which the bellwether trials will be drawn will consist of ~~fifty (50)~~ twenty-four (24) cases. This reduction in the number of cases should adequately address the Plaintiffs concerns regarding the ability to get the cases ready for trial. The Court does not accept the assertion from Plaintiffs that the only way to insure a list of cases that can be ready for trial is to let them control the list. Assuring true representative cases for a bellwether plan requires bipartisan input. Twenty-five (25) Twelve (12) Plaintiffs will be selected by each side, the PSC and Bayer Defendants.

Counsel discussed at length the nature of the alleged injuries pled in the complaints on file. While stroke and heart attack cases make up nine to ten percent of the cases, the parties have agreed not to include that group in the bellwether trials, in part, because those numbers pale in comparison to the other alleged ailments. Venous thromboembolisms (VTE) (which include pulmonary embolisms and deep vein thromboses) make up forty to forty-one percent; while gallbladder injuries account for the remaining forty-three percent of the alleged harms caused by the pharmaceuticals at issue. The Plaintiffs would have the Court put off the gallbladder cases until the end of the bellwether process in a second wave. The Court disagrees with that suggestion. Therefore, when the parties select this pool, equal numbers of venous cases and gallbladder cases should be chosen.

[NOTE: Striking through words and underscoring per the original; footnote omitted.]

Of course, this bellwether trial selection plan for the YAZ and Yasmin MDL is subject to further revision as this litigation develops further going forward. We will watch for any changes to the trial dates for the first three federal court cases and let you know if that September 2011 gets re-scheduled for a later date.

Lastly, we want to point out that [personal injury and wrongful death lawsuits involving serious side effects possibly due to the use of Ocella birth control pill](#), which contains drospirenone (DRSP) as its progestin component (just like YAZ and Yasmin), are part of this federal court MDL litigation, also.

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>