

## May 2011: Defense Verdict In Fourth Zometa Trial, Hogan v. Novartis

### Jury Considered Causation Issue And Label Warning About Osteonecrosis Of The Jaw (ONJ)

(Posted by Tom Lamb at [www.DrugInjuryWatch.com](http://www.DrugInjuryWatch.com) on May 31, 2011; see <http://bit.ly/ltrYwH>)

In late May 2011 a federal court jury sitting in New York City found in favor of the drug company Novartis in a products liability lawsuit concerning the company's bisphosphonate medication Zometa. The case is *Hogan v. Novartis Pharmaceuticals Corp*, which was pending in the U.S. District Court for the Eastern District of New York.

According to a May 25, 2011 *Bloomberg* article, "[Novartis Properly Warned About Bone Drug Zometa's Risks, Lawyer Tells Jury](#)", in closing arguments, a defense lawyer representing Novartis argued that the drug company had done nothing wrong. In particular, the lawyer for Novartis asserted the company had properly warned about the osteonecrosis of the jaw (ONJ) side effect that has been associated with intravenous bisphosphonate medications like Zometa and Aredia as well as oral forms of the medication like Fosamax and Boniva.

A May 26, 2011 *Reuters* article, "[U.S. jury finds Novartis not liable for jaw disease](#)", provided some additional key facts about this Zometa lawsuit:

According to documents presented in Brooklyn federal court, Hogan was prescribed Zometa in 2003 after being diagnosed with multiple myeloma, a type of cancer that affects blood plasma cells.

In 2004, a dental surgeon discovered Hogan had developed osteonecrosis of the jaw, which causes bones in the jaw to deteriorate. The surgeon suggested a link between Zometa and the disease, the lawsuit stated.

Hogan's widow said Novartis knew about the risks of Zometa but failed to inform physicians until late 2004. As a result, she said, Hogan developed the bone disease, which left him debilitated in his final years, the lawsuit alleged.

Novartis defended itself by pointing to testimony from the physician who prescribed Zometa to Hogan, who said the potential benefits of Zometa outweighed its risks. Further testimony from Hogan's dentist indicated that he had numerous dental problems when he first came in for treatment.

Mr. Hogan died from multiple myeloma in 2005, the year before this so-called "survival action" personal injury claim was filed on his behalf by his wife.

For some information about the three earlier Zometa lawsuits that have gone to trial, see these articles:

[First Zometa-ONJ Personal Injury Lawsuit Against Novartis Goes To Jury This Week](#) (October 20, 2009)

[Aredia / Zometa Jaw Injury Lawsuit In New Jersey Ends In Defense Verdict For Novartis](#) (October 7, 2010)

[North Carolina Aredia / Zometa Product Liability Federal Court Trial Jury Verdict Coming Soon](#)  
(November 19, 2010)

We will continue to monitor the hundreds of Zometa and Aredia lawsuits filed against Novartis.

---

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>