

## Next Fosamax Jaw Injury Lawsuit Trial, *Secret v. Merck*, Scheduled To Start In Early September 2011

### Federal Court Judge Keenan Wants Two More Fosamax - ONJ Bellwether Cases To Go To Jury Verdict After This Trial

(Posted by Tom Lamb at [www.DrugInjuryWatch.com](http://www.DrugInjuryWatch.com) on August 25, 2011; see <http://bit.ly/pv0FCn>.)

The federal court Fosamax MDL *Secret v. Merck* trial will start on September 7, 2011; it had been scheduled to begin on March 14, 2011 but was postponed due to illness.

This *Secret* case is one of the hundreds of federal court lawsuits that are combined in *In Re Fosamax Products Liability Litigation*, MDL 1789, U.S. District Court, Southern District of New York (Manhattan).

It is anticipated that this *Secret* Fosamax trial, which concerns bisphosphonate-induced osteonecrosis of the jaw (ONJ) as the alleged drug injury, or side effect, will take several weeks and a jury verdict can be expected in late September or early October 2011.

On February 4, 2011 Judge John F. Keenan, presiding over the federal court Fosamax multi-district litigation (MDL) [issued an order calling for two additional "bellwether", or test, cases](#) involving the jaw condition ONJ to go to trial after the *Secret* verdict.

[The first Fosamax trial in this federal court MDL, \*Boles v. Merck\*, started in August 2009.](#) It initially resulted in a mistrial, which was followed by a second trial of the *Boles* case that ended with an \$8 million verdict for the plaintiff. This jury verdict amount was later reduced to \$1.5 million by Judge Keenan, who gave the plaintiff a choice to accept the lesser amount or have a new trial on the damages aspect of her case. It is our understanding that Mrs. Boles and her attorneys decided on the new trial, which has not happened, yet.

We will monitor the *Secret* Fosamax trial and report this next MDL jury verdict as soon as it becomes available.

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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>