

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

### **Montana Woman's Case Is First To Trial; More Than 500 Other Jaw Side Effect Cases Filed In Federal MDL And New Jersey Courts**

(Posted by Tom Lamb at [www.DrugInjuryWatch.com](http://www.DrugInjuryWatch.com) on October 20, 2009; see <http://bit.ly/1Rfz65>)

Let us set the stage, medically, by starting with an article, "[Osteoporosis treatments and adverse events](#)", which was published in the April 30, 2009 edition of *Current Opinion in Rheumatology*. It concerns the class of drugs known as bisphosphonates, with Fosamax, Boniva, and Actonel being the more popular brand names for the pills that are prescribed for the prevention and treatment of osteoporosis. In relevant part:

... relatively little is known about their long-term safety. Recent case reports cite a range of potential adverse events. We review data regarding atrial fibrillation, bone pain, osteonecrosis of the jaw (ONJ), atypical fractures, and osteosarcoma....

Zometa is in the bisphosphonate class of drugs, also, but it is primarily used by patients with cancer and it is administered intravenously. Despite those differences, Zometa has been associated with the same set of serious side effects listed above.

Peggy L. Stevens is a Montana woman who allegedly developed osteonecrosis of the jaw (ONJ) due to her use of Zometa and, in turn, sued the drug's maker, Novartis Pharmaceuticals Corp., for failure to warn adequately about that particular side effect. This Zometa lawsuit, according to an October 19, 2009 article published by the *Missoulian* newspaper, "went to trial on Oct. 13 in Missoula District Court and closing arguments will likely begin on [October 20, 2009]."

In more detail, from this October 19 article, "[Verdict in Missoula woman's lawsuit against drugmaker could have national significance](#)", by *Missoulian* reporter Tristan Scott:

Stevens, who has lymphoma, developed severe dental and jaw-related problems after taking Zometa, a bone-strengthening medication manufactured by Novartis. Her attorneys say the company knew patients taking Zometa were vulnerable to a degenerative jaw disorder called osteonecrosis, particularly those patients who undergo invasive dental procedures, like root canals or tooth extractions.

Doctors in Missoula administered Zometa to Stevens intravenously for about three years before she had a tooth pulled and developed the disease. Its symptoms include pain, loosening of teeth, exposed bone and infection.

"Instead of disclosing concerns about this relationship [between dental work and the jaw disorder] in a timely fashion, Novartis focused on obscuring the causal relationship, delaying disclosure and controlling the public relations fallout that would occur from the disclosure," attorneys wrote in a pre-trial brief....

On a national level, Novartis faces lawsuits from approximately 550 plaintiffs whose cases have been consolidated in a Tennessee federal court and a New Jersey state court. The first of those cases is slated for trial in March 2010.

We will be watching the *Missoulian* for their continuing coverage of this first Zometa trial, and will report the result of this Montana Zometa case as well as future significant developments concerning the Zometa litigation.

As some of you may have heard, the first Fosamax trial in the federal court Fosamax MDL involved Shirley Boles, a woman who used Fosamax from 1997 to 2006 and eventually developed osteonecrosis of the jaw

(ONJ). The trial of her lawsuit concluded with the judge essentially declaring a "draw" after determining that the jury was unable to reach a verdict, as explained in September 11, 2009 *Reuters* article, "[Merck lawsuit over Fosamax ends in mistrial](http://www.jdsupra.com/post/documentViewer.aspx?fid=7cd707be-6727-4e3e-944c-116a29b4cc29)".

The next Fosamax MDL trial is scheduled to start on January 5, 2010, followed by another case which will go to trial on April 19, 2010. Sometime after those trials, it is expected that the *Boles* Fosamax case will be scheduled for a second trial in an attempt to get a jury verdict.

Of course, we will continue to monitor the Fosamax litigation, also.

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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>